

ORDINANCE NUMBER: 2023 - 11

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL INTENSIVE (CI) WITH THREE CONDITIONS TO COMMERCIAL INTENSIVE (CI) WITH ONE CONDITION; 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 August 4, 2022 in addition to supporting documents and statements from the applicant, **which are a part of Zoning File REZ 2022-21 3085 Commercial**, 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 (MU)** as depicted on the 2025 Future Land Use Map.

**SECTION 2.** Pursuant to this application File Number REZ 2022-21 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.

**SECTION 4.** It is the intent of the St. Johns County Board of County Commissioners that scrivener and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

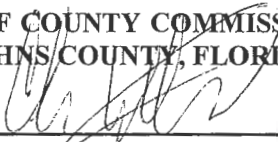
**SECTION 5.** This Ordinance shall take effect upon receipt by the Secretary of State.

**SECTION 6.** 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 7.** 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 6th DAY OF March 2023.**

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

BY:   
Christian Whitehurst, Chair

Rendition Date MAR 07 2023

**ATTEST: BRANDON J. PATTY, CLERK  
OF THE CIRCUIT COURT &  
COMPTROLLER**

BY:   
Deputy Clerk



**MAR 08 2023**

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

**EXHIBIT A**  
**Legal Description**  
**3085 COMMERCIAL REZONING**

**SOUTH PARCEL AND EAST PARCEL (North side)**

**PARCEL 1:**

THE EAST 390 FEET OF THE NORTH 66 FEET OF THE SOUTH 132 FEET OF GOVERNMENT LOT 3, SECTION 6, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; AND

**PARCEL 2:**

THE SOUTH 66 FEET OF THE EAST 660 FEET OF LOT 3, OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; EXCEPT SO MUCH THEREOF AS WAS CONVEYED TO THE STATE OF FLORIDA FOR ROAD RIGHT OF WAY BY DEED DATED APRIL 6, 1935, RECORDED IN DEED BOOK 107, PAGE 161, ST. JOHNS COUNTY, FLORIDA.

LESS AND EXCEPTING FROM BOTH PARCELS ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF US HIGHWAY NO. 1 BY VIRTUE OF EASEMENT RECORDED IN DEED BOOK 107, PAGE 161 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA AND ANY PORTION LYING WITHIN SAID HIGHWAY AS NOW ESTABLISHED.

**BEING ONE AND THE SAME DESCRIBED AS:**

COMMENCING AT THE NORTHEAST CORNER AS NOW MEASURED OF LOT 2, BLOCK A, PARQUE AVILES SUBDIVISION RECORDED IN MAP BOOK 3, PAGE 139, PUBLIC RECORDS FOR ST. JOHNS COUNTY, FLORIDA; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID PARQUE AVILES SUBDIVISION AND THE SOUTH LINE OF GOVERNMENT LOT 3 SOUTH 88 DEGREES, 26 MINUTES, 07 SECONDS WEST 579.73 FEET; THENCE LEAVING SAID NORTH LINE NORTH 01 DEGREES, 18 MINUTES, 16 SECONDS WEST, 67.40 FEET TO THE NORTH LINE OF THE SOUTH 66 FEET OF SAID GOVERNMENT LOT 3; THENCE NORTH 88 DEGREES, 30 MINUTES, 54 SECONDS EAST ALONG SAID NORTH LINE, 270.21 FEET; THENCE NORTH 01 DEGREE, 18 MINUTES, 16 SECONDS WEST, 66.42 FEET TO THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1671, PAGE 107 OF SAID PUBLIC RECORDS AND THE NORTH LINE OF THE SOUTH 132 FEET OF SAID GOVERNMENT LOT 3; THENCE ALONG SAID SOUTH LINE NORTH 88 DEGREES, 35 MINUTES, 33 SECONDS EAST, 309.69 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE SOUTH 01 DEGREE, 13 MINUTES, 40 SECONDS EAST 132.59 FEET TO THE POINT OF BEGINNING AND TO CLOSE.

**WEST PARCEL (North side)**

THE WEST 270 FEET OF THE NORTH 66 FEET OF THE SOUTH 132 FEET OF THE EAST 660 FEET OF LOT 3 OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH AND SUBJECT TO AN EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 56, PAGE 333 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

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

9<sup>th</sup> DAY OF March 2023  
ST. JOHNS COUNTY CLERK OF COURT

Ex-Officio Clerk of the Board of County Commissioners



By: Crystal Smith, Deputy Clerk

# LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

## PROOF OF PUBLICATION

Marie Colee  
Karen M Taylor  
77 Saragossa St

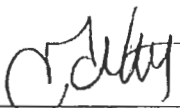
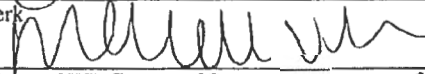
Saint Augustine FL 32084

STATE OF FLORIDA, COUNTY OF ST JOHNS

The St Augustine Record, a daily newspaper published in St Johns County, Florida; and of general circulation in St Johns County; and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

12/23/2022

and that the fees charged are legal.  
Sworn to and subscribed before on 12/23/2022

  
\_\_\_\_\_  
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\_\_\_\_\_  
Notary, State of WI, County of Brown  
8-25-20

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MARIAH VERHAGEN  
Notary Public  
State of Wisconsin

**NOTICE OF A PROPOSED REZONING**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on 1/19/2023 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 3/7/2023 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 1.70 acres of land 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 located at 3085 US 1 South. See attached map (Exhibit A). This file and the proposed ordinance are maintained in the Planning and Zoning Division 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.

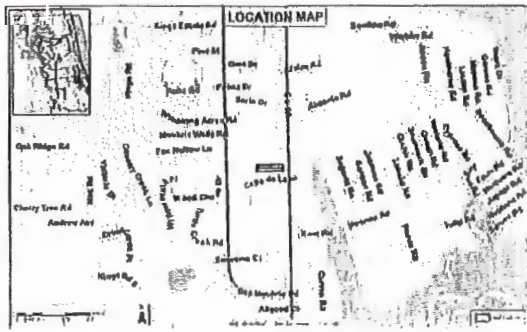
Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

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.

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 Division, 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 visit St. Johns County Facilities Management at 2416 Dobbs Road, 32086. 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             |
| ST. JOHNS COUNTY, FLORIDA     | COMMISSIONERS               |
| GREG MATOVINA, CHAIR          | ST. JOHNS COUNTY, FLORIDA   |
| FILE NUMBER: REZ-2022000021   | CHRISTIAN WHITEHURST, CHAIR |
| PROJECT NAME: 3085 Commercial |                             |





**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

March 9, 2023



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

Attention: Crystal Smith

Dear Honorable Brandon Patty,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2023-11, which was filed in this office on March 8, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra