

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT TO OPEN RURAL WITH CONDITIONS AND AN EXCEPTION FOR A BORROW PIT.

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

SECTION 1. That as requested by Catherine C. Sellers in her application with supporting documents for zoning change, dated February 19, 1993. the zoning classification of the lands described on the attached "Exhibit A" is hereby changed from Planned Special Development to Open Rural with an exception for a borrow pit subject to the Special Provisions as contained within this Ordinance.

SECTION 2. That development of the lands as described on the attached "Exhibit A" shall proceed in accordance with the application for zoning change and supporting documents which are a part of zoning file number R-93-035 and which are incorporated by reference into and made a part of this Ordinance. The "Site Development Plan" contained within the supporting documents of the application for zoning change is understood to be general in nature and may be changed to include items permissible within the zoning district of Open Rural excepting the prohibited uses and structures contained within the Special 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. Special Provision.

The following permitted principal uses and structures as defined by Section 5-11-2 of the St. Johns County Zoning Ordinance as amended shall be prohibited:

b., c., d., f., g., h., and j.

SECTION 4. Special Provision.

The following permissible uses by exception as defined by Section 5-11-4 of the St. Johns County Zoning Ordinance as amended shall be prohibited:

c., d., e., f., g., h., i., l., m., n., p., q. and r.

SECTION 5. Special Provision.

The borrow pit shall have side slopes of 4:1 on all sides and the top of bank of shall be a minimum of fifteen (15) feet from all property lines, except in any area where the borrow pit is directly connected to an offsite borrow pit.

SECTION 6. Special Provision.

A six (6) foot high fence shall be erected behind a fifteen (15) foot buffer area facing Holmes Boulevard, behind a fifteen (15) foot buffer along the North property line of the property and along the South property line. The length of the fence shall be the entire frontage facing Holmes Boulevard and a minimum of fifty (50) feet on the North and South property lines.

SECTION 7. Special Provision.

The borrow pit activities are limited to ten (10) months from the effective date of this Ordinance.

SECTION 8. Special Provision.

No Federal or State jurisdictional lands are to be dredged or filled as a result of the borrow pit activities.

SECTION 9. Special Provision.

No construction or clearing debris are to be placed within the borrow pit during or after the borrow pit activities.

SECTION 10. That the need and justification for approval of the rezoning to Open Rural with Conditions and an Exception for a Borrow Pit has been considered in accordance with Section 11-10-4 of the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan, whereby:

(a) The rezoning is consistent with the mixed use development of the property in the area and is compatible with the desired future development of the area, and;

(b) The proposed intensity of development is consistent with the uses allowable by the Mixed Use Corridor Designation within the Comprehensive Plan, in that the project proposes a mixed use of residential with an exception for a borrow pit, and;

(c) At the public hearing of March 18, 1993 the St. Johns County Planning and Zoning Agency recommended approval by unanimous vote.

SECTION 11. All building code, zoning ordinances and other land use and development regulations of St. Johns County as may be amended from time to time 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 this Ordinance.

SECTION 12. This development shall comply with the standards, policies and requirements in effect at the time of final approval and permitting, including any successor or new policies, financing mechanism, plans and ordinances adopted by St. Johns County after the date of this zoning ordinance approval, 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 13. The Zoning Official is authorized to issue zoning clearances allowed by zoning classification as rezoned hereby.

SECTION 14. The Ordinance shall take effect immediately upon receipt of official acknowledgement of the Department 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: May 11, 1993

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

ATTEST: CARL "BUD" MARKEL  
CLERK OF THE CIRCUIT COURT

BY: *Lynia Balducci*  
CHAIRMAN

BY: \_\_\_\_\_  
(SEAL)

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Wayne Carter*  
Deputy Clerk

(Seal)

Effective Date: May 20, 1993

Ordinance Book 12 Page 352

EXHIBIT "A"

A parcel of land lying in Lot 10, F.N. Holmes Subdivision as recorded in Map Book 2, page 36 of the public records of St. Johns County, Florida, being more particularly described as follows:

Begin at the northeast corner of said Lot 10, run thence South 18 degrees 57 minutes 5 seconds East along the westerly right of way line of Holmes Boulevard (right of way varies) a distance of 549.00 feet; thence South 68 degrees 54 minutes 18 seconds West a distance of 1550.00 feet; thence North 18 degrees 57 minutes 45 seconds West a distance of 551.93 feet to the north line of Lot 10; thence North 69 degrees 00 minutes 49 seconds East along said north line of Lot 10 a distance of 1550.00 feet to the point of beginning. Subject to a common driveway for the remainder of the northerly 549.00 feet of Lot 10.

