

ORDINANCE NO. 88-70

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 OR to IW WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, (Property Owners' names): Wayne T. Ellison

filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on 8th day of November, 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 IW, 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 IW 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 Wayne T. Ellison

zoning classification of OR, Open Rural on the following described lands:

is hereby changed to IW, Industrial Warehousing
subject to the following conditions:

1) SITE PLAN REVIEW

- a) Prior to land clearing or issuance of any construction permits within the subject tract, a site plan approval by the Planning and Zoning Agency shall be required.
- b) Site plan approval shall be based upon compliance with all conditions herein as well as all other applicable zoning and land development regulations and standards in effect at the time of site plan submission which includes lighting and the size, height and location of all signage.
- c) A 25' natural or landscaped growth buffer will be left along the rear of the property. A 10' natural or landscaped growth buffer will be left along the north side which adjoins the White Castle Baptist Church. A 25' setback on the west side (US #1) and a 10' set back on the south side shall also be included for building purposes.
- d) When construction occurs within 100' of the rear and north side a 6' visual (opaque) barrier fence will be constructed along said rear and north property lines.

2) PERMITTED USES

- a) Eliminate from the permitted uses, paragraphs d, f, k and n of section 5-10-1.
- b) Maximum height of any building or structure shall not exceed 35 feet.

3) USES BY EXCEPTION

- a) All uses permitted by Exception when approved in conformance with Section 11-9 of the Zoning Code excluding the following: Junk Yards or automobile wrecking yards and storage of heavy land clearing equipment for sales or repairs.

4) WASTE DISPOSAL

- a) All trash and solid waste shall be removed on a timely basis and properly disposed of off site.
- b) Solid waste pickup containers shall be placed on easily accessible concrete pads and be properly screened from public view.

5) ACCESS AND EGRESS

- a) Access to the site will be limited to one access/egress point to US 1 located and improved to DOT requirements and standards with accel/decel lanes as required to be supplied by the applicant, at his own expense.

6) INDUSTRIAL NOISE

- a) No industrial activity, such as would constitute a nuisance either of sound or of odor that would impede the quiet use and enjoyment of the proposed homeowner's property to the east or White Castle Baptist Church to the North, shall be allowed on the parcel within approved site plan area after 6:00 P.M.. In addition, all development and uses shall comply with all applicable governmental laws and/or regulations pertaining to noise or odor that currently exists or are hereafter enacted.

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 Bldg. Dept. 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 8th day of November, 1988



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Lawrence O. Hartley
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl "Bud" Markel
Deputy Clerk

Adopted regular meeting November 8, 1988.

Effective November 18, 1988

Legal Description:

Part of the Pablo Sabate Grant, Section 50, Township 6 South, Range 29 East, St. Johns County, Florida, more particularly described as follows the northernmost five acres of:

Commence at the intersection of the Northwesterly line of Stokes Landing Road and Northeasterly line of U.S. Highway No. 1; thence North 37° - 00' West, 1405.04 feet along the Northeasterly line of said U.S. Highway No. 1 to the point of the Beginning; thence continue North 37° - 00' West, 762.96 feet along the Northeasterly line of said U.S. No. 1; thence North 53° - 00' East, 571.0 feet; thence South 36° - 59' - 43'' East, 762.96 feet; thence South 53° - 00' West, 571.0 feet to the Point of Beginning.

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

88 NOV 21 PM 3:36

Clara Ann Munkel
CLERK OF CIRCUIT COURT

COPY OF ADVERTISEMENT

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
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 REGULAR MEETING
in the matter of
APPLICATION OF WAYNE T. ELLISON
in the Court,
was published in said newspaper in the issues of
OCTOBER 5, 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 6th day of OCTOBER

A.D. 19 88
Notary Public, State of Florida

My Commission Expires Aug. 4, 1989
Dated This Troy Fair - Insurance, Inc.

NOTICE IS HEREBY GIVEN
THAT THE BOARD OF COUNTY
COMMISSIONERS OF ST.
JOHNS COUNTY, FLORIDA,
AT ITS REGULAR MEETING
ON THE 3 DAY OF NOVEMBER
1988 AT 2:00 o'clock PM,
IN THE COUNTY AUDITORIUM,
COUNTY ADMINISTRATION
BUILDING, LEWIS
SPEEDWAY (COUNTY ROAD
14-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 OR TO IW 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 Wayne T. Ellison
owners of the following
described land, zoning classification
of OR, Open Rural on the
following described lands:

Part of the Pablo Sabate
Grant, Section 50, Township 6
South, Range 29 East, St. Johns
County, Florida, more particularly
described as follows: the
northernmost five acres of:

Commence at the intersection
of the Northwesterly line of
Stokes Landing Road and North-
easterly line of U.S. Highway
No. 1; thence North 37° - 00'
West, 1405.04 feet along the
Northwesterly line of said U.S.
Highway No. 1 to the point of the
Beginning; thence continue
North 37° - 00' West, 762.96 feet
along the Northwesterly line of
said U.S. No. 1; thence North 53°
- 00' East, 571.0 feet; thence
South 36° - 59' - 43" East, 762.96
feet; thence South 53° - 00' West,
571.0 feet to the Point of Beginning,
is hereby changed to IW,
Industrial Warehousing 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
heretoby.

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" Market
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.

L555 Oct. 5, 1988



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State
DIVISION OF ELECTIONS
Room 1802, The Capitol
Tallahassee, Florida 32399-0250
(904) 488-8427

RECEIVED
November 16, 1988 ST. JOHN'S COUNTY, FLORIDA

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

'88 NOV 18 AIO:40

Carl Bud Markel

Attention: Connie E. McDonald, Deputy Clerk CLERK, COUNTY COMMISSION

Dear Mr. Markel:

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

1. Receipt of letter/s of November 10, 1988
and certified copy/ies of St. Johns
County Ordinance(s) No. 88-70
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 November 16, 1988. (2:17 pm)
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb