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ORDINANCE NO: 95-31

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RS-3, TO OR WITH AN EXCEPTION FOR AIRPORT USE, AND FOR AN EXCEPTION IN OR DISTRICT TO PERMIT AIRPORT USE WITH EXCEPTIONS, WITH CONDITIONS, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, St. Augustine-St. Johns County Airport Authority, owner of land hereinafter described, filed application for change, dated 10/27/94, of zoning hereinafter described, and the required notice was published, a public hearing was held on the 11th day of July, 19 95, at 1:30 p.m. on said application, and

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

SECTION 1. Upon consideration of the application 94-020, supporting documents, statements from the applicant, and comments from staff at the public hearing, finds as follows:

- a. R-94-020 has been fully considered after public hearing pursuant to legal notice duly published as required by law and the St. Johns County Zoning Ordinance;
- b. The proposed rezoning from RS-3 to OR with an exception for airport use, and for an exception in OR district to permit airport use with exceptions, with conditions does not adversely affect the orderly development of St. Johns County as embodied in the Zoning Ordinance and the Comprehensive Plan;
- c. The proposed OR with an exception for airport use with conditions classification will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the natural environment, development of adjacent properties, or general neighborhood;
- d. The proposed OR with conditions classification will accomplish the objectives, standards and criteria of the Zoning Ordinance;
- e. The rezoning is consistent with the development of

Recorded in Public Records St. Johns County, FL
Clerk# 95021984 -O.R. 1120 PG 1060 03:27PM 07/26/95
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property in the area and is compatible with the desired future development of the area;

- f. On December 1, 1994 the St. Johns County Planning and Zoning Agency held a public hearing on the matter, and has recommended approval by unanimous vote as reflected in its report and recommendation dated December 6, 1994. The findings within the report and recommendation are hereby adopted herein.

SECTION 2. Pursuant to the application of St. Augustine-St. Johns County Airport Authority, zoning classification of OR with exception for Airport use on the lands described as follows:

PARCEL 1: Lots 1, 2, 3 and 4, Block N, Araquay Park, Unit 2

PARCEL 2: Lots 1, 2, 3 and 4, Block O, Araquay Park, Unit 2

PARCEL 3: Lots 1, 2, 3, 4 and 5, Block P, Araquay Park, Unit 2

PARCEL 4: Vacated portions of Otono Avenue and Indian Bend Road lying North of Estrella Avenue, Araquay Park, Unit 2

PARCEL 5: Lots 28, 29 and 30, Block C, Araquay Park, Unit 2

PARCEL 6: Lot 2, Block L, Araquay Park, Unit 2

PARCEL 7: Lots 1 and 2, Block M, Araquay Park, Unit 2

PARCEL 8: Commence at the Southeastern corner of Lot 4, Block O, Araquay Park, Unit 2, thence proceed in Northwesterly direction along the eastern boundary of said Lot 4 a distance of 130.0 feet more or less to the point of beginning; thence continue in the same northwesterly direction a distance of 280 feet to the boundary of the property known as the St. Augustine Airport; thence proceed in a southwesterly direction, along the boundary line of the Airport property a distance of 320 feet more or less to the boundary of the property formerly owned by Priester; thence proceed in a southeasterly direction a distance of 280 feet more or less, to the northeasterly corner of Lot 4, Block M, Araquay Park; thence proceed in a northeasterly direction, to the point of beginning.

PARCEL 9: Lot One (1), Block "O", Araquay Park, Second Unit, according to Plat thereof recorded in Plat Book 3, Page 145, public records of St. Johns County, Florida; Also starting at the Southeast corner of Lot One (1), Block "O", Araquay Park, Second Unit as recorded in Map Book

3, page 145; thence run along the East line of said Lot One North 27 degrees 15 minutes West, 150 feet to the Point of Beginning; thence continue along the same course, 260 feet to a point on the South boundary line of St. Augustine Airport; thence run along the South boundary line of St. Augustine Airport South 62 degrees 20 minutes West, 130 feet to a point; thence run South 27 degrees 15 minutes East, 260 feet to a point; thence run North 52 degrees 40 minutes East, 130 feet to Point of Beginning, containing 78/100 acres; Also starting on the Southeast corner of Lot One (1), Block "O" Araquay Park, Unit #2, as recorded in Map Book 3, Page 145; thence along the East line of Lot 1, North 27 degrees, 15 minutes West, 130 feet to the Point of Beginning; thence continue same course 20 feet to a point; thence South 62 degrees, 40 minutes West, 130 feet to a point; thence South 27 degrees, 15 minutes East 20 feet to a point; thence North 62 degrees, 40 minutes East, 130 feet to the Point of Beginning.

