

ORDINANCE NO. 87-78

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS2) WITH CERTAIN CONDITIONS: REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CYPRESS POINT PARTNERSHIP LTD., and CHESTERDONE N.V., filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on December 8, 1987 at 2:00 o'clock p.m. on said application; and,

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, found, as to the requested zoning classification of RS2 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 RS2 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 CYPRESS POINT PARTNERSHIP LTD., and CHESTERDON N.V., the zoning classification of OR on the following described lands:

Colonial Farms Subdivision, Unit I, according to map or Plat thereof recorded in Map Book 15, page 10, 11, 12 and 13 of the Public Records of St. Johns County, Fla.

and

A portion of Section 4, Township 9 South, Range 30 East, St. Johns County, Florida and described as follows:

Beginning for the same at the Southwest corner of Lot 90, COLONIAL FARMS UNIT ONE, as recorded among the Public Records of St. Johns County, Florida in Map Book 5, page 13 and running thence South $14^{\circ} 33' 00''$ East, 460.00 feet, thence North $89^{\circ} 15' 04''$ East, 1050.00 ft., thence North $17^{\circ} 24' 35''$ West 459.99 ft., thence North $05^{\circ} 05' 12''$ West, 80.00 ft. to the Southeast corner of Lot 86 of said Subdivision, Thence with the South Lines of said Lot 86, North $79^{\circ} 47' 03''$ West, 103.68 ft., thence South $83^{\circ} 27' 04''$ West, 444.37 ft. to the North Line of Seagull Court, thence along a curve to the Right having a Radius of 60.00 ft. for an arc distance of 292.54 ft. (Chord Bearing and distance being South $83^{\circ} 27' 04''$ West, 77.65 ft.) to the Southeast corner of said Lot 90 of Said Subdivision, thence with the South line of said Lot 90, South $83^{\circ} 27' 04''$ West, 402.73 ft. to the Place of Beginning, containing 11.588 acres of land more or less.

is hereby changed to RS2 subject to the following conditions:

1. That the lands described herein shall be used for no more than forty-two (42) single family lots.
2. That no lot within the parcels described herein shall be less than one (1) acre.

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 acknowledgement 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 8th day of December, 1987.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Lawrence O. Hartley
Chairman

ATTEST: CARL "Bud" MARKEL, CLERK

BY: Chris Kent
Deputy Clerk

Adopted regular meeting 12/08/87

Effective: December 17, 1987

RECORD VERIFIED
JK

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

1987 DEC 21 PH 12: 03

Carl "Bud" Markel
CLERK OF CIRCUIT COURT

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 _____
Kristi Robertson who on oath says that he is
Accounting 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 _____
zoning variance (OR to RS-2)
_____ in the _____ Court,
was published in said newspaper in the issues of _____
October 30, 1987

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 Kristi Robertson
this 30th day of October
A.D. 19 87

[Signature]
(SEAL) Notary Public, State of Florida
My Commission Expires Aug. 4, 1989
Bonded thru Troy Fain - Insurance, 1988

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 8 DAY OF DECEMBER 1987 AT 2:00 O'CLOCK P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER 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 OR TO RS-2 WITH THE POSSIBILITY OF ADDED CONDITIONS.

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

SECTION 1. Pursuant to the application of Cypress Point Partnership Ltd. owners of the following described land zoning classification of OR, Open Rural on the following described lands:

Colonial Farms Subdivision, Unit 1, according to map or Plat thereof recorded in Map Book 15, page 10, 11, 12 and 13 of the Public Records of St. Johns County, Fla. and

A portion of section 4, Township 9 South, Range 30 East, St. Johns County, Florida and described as follows:

Beginning for the same at the Southwest corner of Lot 90, COLONIAL FARMS UNIT ONE, as recorded among the Public Records of St. Johns County, Florida in Map Book 5, page 13 and running thence South 14° 33' 00" East, 460.0 feet, thence North 89° 15' 04" East, 1050.00 ft., thence North 17° 24' 35" West 459.99 ft., thence North 05° 05' 12" West, 50.00 ft. to the Southeast corner of Lot 86 of said Subdivision, Thence with the South Lines of said Lot 86, North 79° 47' 03" West, 103.68 ft., thence South 83° 27' 04" West, 444.37 ft. to the North Line of Seagull Court, thence along a curve to the Right having a Radius of 60.00 ft. for an arc distance of 292.54 ft. (Chord Bearing and distance being South 83° 27' 04" West, 77.65 ft.) to the Southeast corner of said Lot 90 of said Subdivision, thence with the South line of said Lot 90, South 83° 27' 04" West, 402.73 ft. to the Place of Beginning, containing 11.588 acres of land more or less.

IS HEREBY CHANGED TO: RS-2, single family residence 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 zoning 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 zoning 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 the Board of County Commissioners, that same has been filed.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
By: s/ Carl "Bud" Markel
Clerk

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.

L499 Oct. 30, 1987



RECEIVED
FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

DEC 17 10:41

Dorothy W. Joyce
Deputy Secretary For Elections
1802-E The Capitol

December 14, 1987

Carl Bud Markel
CLERK, COUNTY COMMISSION

Honorable Carl "Bud" Markel
Clerk of Circuit Court
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085

Attention: Cheryl Kent, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of December 10, 1987
and certified copy/ies of St. Johns
County Ordinance(s) #87-78, 87-79, #87-80

2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~this~~/these ordinances in this office
on December 14, 1987.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,
Liz Cloud
(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/ mb

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301