

ORDINANCE NUMBER: 90-15

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL TO PLANNED SPECIAL DEVELOPMENT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, B. S. RANCH, INC., applicant, has filed application for change of zoning on lands hereinafter described on attached Exhibit "A", and after required notice was published, a public hearing was held on March 13, 1990, at 1:45 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 Planned Special Development, 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 Planned Special Development 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 B. S. RANCH, INC., the zoning classification of Open Rural on the lands described on the attached Exhibit "A" is hereby changed to Planned Special Development, subject to its application for zoning change dated March 13, 1990, 1990, (hereinafter, the PSD application), the permitted uses and conditions hereinafter provided for.

SECTION 2. That the development of the lands within this PSD shall proceed in accordance with the PSD application and supporting documents which are a part of zoning file R-89-055 and which are incorporated by reference into and made a part of this ordinance, and as supplemented by the provisions of this ordinance. In the case of conflict between the Application or supporting documents and the below described provisions of this Ordinance, the below described provisions shall prevail.

SECTION 3. That the development of the lands within this PSD shall proceed in accordance with the site plan and architectural renderings filed with the PSD application, with allowance for minor modification in order to comply with St. Johns County, or any other jurisdictional agency requirements.

SECTION 4. That all roadways, parking areas, drainage facilities, structures, and other results of development and construction of this Planned Special Development shall be in accordance with approved standards of St. Johns County.

SECTION 5. That the Planned Special Development hereby reserve and shall have the sole and absolute right at any time, with the consent of St. Johns County, Florida, or the governing body of any municipality having jurisdiction over the lands described within Exhibit "A" to dedicate to the public all or any part of said lands containing right-of-ways, and drainage and utility easements. Utility easements granted shall also be for future water and sanitary sewer purposes.

SECTION 6. That all building code, fire code, zoning ordinance and other land use and development regulations of St. Johns County, as may be amended from time to time shall be applicable to this Planned Special Development, except those permitting variances and special exceptions and except to the extent that they are in conflict with the specific permitted uses and conditions of this Planned Special Development.

SECTION 7. St. Johns County will assist prior to and during any construction of this Planned Special Development in order to identify and mark any trees to be saved in order to insure an aesthetically acceptable Planned Special Development, protecting as many natural trees and original vegetation on site as practical.

SECTION 8. No construction activity shall occur on site until all applicable federal, state and county permits have been obtained.

SECTION 9. The Zoning inspector is authorized to issue construction permits allowed by classification as rezoned.

SECTION 10. This ordinance shall take effect immediately upon receipt of official acknowledgement from the Office of the Secretary of State to the Clerk of the County Commissioners that same has been filed.

SECTION 11. This ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official records of St. Johns County, Florida, and indexed under the names of the property owners described on page one hereof.

PASSED this 13th day of March, 1990

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Craig McGuire*
Chairman



ATTEST: CARL "BUD" MARKEL, CLERK

By: *Carl Bud Markel*
Clerk

Adopted March 13, 1990

Meeting regular

Effective March 23, 1990

PLANNED SPECIAL DEVELOPMENT

The proposed Planned Special Development consists of seven acres located on County Road 214 approximately 1400 feet east of the bridge over I-95. The surrounding area is predominantly raw unused land and low density residential subdivisions and tracts. Traffic flow on the county road is moderate with the level of service very high indicating substantial additional traffic capability.

The seven acres has been divided into two parcels to facilitate proper traffic flow from County Road 214 into the site and guide vehicular traffic to the proper site destination. Approximately one-third of the site will be left in its natural wooded state and designated as buffers and conservation areas. The remainder of the site will be developed for an open, rustic atmosphere. The site plan and architectural renderings specifically address the buffers, the conservation areas, location and shape of the buildings, storage areas, signage, retention ponds and roadways. The development is designed to service the surrounding geographical areas by selling such merchandise as:

bread	garden plants, seed and fertilizer
milk	saddles
canned goods	boots
cheese	fencing
overalls	fuel
jeans	animal food
workshirts	small hardware

Specific Permitted Uses, Conditions and Exclusions

1) The following uses as defined by Section 5-8 of the St. Johns County Zoning Ordinance at the time of adoption of this ordinance are permitted uses of the Planned Special Development:

a) Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationary, leather goods,

and luggage, jewelry (including watch repair but not pawnshop) art supplies, cameras or photographic supplies, sporting goods, hobby shops, pet shops (but not animal kennel or veterinarian), musical instruments, television and radio, delicatessen, bake shop (but not wholesale bakery), drugs and similar products. (5-8-1, Subsection a)

b) Community center. (5-8-1, Subsection g)

c) Professional and business offices. (5-8-1, Subsection i)

d) Retail outlets for sale of home furnishings and appliances, furniture, hardware and similar uses. (5-8-1, Subsection l)

e) Sale of alcoholic beverages with content not more than 14 percent for consumption off premises. (5-8-1, Subsection t)

f) An automobile service station. However, no repair or maintenance of vehicles or machinery shall be permitted on site in connection with the service station use. (5-8-4, Subsection a)

g) A retail plant nursery, including seasonal outside displays of plants, shrubs and garden supplies. (5-8-4, Subsection f)

2) The use for a retail outlet for the sale of dairy supplies, feed, fertilizer, plant nursery lumber and building supplies and similar products as defined by Section 5-9-1, Subsection a. of the St. Johns County Zoning Ordinance at the time of adoption of this ordinance are permitted uses of the Planned Special Development.

