

Rec-1700
Surf-250
Bill Co-

(2)

ORDINANCE NUMBER: 95-57
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 TO CI, COMMERCIAL INTENSIVE
WITH CONDITIONS, REQUIRING RECORDATION;
PROVIDING FINDINGS OF FACT;
PROVIDING A SAVINGS CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.

Recorded in Public Records St. Johns County, FL
Clerk# 95034491 O.R. 1138 PG 1069 02:33PM 11/08/95
Recording \$17.00 Surcharge \$2.50

WHEREAS, Charles Chapman, owner of land hereinafter described filed application for change, dated May 22, 1995, of zoning hereinafter described, and after required notice was published, a public hearing was held on the 6th day of July, 1995 at 1:30 pm on said application;

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

SECTION 1. Upon consideration of the application R-95-021 and supporting documents, statements from the applicant, and comments from staff at the public hearing, finds as follows:

- a. R-95-021 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 OR to CI 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 CI with conditions 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 the general neighborhood;
- d. The proposed CI 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;
- f. The proposed intensity of development is consistent with the uses allowable by the Comprehensive Plan with regard to development within the Comprehensive Plan designation Mixed Uses Area, and
- g. On July 6, 1995, the St. Johns County Planning and Zoning Agency held a public hearing on the matter, and recommended approval by unanimous vote as reflected

In & Ret:
J. Lewis,
Min. & Rec.

in its report and recommendation date July 11, 1995 The findings within the report and recommendation are hereby adopted herein

SECTION 2 Pursuant to the application of Charles Chapman, zoning classification of OR, Open Rural, on the lands described as follows:

Part of the Pablo Sabate Grant Section 50, Township 6 South, Range 29 East described as follows Commencing at the intersection of the North line of Section 51, Township 6 South, Range 29 East and the easterly right of way line of Old State Road No 5, thence run North 38 degrees 04 minutes 47 seconds West along said right of way line of State Road No 5 a distance of 1573.3 feet to a point which bears south 51 degrees 55 minutes 13 seconds West of and 50 feet distant from the Easterly right of way line of U S Highway No 1 as now established, run thence North 51 degrees 55 minutes 13 sections East 50 feet to a point on the Easterly right of way line of said U S Highway No 1 a distance of 185 feet thence North 51 degrees 55 minutes 13 seconds East a distance of 180 feet to the point of beginning, thence North 38 degrees 04 minutes 47 seconds West a distance of 86.86 feet to a point, thence North 51 degrees 55 minutes 13 seconds East a distance of 120 feet to a point, thence South 38 degrees 04 minutes 47 seconds East a distance of 86.86 feet to a point, thence South 51 degrees 55 minutes 13 seconds West a distance of 120 feet to the point of beginning Being a part of the land described in Official Records Book 31, page 99 of the public records of St. Johns County, Fla

IS HEREBY CHANGED TO CI, COMMERCIAL INTENSIVE, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 The permitted uses of the property shall be limited to automobile repair and service garage, motor vehicle body shop, rental of automobile vehicles, trailers and trucks, and auto laundry.
2. Those uses permitted by Exception shall be only those which are approved in accordance with Section 5-9-3 (as may be amended time to time) of the Zoning Code, requiring approval by the Planning and Zoning Agency (or the Board of County Commissioners if applicable).

SECTION 3 a) Except to the extent that they conflict with specific provisions of the approved Ordinance, all building code, zoning ordinance and other land use and development regulations of St. Johns County, including, without limitation, any Concurrence Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development.

b) Unless the Board of County Commissioners demonstrate that compliance with the land development regulations is essential to the public health, safety, or welfare, nothing in this section shall be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida Law or that

may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any Concurrency certificate or Concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance.

Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance, or other land development regulations as applied to this development under the Florida or United States Constitutions.

SECTION 4. This grant of rezoning is subject to the following condition subsequent and possible modification:

In the event a request for relief under the Bert J. Harris, Jr., Private Property Protection Act (Florida 1995) is timely filed against St. Johns County based in whole or in part on the County's enactment of this Ordinance and such request for relief ultimately proceeds to or results in a final (all available appeals having been taken or waived) court order, opinion or judgement that adversely affects the County or that modifies this Ordinance, this Ordinance may be further modified by the St. Johns County Board of County Commissioners to the minimum extent necessary to alleviate or remedy the inordinate burden to the real property that the final judgement, order or opinion determines was created by this Ordinance. Such modifications if made, shall comply with or mirror the court order, opinion or judgement to the extent such modifications are set out, described, or implied in or by such court order, opinion or judgement. The (Owner/applicant's) waiver of all claims of the (owner/applicant's) waiver of all claims of the (owner/applicant) against St. Johns County that may be based in whole or in part on such modifications. However, the foregoing provisions of this section shall be null and void if the Florida Attorney General responds to the St. Johns County Board of County Commissioners Attorney General's Opinion request authorized October 10, 1995, and opines in substance that the Bert J. Harris, Jr., Private Property Rights Protection Act (1995) solely provides for a cause of action for owners of property or property owners who are the specifically named subject or object of government action upon which the particular Bert J. Harris, Jr., Private Property Rights Protection claim is based. If the Florida Attorney General does not respond or does not opine as so stated, this Section shall remain in full force and effect until otherwise amended by the St. Johns County Board of County Commissioners or by judicial determination.

SECTION 5. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in zoning district where in said lands are located, except as stated herein.

SECTION 6. 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 7. 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 name of the property owner listed in Section 1 hereof.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 24th DAY OF October, 1995.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA:

O.R. 1138 PG 1072

BY: Barbara Ward
ITS CHAIR

ATTEST: CARL "BUD" MARKEL, CLERK

By: Roaming Lewis
Deputy Clerk

EFFECTIVE DATE. November 6, 1995

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 _____

Julia Meeks 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 Oct. 24, 1995 1:30 pm

in the _____ Court, was published in said newspaper in the

issues of Sept. 19, 1995

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 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 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 this 19th day of Sept., 1995,

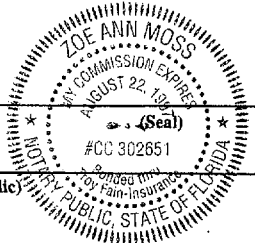
by Julia Meeks who is personally

known to me or who has produced personally known as

identification.

Zoe Ann Moss
(Signature of Notary Public)

Zoe Ann Moss
(Print, Type or Stamp Commissioned Name of 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 24th DAY OF OCTOBER, 1995 AT 1:30 O'CLOCK PM, IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 164) 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-TO-CI 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 Charles Chapman owners of the following described land, zoning classification of OR-Open Rural on the following described lands:

Part of the Pablo Sabate Grant, Section 50, township 6 south, range 29 east, described as follows: Commencing at the intersection of the North line of section 51, township 6 south, range 29 east and the easterly right of way line of Old State Road No. 5, thence run North 38 degrees 04 minutes 47 seconds West along said right of way line of State road No. 5 a distance of 1573.3 feet to a point which bears south 51 degrees 55 minutes 13 seconds West of and 50 feet distant from the Easterly right of way line of U.S. Highway No. 1 as now established, run thence North 51 degrees 55 minutes 13 seconds East 50 feet to a point on the Easterly right of way line of said U.S. Highway No. 1, thence run North 38 degrees 04 minutes 47 seconds West along the Easterly right of way line of U.S. Highway No. 1 a distance of 185 feet, thence North 51 degrees 55 minutes 13 seconds East a distance of 180 feet to the point of beginning, thence North 38 degrees 04 minutes 47 seconds West a distance of 86.86 feet to a point, thence North 51 degrees 55 minutes 13 seconds East a distance of 120 feet to the point of beginning. Being a part of the land described in Official Records Book 31, page 99 of the public records of St. Johns County, Florida.

It is hereby changed to CI-Commercial, Intensive 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.

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: 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 notice 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 a sign interpreter, please contact David Hatstead, ADA Coordinator at (904) 823-2305 at least 5 days prior to the date of this meeting.

257 Sept. 19, 1995