

ORDINANCE NUMBER: 94-14



AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RS-3 TO CHT WITH CONDITIONS, REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CHRIS CANTABENE and SALVATORE LAZZARA, 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 6th day of January at 1:30 p.m. on said application, and,

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, upon consideration of the application, R-93-024, supporting documents, statements from the applicant, and comments from staff at the public hearing and, correspondence from neighboring landowners, finds as follows:

- a. R-93-024 has been fully considered after public hearing pursuant to legal notice duly published as required by law and the St. Johns County Zoning Ordinance;
- b. The proposed rezoning from RS-3 to CHT with conditions does not adversely affect the orderly development of St. Johns County as embodied in the Zoning Ordinance and the Comprehensive Plan;
- c. The proposed CHT with conditions zoning classification will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the natural environment, development of adjacent properties, or general neighborhood;
- d. The proposed CHT with conditions, classification will accomplish the objectives, standards and criteria of the Zoning Ordinance;
- e. The rezoning is consistent with the development of property in the area and is compatible with the desired future development of the area;

Recorded in Public Records St. Johns County, FL
Clark # 94016836 O.R. 1053 PG 819 12:03PM 05-12-94
Recording 21.00 Surcharge 3.00

Det - y. Carter
Rec - 2100
Sur - 300
Bill Co.

f. On January 6, 1994, the St. Johns County Planning and Zoning Agency held a public hearing on this matter, and has recommended approval as reflected in its report and recommendation dated January 14, 1994. The findings within the report and recommendation are hereby adopted herein.

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

SECTION 1. Pursuant to the application for rezoning filed herein, the zoning classification of RS-3, on the lands described as follows:

North 25' of Lot 5, Block 12 North Beach Subdivision as recorded in Map Book 3, Page 28, public records of St. Johns County, Florida, lying West of the West right-of-way line of State Road No. A1A, said right of way being 66 feet in width and lying 33 feet on each side of the centerline of said road.

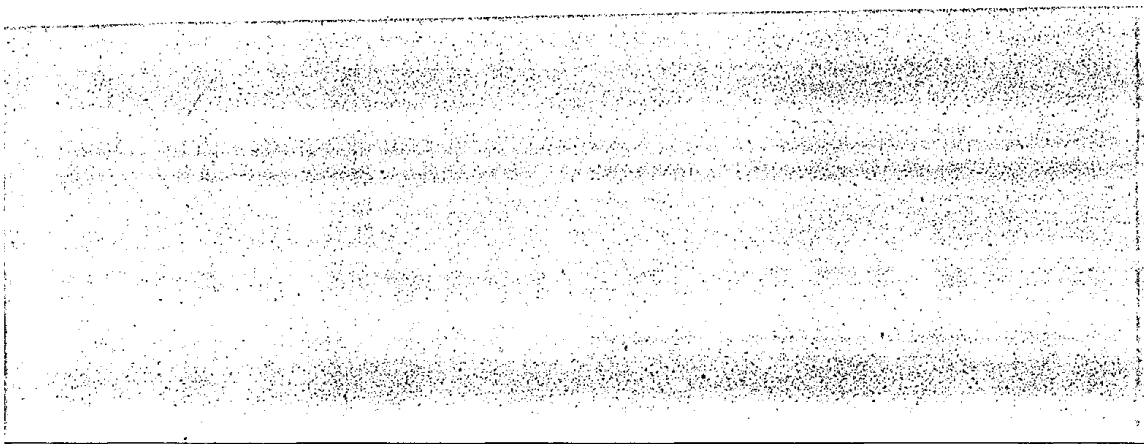
IS HEREBY CHANGED TO CHT, WITH THE FOLLOWING CONDITION:

1. The property may only be used for the placement of a sign as described below and no other commercial activity may occur on the site.

2. A sign as generally illustrated on Exhibit A shall be placed in the same location as the existing sign approved by Ordinance #86-85.

3. The sign shall not exceed 14 feet in height nor contain a double faced advertising display area greater than 60 square feet per face. It may be lighted only during business hours by constant white lights.

4. The sign may only advertise the name of the restaurant, hours of operation, directions to the restaurant, and additional information pertaining to the restaurant.



5. The property shall revert to RS-3 zoning if the property, currently known as "Cap's Seafood", is not used for restaurant purposes for more than forty-five (45) continuous days and upon notice to the County of such lapse in use which is made within one (1) year of said lapse in use. A change in the name or ownership of the restaurant shall not cause the property to revert to RS-3.

6. The sign shall be maintained and may be replaced in compliance with the above conditions.

7. The interior portion of the Sign shall not exceed 8' wide x 14' high, excluding the outer part and to light fixture, and a clear path for visibility shall be maintained at the corner of A1A and Third Street.

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 stated above.

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 or ordinances adopted by St. Johns County after the date of approval of this ordinance, including, without limitations, any concurrency management programs adopted pursuant to Florida Statute 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 or land development regulations adopted to implement Florida Statutes 163.3202 (2) (g).

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

SECTION 5. The 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 name of the property owner listed in Section I hereof.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 12 DAY OF April, 1994.