3) All on site facilities for ^{below ground} fuel storage shall be designed with the latest technology available, including sensors to avoid contamination of air and ground water, and will meet, at a minimum, all criteria of federal, state and county regulations.

4) The project will be constructed substantially in accordance with the site plan and architectural renderings filed with this zoning application with the maximum size of the buildings to be a combined total of 26,750 square feet of heated and cooled area. The site plan will be modified to the extent necessary to meet all County Engineering Department criteria normally set forth for projects of this nature, including improvements to the right-of-way and pavement directly adjacent to the site.

5) Outside storage of such items as fencing and fence posts shall be permitted behind the most easterly building only, completely enclosed by an opaque fence or native shrubbery and not normally visually observable from County Road 214.

6) Signs within the Planned Special Development shall be located according to the site plan, will be limited to a height of thirty-five feet, blend in with the rustic atmosphere as much as possible, signify such items as the name of the Planned Special Development, the type goods and services available, adjacent streets, roads and neighborhoods.

7) During the term of construction, a suitable temporary security fence and living quarters for a security officer may be constructed. After construction, in the event circumstances warrant, living quarters for an on-site security officer may be constructed within the most easterly building.

8) A building permit shall be applied for within two years from the date of adoption of this ordinance. In the event application for said building permit has not been applied for by the aforementioned time, zoning shall revert to Open Rural. If vertical construction has not commenced within three years from adoption of this ordinance, zoning shall revert to Open Rural.

9) No building height, including any parts of the roof system, will exceed thirty-five feet.

10) The Planned Special Development will utilize septic tanks and wells until a licensed franchisee is available within five hundred feet of the site. The Planned Special Development shall tie-in to said system within nine months after said availability.

11) The Planned Special Development shall utilize outside lighting in the form of flood lights and landscape lights which will conform to St. Johns County Codes and avoid distractions to vehicular traffic not entering the site and shall be situated and shielded so as not to constitute a nuisance for adjoining properties.

12) The Planned Special Development will provide for fire protection in all buildings by providing a sprinkler system that will cover the entire building, such systems to be constructed according to applicable St. Johns County Fire and Building Codes.

Attachments: Site Plan

Architectural Renderings (2)



ST. JOHNS SURVEY COMPANY

3000 N. PONCE DE LEON BLVD. SUITE 5 • P.O. BOX 702
ST. AUGUSTINE, FLORIDA 32085 • (904) 829-2591

EXHIBIT "A"

Page 1 of 2

Project Number 192-004

DESCRIPTION: PARCEL "A" (By Surveyor)

A parcel of land lying in the Southwest Quarter of Section 28, Township 7 South, Range 29 East, St. Johns County, Florida, described as follows:

Commence at the Southwest corner of Government Lot 3, of said Section 28 as shown on the plat of DEERWOOD ACRES, UNIT NO. ONE as recorded in Map Book 12, Pages 78 through 80 of the Public Records of St. Johns County, Florida, said point also being the Southeast corner of the Southeast Quarter of the Southwest Quarter of said Section 28; thence South $88^{\circ}14'02''$ West along the South line of said Southeast Quarter of the Southwest Quarter of Section 28 for a distance of 1309.07 feet to the Southwest corner of said Southeast Quarter of the Southwest Quarter of Section 28; thence North $01^{\circ}27'37''$ West along the West line of said Southeast Quarter of the Southwest Quarter of Section 28 for a distance of 168.47 feet to the POINT-OF-BEGINNING of the herein described parcel; thence continue North $01^{\circ}27'37''$ West along said West line of the Southeast Quarter of the Southwest Quarter of Section 28 for a distance of 437.65 feet to the South right-of-way line of County Road 214 (formerly State Road 214) as located by the State of Florida, State Road Department Right-of-Way Map, Section 7857-250, Road S-214; thence North $82^{\circ}59'30''$ East along said South right-of-way line for a distance of 226.06 feet; thence South $01^{\circ}27'37''$ East parallel with the said West line of the Southeast Quarter of the Southwest Quarter of Section 28 for a distance of 437.65 feet; thence South $82^{\circ}59'30''$ West parallel with the said South right-of-way line of County Road 214 for a distance of 226.06 feet to the POINT-OF-BEGINNING. Containing 2.26 acres, more or less.

