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206

ORDINANCE NUMBER: 2002 - 21

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL HIGHWAY TOURIST (CHT) TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, David H. Smith, the owner of lands described herein, filed an application (File Number REZ 2002-01) for a zoning change dated January 2nd, 2002, as described hereinafter, and after required notice was published, a public hearing was held on the 2 day of April 2002, at 1:30 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, supporting documents, statements from the applicant, correspondence received by the Growth Management Services Department, recommendation of the Planning and Zoning Agency, and comments from the staff and applicant at the public hearing, finds as follows:

1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to Open Rural (OR) is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to adjacent land uses. (Objective A.1.3)
 - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth. (Objective A.1.11)
3. The rezoning to Open Rural (OR) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Open Rural (OR) is consistent with the land uses allowed in the land use designation of Residential-A as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application (File Number REZ 2002-01) the zoning classification of Commercial Highway Tourist (CHT) of the lands described within the legal description, attached as EXHIBIT A,

is hereby changed to Open Rural (OR)

SECTION 3. To the extent that they do not conflict with the unique, specific and detailed provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from

Robert R. Platt
BCC Secy
Bill Co -

Ordinance Book 28 Page 409

time to time shall be applicable to development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any concurrency provision or impact fee ordinance, building code, Comprehensive Plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

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

SECTION 5. This Ordinance shall be recorded in a book kept and maintained by the by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed maintained in the Growth Management Services Department by the Planning Director or designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 2nd DAY OF April, 2002.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

RENDITION DATE April 5, 2002

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: April 9, 2002

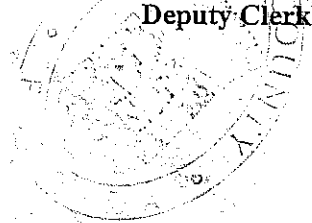


EXHIBIT A

DR1538PG0305

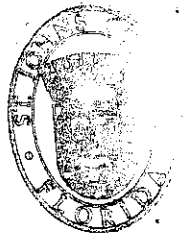
Lot 13, William Harvey Grant Subdivision, Section 40, Township 5, Range 26 and Section 38, Township 5, Range 27. Also described as: Lot 13 of a survey of the William Harvey Grant, Section 40, Township 5 South, Range 26 East, and Section 38, Township 5 South, Range 27 East, as per plat recorded in Deed Book "V", page 280 of the public records of St. Johns County, Florida.

And also:

The Northeasterly 30 feet of the Southwesterly one-half of Lot 20, of the Sammin D. Scott Tract in Section 39, Township 5 South, Range 27 East, said subdivision being recorded in the public records of St. Johns County, Florida, said parcel of land here conveyed being 30 feet wide and 1229.9 feet in length, more or less.

I HEREBY CERTIFY THAT THIS DOCUMENT
IS A TRUE AND CORRECT COPY AS APPEARS
ON RECORD IN ST. JOHNS COUNTY, FLORIDA
WITNESS MY HAND AND OFFICIAL SEAL
THIS 15th DAY OF April 20 09
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners

BY: Robert L. Platt D.C.



DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS

Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

April 11, 2002

Honorable Cheryl Strickland
Clerk to Board of Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 8, 2002 and certified copies of Ordinance Nos. 2002-21 and 2002-22, which were filed in this office on April 9, 2002.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

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BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us

RECEIVED

MAR 19 2002

ST. JOHNS COUNTY
PLANNING DEPARTMENT

COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 MURRA**

who on oath says that she is an 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# REZ 2001 03**

DAVID SMITH

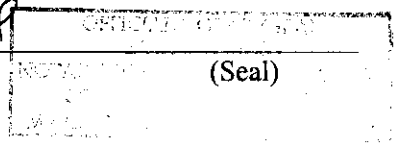
in the Court, was published in said newspaper in the issues of

MARCH 18, 2002

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 **18TH** day of **MARCH** 2002
by *Linda Y Murra* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss
(Signature of Notary Public)



Zoe Ann Moss

NOTICE OF A PROPOSED REZONING
NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, April 2, 2002 at 1:30 p.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administrative Building, 4020 Lewis Speedway (County Road 16-A) and US1 North, St. Augustine, Florida, to consider an ordinance to rezone lands from CHT (Commercial, Highway and Tourist) to OR (Open Rural).
The subject property is located at 1100 Holly Berry Lane within St. Johns County, Florida.
EXHIBIT "A"
Lot 13, William Harvey Grant Subdivision, Section 40, Township 5, Range 26 and Section 38, Township 5, Range 27. Also described as: Lot 13 of a survey of the William Harvey Grant, Section 40, Township 5 South, Range 26 East, and Section 38, Township 5 South, Range 27 East, as per plat recorded in Deed Book "V", page 280 of the public records of St. Johns County, Florida.
And also:
The Northeastly 30 feet of the Southwestly one-half of Lot 20, of the Sammin D. Scott Tract in Section 39, Township 5 South, Range 27 East, said subdivision being recorded in the public records of St. Johns County, Florida, said parcel of land here conveyed being 30 feet wide and 1229.9 feet in length, more or less.
This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.
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 David Halstead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of this meeting.
If a person decides to appeal any decision made 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 record includes the testimony and evidence upon which appeal is to be based.
This matter is subject to court imposed quasi-judicial rules of procedures. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARC A. JACALONE, CHAIRMAN
FILE NUMBER: REZ-2001-03 David Smith
L593-2 Mar 18, 2002