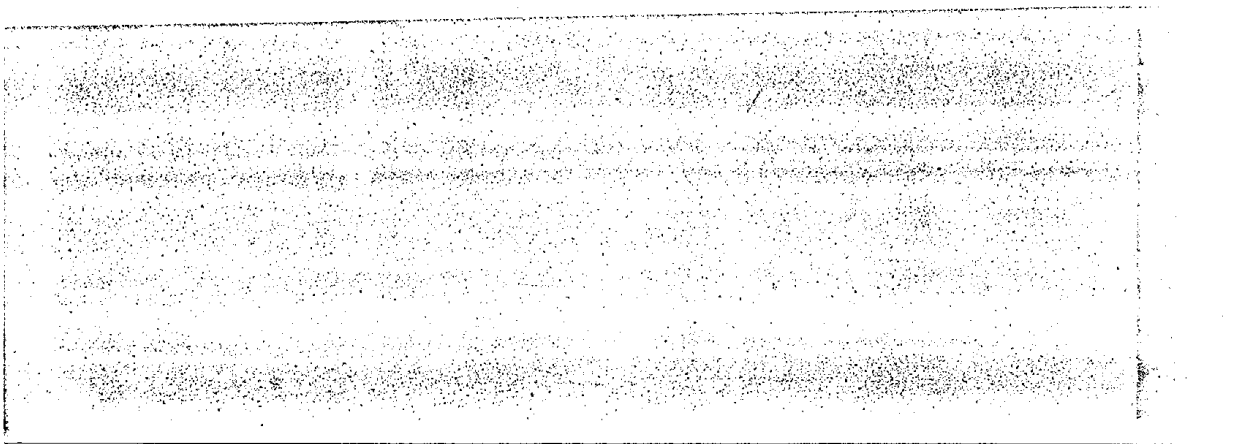
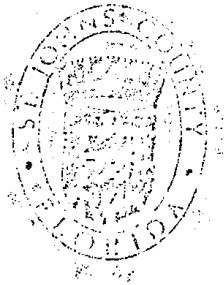
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Allan Roberts Its Chairman

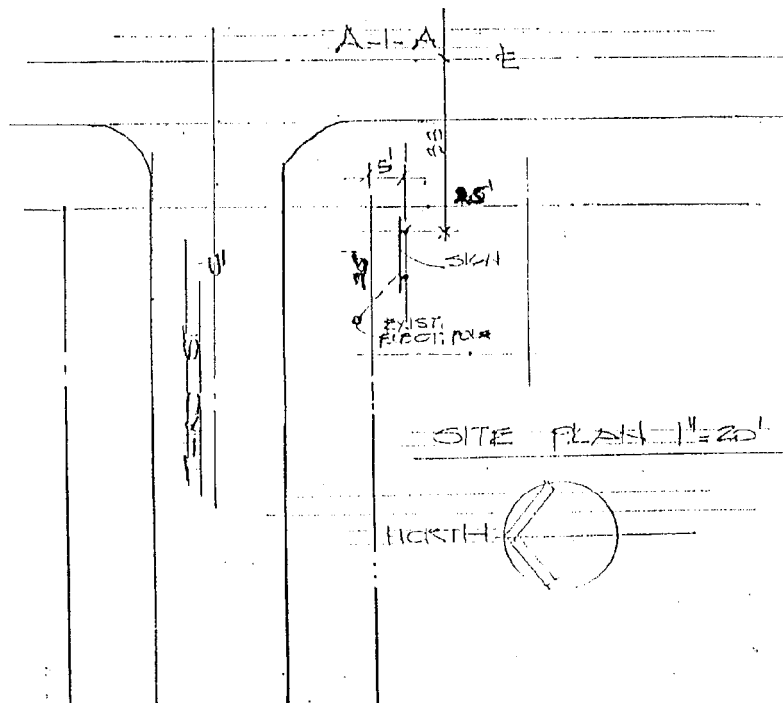
ATTEST: CARL "BUD" MARKEL, CLERK

BY: Wynne Carter
Deputy Clerk

EFFECTIVE DATE OF ORDINANCE: April 25, 1994



D. R. 1053 PG 0823



Raul Chaumont
Architect

Architecture, Planning, Development Consultant
1127 Atlantic Boulevard suite 115
Jacksonville, Florida 32207

OFF-SITE SIGN
CAP'S RESTAURANT
ST. JOHNS COUNTY, FL.

The St. Augustine Record

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

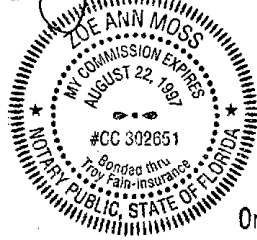
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

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 MEETING _____
_____ in the matter of _____
MEETING ON APRIL 12, 1994 _____
_____ in the _____ Court,
was published in said newspaper in the issues of _____
March 12, 1994 _____

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 Coun-
ty, 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 14th day of March
A.D. 19 94

Zoe Ann Moss
Notary Public



Ordinance Book 13 Page 357

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 12th DAY OF APRIL 1994 AT 1:30 P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY, COUNTY ROAD 14-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 RESIDENTIAL ZONING CLASSIFICATION OF RS-3 TO THE POSSIBILITY OF ADDED CONDITIONS.

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

SECTION 1. Pursuant to the application of Chris. Conabene and Salvatore Lazzara owners of the following described land, zoning classification of RS-3, single family on the following described lands:

North 25 feet of Lot 5, Block 12, North Beach Subdivision as recorded in Map Book 3, page 28, public records of St. Johns County, Florida, lying West of the West right-of-way line of State Road No. A1A, said right-of-way being 66 feet in width and lying 23 feet on each side of the centerline of said road is hereby changed to CHT, Commercial Highway Tourist 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, if said 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 the 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.

1994 March 12, 1994