SEE SEPERATE SHEET FOR SKETCH OF LEGAL DESCRIPTION



ST. JOHNS SURVEY COMPANY

3000 N. PONCE DE LEON BLVD. SUITE 5 • P.O. BOX 702
ST. AUGUSTINE, FLORIDA 32085 • (904) 829-2591

EXHIBIT "A"

Page 2 of 2

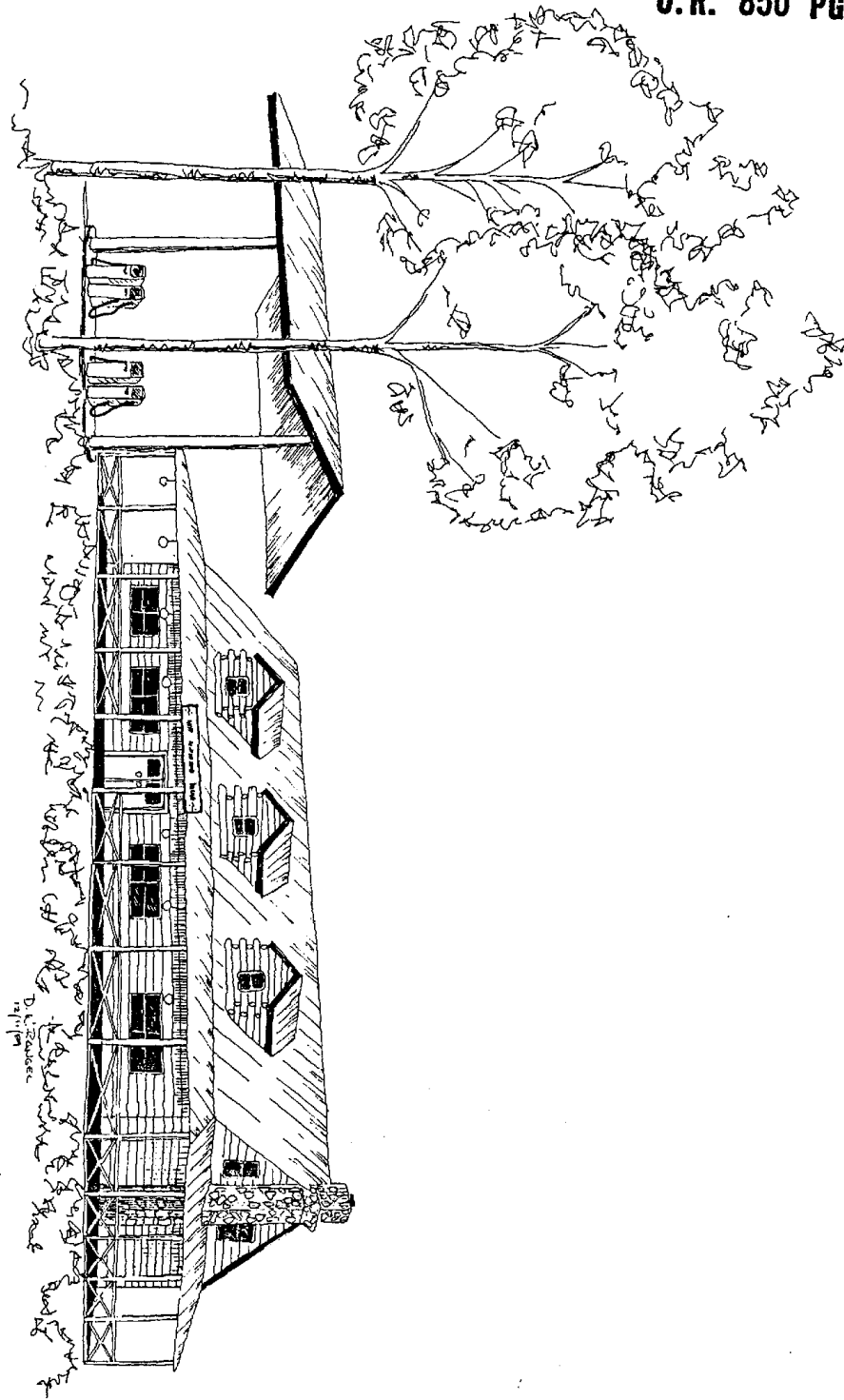
Project Number 192-004

