

\*\*THIS ORDINANCE IS BEING RE-RECORDED TO INCLUDE THE ATTACHED EXHIBIT "A"

ORDINANCE NO. 93-45

P.U.D. OFF. REC.  
BOOK E PAGE 649

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF R-1-C TO PLANNED SPECIAL DEVELOPMENT IN ACCORDANCE WITH APPLICATION AND SUPPORTING DOCUMENTS UNDER FILE NO. PV-91-003 AND IN ACCORDANCE WITH THE CIRCUIT COURT ORDER ENTERED IN FRED L. AHERN, ET AL VS. ST. JOHNS COUNTY, FLORIDA, CASE NO. 92-464-CA, DIVISION 57, SEVENTH JUDICIAL CIRCUIT FOR ST. JOHNS COUNTY, FLORIDA; MAKING FINDINGS FACT; REQUIRING COMPLIANCE WITH ALL APPLICABLE ST. JOHNS COUNTY LAND DEVELOPMENT REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Board of County Commissioners heard, at a public hearing held in accordance with the procedures set forth in Section 11-10 of the St. Johns County Zoning Ordinance on February 11, 1993, an application by Fred L. Ahern, Fred L. Ahern, Jr. and the estate of Lenore Anderson, hereinafter applicants, for rezoning of the lands described on the attached Exhibit A from R-1-C to Planned Special Development (PSD). At said public hearing the Board of County Commissioners denied the application for rezoning.

WHEREAS, subsequently, the applicant appealed by Petition for Writ of Certiorari to the Circuit Court, Seventh Judicial Circuit in and for St. Johns County under Case No. 92-464CA, Division 57. The applicant's Petition was granted for Final Judgment and for Writ of Certiorari on May 28, 1993 (the "Judgment").

*Det - Y. Carter  
Rec - 29.00  
Sur - 4.00*

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WHEREAS, the Board of County Commissioners held a public hearing on October 12, 1992 to take action on the requested zoning as required by the Judgment.

WHEREAS, the Board of County Commissioners has considered the report and recommendations prepared by the St. Johns County staff, the report and recommendations of the St. Johns County Planning and Zoning Agency and the documents, comments and other evidence on the record made before it and the determinations made in the Order Granting Certiorari and Final Judgment and the Board of County Commissioners makes the following findings of fact:

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FINDINGS OF FACT

1. Based on the findings in the above referenced Order and Judgment in Case No. 92-464 CA, Division 57 of the Circuit Court in and for St. Johns County, Florida, the applicants have met their burden of establishing that:

- (a) the proposed PSD must not adversely affect the orderly development or use of the Ponte Vedra Zoning District;
- (b) the proposed PSD will not be detrimental to the development of adjacent properties or the general neighborhood; and

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(c) the proposed PSD is consistent with all limitations on commercial development contained in the comprehensive plan.

2. It is further determined that is has not been established by competent and substantial evidence that maintaining the existing zoning classification with respect to the property accomplishes a legitmate public purpose.

3. The proposed PSD has been reviewed by the St. Johns County Concurrency Review Committee (the "CRC") in accordance with the procedures set forth in Section 7 of the Concurrency Management Ordinance of St. Johns County, Florida. The CRC confirmed the availability of adequate public facilities and services to support the proposed PSD; and issued a Certificate of Concurrency on July 24, 1991 which was valid for one year.

4. The lands described on the attached Exhibit A are within the Urban Service Boundary and are within the PV-2D District on A1A north as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan 1990-2005. This permits commercial development on lands zoned commercial at the time of plan adoptions or within Planned Unit Developments or Planned Special Developments.

5. The proposed PSD is not in conflict with any of the elements of the St. Johns County Comprehensive Plan 1990-2005 and is consistent with the St. Johns County Comprehensive Plan 1990-2005 as a whole.

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

SECTION 1. That as requested by Fred L. Ahern, Fred L. Ahern, Jr. and the estate of Lenore A. Anderson in its application with supporting documents for zoning change, dated May 20, 1991, (hereinafter, the PSD Application), the zoning classification of the lands described on the attached Exhibit "A" is hereby changed from R-1-C to Planned Special Development.

SECTION 2. That development of the lands within this PSD shall proceed in accordance with the PSD Application and supporting documents which are a part of zoning file number PV-91-003 and which are incorporated by reference into and made a part of this Ordinance, and as supplemented by the provisions of this Ordinance. In the case of conflict between the Application or supporting documents and the below described provisions of this Ordinance, the below described provisions shall prevail.

SECTION 3. That all roads and parking areas within the project either public or private shall be constructed to approved County Standards.

SECTION 4. That all easements required for drainage purposes shall be granted to the County at no cost, upon County's request.

SECTION 5. That a dry retention area be incorporated on the north side of the project, with landscape buffers on all

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sides of the project; with additional natural buffer on the rear; required maintenance of an existing six foot high wood fence on the rear side of the rezoned property, with one ALA access to be shared with parcels to the south, with requirement that project lighting be directed so it will not create a nuisance to adjacent residents.

SECTION 6. All building code, zoning ordinance and other land use and development regulations of St. Johns County, as may be amended from time to time shall be applicable to this development, except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved development plan or PSD Ordinance. Modification to approved development plans by variance or special exception shall be prohibited.

