

ORDINANCE NUMBER: 2023 - 49

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 WAREHOUSE (CW) WITH CONDITIONS; 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 25, 2023 in addition to supporting documents and statements from the applicant, **which are a part of Zoning File REZ 2023-10 135 Nix Boat Yard**, 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 Warehouse (CW) with conditions** 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 Warehouse (CW) with conditions** is consistent with the St. Johns County Land Development Code.
4. The zoning district of **Commercial Warehouse (CW) with conditions** is consistent with the land uses allowed in the land use designation of **Mixed-Use District (MD)** as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application **File Number REZ 2023-10 135 Nix Boat Yard** the zoning classification of the lands described within the attached legal description, Exhibit "A", is hereby changed to **Commercial Warehouse (CW) with the following conditions:**

1. Uses are limited to light manufacturing, production, packaging and shipping, and associated office space and showroom.
2. All uses shall be fully enclosed inside buildings with no outdoor storage.
3. Loading zones shall be permitted.
4. The applicant waives any right to develop the property pursuant to the Live Local Act, Chapter 2023-17 Laws of Florida, and any subsequent amendment as a condition of this rezoning approval.
5. The applicant will install and maintain a 20/B buffer on the west side of the property adjacent to the existing Commercial Office.

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 7th DAY OF NOVEMBER, 2023.

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

BY: 
Christian Whitehurst, Chair

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

BY: 
Deputy Clerk

RENDITION DATE: NOV 08 2023

EFFECTIVE DATE: NOV 13 2023



EXHIBIT "A"

LOCATION: 135 Nix Boat Yard Road
Saint Augustine, FL 32084

A portion of the G. W. Perpall Grant, Section 41, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows:

For a point of reference, commence at the Southwest corner of the San Lorenzo Cemetery, said corner lying in the East line of the Old Moultrie Road; run thence Easterly along the South line of said San Lorenzo Cemetery, a distance of 1003.2 feet to the Southeast corner thereof; run thence North 48 degrees 46 minutes East, a distance of 27.26 feet to a point in the Easterly Right of Way line of U. S. Highway No. 1, as now established; run thence South 00 degrees 24 minutes 00 seconds East, along said Easterly line, a distance of 120.49 feet to an iron pipe at the Southerly Right of Way line of a 60 foot county road known as Nix Boat Yard Road; run thence South 89 degrees 30 minutes 00 seconds East, along said Southerly Right of Way line, a distance of 240.81 feet to an iron pipe and the point of beginning for this description.

From the point of beginning thus described; continue South 89 degrees 30 minutes 00 seconds East, along said Southerly Right of Way line, a distance of 175.59 feet to an iron pipe; run thence South 00 degrees 24 minutes 00 seconds East, a distance of 146.55 feet to an iron pipe; thence North 09 degrees 57 minutes 00 seconds West, a distance of 175.57 feet to an iron pipe; run thence North 00 degrees 24 minutes 00 seconds West, a distance of 147.93 feet to the point of beginning.

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

27 DAY OF November 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

Gary B Davenport
Gary B Davenport
Gary B Davenport
212 S Shadowwood DR
Saint Augustine FL 32086-9127

STATE OF WISCONSIN, COUNTY OF BROWN

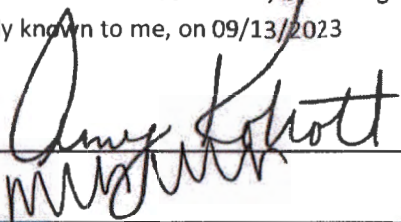
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

09/13/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/13/2023

Legal Clerk



Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost:	\$239.60	
Order No:	9268265	# of Copies:
Customer No:	851972	0
PO #:	REZ 2023-10 135	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 10/5/2023 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 11/7/2023 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 0.59 acres of land from Open Rural (OR) to Commercial, Warehouse (CW) with conditions.

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 WAREHOUSE (CW) WITH CONDITIONS; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located at 135 Nix Boat Yard 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 at the St. Johns County Facilities Management, 2416 Dobbs Road, St. Augustine, FL 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 ST. JOHNS COUNTY, FLORIDA GREG MATOVINA, CHAIR	BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA CHRISTIAN WHITEHURST, CHAIR
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FILE NUMBER: REZ-202300010

PROJECT NAME: 135 Nix Boat Yard Rezoning





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 13, 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 County Ordinance No. 2023-49, which was filed in this office on November 13, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

FILED NOV 13 2023
St. Johns County
Clerk of Court
By: Crystal Smith
Deputy Clerk