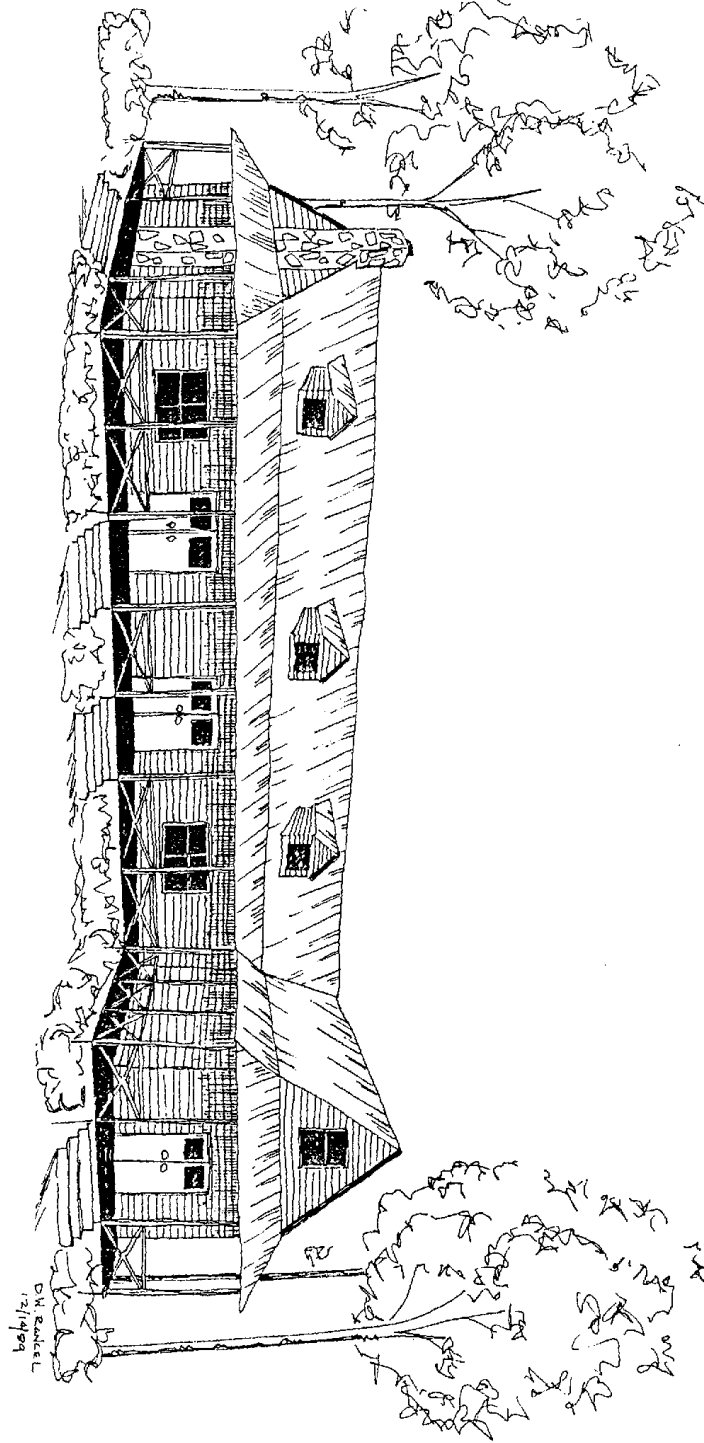
DESCRIPTION: PARCEL "B" (By Surveyor)

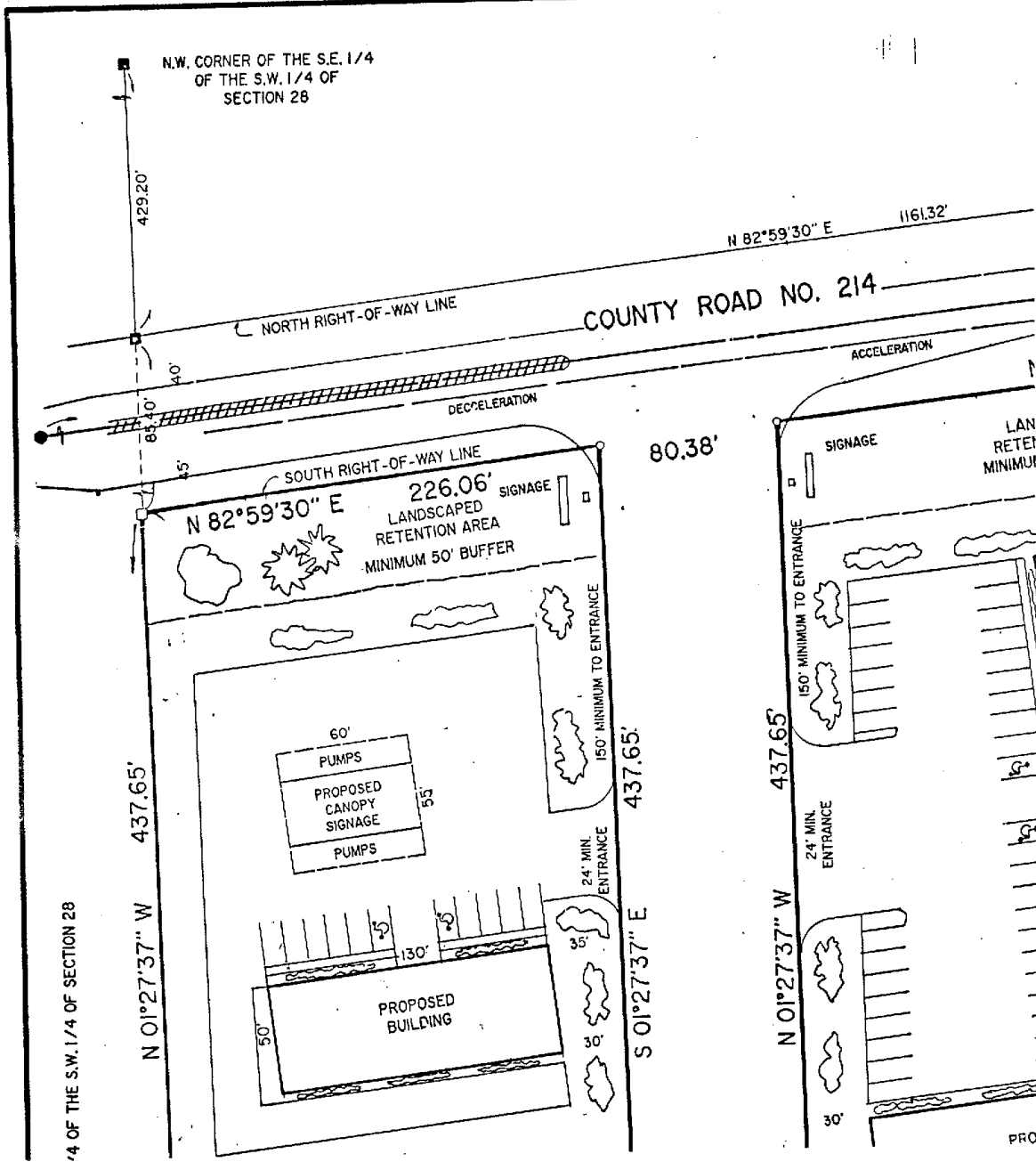
A parcel of land lying in the Southwest Quarter of Section 28, Township 7 South, Range 29 East, St. Johns County, Florida, described as follows:

