

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING THE LANDS DESCRIBED IN THIS ORDINANCE FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED SPECIAL DEVELOPMENT (PSD).

The Board of County Commissioners heard, at a public hearing held in accordance with the procedures set forth in Section 11-10 of the St. Johns County Zoning Ordinance on November 10, 1992, an application for rezoning of the lands described on the attached Exhibit A from Open Rural (OR) to Planned Special Development (PSD). At the public hearing on November 10, 1992, the Board of County Commissioners denied the application for rezoning.

Subsequently, the applicant appealed by Petition for Writ of Certiorari to the Circuit Court, Seventh Judicial Circuit in and for St. Johns County under Case No. 92-2036-CA Division 56. The applicant's Petition was granted by Judgment on Application for Writ of Certiorari on March 4, 1993 (the "Judgment").

The Board of County Commissioners held a public hearing on April 13, 1993, to take action on the requested zoning as required by the Judgment.

The Board of County Commissioners has considered the report and recommendations prepared by the St. Johns County staff, the report and recommendations of the St. Johns County Planning & Zoning Agency and the documents, comments and other evidence on the record made before it and the determination made in the Judgment and the Board of County Commissioners makes the following findings of fact:

FINDINGS OF FACT

1. When developed in accordance with the conditions stipulated in the PSD application (as defined below) and imposed by this Ordinance, the proposed PSD:

a. Will not affect adversely the orderly development of St. Johns County as embodied in the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan 1990-2005.

b. Will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the natural environment or development of adjacent properties or the general neighborhood.

c. Will accomplish the objectives, standards and criteria set forth in Section 8A-4 of the St. Johns County Zoning Ordinance.

Arlet Young Carter
File Rec. 225⁰² +28.50

2. The need and justification for the proposed PSD and the consistency of the proposed PSD with the County's general planning program and the St. Johns County Comprehensive Plan 1990-2005 has been studied and considered.

3. The proposed PSD has been reviewed by the St. Johns County Concurrency Review Committee (the "CRC") in accordance with the procedures set forth in Section 7 of the Concurrency Management Ordinance of St. Johns County, Florida. The CRC confirmed the availability of adequate public facilities and services to support the proposed PSD; and issued a Certificate of Concurrency on September 9, 1992, which is valid for one year, unless extended pursuant to the County's Concurrency Management Ordinance.

4. The lands described on the attached Exhibit A are within the Urban Service Boundary and are within a Mixed Use Corridor as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan 1990-2005.

5. When developed in accordance with the conditions stipulated in the PSD Application and imposed by this Ordinance, the proposed PSD will be consistent with the development of property in the area and will be compatible with the desired future development of the area.

6. The conditions stipulated in the PSD Application and imposed by this Ordinance provide for strict regulation and maintenance of the project.

7. When developed in accordance with the conditions stipulated in the PSD Application and imposed by this Ordinance, the proposed PSD will not be detrimental to the health, safety and welfare of the citizens of St. Johns County.

8. The amount of traffic generated by the proposed PSD does not warrant addition of acceleration and deceleration lanes along Century Boulevard.

9. The proposed PSD furthers the goals and objectives of St. Johns County of providing adequate areas for low and moderate income households as set forth in the Housing Element of the St. Johns County Comprehensive Plan 1990-2005.

10. The proposed PSD is consistent with the Future Land Use Element of the St. Johns County Comprehensive Plan 1990-2005 in that the proposed density of development at approximately five units per acre is well within the allowable density of up to 13 units per acre within the Mixed Use Corridor designation on the Future Land Use Map. The Mixed Use Corridors are intended to provide for concentrated areas of commercial, office, manufacturing, high density residential, recreation and cultural

facilities. The location of the proposed PSD with its moderate density provides a good transitional density between the Mixed Use Corridor and the adjacent Density Zone C.

11. The proposed PSD is not in conflict with any of the elements of the St. Johns County Comprehensive Plan 1990-2005 and is consistent with the St. Johns County Comprehensive Plan 1990-2005 as a whole.

