

ORDINANCE NUMBER: 2020 - 36

**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 INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS,** the development of the lands within this rezoning shall proceed in accordance with the application, dated April 13, 2020 in addition to supporting documents and statements from the applicant **which are a part of Zoning File REZ 2020-11 Fulkerson Rezoning**, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

**SECTION 1.** Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, the Board of County Commissioners, 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 **COMMERCIAL INTENSIVE (CI)** is consistent with the Comprehensive Plan, in that:
  - (a) The rezoning is compatible and complementary to conforming adjacent land uses. (Objective A.1.3.11)
  - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
  - (c) The proposed project is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan.
3. The rezoning to **COMMERCIAL INTENSIVE (CI)** is consistent with the St. Johns County Land Development Code.
4. The zone district of **COMMERCIAL INTENSIVE (CI)** is consistent with the land uses allowed in the land use designation of Mixed Use (MD) as depicted on the 2025 Future Land Use Map.

**SECTION 2.** Pursuant to this application **File Number REZ 2020-11** the zoning classification of the lands described within the attached legal description, Exhibit "A",

**is hereby changed to COMMERCIAL INTENSIVE (CI)**

**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 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. Notwithstanding any provision of this ordinance, no portion of any use restriction, title conditions, restriction or covenant shall be deemed waived or varied by any provision herein. All applicable state or federal permits must be obtained before commencement of the development. Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

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

**SECTION 5.** This Ordinance shall be recorded in a book kept and maintained 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.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 4th DAY OF August 2020.**

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

BY: \_\_\_\_\_

Jeb S. Smith, Chairman

Rendition Date: \_\_\_\_\_

**AUG 06 2020**

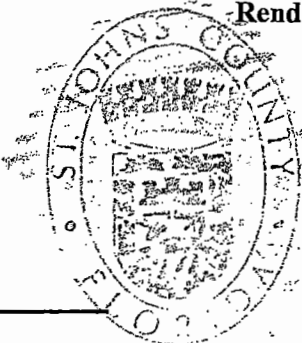
**ATTEST: BRANDON PATTY,  
CLERK OF COURT**

BY: \_\_\_\_\_

Deputy Clerk

**EFFECTIVE DATE: \_\_\_\_\_**

**AUG 06 2020**



**EXHIBIT A**  
**Legal Description**  
**Fulkerson Rezoning**

A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 8 SOUTH, RANGE 29 EAST; THENCE SOUTH 88 DEGREES 53 MINUTES 54 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 1119.02 FEET TO THE INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE FOR STATE ROAD 207 (A 110' RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 36 DEGREES 21 MINUTES 22 SECONDS WEST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE A DISTANCE OF 615.17 FEET TO A CONCRETE MONUMENT AT FLORIDA DEPARTMENT STATION 1152+87.57 AS SHOWN ON RIGHT MAP FOR SECTION 78050-2516 DATED MAY 5, 1993 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE DEPARTING SAID RIGHT OF WAY, SOUTH 17 DEGREES 21 MINUTES 54 SECONDS EAST A DISTANCE OF 848.09 FEET TO THE SOUTH LINE OF THE N $\frac{1}{2}$  OF THE NE $\frac{1}{4}$  OF SAID SECTION 3; THENCE SOUTH 88 DEGREES 39 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH LINE A DISTANCE OF 864.08 FEET TO AN IRON PIPE MARKING THE INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 207 AT FLORIDA DEPARTMENT OF TRANSPORTATION STATION 1142+57.38 AS SHOWN ON RIGHT OF WAY MAP FOR SECTION 78050-2516 DATED MAY 5, 1993; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY OF STATE ROAD 207 THE NEXT 13 COURSES: NORTH 36 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 37.19 FEET; THENCE SOUTH 53 DEGREES 38 MINUTES 38 SECONDS EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 36 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 53 DEGREES 38 MINUTES 38 SECONDS WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 36 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 190.00 FEET; THENCE SOUTH 53 DEGREES 38 MINUTES 38 SECONDS EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 36 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 53 DEGREES 38 MINUTES 38 SECONDS WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 36 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 190.00 FEET; THENCE SOUTH 53 DEGREES 38 MINUTES 38 SECONDS EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 36 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 53 DEGREES 38 MINUTES 38 SECONDS WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 36 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 583.00 FEET TO THE POINT OF BEGINNING CONTAINING 8.08 ACRES 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 7<sup>th</sup> DAY OF August 20 20 ST. JOHNS COUNTY CLERK OF COURT Ex-Officio Clerk of the Board of County Commissioners

BY: Wanda King D.C.



