

Rec-1700
Sur-250
Un+Ret - BCC Secty
P. Degrande
Bill Co.

ORDINANCE NUMBER: 92-31

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR, OPEN RURAL and RS-2, SINGLE FAMILY RESIDENTIAL, TO RS-1, SINGLE FAMILY RESIDENTIAL, WITH CERTAIN CONDITIONS: REQUIRING RECORDATION: AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Susan B. Turner and Carol B. Simone, owners of land hereinafter described, filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on the 13th day of October, 1992 at 1:30 PM, on said application; and,

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, having fully considered after public hearing pursuant to legal notice duly published as required by law and the St. Johns County Zoning Code, and after the St. Johns County Planning and Zoning Agency found the request consistent with the development trends of the surrounding area, and with the density and intensity outlined within the goals, policies and objectives of the St. Johns County Comprehensive Plan, found, as to the requested rezoning classification of RS-1 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 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 RS-1 as hereinafter provided; and (e) such restrictions or limitation 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 Brookwood Properties, Inc., on behalf of the owners Susan B. Turner and Carol B. Simone, zoning classification of OR and RS-2 on the lands described on Exhibit A to R-92-008 is hereby

Recorded in Public Records St. Johns County, FL
Clerk# 95021988 O.R. 1120 PG 1078 03:27PM 07/26/95
Recording \$17.00 Surcharge \$2.50

changed to RS-1, Single family Residential: SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) No more than 21 lots.
- (2) Water and Sewer shall be provided to each lot; no septic tanks will be utilized.
- (3) A five foot non-access easement shall be included in the plat along State Road 13 to prohibit any access from the property to State Road 13 subject to Jacksonville Suburban Utilities right to access from State Road 13 to service public utilities, if needed.
- (4) A homeowners association will be formed to maintain roads, drainage, and common areas unless maintained by the county.
- (5) The minimum house size will be 2200 square feet.
- (6) There shall be a 30 ft. minimum vegetative buffer along State Road 13, which will include the non-access easement described in Condition 3, subject only to the placement of stormwater retention areas within this buffer if needed. A decorative fence may be installed within this 30 ft. buffer, if the applicant/owner desires,

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

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.

O.R. 1120 PG 1080

SECTION 3. This project shall comply with the standards, policies and requirements in effect at the time of final approval and permitting of this project for development, including any successor or new policies, financing mechanism, plans and ordinances adopted by St. Johns County after the date of approval of this ordinance, including, without limitation, any concurrency management programs adopted pursuant to Florida Statutes 163.3202 (2)(g), as amended and Objective J.01.05 of the St. Johns County Comprehensive Plan dated September 14, 1990, including any amendments or successor policies of land development regulations adopted to implement Florida Statutes 163.3202 (2) (g).

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(s) of the property owner(s) described in Section 1 hereof.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 13th day of October, 1992.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *Fred Brinkhoff*

its Chairman - Fred Brinkhoff

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Carl "Bud" Markel*

Clerk

EXHIBIT "A"
to R-92-008
Parcel 1

That certain tract or parcel of land being a part of the R. Pengree Grant, Section 42, Township 5 South, Range 27 East, St. Johns County, Florida being more particularly described as follows:

Commence at the Northwest corner of Tract "B", as shown on plat of Fruit Cove Woods, Plat Book 13, page 96, public records of St. Johns County, Florida, said point lying in the Easterly right-of-way line of State Road 13; run thence North 03° 49' 00" East along said Easterly right-of-way line of State Road 13, 760.76 feet to a point and a point of beginning thence run South 86° 11' 00" East, 350.00 feet to a point; thence run North 81° 20' 00" East, 200 feet to a point; thence run North 03° 49' 00" East, 849.67 feet more or less to a concrete monument lying on the Southerly right-of-way line of Cunningham Creek Estate Road, a 60 foot right-of-way; thence along the said right-of-way line South 81° 20' 00" West 193.29 feet to a point; thence continuing along said right-of-way North 86° 11' 00" West 356.55' to a point in the Easterly right-of-way line of State Road No. 13, a 100 foot right-of-way; thence South 03° 49' 00" West along said Easterly right-of-way line 865 feet more or less to the point of beginning.