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

SECTION 1. That, as requested by William R. Gunby, Jr., in an application for rezoning from Open Rural (OR) to Planned Special Development (PSD) with supporting documents for zoning change dated August 10, 1992, as amended by the addendum to the application dated September 3, 1992 (the "PSD Application") the zoning classification of the lands described on the attached Exhibit A is hereby changed from Open Rural (OR) to Planned Special Development (PSD).

SECTION 2. That 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-PSD-92-014 and which are incorporated by reference into and made a part of this Ordinance. The development of the lands within this PSD shall also proceed in accordance with the provisions of this Ordinance. In the case of conflict between the PSD Application and the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

SECTION 3. That the Applicant's request for a waiver of the requirements in Ordinance 86-4 for acceleration and deceleration lanes along Century Boulevard is granted.

SECTION 4. That all easements required for drainage purposes shall be granted to the County at no cost, upon the County's request.

SECTION 5. That construction of the development shall commence within three years of approval of this Ordinance as stipulated within the PSD Application. If construction of the development is not commenced within three years of approval of this Ordinance, the zoning classification of the property described on the attached Exhibit A shall revert to Open Rural (OR).

SECTION 6. That all building code, zoning ordinance and other land use and development regulations of St. Johns County as may be amended from time to time (Land Development Regulations), shall be applicable to this development, except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved development plan or PSD

Ordinance. Modification to approved development plans by variance or special exception shall be prohibited. All such modifications shall follow the PSD amendment procedures provided for in the St. Johns County Zoning Ordinance.

Nothing in this section shall, however, be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in the Florida Statutes including Section 163.3167(8) of the Florida Statutes or that may be provided in any such future building code, zoning ordinance or other land use and development regulations unless the Board of County Commissioners demonstrates that compliance with the Land Development Regulations is essential to the public health, safety, or welfare; (b) supersede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board; or (c) constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance, other Land Development Regulations as applied to this development under the Florida or United States Constitutions.

SECTION 7. That the Zoning Official is authorized to issue zoning clearances allowed by the PSD zoning classification established by this Ordinance.

SECTION 8. That 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 of St. Johns County, Florida, that the same has been filed.

PASSED AND ADOPTED: April 13, 1993
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *Diana Balvage*
Chairman

ATTEST: CARL "BU" MARKEL, Clerk

BY: *Carl "Bud" Markel*
CLERK

EFFECTIVE DATE: April 23, 1993



EXHIBIT A
LEGAL DESCRIPTION

P. U. D. OFF. REC.
BOOK E PAGE 88

CERTAIN LANDS IN ST. JOHNS COUNTY, FLORIDA, FURTHER
DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 7
SOUTH, RANGE 29 EAST, THENCE PROCEED EASTERLY ALONG SAID
NORTH SECTION LINE OF SECTION 35, A DISTANCE OF 1200 FEET,
MORE OR LESS, TO THE NORTHEAST CORNER OF GOVERNMENT LOT 1;
THE POINT OF BEGINNING: THENCE PROCEED SOUTHERLY ALONG THE
WESTERLY BOUNDARY OF GOVERNMENT LOT 1, A DISTANCE OF 884
FEET, MORE OR LESS, TO THE INTERSECTION OF SAID WESTERLY
BOUNDARY LINE OF GOVERNMENT LOT 1 WITH THE NORTHERLY RIGHT-
OF-WAY LINE OF LIGHTSEY ROAD: THENCE PROCEED NORTH 76' 02'
02" EAST ALONG SAID RIGHT-OF-WAY LINE OF LIGHTSEY ROAD, A
DISTANCE OF 486 FEET, MORE OR LESS, TO THE INTERSECTION OF
SAID RIGHT-OF-WAY LINE OF LIGHTSEY ROAD WITH THE WESTERLY
RIGHT-OF-WAY LINE OF CENTURY BOULEVARD: THENCE PROCEED
NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CENTURY
BOULEVARD, NORTH 01' 50' 16" WEST, A DISTANCE OF 752 FEET,
MORE OR LESS, TO THE INTERSECTION OF SAID RIGHT-OF-WAY LINE
OF CENTURY BOULEVARD WITH THE NORTHERLY LINE OF SECTION 35:
THENCE PROCEED WEST ALONG SAID NORTHERLY SECTION LINE OF
SECTION 35, A DISTANCE OF 436 FEET, MORE OR LESS, TO THE
POINT OF BEGINNING.