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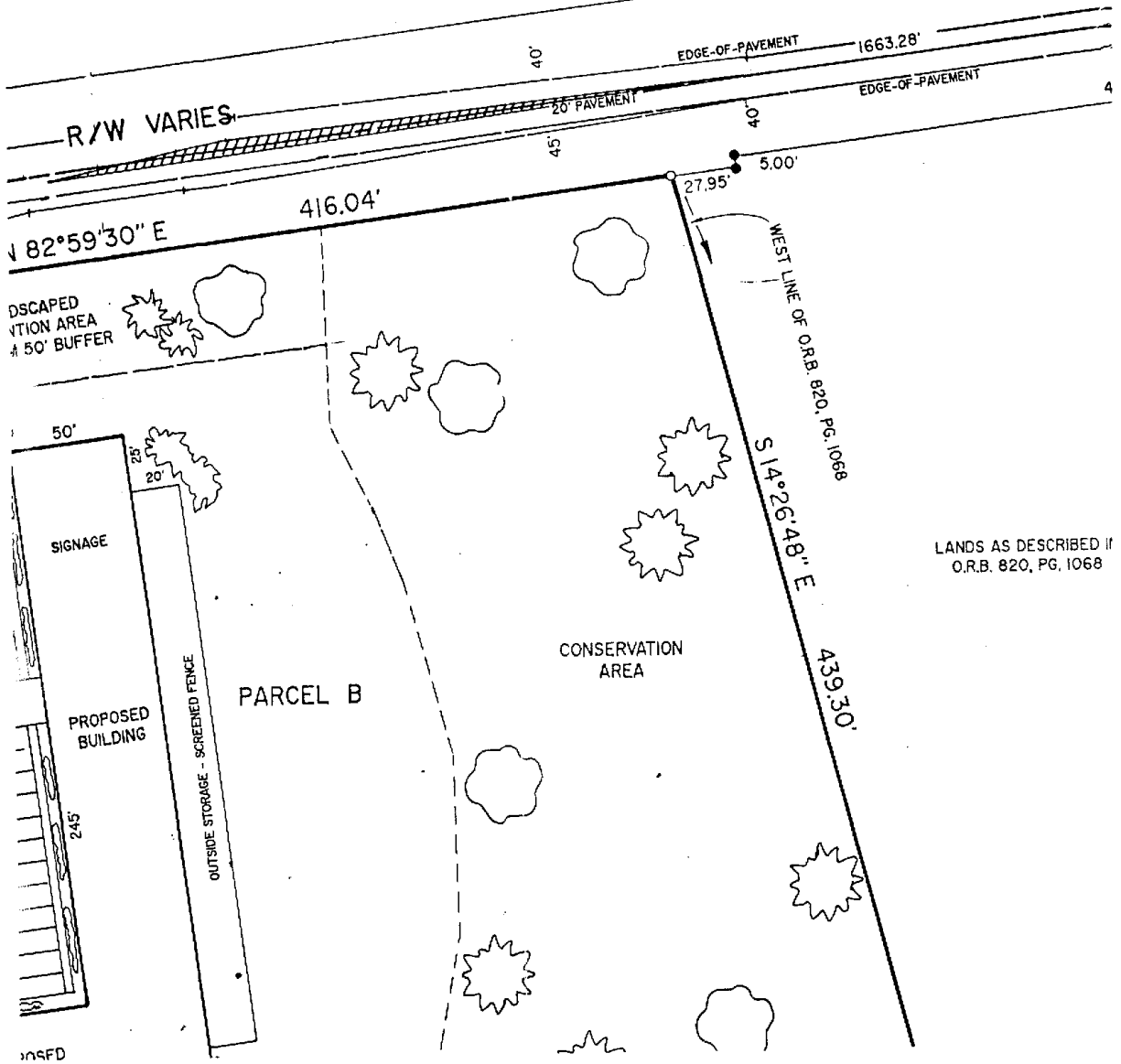
SEE SEPERATE SHEET FOR SKETCH OF LEGAL DESCRIPTION