SECTION 7. This project shall comply with the standards, policies and requirements in effect at the time of final approval and permitting of this project for development, including any successor or new policies, financing mechanism, plans and ordinances adopted by St. Johns County after the date of the Planned Special Development Ordinance approval, including, without limitation, any concurrency management programs adopted pursuant to Florida Statutes programs adopted pursuant to Florida Statutes 163.3202 (2)(g), as amended, and Objective J.01.05 of the St. Johns County Comprehensive Plan dated September 14, 1990, including any amendments or successor policies of land

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development regulations adopted to implement Florida Statutes 163.3202 (2)(g). Furthermore, the developer may not commence land clearing, site preparation or construction of any improvements shown on a Final Development Plan submitted pursuant to this ordinance until:

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- a. Submission to the Engineering Department of satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to United States Army Corps of Engineers Dredge Fill Permit, St. Johns River Water Management District Wetlands Resource Permit, St. Johns River Management District and Management Storage of Surface Waters Permit; Florida Department of Environmental Regulation Water and Sewer Connection Permits and FDOT shared driveway permit;
- b. Issuance of a land clearing permit pursuant to St. Johns County Ordinance No. 90-11;
- c. Review and approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and
- d. Compliance with all other applicable land use and development regulations including concurrency of St. Johns County.

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SECTION 8. The Zoning Official is authorized to issue zoning clearances allowed by zoning classification as rezoned hereby.

SECTION 9. This Ordinance shall take effect immediately upon receipt of official acknowledgment of the Department of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that the same has been filed.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida this 12th day of October, 1993.

Regular Meeting

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Delean Roberts  
Its Vice Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Uwenne Carter  
Deputy Clerk

Effective Date: November 5, 1993

93 NOV 16 PM 3 14  
CLERK OF COUNTY COURT



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Lots 1, 2, 3 and 4, Block 1, Parcel A, Boulevard Heights, according to the plat thereof as recorded in Map Book 5, page 52 of the public records of St. Johns County, Florida, lying west of the west right-of-way of State Road A-1-A as now established.

CLERK OF CIRCUIT COURT  
ST. JOHNS COUNTY, FLA.

RECORDED

*John R. Minkley*  
CLERK OF CIRCUIT COURT

EXHIBIT A

(m)

COPY OF ADVERTISEMENT

The St. Augustine Record

PUBLISHED EVERY AFTERNOON 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 Dawn L. Brown

Credit Manager who on oath says that she is 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 Intent

in the matter of Case No. 92-464-CA Division 57 Fred Ahern vs. St. Johns County in the Court,

was published in said newspaper in the issues of September 11, 1993

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 has 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, Florida, for a period of one year next preceding the first publication of the attached 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 Dawn L. Brown Zoe Ann Moss

this 13th day of September

A.D. 19 93

Zoe Ann Moss Notary Public



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NOTICE OF INTENT TO CONSIDER ENACTMENT OF ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida at its regular meeting on October 12, 1993, at 1:30 p.m. in the County Auditorium, County Administration Building, 4020 Lewis Speedway, (County Road 16A) and U.S. #1 North, St. Augustine, Florida will hold a public hearing pursuant to an order of the Circuit Court, Seventh Judicial Circuit for St. Johns County, Florida in the matter of Ahern et al. vs. St. Johns County, Florida, Case No. 92-464-CA, Division 57 to wit: Further proceedings and action on an application for rezoning of land by the possessor of the following ordinance, including the consideration of facts and circumstances which are relevant to said rezoning and which may have changed since the June 28, 1991 filing of the application for said rezoning:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF R-1C TO PLANNED SPECIAL DEVELOPMENT IN ACCORDANCE WITH APPLICATION AND SUPPORTING DOCUMENTS UNDER FILE NO. PV91-003 AND IN ACCORDANCE WITH THE CIRCUIT COURT ORDER ENTERED IN FRED L. AHERN, ET AL. VS. ST. JOHNS COUNTY, FLORIDA, CASE NO. 92-464-CA, DIVISION 57, SEVENTH JUDICIAL CIRCUIT FOR ST. JOHNS COUNTY, FLORIDA; MAKING FINDINGS FACT REQUIRING COMPLIANCE WITH ALL APPLICABLE ST. JOHNS COUNTY LAND DEVELOPMENT REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

THE PROPERTY PROPOSED TO BE REZONED IS LEGALLY DESCRIBED AS FOLLOWS:

Lots 1, 2, 3 and 4, Block 1, Parcel A, Boulevard Heights, according to the plat thereof as recorded in Map Book 5, page 52 of the public records of St. Johns County, Florida, lying west of the West right-of-way of State Road A-1-A as now established.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting 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 the appeal is to be based.

Notice to all hearing impaired persons: Anyone planning to attend this meeting who needs the service of an interpreter, please contact David Holstead, ADA Coordinator at (904) 823-2505 at least 5 days prior to the date of this meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA By Yvonne Carter, Deputy Clerk L941 Sept. 11, 1993



FLORIDA DEPARTMENT OF STATE  
Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

RECEIVED  
'93 NOV -5 P3:02  
G...  
CLERK...

October 25, 1993

Honorable Carl "Bud" Markel  
Clerk of the Circuit Court  
St. Johns County Courthouse  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Yvonne Carter, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of October 21, 1993 and a certified copy of St. Johns County Ordinance No. 93-45, which was filed in this office on October 22, 1993.

Sincerely,

*Liz Cloud*  
Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

REC-1

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CL. 93

December 16, 1993

Honorable Carl "Bud" Markel  
Clerk of the Circuit Court  
St. Johns County Courthouse  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Yvonne Carter, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of December 13, 1993 and a certified copy of St. Johns County Ordinance No. 93-45, together with an official copy of Exhibit "A" (page 620A), which was inadvertently omitted when the first copy of Ord. 93-45 was filed on October 22, 1993. This ordinance was received and filed in this office on December 16, 1993.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb