

ORDINANCE NUMBER: 2023 - 2

**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 RESIDENTIAL, SINGLE FAMILY (RS-3); 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 September 27, 2022 in addition to supporting documents and statements from the applicant, **which are a part of Zoning File REZ 2022-20 Hilltop Estates**, 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 **Residential, Single Family (RS-3)** 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 **Residential, Single Family (RS-3)** is consistent with Part 2.02.00 of the St. Johns County Land Development Code.
4. The zoning district of **Residential, Single Family (RS-3)** is consistent with the land uses allowed in the land use designation of **Residential-C** as described in Policy A.1.11.1(m) of the 2025 St. Johns County Comprehensive Plan and as depicted on the 2025 Future Land Use Map.

**SECTION 2.** Pursuant to this application **File Number REZ 2022-20** the zoning classification of the lands described within the attached legal description, Exhibit "A",

**is hereby changed to Residential, Single Family (RS-3).**

**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.

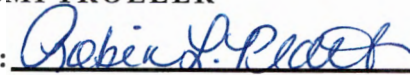
**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 17th DAY OF January 2023.**

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

BY:   
**Christian Whitehurst, Chair**

Rendition Date JAN 17 2023

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

BY:   
**Deputy Clerk**

**EFFECTIVE DATE: JAN 18 2023**



# Exhibit A

## LEGAL DESCRIPTION

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, AND RUN THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 1327.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 35, FOR THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING AND LEAVING SAID LINE RUN THENCE N00°09'26"E, A DISTANCE OF 329.89 FEET; THENCE RUN S89°56'44"E, A DISTANCE OF 519.06 FEET TO THE SOUTHWESTERLY MAINTAINED RIGHT-OF-WAY BOUNDARY OF HILLTOP ROAD AS PER MAINTENANCE MAP FILED IN ST. JOHNS COUNTY MAINTENANCE MAP, PLAT BOOK 2, PAGE 16-19 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE ALONG SAID RIGHT-OF-WAY BOUNDARY S27°48'54"E, A DISTANCE OF 301.03 FEET; THENCE LEAVING SAID RIGHT-OF-WAY BOUNDARY AND RUN S00°10'21"W, A DISTANCE OF 63.94 FEET TO THE AFORESAID SOUTH BOUNDARY OF SECTION 35; THENCE ALONG SAID SOUTH BOUNDARY OF SAID SECTION N89°55'53"W, A DISTANCE TO 660.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.57 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

23<sup>rd</sup> DAY OF January 2023

ST. JOHNS COUNTY CLERK OF COURT  
Ex-Officio Clerk of the Board of County Commissioners

By: Yvonne King, Deputy Clerk



# LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

## **PROOF OF PUBLICATION**

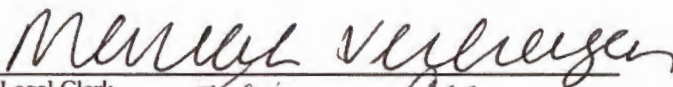
Christina Evans  
Christina Evans  
Christina Evans  
7 Waldo ST  
St Augustine FL 32084-2787

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:

11/08/2022

and that the fees charged are legal.  
Sworn to and subscribed before on 11/08/2022

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

1-7-25

My commission expires

Publication Cost: \$479.20  
Order No: 8020551 # of Copies:  
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PO #: REZ 2022-20 Hilltop Estates

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

# NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 12/15/2022 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 1/17/2023 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 4.57 acres of land from Open Rural (OR) to Residential, Single-Family (RS-3).

**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 RESIDENTIAL, SINGLE FAMILY (RS-3); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

The subject property is 2765 Hilltop Rd. 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 COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA	ST. JOHNS COUNTY, FLORIDA
GREG MATOVINA, CHAIR	HENRY DEAN, CHAIR
FILE NUMBER: REZ-2022000020	
PROJECT NAME: Hilltop Estates	





**FLORIDA DEPARTMENT of STATE**

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

January 18, 2023

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

Attention: Yvonne King

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. 2023-2, which was filed in this office on January 18, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra

FILED **JAN 18 2023**  
St. Johns County  
Clerk of Court

By: Yvonne King  
Deputy Clerk