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ORDINANCE NUMBER : 96-28
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF
FLORIDA, REZONING LANDS AS DESCRIBED
HEREINAFTER FROM ZONING CLASSIFICATION OF
OR, OPEN RURAL, TO IW, INDUSTRIAL
WAREHOUSING; PROVIDING FOR CONDITIONS;
PROVIDING A SAVINGS CLAUSE; MAKING
FINDINGS OF FACT; REQUIRING RECORDATION
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wayne and Debra Ellison, on behalf of Leo J. Engel and Gilbert Mercure, the record title owners of land described herein, filed an application for change dated March 4, 1996 for zoning hereinafter described, and after required notice was published a public hearing was held on the 14th day of May, 19 96 at 1:30 o'clock 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-96-007, supporting documents, statements from the applicant, correspondence received by the Planning Department, recommendation of the Planning and Zoning Agency, and statements from the staff and applicant at the public hearing, finds as follows:

1. That the need and justification for approval of the rezoning to IW, with conditions 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 it is found that:
 - a. The rezoning is consistent with the development of the properties 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 Comprehensive Plan Mixed Use Corridor designation, in that the project proposes a development warehouse and commercial, which is consistent with the Mixed Use Corridor designation of the future land use map of the St. Johns County Comprehensive Plan..
 - c. At the public hearing of April 4, 1996 the St. Johns County Planning and Zoning Agency recommended approval by unanimous vote.

SECTION 2. Pursuant to the application of Wayne and Debra Ellison as authorized by the record title owner(s), Leo J. Engel and Gilbert Mercure of the subject land, the zoning classification of OR, Open Rural, on the following described land:

Recorded in Public Records St. Johns County, FL
Clerk# 96020539 O.R. 1177 PG 838 03:05PM 06/11/96
Recording \$17.00 Surcharge \$2.50

Ordinance Book 17 Page 554
*See let - BCC Secty
Rec-17000. Pacetti
Sur-200 Bill Co -*

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Part of the Pablo Sabate Grant, Section 50, Township 6 South, Range 29 East, St. Johns County, Florida, more particularly described as follows:

Commence at the intersection of the northwesterly line of Stokes Landing Road and the northeasterly line of U.S. Highway No. 1, thence North 37 degrees 00 minutes West, 1405.04 feet along the northeasterly line of said U.S. Highway No. 1 to the point of beginning; thence continue North 37 degrees 00 minutes West 381.96 feet along the northeasterly line of said U.S. Highway No. 1; thence 53 degrees 00 minutes East, 571.00 feet; thence South 36 degrees 59 minutes 43 seconds East 381.96 feet; thence South 53 Degrees 00 minutes West, 571.00 feet to the point of beginning.

is hereby changed to IW, Industrial Warehousing, subject to the following conditions:

1. SITE PLAN REVIEW

- a. Connection to central water and sewer is required, when it is available within 1/4 mile of the subject property .
- b. Site plan approval shall be based upon compliance with all conditions herein as well as all other applicable zoning and land development regulations and standards in effect at the time of site plan submission which includes lighting and the size, height and location of all signage.
- c. A 25 ft. natural or landscaped growth buffer will be left along the rear (east) and front (U.S. #1 side) of the property. A 10 ft. set back on the south and north side shall be included for building purposes.
- d. When construction occurs within 100 ft. of the rear side a 6 ft. visual (opaque) barrier fence will be construction along said rear (east) property lines.

2. PERMITTED USES

- a. Eliminate from the permitted uses, paragraphs d, f, k, and n. of section 5-10-1 of the St. Johns County Zoning Code.
- b. Maximum height of any building or structure shall not exceed 35 feet.

3. USES BY EXCEPTION

- a. All uses permitted by Exception when approved in conformance with Section 11-9 of the Zoning Code excluding the following: Junk yards or automobile wrecking yards and storage of heavy land clearing equipment for sales or repairs.

4. WASTE DISPOSAL

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- a. All trash and solid waste shall be removed on a timely basis and properly disposed of off site.
- b. Solid waste pickup containers shall be placed on easily accessible concrete pads and be properly screened from public view.

5. ACCESS AND EGRESS

- a. Access to the site will be limited to one access/egress point to U.S. #1 located and improved to DOT, Department of Transportation, requirements and standards with accel/decell lanes as required to be supplied by the applicant, at his own expense.