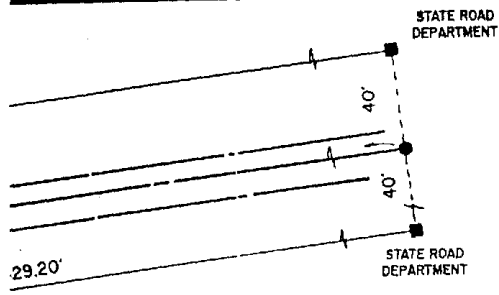




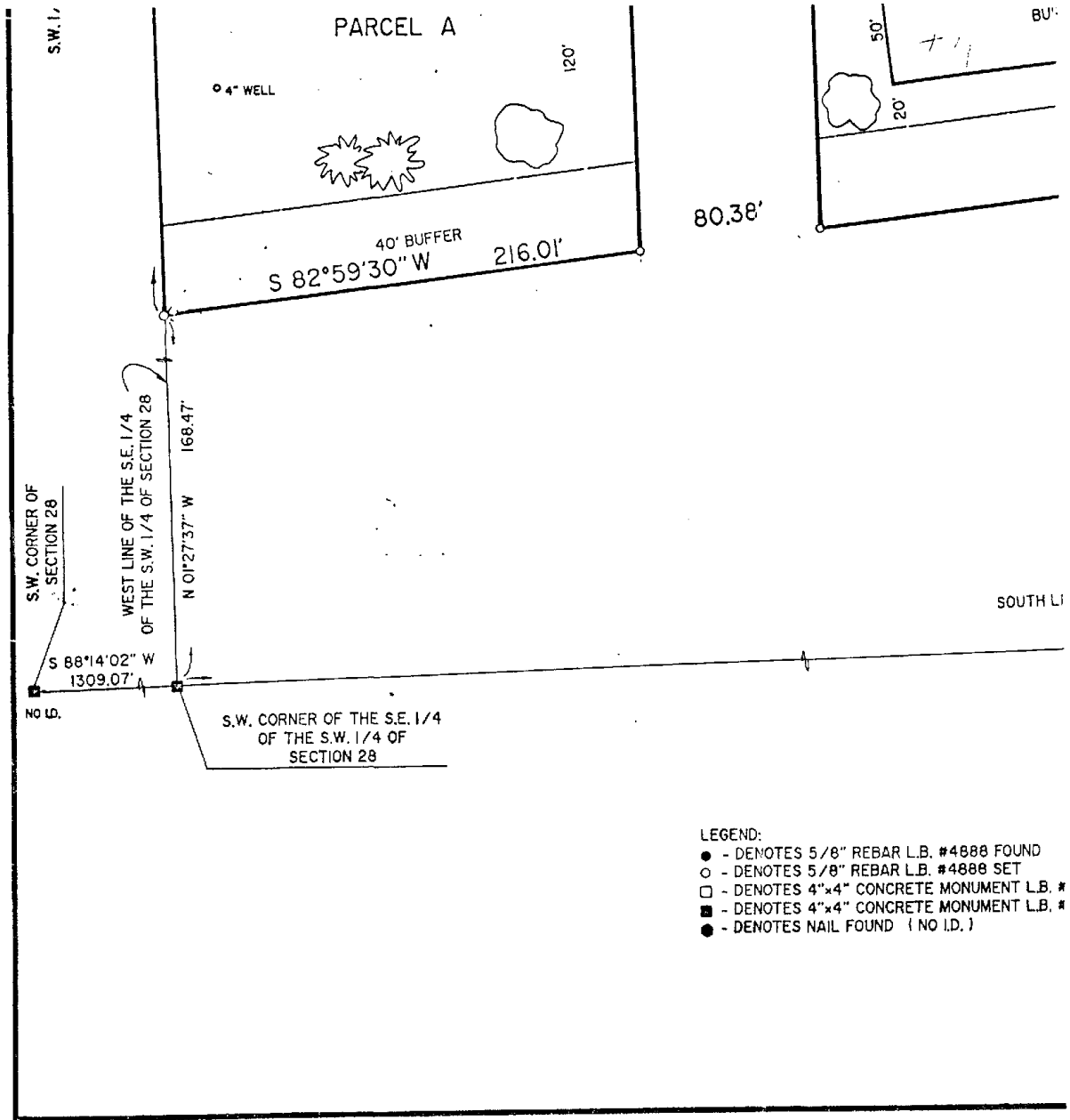
SITE DEVELOPMENT PLAN
PART OF SECTION 28, TOWNSHIP 7 SOUTH,
RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA

