

ORDINANCE NUMBER: 89-18

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

WHEREAS, MAR-WAYNE ASSOCIATES as applicant, has filed application for change of zoning on lands, owned by Runk Construction Company, Inc., hereinafter described on attached Exhibit "A", and after required notice was published, a public hearing was held on MAY 9, 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 "CI", 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 applicant agreed to limit its use of said lands and has 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 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 MAR-WAYNE ASSOCIATES the zoning classifications of "CG" and "RS-3" on the lands described on the attached Exhibit "A" are 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, 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 Sections 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. If determined necessary by the Department of Transportation, right turn lanes and/or access lanes shall be installed at the owner's expense.

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

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

(5) Any lights installed on the property shall be shielded from the adjoining residential properties.

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

(7) All structures, exclusive of signs, shall be setback a minimum of twenty-five (25') feet from the right of way of Highway U.S. 1 South.

(continued on next page)

(8) The maximum height of all structures on the property shall be thirty-five (35') feet.

(9) No outside loud speakers will be utilized on the property between the hours of 8:00 p.m. and 8:00 a.m. All outside speakers shall have volume controls and be faced towards U.S. Highway 1 and not the adjoining residential area.

(10) There shall be no ingress or egress from the property to Calle Menendez or Calle Madrid.

(11) To assure compliance with the Zoning Ordinance conditions and all other applicable land development regulations, the Developer shall submit a detailed site development plan for County Staff review and approval prior to any land clearing or construction occurring on site.

(12) No Body Shop or Paint Shop shall be permitted on the property as a permitted or accessory use.

(13) Prior to the issuance of any building permits for construction on the East 1/2 of Block H and all of Block I, Parque Aviles Subdivision, the owner and applicant shall record Deed Restrictions limiting the use of Lots 8 through 14 of Block H, Parque Aviles Subdivision to residential use only. The Deed Restrictions shall be in a form acceptable to the County Attorney, and shall benefit and be enforceable by the County.

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 St. Johns County Building Department 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 Department 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 9th day of May, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: John Washburn  
CHAIRMAN

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Clerk

Adopted regular meeting May 9, 1989

Meeting May 9, 1989

Effective May 18, 1989

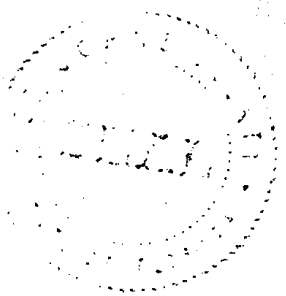


EXHIBIT "A"

The East 1/2 of Block H and all of Block I, Parque Aviles Subdivision, according to plat recorded in Map Book 3, Page 139, Public Records of St. Johns County, Florida, less any part of Block I lying within the existing right of way of U.S. Highway 1.

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

89 MAY 22 PM 2:06

*Carl W. Mink*  
CLERK OF CIRCUIT COURT

# 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 \_\_\_\_\_  
 Kristi Robertson \_\_\_\_\_ 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 \_\_\_\_\_  
 RE: CG1 RS3 Wayne \_\_\_\_\_  
 \_\_\_\_\_ in the \_\_\_\_\_ Court,  
 was published in said newspaper in the issues of \_\_\_\_\_  
 April 5, 1989

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 Kristi Robertson  
 this \_\_\_\_\_ 5th \_\_\_\_\_ day of \_\_\_\_\_ April  
 A.D. 19 \_\_\_\_\_ 89

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

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 9 DAY OF MAY 1989 AT 2:00 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 CG/RS-3 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 Mar-Wayne Associates on behalf of Runi Construction Company, Inc. owners of the following described land, zoning classification of CG/RS-3 on the following described lands:

The East 1/2 of Block H and all of Block I, Parole Aviles Subdivision, according to plat recorded in Map Book 3, page 129, public records of St. Johns County, Fla., less any part of Block I, lying within the existing right of way of U.S. Highway One, 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 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.

L629 April 5, 1989



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

DIVISION OF ELECTIONS  
Room 1802, The Capitol  
Tallahassee, Florida 32399-0250  
(904) 488-8427

RECEIVED  
ST. JOHNS COUNTY, FLORIDA

May 16, 1989

'89 MAY 18 P2:56

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

*Carl Bud Markel*  
CLERK, COUNTY COMMISSION

Attention: Connie E. McDaniel, Deputy Clerk

Dear Mr. Markel:

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

1. Receipt of letter/s of May 12, 1989  
and certified copy/ies of St. Johns  
County Ordinance(s) Numbers 89-18, 89-19, & 89-20
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 May 15, 1989. (4:46 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