

ORDINANCE NUMBER: 89-8

**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-1 WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, JOHN K. SISK and FORT DEVELOPMENT COMPANY as applicants, have filed application for change of zoning on lands, owned by Charles D. Towers, Jr., as trustee, hereinafter described on attached Exhibit "A", and after required notice was published, a public hearing was held on December 13, 1988 at 2:00 p.m. and continued until January 10, 1989, at 2:00 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 RS-1, as follows: (a) the proposed rezoning promotes the public welfare and compliments 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, the applicants agreed to limit their use of said lands and have consented to restrictions or limitations on the applied for rezoning of RS-1 as hereinafter provided; and (e) such restrictions or limitations are for the benefit of the general public and not just the applicant 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 JOHN K. SISK and FORT DEVELOPMENT COMPANY the zoning classification of "OR" on the lands described on the attached Exhibit "A" is hereby changed to RS-1, subject to the following conditions:

(1) The maximum number of lots platted within the property shall not exceed twenty-<sup>two</sup>~~three~~ ~~(23)~~ (22).

(2) The minimum lot size of lots platted within the property shall be one-half ( $\frac{1}{2}$ ) acre.

(3) No land clearing or construction activities shall occur until approval of a final subdivision plat of the property.

(4) The area designated as "Cypress Pond" on the preliminary plan prepared by Hill, Boring and Associates, dated January 4, 1989, and filed with the County Engineering Department, shall be preserved in its natural state. The area to be preserved shall be surveyed and staked prior to commencement of land clearing or construction.

(5) The drainage system and site-grading shall be designed so that there will be no adverse impact on downstream <sup>UPSTREAM</sup> property owners.

*(6) Walking access to the St. Johns River shall be provided for residents of the lands rezoned hereby.*  
~~(6) Prior to the issuance of any certificates of occupancy for the property, the Developer shall install a School Bus shelter approximately 10' x 20' in size, at the intersection of Swiss Oaks Court with the property.~~

**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 14th day of February, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Harry Waldron  
CHAIRMAN

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Clerk

Adopted regular meeting February 14, 1989

Meeting February 14, 1989

Effective February 23, 1989



PARCEL 1:

Part of the Francis P. Fatio Grant, Section Forty-Four (44), Township Five (5) South, Range Twenty-Six (26) East, more particularly described as follows:

For point of reference, commence at a one and one-quarter (1 1/4") inch iron pipe set at the most southerly corner of the William Harvey Grant, Section Forty (40), Township and Range aforesaid, and run South 18 degrees, 26 minutes, 20 seconds West a distance of six hundred twelve and eighty-seven hundredths (612.87) feet to an iron pipe set in a fence corner; run thence South 41 degrees, 24 minutes, 40 seconds West along a fence ten (10) feet to an iron pipe at a fence corner; run thence South 40 degrees, 55 minutes 10 seconds East along existing fence, a distance of nine hundred seventy-five and one-tenth (975.1) feet to a point in the center line of the pavement of Florida State Road No. 13; run thence South 48 degrees, 54 minutes West along the center line of the pavement of said Road a distance of fourteen hundred sixty and ninety-one hundredths (1460.91) feet to a point; thence North 33 degrees, 23 minutes, 30 seconds West, a distance of ; thirty-three and three tenths (33.3) feet to a permanent reference monument; continue thence North 33 degrees, 23 minutes, 30 seconds West, a distance of nine hundred forty-eight and twenty-five hundredths (948.25) feet to the southeasterly corner of Lot One (1), according to a certain plat recorded in Deed Book "Y" at Page 244 of the Public Records of said County, which point is marked by a three-quarter (3/4) inch iron; run thence South 61 degrees, 17 minutes, 10 seconds West a distance of 419.66 feet to a 3/4 inch iron which is the Southeasterly most corner of Lot 3 as shown on plat recorded in Deed Book "Y", Page 244, of the Public Records of said County, which point is the point of beginning for the description of the property which is herein conveyed; run thence South 63 degrees, 23 minutes, 50 seconds West a distance of 860.23 feet to an iron at an old stake; run thence North 32 degrees, 27 minutes, 40 seconds West to the waters of the St. Johns River; run thence in an Easterly direction along the waters of the St. Johns River to a point which is North 32 degrees, 50 minutes, 30 seconds West of the point of beginning; run thence South 32 degrees, 50 minutes, 30 seconds East to the point of beginning.

PARCEL 2

Commencing at the iron at an old stake at the Southwesternmost corner of the property hereinabove conveyed, (being the Southernmost corner of Lot 6 as shown on plat recorded in Deed Book "Y", page 244, said Public Records); run thence South 37 degrees, 59 minutes East a distance of three hundred seventy-two and sixty-six hundredths (372.66) feet to a point; run thence North 58 degrees, 9 minutes West a distance of three hundred ninety-five and seventy-four hundredths (395.74) feet to a point; run thence North 51 degrees, 36 minutes, 30 seconds East to the point of beginning.