**COPY OF ADVERTISEMENT**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 27 DAY OF APRIL 1993 AT 3:00 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 PSD TO OR.

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

SECTION 1. Pursuant to the application of David Bruner for Catherine Sellers owners of the following described land, zoning classification of PSD on the following described lands:

A parcel of land lying in Lot 10, F.N. Holmes Subdivision as recorded in Map Book 2, page 36 of the public records of St. Johns County, Florida, being more particularly described as follows:

Begin at the northeast corner of said Lot 10, run thence South 18 degrees 57 minutes 5 seconds East along the Westerly right of way line of Holmes Boulevard (right of way varies) a distance of 549.00 feet; thence South 68 degrees 54 minutes 18 seconds West a distance of 1550.00 feet; thence North 18 degrees 57 minutes 45 seconds

West a distance of 551.93 feet to the north line of Lot 10; thence North 49 degrees 00 minutes 49 seconds East along said north line of Lot 10, a distance of 1550.00 feet to the point of beginning, subject to a common driveway for the remainder of the northerly 549.00 feet of Lot 10.

IS HEREBY CHANGED TO: OR, Open Rural.

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.

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

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 Holstead, ADA Coordinator at (904) 873-2505 at least 5 days prior to date of this meeting.

L159 March 27, 1993

**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 REGULAR MEETING

in the matter of \_\_\_\_\_

MEETING ON APRIL 27, 1993

in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of \_\_\_\_\_

March 27, 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.

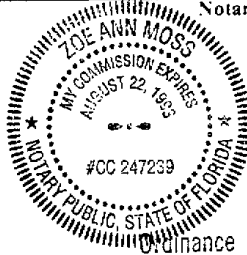
*Sherry R. Free*

Sworn to and subscribed before me Zoe Ann Moss

this 29th day of March

A.D. 19 93

*Zoe Ann Moss*  
Notary Public



Filed to:  
May 11, 1993 @ 4:00 pm

Ordinance Book 12 Page 354

# The St. Augustine Record

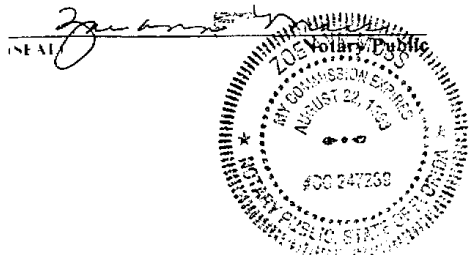
PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

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 INTENT TO CONSIDER ENACTMENT  
\_\_\_\_\_ in the matter of \_\_\_\_\_  
MEETING ON MAY 11, 1993  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
May 3, 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 Sherry R. Free  
Zoe Ann Moss  
this 5th day of May  
A. D. 19 93



## COPY OF ADVERTISEMENT

NOTICE OF INTENT  
TO CONSIDER ENACTMENT  
OF ORDINANCE  
NOTICE IS HEREBY GIVEN  
that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, May 11, 1993 at 6:00 p.m. in the County Auditorium, at the County Administration Building, 4620 Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida, will hold a public hearing to consider the passage of the following ordinance, per the request of Catherine Sellers, that was tabled on April 27, 1993:

ORDINANCE NUMBER 93-  
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT TO OPEN RURAL WITH CONDITIONS AND AN EXCEPTION FOR A BORROW PIT.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she 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 the hearing who needs the services of an interpreter, please contact David Holstead, ADA Coordinator, at (904) 823-2509 at least 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL,  
ITS CLERK

By Irma Pacelli,  
Deputy Clerk  
L383 May 3, 1993