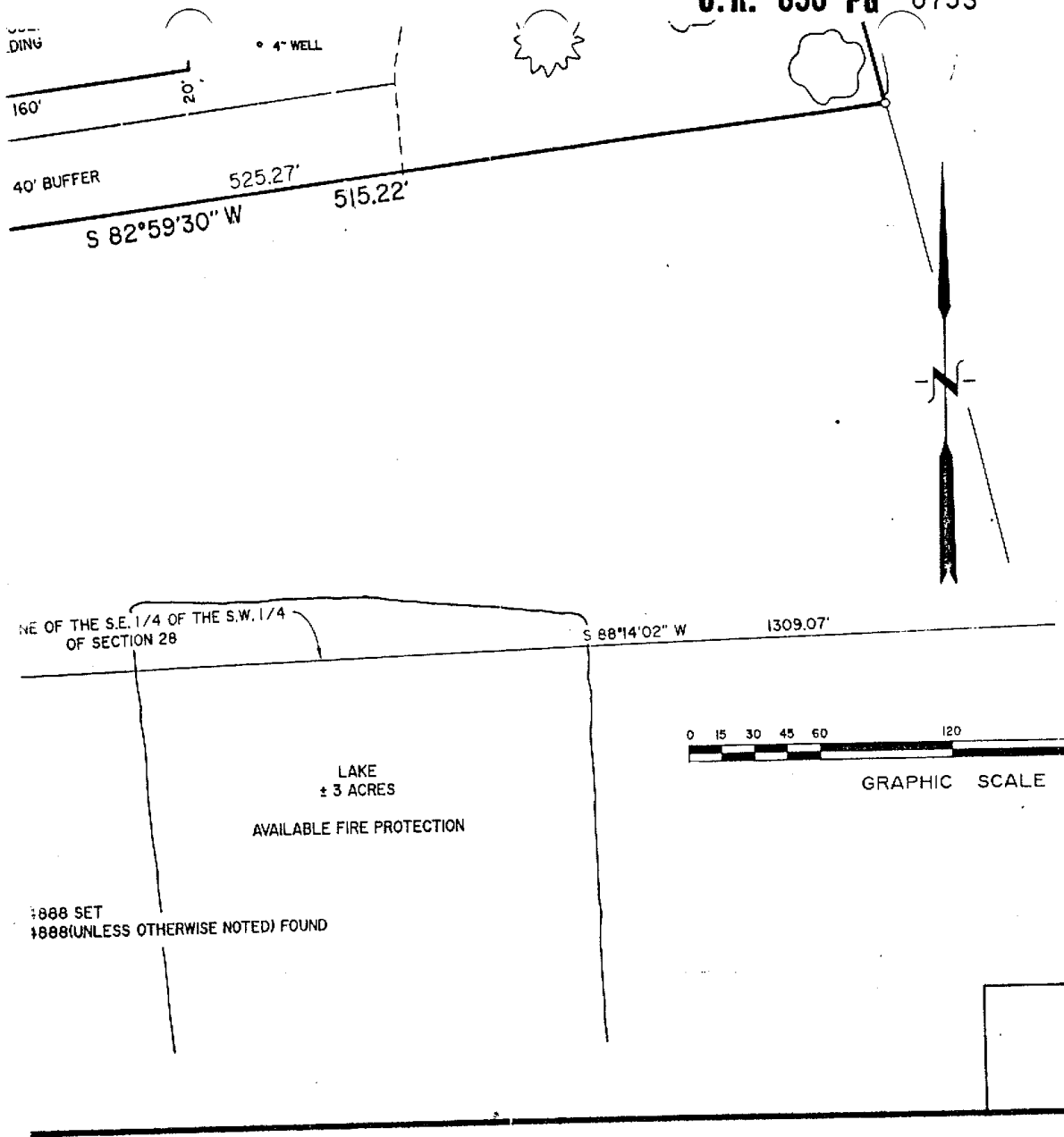


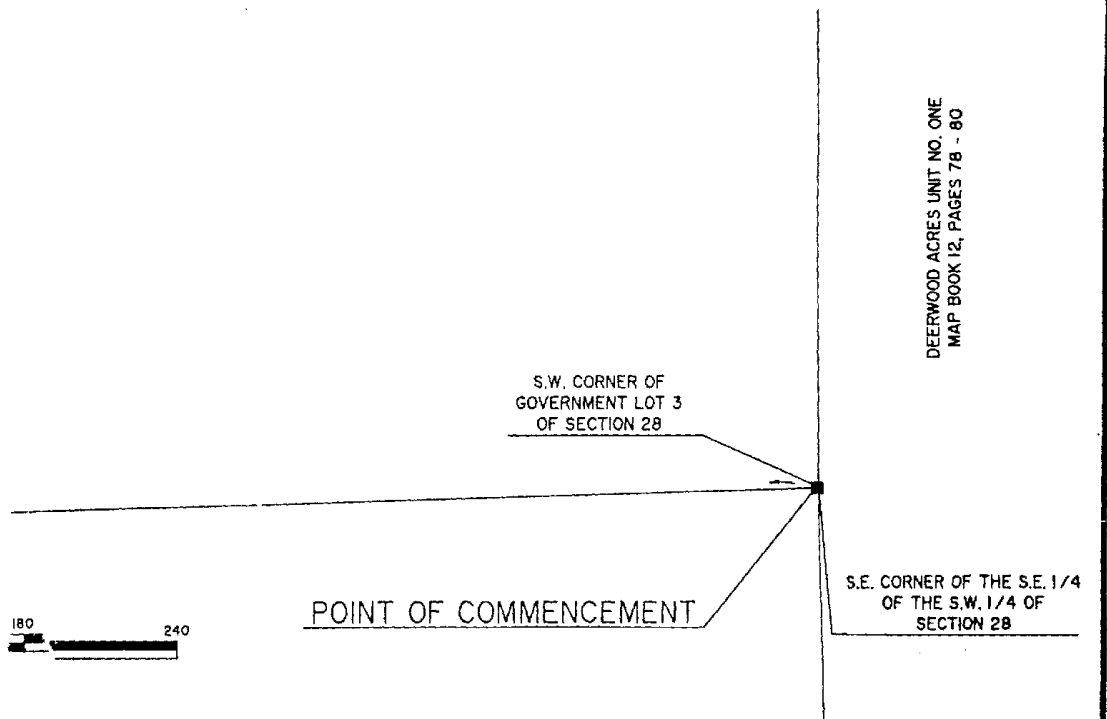
LANDS AS DESCRIBED IN
O.R.B. 820, PG. 1068



