

Recorded in Public Records St. Johns County, FL
Clerk# 96037418 O.R. 1203 PG 182 10:26AM 10/23/1996
Recording \$17.00 Surcharge \$2.50

ORDINANCE NUMBER 96-54
AN ORDINANCE OF THE COUNTY OF ST JOHNS, STATE OF
FLORIDA, REZONING LANDS AS DESCRIBED
HEREINAFTER FROM ZONING CLASSIFICATION OF
CG, COMMERCIAL GENERAL,
TO CI, COMMERCIAL INTENSIVE, PROVIDING FOR CONDITIONS,
PROVIDING A SAVINGS CLAUSE, MAKING
FINDINGS OF FACT, REQUIRING RECORDATION
AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Richard L Hardy, Inc , on behalf of Harlan K Eaton and George J Ellis, Jr , owners of land described herein, filed an application for change dated July 17, 1996 for zoning hereinafter described, and after required notice was published a public hearing was held on the 8th day of October, 1996 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-96-016, 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 CI, 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 MUC designation, in that the project proposes a development of commercial uses and is consistent with adjacent property zoning classification under same ownership and the proposed use is to expand present business

*Janet BCC Secty
L Newsome*
*Rec-1700
Sur-250
- Bill Co -*

Ordinance Book 18 Page 407

c At the public hearing of September 5, 1996 the St Johns County Planning and Zoning Agency recommended approval by unanimous vote

SECTION 2 Pursuant to the application of Richard L Hardy, Inc as authorized by the record title owner(s), Harlan K Eaton and George J Ellis, Jr, of the subject land, the zoning classification of CG, Commercial General, on the following described land

see attached exhibit "A"

is hereby changed to CI, Commercial Intensive, subject to the following conditions

- 1 Uses of the property shall be limited to sales outlet for lawn sprinklers and irrigation equipment sales/contractor
- 2 The existing mobile homes located on the property shall be removed within 90 days of the effective date of this Ordinance

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 --

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

Ordinance Book 18 Page 408

O.R. 1203 PG 0184

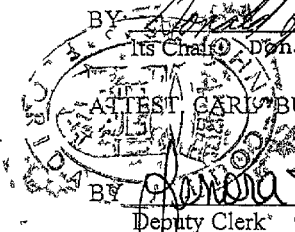
of St Johns County, Florida, in the official records of St Johns County, Florida, and indexed under the name of property owner listed in Section 1 hereof

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 8th DAY OF October 1996

BOARD OF COUNTY COMMISSIONERS
OF ST JOHNS COUNTY, FLORIDA

BY Donald Jordan
His Chief
ATTEST CARL 'BUD' MARKEL, CLERK
BY [Signature]
Deputy Clerk



Effective date October 17, 1996

O.R. 1203 PG 0185

EXHIBIT "A"

The South 160 feet of the North 220 feet of the East 594 feet of Lot 8, Section 6, Township 8 South, Range 30 East, St Johns County, Florida, EXCEPTING THEREFROM that part lying within the right of way of U S Highway No 1 (State Road No 5) and Kent Road, and ALSO EXCEPTING THEREFROM the South 160 feet of the North 220 feet of the East 215 feet of Lot 8 in Section 6, Township 8 South, Range 30 East, (215 feet from East to West on Kent Road, 160 feet from North to South), being that certain property conveyed to Charles Herbert Atherton and Jennifer Ann Atherton, his wife, said deed recorded in Official Records Book 271, page 420 of the public records of St Johns County, Florida

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 Proposed Rezoning
in the matter of Oct. 8, 1996 @ 1 30pm

in the _____ Court, was published in said newspaper in the
issues of Sept 14, 1996

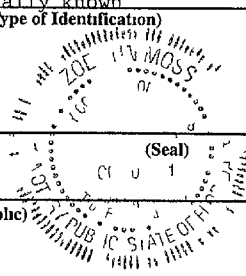
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 16th day of Sept., 1996,

by Julia Meeks who is personally
known to me or who has produced _____ as
identification (Type of Identification)

Zoe Ann Moss
(Signature of Notary Public) (Seal)

Zoe Ann Moss
(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 18 Page 411

R-96-14

COPY OF ADVERTISEMENT

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 8th day of October 1996 at 1:30 p.m. in the County Auditorium County Administration Building, Lewis Speedway (County Road 16A) and US 1 North St. Augustine, Florida will consider passage of the following Ordinance:

A. Ordinance of the County of St. Johns State of Florida Rezonng Lands and describe hereinafter from the present zoning classification of CG Commercial General to C1 Commercial Intensive 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 Richard L. Hardy Inc. on behalf of Horan K. Eaton and George J. Ellis Jr. owners of the following described and zoning classification of CG Commercial General on the following described lands:

EXHIBIT A
The South 160 feet of the North 220 feet of the East 594 feet of Lot 8 Section 6 Township 8 South Range 30 East St. Johns County, Florida EXCEPTING THEREFROM that part lying within the right of way of U.S. Highway No. 1 (State Road No. 5) and Kent Road and ALSO EXCEPTING THEREFROM the South 160 feet of the North 220 feet of the East 215 feet of Lot 8 in Section 6 Township 8 South Range 30 East (214 feet from East to West on Kent Road 160 feet from North to South) being that certain property conveyed to Charles Herbert Altherton and Jennifer Ann Altherton his wife said deed recorded in Official Records Book 271 page 40 of the public records of St. Johns County, Florida.

IS HEREBY CHANGED TO C1 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 as allowed by zoning classifications as rezoned hereby.

SECTION 4 The Ordinance shall take effect immediately upon receipt of official acknowledgement 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 Mark, Its Clerk
If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, it will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings made which record includes the testimony and evidence upon which appeals to be

4-18-94

Interested parties may appear at the meeting and be heard with respect to the proposed request.

Notice to persons needing special accommodations and to all hearing impaired persons in accordance with the Americans with Disabilities Act, per 3609, requires a special accommodation or sign interpreter to participate in this proceeding should contact David H. Hester, ADA Coordinator, at (904) 323-2500 for this County Administration Building, 6020 Lewis Street, St. Augustine, Florida 32095, not later than 5 days prior to the date of this meeting on this matter. In subject to court imposed judicial rules of procedure, interested parties should in contact with the County Commissioners and Planning & Zoning Agency members on this topic except with compliance with Resolution 95 126, to properly noticed public hearings. Written communication care of St. Johns County Planning Department, P.O. Drawer 349 St. Augustine, Florida 32095.

1981 Sept 14 1994