Parcel 2

That certain tract or parcel of land being a part of the R. Pengree Grant, Section 42, Township 5 South, Range 27 East, St. Johns County, Florida being more particularly described as follows:

Commence at the Northwest corner of Tract "B", as shown on plat of Fruit Cove Woods, Plat Book 13, page 96, public records of St. Johns County, Florida, said point lying in the Easterly right-of-way line of State Road 13; run thence North 03° 49' 00" East along said Easterly right-of-way line of State Road 13, 760 feet to a point; thence run South 86° 11' 00" East, 350.00 feet to a point; thence run North 81° 20' 00" East, 200.00 feet to a point; thence run North 03° 49' 00" East to a concrete monument in the Northerly right-of-way line of Cunningham Creek Estate Road, a 60 foot right-of-way and the point of beginning; thence 900 feet more or less to the center line or thread of Cunningham Creek; run thence Westerly along the center line or thread of Cunningham Creek, 580 feet more or less to a point which bears North 03° 49' 00" East from the point of commencement; thence run thence South 03° 49' 00" West along the Easterly right-of-way line of State Road 13 a distance of 510 feet more or less to a point in the Northerly right-of-way line of Cunningham Creek Estate Road; thence South 86° 11' 00" East along said right-of-way line 350 feet to a point; thence continuing along said right of way line North 81° 20' 00" East 200 feet to a point of beginning.

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 _____

SHERRY L. RAUCH

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 HEARING

in the matter of _____

HEARING ON OCTOBER 13, 1992

in the _____ Court,

was published in said newspaper in the issues of _____

Sept. 2, 1992

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 _____

Zoe Ann Johns
Zoe Ann Johns

this 3rd day of September

A.D. 19 92

Zoe Ann Johns
(SEAL) 8/22/92 Notary Public

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 OCTOBER, 1992 AT 1:30 o'clock PM, 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/RS-2 TO RS-1 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 Brookwood Properties, Inc., on behalf of Carol B. Simone and Susan B. Turner owners of the following described land, zoning classification of OR/RS-2 on the following described lands:

EXHIBIT "A"
to R-92-008
Parcel 1

That certain tract or parcel of land being a part of the R. Pengree Grant, Section 42, Township 5 South, Range 27 East, St. Johns County, Florida being more particularly described as follows:

Commence at the Northwest corner of Tract "B", as shown on plat of Fruit Cove Woods, Plat Book 13, page 96, public records of St. Johns County, Florida, said point lying in the Easterly right-of-way line of State Road 13; run thence North 03° 49' 00" East along said Easterly right-of-way line of State Road

13, 760.76 feet to a point and a point of beginning thence run South 86° 11' 00" East, 350.00 feet to a point; thence run North 81° 20' 00" East, 200 feet to a point; thence run North 03° 49' 00" East, 849.67 feet more or less to a concrete monument lying on the Southerly right-of-way line of Cunningham Creek Estate Road, a 60 foot right-of-way; thence along the said right-of-way line South 81° 20' 00" West 193.29 feet to a point; thence continuing along said right-of-way North 86° 11' 00" West 356.55' to a point in the Easterly right-of-way line of State Road No. 13; a 100 foot right-of-way; thence South 03° 49' 00" West along said Easterly right-of-way line 865 feet more or less to the point of beginning.

Parcel 2
That certain tract or parcel of land being a part of the R. Pengree Grant, Section 42, Township 5 South, Range 27 East, St. Johns County, Florida being more particularly described as follows:

Commence at the Northwest corner of Tract "B", as shown on plat of Fruit Cove Woods, Plat Book 13, page 96, public records of St. Johns County, Florida, said point lying in the Easterly right-of-way line of State Road 13; run thence North 03° 49' 00" East along said Easterly right-of-way line of State Road 13, 760 feet to a point; thence run South 86° 11' 00" East, 350.00 feet to a point; thence run North 81° 20' 00" East, 200.00 feet to a point; thence run North 03° 49' 00" East to a concrete monument in the Northerly right-of-way line of Cunningham Creek Estate Road, a 60 foot right-of-way and the point of beginning; thence 900 feet more or less to the center line or thread of Cunningham Creek; run thence Westerly along the center line or thread of Cunningham Creek, 580 feet more or less to a point which bears North 00° East from the point of beginning.

mencement; thence run thence South 03° 49' 00" West along the Easterly right-of-way line of State Road 13 a distance of 510 feet more or less to a point in the Northerly right-of-way line of Cunningham Creek Estate Road; thence South 86° 11' 00" East along said right-of-way line 350 feet to a point; thence continuing along said right of way line North 81° 20' 00" East 200 feet to a point of beginning.

IS HEREBY CHANGED TO RS-1, 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
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.

Notice to all hearing impaired persons: Anyone planning to attend this meeting and needs the services of an interpreter, please contact David Halstead, ADA Coordinator at (904) 823-2505 at least 5 days prior to the date of this meeting.

L903 Sept. 2, 1992