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Public Records of
St. Johns County, FL
Clerk# 02-048834
O.R. 1802 PG 294
10:47AM 08/22/2002
REC $13.00 SUR $2.00

ORDINANCE NUMBER: 2002 - 38

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

WHEREAS, A. Joseph Smith, the owner of lands described herein, filed an application (File Number REZ 2002-10) for a zoning change dated April 4, 2002, as described hereinafter, and after required notice was published, a public hearing was held on the 9 day of July, 2002, at 1:30 p.m. 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 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 Commercial Neighborhood (CN) is consistent with the St. Johns County Land Development Code.

4. The zoning district designation of Commercial Neighborhood (CN) is consistent with the land uses allowed in the land use designation of Neighborhood Commercial (NC) as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application (File Number REZ 2002-10) the zoning classification of Open Rural (OR) of the lands described within the legal description, attached as **EXHIBIT A,**

is hereby changed to Commercial Neighborhood (CN).

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

Ordinance Book 28 Page 782

Harlet Y. King
BCC Secty

SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed and 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 9th DAY OF July, 2002.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

BY: Robin L. Black
Deputy Clerk

RENDITION DATE July 10, 2002

EFFECTIVE DATE: July 11, 2002

LEGAL DESCRIPTION

A PORTION OF THE WILLIAM H. TRAVERS GRANT, SECTION 37, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 13 (A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED), WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 16-A (A 66 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE NORTH 33 DEGREES 05 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 16-A, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33 DEGREES 05 MINUTES 00 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 586.18 FEET; THENCE SOUTH 56 DEGREES 55 MINUTES 00 SECONDS EAST, ALONG A LINE PARALLEL TO AND 686.18 FEET NORTHEASTERLY OF THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 13, A DISTANCE OF 154 FEET, MORE OR LESS, TO THE APPROXIMATE CENTERLINE OF A BRANCH; THENCE SOUTHWESTERLY, ALONG THE CENTERLINE OF SAID BRANCH AND ITS MEANDERINGS THEREOF, A DISTANCE OF 641 FEET, MORE OR LESS TO A POINT; THENCE NORTH 56 DEGREES 55 MINUTES 00 SECONDS WEST, ALONG A LINE PARALLEL TO AND 100 FEET NORTHEASTERLY OF THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 13; A DISTANCE OF 379 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 150,422 SQUARE FEET (3.45 ACRES), MORE OR LESS.

LEGAL DESCRIPTION	EXHIBIT A

RECEIVED
JUN 26 2002
ST. JOHNS COUNTY
PLANNING DEPARTMENT

COPY OF ADVERTISMENT

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 MURRAY**

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 2002-10**

16 A RESTAURANT 9865 COUNTY ROAD 16A

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

JUNE 24, 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 **25TH** day of **JUNE** 2002 by [signature] who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

[signature]
(Signature of Notary Public)

Zoe Ann Moss

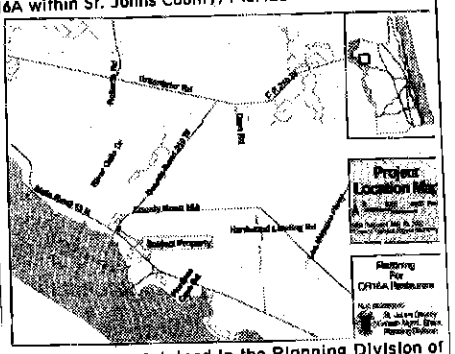
OFFICIAL NOTARY SEAL
ZOE ANN MOSS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. DD[illegible]
MY COMMISSION EXP. AUG. 22,2005

(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on the Tuesday, July 9, 2002 by the St. Johns County Board of County Commissioners in the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to consider an ordinance to rezone lands from OR (Open Rural) to CN (Commercial Neighborhood).

The subject property is located 9865 County Road 16A within St. Johns County, Florida.



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 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, call Florida Relay Service at 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 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
JAMES E. BRYANT, CHAIRMAN
FILE NUMBER: REZ 2002-10 16A Restaurant
L1387-2 June 24, 2002

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

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

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

FILED
02 JUL 16 PM 2:34
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST JOHNS COUNTY FL

July 16, 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 July 10, 2002 and certified copy of Ordinance No. 2002-38, which was filed in this office on July 11, 2002.

Sincerely,

Liz Cloud ak

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

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*