PLANNED
SPECIAL
DEVELOPMENT







ST. JOHNS SURVEY COMPANY
 3000 NO. PONCE DE LEON BOULEVARD
 SUITE 5
 ST. AUGUSTINE, FLORIDA 32084
 PHONE NO. (904) 829-2591

DATE:	REVISIONS	
SCALE: 1" = 60'	DATE:	DESCRIPTION
JOB NO: 192-004	12/14/89	REVISIONS
DWN.BY:		
CHK'D BY:		

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 _____

ANN JACKSON 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 PUBLIC HEARING

_____ in the matter of _____
RE: R-89-055 B S RANCH INC

_____ in the _____ Court,

was published in said newspaper in the issues of _____
FEBRUARY 12, 1990

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 Ann Jackson

this 12th day of FEBRUARY

A.D. 19()

[Signature]
(SEAL) _____ Notary Public
8/22/93

\$74.54

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 13 DAY OF MARCH 1990 AT 1:45 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 OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR TO CC-B WITH THE POSSIBILITY OF ADDING CONDITIONS, OR TO PSD, PLANNED SPECIAL DEVELOPMENT AS A MORE RESTRICTIVE ZONING.

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

SECTION 1. Pursuant to the application of B S Ranch, Inc. owners of the following described land, zoning classification of OR, Open Rural on the following described lands:

PARCEL "A"
(By Surveyor)

A parcel of land lying in the Southwest Quarter of Section 28, Township 7 South, Range 29 East, St. Johns County, Florida, described as follows:

Commence at the Southwest corner of Government Lot 3, of said Section 28, as shown on the plat of DEERWOOD ACRES, UNIT NO. ONE as recorded in Map Book 12, Pages 78 through 80 of the Public Records of St. Johns County, Florida, said point also being the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 28; thence South 89°14'02" West along the South line of said Southeast Quarter of the Southwest Quarter of Section 28 for a distance of 1309.07 feet to the Southwest corner of said Southeast Quarter of the Southwest Quarter of Section 28; thence North 01°27'37" West along the West line of said Southeast Quarter of the Southwest Quarter of Section 28 for a distance of 166.47 feet to the POINT-OF-BEGINNING of the herein described parcel; thence continue North 01°27'37" West along said West line of the Southeast Quarter of the Southwest Quarter of Section 28 for a distance of 437.65 feet to the South right-of-way line of County Road 214 (formerly State Road 214) as located by the State of Florida, State Road Department Right-of-Way Map, Section 787-230, Road 5-214; thence North 82°59'30" East along said South right-of-way line for a distance of 226.06 feet; thence South 01°27'37" East parallel with the said West line of the Southeast Quarter of the Southwest Quarter of Section 28 for a distance of 437.65 feet; thence South 82°59'30" West parallel with the said South right-of-way line of County Road 214 for a distance of 226.06 feet to the POINT-OF-BEGINNING. Contains 2.26 acres, more or less.

PARCEL "B"
(By Surveyor)

A parcel of land lying in the Southwest Quarter of Section 28, Township 7 South, Range 29 East, St. Johns County, Florida, described as follows:

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214) as located by the State of Florida, State Road Department Right-of-Way, Map, Section 787-250, Road S-214; thence North 82°59'30" East along said South right-of-way line for a distance of 426.09 feet to the West line of lands as described in Official Records Book 820, Page 1068 of the Public Records of St. Johns County, Florida; thence South 14°26'48" East along said West line for a distance of 639.30 feet; thence South 82°59'30" West parallel with said South right-of-way line of County Road 214 for a distance of 325.27 feet to the POINT-OF-BEGINNING. Containing 4.76 acres, more or less, is hereby changed to CG-8 with the possibility of added conditions, or as an alternative, PSD Planned Special Development in compliance with application filed in R-89-055.

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 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.

L367 Feb. 12, 1990