THE ST. AUGUSTINE RECORD  
Affidavit of Publication

KAREN M TAYLOR  
77 SARAGOSSA ST

SAINT AUGUSTINE, FL 32084

ACCT: 15637  
AD# 0003284067-01

PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee 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 HEARING** in the matter of **REZ-202000011** was published in said newspaper on **06/08/2020**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has 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 preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to (or affirmed) and subscribed before me by means of

physical presence or  
 online notarization

JUN 08 2020

this \_\_\_\_\_ day of \_\_\_\_\_

by Melissa Rhinehart who is personally known to  
me or who has produced as identification

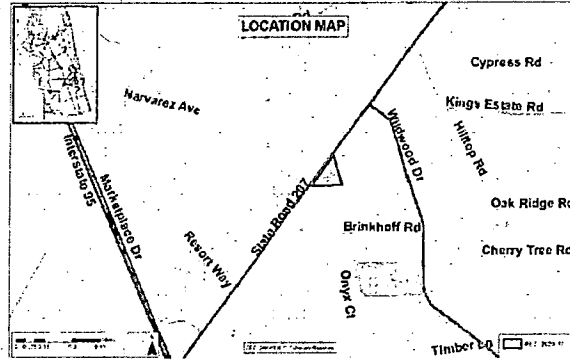
Tiffany M. Lowe  
(Signature of Notary Public)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 7/2/2020 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida, and on 8/4/2020 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a Request to rezone approximately 8.04 acres from Open Rural (OR) to Commercial Intensive (CI).

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 INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is 1900 State Road 207. See attached map (Exhibit A). This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Department located at the St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida 32084 and may be inspected by interested parties prior to said public hearing. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.



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

In accordance with Executive Order 20-69, and St. Johns County emergency proclamation 2020-03, this meeting may be conducted remotely, under communication media technology (CMT) without a physical quorum of the members present. CMT means the electronic transmission of printed matter, audio, full motion video, free-frame video, compressed video, and digital video by any method available. CMT being used to conduct the meeting includes Government TV (GTV), phone, and wireless microphone. Should a person wish to submit printed material, it must be submitted a minimum 5 days in advance of this meeting. Such printed documentation will be presented at the meeting.

A person may attend this CMT meeting by calling the telephone number at 904.209.1265 and viewing the meeting on (GTV or <http://www.sjcl.us/GTV/watch?v.aspx>). Written or physical documentation may be submitted to the St. Johns County Growth Management Department at 4040 Lewis Speedway, St. Augustine, FL 32084, or e-mail address: [plandept@sjcl.us](mailto:plandept@sjcl.us). A designated access point to this CMT meeting is located at 500 San Sebastian View.

Additional information may be obtained at:  
Mailing address: 4040 Lewis Speedway, St. Augustine, FL 32084  
Email address: [plandept@sjcl.us](mailto:plandept@sjcl.us)  
Phone number: 904.209.0675

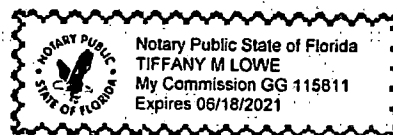
If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any evidence, testimony, and argument which is offered utilizing CMT shall be afforded equal consideration as if were offered in person and shall be subject to the same objections.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication, care of SJC Planning and Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

**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 the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 Sebastian View, St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1 800 955 8770), no later than 5 days prior to the meeting.

PLANNING AND ZONING AGENCY BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA ST. JOHNS COUNTY, FLORIDA  
MIKE KOPPENHAFFER, CHAIR JEB S. SMITH, CHAIR  
FILE NUMBER: REZ-202000011  
PROJECT NAME: Fulkerson Rezoning

0003284067 June 8, 2020





**FLORIDA DEPARTMENT of STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

August 6, 2020

Honorable Brandon Patty  
Clerk of Courts  
St. Johns County  
500 San Sebastian View  
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2020-36, which was filed in this office on August 6, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

FILED **AUG 06 2020**  
ST. JOHNS COUNTY  
CLERK OF COURT  
BY: *Yvonne King*  
DEPUTY CLERK