Together with all right, title and interest of the party of the first part in and to the 33 feet wide easement reserved to party of the first part in that certain deed recorded in Deed Book 239, page 134, Public Records of St. Johns County, Florida.

LESS AND EXCEPT that certain land described in Deed Book 236, page 11, Deed Book 236, Page 401, Deed Book 236, Page 403, and Deed Book 239, page 134, all in the Public Records of St. John's County, Florida.

AND FURTHER LESS AND EXCEPT THE FOLLOWING DESCRIBED LAND:

For point of reference, commence at the Easterlymost corner of Lot 3 as shown on plat recorded in Deed Book "Y", Page 244 of the Public Records of St. Johns County, which point is the point of beginning of Parcel 1 described hereinabove; thence run South 63 degrees, 23 minutes, 50 seconds West a distance of 860.23 feet to an iron at the Southerlymost corner of the lands described in Parcel 1; run thence North 32 degrees, 27 minutes, 40 seconds West a distance of 1270.0 feet to a point for point of beginning; from the point of beginning, run thence North 57 degrees, 38 minutes East 207 feet more or less, to the Northerly line of Lot 6 according to a certain plat recorded in Deed Book "Y", at page 244 of the Public Records of said County; run thence North 32 degrees, 27 minutes, 40 seconds West along the Northerly line of said Lot 6 to the waters of the St. Johns River; run thence in a Southwesterly direction along the waters of the St. Johns River to a point which lies North 32 degrees, 27 minutes, 40 seconds West from the point of beginning; run thence South 32 degrees, 27 minutes, 40 seconds East to the point of beginning.

Also known as lots 5,6 Blacks unrecorded Subdivision

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

89 FEB 24 PM 3:05

*Clara M. Mink*  
CLERK OF CIRCUIT COURT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 13 DAY OF DECEMBER 1988 AT 2:00 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 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 Charles D. Towers Jr., as Trustee owners of the following described land, zoning classification of OR, Open rural on the following described lands:

PARCEL 1: Part of the Francis P. Falio Grant, Section Forty-Four (44), Township Five (5) South, Range Twenty-Six (26) East, more particularly described as follows:

For a point of reference, commence at a certain seven-hundredths (0.142857) feet to an iron pipe set in a fence corner; run thence North 32 degrees, 27 minutes, 40 seconds West a distance of 1270.0 feet to a point of beginning; from the point of beginning, run thence North 57 degrees, 30 minutes, 27 minutes, 40 seconds West along the Northernly line of said Lot 6 to the waters of the St. Johns River; run thence in a Southwesterly direction along the waters of the St. Johns River to a point which is North 32 degrees, 27 minutes, 40 seconds West from the point of beginning; run thence South 32 degrees, 27 minutes, 40 seconds East to the point of beginning.

Also known as lots 5, 4, Blacks unrecorded Subdivision, is hereby changed to RS-2, single family 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  
its clerk

Together with all right, title and interest of the party of the first part in and to the 33 feet wide easement reserved to party of the first part in that certain deed recorded in Deed Book 239, page 134, Public Records of St. Johns County, Florida.

LESS AND EXCEPT that certain land described in Deed Book 236, page 11, Deed Book 236, Page 401, Deed Book 236, Page 403, and Deed Book 239, page 134 in the Public Records of St. Johns County, Florida.

AND FURTHER LESS AND EXCEPT THE FOLLOWING DESCRIBED LAND:

For a point of reference, commence at the Easterlymost corner of Lot 3 as shown on plat recorded in Deed Book "Y", Page 244 of the Public Records of St. Johns County, which point is the point of beginning of Parcel described herein above; thence run South 63 degrees, 23 minutes, 30 seconds West a distance of 860.23 feet to an iron pipe set in a fence corner; run thence North 32 degrees, 27 minutes, 40 seconds West along the Northernly line of said Lot 6 to the waters of the St. Johns River; run thence in a Southwesterly direction along the waters of the St. Johns River to a point which is North 32 degrees, 27 minutes, 40 seconds West from the point of beginning; run thence South 32 degrees, 27 minutes, 40 seconds East to the point of beginning.

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

L726 Nov. 3, 1988

# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING 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 she 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 Meeting \_\_\_\_\_  
\_\_\_\_\_ in the matter of \_\_\_\_\_  
Charles D. Towers \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
November 3, 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 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me \_\_\_\_\_  
this \_\_\_\_\_ 3rd \_\_\_\_\_ day of \_\_\_\_\_ November \_\_\_\_\_  
A.D. 19 \_\_\_\_\_ 88 \_\_\_\_\_

*Zoe Ann Johns*  
Zoe Ann Johns  
(SEAL) Notary Public

My Commission Expires Aug. 4, 1993  
Bounded Thru Troy Fair - Insurance