

ORDINANCE NUMBER: 86-3

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF CG TO CI, WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, D. R. TULLY and HAMILTON D. UPCHURCH, filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on JANUARY 7, 1986, at 1:30 p.m. on said application; and

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, found, as to the requested rezoning classification of CI, as follows: (a) the proposed rezoning promotes the public welfare and complements the St. Johns County Comprehensive Plan; (b) the requested change of zoning is justifiable or fairly debatable without special conditions; (c) the proposed rezoning is desirable at this time and in this general location; (d) prior to the enactment of this Ordinance and in the interest of the public health, safety and general welfare, and without promise, prerequisite, or inducement to the enactment of this Ordinance, applicants agreed to limit their use of said lands and have consented to restrictions or limitations on the applied for rezoning of CI as hereinafter provided; and (e) such restrictions or limitations are for the benefit of the general public and not just the applicants, and they are reasonable and nondiscriminating.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Pursuant to the application of D. R. TULLY and HAMILTON D. UPCHURCH, the zoning classification of CG on the following described lands:

A parcel of land in Section 6, Township 8 South, Range 30 East, Saint Johns County, Florida and being more particularly described as follows:

Commencing at the Northeast Corner of Lot 3207 of Saint Augustine South Unit No. II as recorded in Map Book 8, Page 46, among the public records of said county; thence South 73 degrees 07 Minutes West, 100.00 feet to a point; thence South 16 degrees 53 Minutes East, and along the Westerly line of said Saint Augustine South Unit No. II, 261.12 feet to a point, corner, and the POINT OF BEGINNING; Thence continue South 16 degrees 53 minutes East, and along the Westerly line of said Saint Augustine South Unit No. II, 647.98 to a point and corner; thence North 72 degrees 37 minutes West, 395.80 feet to a point and corner lying on the Easterly Right-of-Way of U. S. Highway No. 1; thence North 00 degrees 08 minutes East, 500.00 feet along the Easterly Right-of-Way of said U.S. Highway No. 1 to a point and corner; thence South 89 degrees 52 minutes East, 187.66 feet to a point, corner, said parcel to contain 3.5 acres and 500.00 feet of frontage along said Highway U.S. No. 1. and the POINT OF BEGINNING.

is hereby changed to CI, subject to the following conditions:

(1) The permitted uses and structures specified in Section 5-9 of the St. Johns County Zoning Code shall be limited to the following:

A) Retail outlets for the sale of new or used automobiles trucks and automotive vehicle parts as specified in Section 5-9-1 (a), St. Johns County Zoning Code.

B) Service establishments for automobile and truck repair and service garage, motor vehicle body shop, rental of automotive vehicles, trailers and trucks as specified in Section 5-9-1 (b), St. Johns County Zoning Code.

The remaining uses specified in Section 5-9 (a) and (b), and those uses specified in subsections (c), (d), (e), (f), and (g) shall not be permitted on the subject real property.

(2) No more than two (2) curb cuts shall be permitted on Highway U.S. 1 South for ingress and egress to the subject real property.

(3) A 10' wide natural buffer or green buffer consisting of plantings and grass shall be situated along the entire eastern boundary of the subject real property outside the required fence.

(4) Any gasoline on premises shall not be sold at retail.

(5) If determined necessary by the Department of Transportation, a right turn lane shall be installed at owner's expense.

(6) All repair of vehicles shall be in a completely enclosed building.

which conditions shall remain in full force and effect at all times until amended or changed by further ordinance of this body.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located, except as provided in Section 1 above.

SECTION 3. The zoning Inspector is authorized to issue construction permits allowed by classification as rezoned and conditioned hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State to the Clerk of the Board of County Commissioners that same has been filed.

SECTION 5. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official public records of St. Johns County, Florida, and indexed under the names of the property owners described on page one hereof.

PASSED this 7 day of JANUARY, 1986.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Francis M. Bulbaker
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY:

Cheryl Kent
Deputy Clerk

Adopted: Regular

Meeting: January 7, 1986

Effective: January 20, 1986

The St. Augustine Record
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
 Sandra G. Russ _____ who on oath says that he is
 Legal Advertising Clerk _____ of the St. Augustine Record, a
 daily newspaper published at St. Augustine in St. Johns County, Florida;
 that the attached copy of advertisement, being a _____
 Public Notice _____
 _____ in the matter of _____
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
 December 6, 1985

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Sandra G. Russ
 this 9th day of December
 A.D. 19 85

Elizabeth Bullman
 Notary Public
 Notary Public, State of Florida
 My Commission Expires April 20, 1987

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 7th DAY OF JANUARY 1986 AT 1:30 O'CLOCK P.M., IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF CG TO CI WITH THE POSSIBILITY OF ADDED CONDITIONS.

SECTION 1. Pursuant to the application of D.R. Tully and Hamilton D. Upchurch owners of the following described land, zoning classification of CG, Commercial General on the following described lands:

A parcel of land in Section 6, Township 8 South, Range 30 East, Saint Johns County, Florida and being more particularly described as follows:

Commencing at the Northeast Corner of Lot 3207 of Saint Augustine South Unit No. 11 as recorded in Map Book 8, Page 46, among the public records of said county; thence South 73 degrees 07 minutes West, 100.00 feet to a point; thence South 16 degrees 53 minutes East, and along the Westerly line of said Saint Augustine South Unit No. 11, 261.12 feet to a point, corner, and the POINT OF BEGINNING; thence continue South 16 degrees 53 minutes East, and along the Westerly line of said Saint Augustine South Unit No. 11, 647.98 feet to a point and corner; thence North and corner lying on the Easterly Right-of-Way of minutes East, 500.00 feet along the Easterly Right-of-Way of said U.S. Highway No. 1 to a point and corner; thence South 89 degrees 52 minutes East, 187.66 feet to a point, corner, and the POINT OF BEGINNING.

is hereby changed to CI, Commercial Intensive with the possibility of added conditions.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in rezoning district wherein said lands are located, except as provided in Section 1 above.

SECTION 3. The Building Department is authorized to issue construction permits allowed by rezoning classification as rezoned hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgment of the office of the Secretary of State to the Clerk of County Commissioners, that same has been filed.

Board of County Commissioners
 St. Johns County, Florida
 By: s/Carl "Bud" Market
 If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
 L572 Dec. 6, 1985