6. INDUSTRIAL NOISE

- a. No industrial activity, such as would constitute a nuisance either of sound or odor that would impede the quiet use and enjoyment of the proposed homeowner's property to the east, shall be allowed on the parcel within approved site plan area after 6:00pm. In addition, all development and uses shall comply with all applicable governmental laws and/or regulations pertaining to noise or odor that currently exists or are hereafter enacted.

7. DEVELOPMENT SIZE

- a. The total square footage of buildings under roof shall not exceed 100,000 square feet.

SECTION 3. Nothing herein contained shall be deemed to impose conditions, limitation or requirements not applicable to all other land in the zoning district wherein said lands are located, except as stated herein.

SECTION 4. All building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development. Unless the Board of County Commissioners demonstrates 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 Constitution.

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SECTION 5. This Ordinance shall take effect upon receipt by Secretary of State.

SECTION 6. 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 property owner listed in Section 1 hereof.

SECTION 7. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed in the office of Planning, by the Planning Director or his designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 14th DAY OF May 1996.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Ronald Jordan
Its Chair, Donald Jordan

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Patricia DeGrande
Deputy Clerk



Effective Date May 22, 1996

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.
96 JUN 10 PM 2:50
Carl "Bud" Markel
CLERK OF CIRCUIT COURT

Ord. 96-28

COPY OF ADVERTISEMENT

The St. Augustine Record

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

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

APR 13 1996

Before the undersigned authority personally appeared Barbara Dresslar ST. JOHNS COUNTY who on oath says that she is a FLORIDA

Credit Manager 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 Proposed Rezoning

in the matter of Leo J. Engel & Gilbert Mercure

in the Court, was published in said newspaper in the issues of April 17, 1996

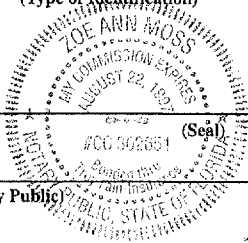
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 17th day of April, 19 96, by Barbara Dresslar 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)



NOTICE OF PROPOSED REZONING
Notice is hereby given that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on the 14th day of May, 1996, at 1:30 p.m., in the County Auditorium, County Administration Building, Lewis Speedway (County Road 13-A) and US1 North, St. Augustine, Florida, will consider passage of the following Ordinance:

An Ordinance of the County of St. Johns State of Florida, Rezoning Lands as described hereinafter the present zoning classification of OR, Open Rural, to IW, Industrial Warehousing, providing for conditions:

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

SECTION 1: Pursuant to the application of Wayne and Debra Ellison, on behalf of Leo J. Engel and Gilbert Mercure, the record title owners of the following described land, zoning classification of OR, Open Rural, on the following described lands:

Part of the Pablo Sabale Grant, Section 50, Township 6 South, Range 29 East, St. Johns County, Florida, more particularly described as follows:

Commence at the intersection of the northwesterly line of Stokes Landing Road and the northwesterly line of U.S. Highway No. 1, thence North 37 degrees 00 minutes West, 1045.04 feet along the northwesterly line of said U.S. Highway No. 1 to the point of beginning; thence continue North 37 degrees 00 minutes West 381.76 feet along the northwesterly line of said U.S. Highway No. 1; thence 33 degrees 00 minutes East, 571.00 feet; thence South 36 degrees 59 minutes 43 seconds East 381.96 feet; thence south 53 degrees 00 minutes West 571.00 feet to the point of beginning.

IS HEREBY CHANGED TO: IW, Industrial Warehousing, providing for conditions limiting uses, site plan review requirements; access and egress requirements; noise requirements; and limited size of structures.

SECTION 2: Nothing herein contained shall be deemed to impose conditions, limitation 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: The 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: (Carl) Bud Markel
Clerk

If a person declines 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 for such purpose and for such purpose need to enter in the public record.

of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

Notice to persons hearing special accommodations and to all hearing impaired persons: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact David Holsted, ADA Coordinator, at (904) 929-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095, not later than 5 days prior to the date of this meeting.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the County Commissioners and Planning & Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearing hearings or to written communications care of St. Johns County Planning Department, P. O. Drawer 649, St. Augustine, Florida 32095.

L 894 April 17, 1996