SAID LANDS CONTAIN 8.6 ACRES, MORE OR LESS.

P. U. D., OFF. REC.
BOOK E PAGE 89

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 R. FREE _____ 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 _____
HEARING ON APRIL 13, 1993 _____
_____ in the _____ Court,
was published in said newspaper in the issues of _____
March 13, 1993 _____

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 Moss
this 16th day of March
A.D. 19 93

Zoe Ann Moss
Notary Public



COPY OF ADVERTISEMENT

NOTICE OF PUBLICATION
NOTICE IS HEREBY GIVEN
THAT THE BOARD OF COUNTY
COMMISSIONERS OF ST.
JOHNS COUNTY, FLORIDA,
AT ITS REGULAR MEETING
ON THE 13TH DAY OF APRIL,
1993, AT 3:00 P.M., IN THE
COUNTY AUDITORIUM,
COUNTY ADMINISTRATION
BUILDING, LEWIS SPEED-
WAY, COUNTY ROAD 16-A
AND U.S. #1 NORTH, ST. AU-
GUSTINE, FLORIDA, WILL
HOLD A PUBLIC HEARING TO
TAKE ACTION REQUIRED BY
ORDER OF THE CIRCUIT
COURT, SEVENTH JUDICIAL
CIRCUIT FOR ST. JOHNS
COUNTY, FLORIDA IN THE
MATTER OF WILLIAM R.
GUNBY, JR. VS. ST. JOHNS
COUNTY, FLORIDA, CASE NO.
92-2036-CA, DIVISION 56, TO
WIT, PASSAGE OF THE FOL-
LOWING ORDINANCE:

AN ORDINANCE OF THE
COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZON-
ING LANDS AS DESCRIBED
HEREINAFTER FROM THE
PRESENT ZONING CLASSIFI-
CATION OF OPEN RURAL TO
PLANNED SPECIAL DEVELOP-
MENT IN ACCORDANCE
WITH APPLICATION AND
SUPPORTING DOCUMENTS
UNDER FILE NO. RPSD-92-014
(HUGUENOT HARBOR) AND
IN ACCORDANCE WITH THE
CIRCUIT COURT ORDER EN-
TERED IN GUNBY V. ST.
JOHNS COUNTY, FLORIDA,
CASE NO. 92-2036-CA, DIVI-
SION 56, SEVENTH JUDICIAL
CIRCUIT FOR ST. JOHNS
COUNTY, FLORIDA; MAKING
FINDINGS OF FACT, WAIV-
ING CERTAIN REQUIRE-
MENTS OF ORDINANCE NO.
86-4; REQUIRING ZONING
CLASSIFICATION TO REVERT
TO OPEN RURAL IF CON-
STRUCTION IS NOT COM-
MENCED WITHIN THREE
YEARS; REQUIRING COM-
PLIANCE WITH ALL APPLI-
CABLE ST. JOHNS COUNTY
LAND DEVELOPMENT REGU-
LATIONS; AUTHORIZING THE
ISSUANCE OF ZONING
CLEARANCES; AND PROVID-
ING AN EFFECTIVE DATE.
THE PROPERTY PRO-
POSED TO BE REZONED IS
LEGALLY DESCRIBED AS
FOLLOWS:

EXHIBIT A
LEGAL DESCRIPTION
CERTAIN LANDS IN ST.
JOHNS COUNTY, FLORIDA,
FURTHER DESCRIBED AS
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BEGIN AT THE NORTH-
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SAID LAND CONTAIN 8.6 ACRES, MORE OR LESS.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting 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 service of an interpreter, please contact David Holstead, ADA Coordinator at (904) 823-2505 at least 5 days prior to day of this meeting.
L069 March 13, 1993