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Public Records of  
St. Johns County, FL  
Clerk# 99021881  
O.R. 1407 PG 1791  
10:01AM 05/07/1999  
REC \$17.00 SUR \$2.50

ORDINANCE NUMBER : 99-31  
AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS DESCRIBED  
HEREINAFTER FROM ZONING CLASSIFICATION OF  
CG WITH CONDITIONS TO CG WITH CONDITIONS;  
PROVIDING A SAVINGS CLAUSE; MAKING FINDINGS OF FACT;  
REQUIRING RECORDATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Henry N. Leduc, on behalf of E. Virginia Hien Trustee, owner of land described herein, filed an application for change dated December 17, 1998 for zoning hereinafter described, and after required notice was published a public hearing was held on the 27 day of April, 1999 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-99-002, 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 CG, 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 designation.
  - c. At the public hearing of 03/18/99 the St. Johns County Planning and Zoning Agency recommended approval by a unanimous vote.

SECTION 2. Pursuant to the application of Henry N. Leduc as authorized by E. Virginia Hien Trustee, the record title owner of the subject land, the zoning classification of CG with conditions, on the lands described in Exhibit A is hereby changed to CG, subject to the following conditions:

1. The uses shall be limited to those listed in Section 5-8-1 of the Zoning Ordinance and shall be limited to only those permitted within paragraphs a; b; c; e; f; g; i; j; l; m (excluding funeral home and marinas); and p.
2. All uses permitted by Exception when approved in compliance with the requirement of public hearing and approval by the Planning and Zoning Agency.
3. Structures shall have a maximum height of thirty-five (35) feet.

In + let - P. Degraide  
- Bill Co -  
Ordinance Book 22 Page 431

- 4. A twenty-five (25) foot non-building buffer shall be maintained along the eastern property line. Said buffer shall be surveyed and staked prior to any construction activity on the site.
- 5. An eight (8) foot opaque, visual barrier, fence shall be constructed along the eastern property line.
- 6. All outside lighting on buildings and/or parking areas shall be directed to the subject property and away from adjacent residential properties.
- 7. All entrance/exits to the site shall be restricted to U.S. #1 and will be subject to the site plan review and approval by D.O.T. and County Staff prior to the issuance of any permits or any construction activity occurring on the site.

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

SECTION 4. This Ordinance shall take effect upon receipt by Secretary of State.

SECTION 5. 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.

SECTION 6. 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 27 DAY OF April 1999.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Mary Jo Lane  
Its Chair

ATTEST: CHERYL STRICKLAND, CLERK

BY: Patricia De Grande  
Deputy Clerk

EFFECTIVE DATE: 05-03-99

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(File Number: R-99-002)

### Exhibit A - Legal Description

#### Parcel Two

A parcel of land in Section 31, Township 7 South, Range 30 East, more fully described as follows: Commence at the permanent reference monument at the intersection of the East Right-of-way line of Cornell Road and the North Right-of-way line of St. Augustine Drive, Unit No. 4, St. Augustine South Subdivision, as recorded in Plat Book 8, Page 36 of the Public Records of St. Johns County, Florida; thence, North 89 degrees 52' West, 160 feet along the North Right-of-way line of St. Augustine Drive to an iron pipe; thence, North 0 degrees 05' East, 243.5 feet; thence North 18 degrees 30' West, 291.0 feet to the point of beginning; thence continue North 18 degrees 30' West, 211.07 feet; thence North 89 degrees 52' West, 286.5 feet to the East right-of-way line of U.S. Highway No. 1; thence South 0 degrees 08' West, 200 feet along the East Right-of-way of said Highway; thence South 89 degrees 52' East, 353.9 feet to the point of beginning.

SUBJECT to restrictions set forth in Deed Book 230 page 134 of the public records of St. Johns County, Florida.

COPY OF ADVERTISEMENT

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 Linda Y. Murray 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

FILE # R 99 002

in the Court, was published in said newspaper in the issues of

APRIL 8, 1999

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, for a period of one year 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 9TH day of APRIL, 1999,

by Linda Yvonne Murray who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Zoe Ann Moss (Signature of Notary Public)

(Seal)

Zoe Ann Moss



Zoe Ann Moss 06641814 EXPIRES 2001

ORDINANCE BOOK 22 PAGE 434

NOTICE OF A PROPOSED REZONING... Notice is hereby given that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on the 27th day of April, 1999, at 1:30 PM in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US1 North, St. Augustine, Florida, will consider passage of the following Ordinance: ORDINANCE NUMBER: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM ZONING CLASSIFICATION OF CG WITH CONDITIONS TO CG WITH CONDITIONS; PROVIDING A SAVINGS CLAUSE; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE. Applicant: Henry Ledus Location: 2450 US1 South within Section 31, Township 7 South, Range 30 East, St. Johns County, Florida, as generally depicted on the map; (A complete legal description is available in the St. Johns County Planning Department.) BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA BY: Cheryl Strickland, its Clerk FILE NUMBER: R-99-002 (Sharky's Shrimp Shack) NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodations or an interpreter to participate in this proceeding should contact, ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32086. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770; no later than 5 days prior to the date of the hearing. Interested parties may appear at the meeting and be heard with respect to the proposed request. If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings and for such purpose 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. 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 95-128, to properly noticed public hearings or to written communication care of St. Johns County Planning Department, P.O. Drawer 349, St. Augustine, Florida, 32086. Subject to a proper and timely objection of a party at the beginning of the hearing, the record of the Planning & Zoning Agency hearing of this matter, including the tape recording of the proceedings before the Planning & Zoning Agency, shall be part of the record and file of this matter submitted to the Board of County Commissioners for its consideration in this hearing. The Planning & Zoning Agency record and file of this case is available for review by the public in the Planning Department and/or office of the Clerk to the County Commission located at the St. Johns County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and US1 North), St. Augustine, Florida. L565A April 8, 1999