

ORDINANCE NO. 88-33

INTRODUCED BY COMMISSIONER

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RS-3 to CI WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, (Property Owners' names):

HAM'S NURSERY, INC.

O.R. 789 PG 0865

filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on 28th day of June, 1988 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 rezoning classification of Exhibit "A", to 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 Exhibit "A" 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

HAM'S NURSERY, INC.

zoning classification of RS-3

on the following described lands:

A part of Henry Street as shown on the Plat of Rothchilds Addition to St. Augustine, Florida and being recorded in Map Book 3, Page 133, Pub. Records of St. Johns County, Florida, said part being bounded on the North by Block 1 of said Rothchilds Addition, bounded on the East by the West right-of-way line of Helen Street as shown on said plat, bounded on the South Block 18 of said plat and bounded on the Northeast by the Southwesterly right-of-way line of State Road No. 207 as now established for a 100 foot right-of-way; said part being more particularly described as follows:

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For a Point of Beginning use the Southeast corner of Lot 1 of said Block 1; thence South $86^{\circ} 30'$ West along the South line of said Block 1, 167.94 feet to the Southwesterly right-of-way line of said State Road No. 207, said point being on a curve to the right, non tangent to the last line, and having a radius, chord and chord bearing of 5779.56 feet, 63.57 feet and South $34^{\circ} 28' 33''$ West; thence around the arc of said curve, 63.57 feet to its intersection with the North line of said Block 18; thence North $86^{\circ} 30'$ East along said North line 207.22 feet to the West right-of-way line of Helen Street; thence North $3^{\circ} 31'$ West, 50 feet to the Point of Beginning.

Note: Ownership of the vacated portion of Henry Street is claimed only as to those portions that applicant is entitled as adjacent landowner pursuant to Florida Law.

AND:

LOTS 5 and 6, Block 18, Rothchild's Addition to St. Augustine as recorded in Map Book 1, page 21, of the public records of St. Johns County, Fla.

is hereby changed to CI

subject to the following conditions:

1. Property to be used as a plant nursery in conformity with applicant's current adjacent business use,

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

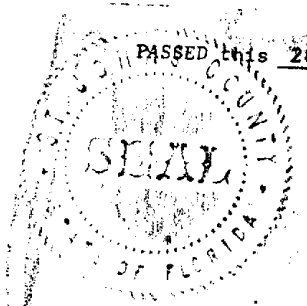
SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations, or requirements not applicable to all other land in the zoning district wherein said lands are located, except as provided in Section 1 above.

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 Dept. 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 28th day of June, 1988



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Lawrence O. Hartley
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

Carl "Bud" Markel
Clerk

VERIFIED BY
[Signature]

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

Adopted regular meeting June 28, 1988

88 JUL 18 PM 12: 54

Effective July 15, 1988

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 _____
 LINDA MURRAY _____ 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 _____
 NOTICE OF PUBLIC HEARING _____
 _____ in the matter of _____
 HAM'S NURSERY INCORPORATED _____
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
 MAY 28, 1988 _____

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
 this 31st day of MAY
 A.D. 19 88

 Notary Public

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AT ITS REGULAR MEETING ON THE 28 DAY OF JUNE 1988 AT 3:00 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 R-53 TO C1 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 Ham's Nursery, Inc. owners of the following described land, zoning classification of R-53, single family on the following described lands:

A part of Henry Street as shown on the Plat of Rothchilds Addition to St. Augustine, Florida and being recorded in Map Book 3, Page 133, Public Records of St. Johns County, Florida, said part being bounded on the North by Block 1 of said Rothchilds Addition, bounded on the East by the West right-of-way line of Henry Street as shown on said plat, bounded on the South Block 18 of said plat and bounded on the North by the Southwesterly right-of-way line of State Road No. 107 as now established for a 100 foot right-of-way, said part being more particularly described as follows:

From Point of Beginning use the Southeast corner of Lot 1 of said Block 1; thence South 80° West along the South line of said Block 1, 148.94 feet to the Southwesterly right-of-way line of said State Road No. 107, said point being on a curve to the right, non-tangent to the last line, and having a radius, chord and chord bearing of 377.54 feet, 48.87 feet and South 34°28'33" West, thence around the arc of said curve, 43.57 feet to its intersection with the North line of said Block 18; thence North 84°07' East along said North line 207.22 feet to the West right-of-way line of Henry Street; thence North 73° West, 50 feet to the Point of Beginning.

Note: Ownership of the aforesaid portion of Henry Street is claimed only as to those portions that applicant is entitled as adjacent landowner pursuant of Florida Law.

AND, LOTS 3 and 4, Block 18, Rothchilds Addition to St. Augustine as recorded in Map Book 1, page 21, of the public records of St. Johns County, Florida is hereby changed to C1, 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 lands in zoning district wherein said lands are located.

SECTION 3. The Building Department is authorized to issue construction permits governed 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" Merkel

If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearings he will need a record of the proceedings, and for such purpose he may need to ensure that a permanent record of the proceedings is made, which record includes the testimony and evidence upon which the appeals to be based.

L22, May 28, 1988