PARCEL 10: Commence at the intersection of the Western boundary line of Lot 2, Block O, Araquay Park, Unit 1 with the Northern right of way of Estrella Avenue, thence proceed in a northerly direction along the Western boundary of Lot 2 a distance of 130 feet to the point of beginning, said point being the Northwestern corner of Lot 2, Block O, Araquay Park; thence continue North on the same course as the said Western boundary line of Lot 2, Block O, Araquay Park, Unit 1, a distance of 280 feet; thence proceed in an Easterly direction, parallel with the Northern boundary of Estrella Avenue a distance of 1190.00 feet; thence proceed in a Southerly direction 279 feet to the Northeast corner of Lot 30, Block C, Araquay Park; thence proceed west along the Northern boundary of the said lot 30, and continue in the same Westerly direction along the northern boundary of Lots 5, 3, 2 and 1, Block P, Araquay Park, continuing West along the northern boundary of Otono Avenue, a vacated street, a total distance of 895.4 feet, this point being the Northwest corner of the vacated right of way of Otono Avenue; thence proceed South along the Westerly right of way of Otono Avenue a distance of 20 feet to the Northeast corner of Lot 4, Block O, Araquay Park; thence proceed in a westerly direction along the Northern boundary of Lots 4, 3 and 2, Block O, Araquay Park a distance of 200 feet to the point of beginning, said parcel containing 7.95 acres more or less.

IS HEREBY CHANGED TO OR, WITH AN EXCEPTION FOR AIRPORT USE, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The subject property will be fenced around the perimeter.
2. A 25' natural buffer will be maintained between the airport property and adjacent residential property.

SECTION 3. Nothing herein contained shall be deemed to impose conditions, limitation, or requirements not applicable to all other land in zoning district where in said lands are located, except as stated herein.

SECTION 4. SAVINGS CLAUSE

- a) Except to the extent that they conflict with specific provisions of the approved Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, any Concurrency Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development.
- b) Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety, or welfare, nothing in this section shall be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any concurrency certificate of concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance.

Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitutions.

SECTION 5. This grant of rezoning with an exception for Airport use is subject to the following condition subsequent and possible modification:

In the event a request for relief under the Bert J. Harris, Jr., Private Property Protection Act (Florida 1995) is

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timely filed against St. Johns County based in whole or in part on the County's enactment of this Ordinance and such request for relief ultimately proceeds to or results in a final (all available appeals having been taken or waived) court order, opinion or judgment that adversely affects the County or that modified this Ordinance, this Ordinance may be further modified by the St. Johns County Board of County Commissioners to the minimum extent necessary to alleviate or remedy the inordinate burden to real property that the final judgment, order or opinion determines was created by this Ordinance. Such modifications if made, shall comply with or mirror the court order, opinion or judgment to the extent such modifications are set out, described, or implied in or by such court order, opinion, or judgment. The applicant's reliance or use of this Ordinance to the benefit of the applicant shall constitute the applicant's waiver of all claims of the applicant against St. Johns County that may be based in whole or in part on such modifications.

SECTION 6. This Ordinance shall take effect immediately upon receipt of official acknowledgement from the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 11th DAY OF July, 19 95.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl "Bud" Markel
Clerk

Effective Date: July 24, 1995

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 _____

Barbara Dresslar _____ who on oath says that she is

Accounting Clerk _____ 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 Regular Meeting _____

in the matter of _____

July 11, 1995 - Lots 6 & 8, Block 1, Araquay Park, Unit 2

in the _____ Court, was published in said newspaper in the

issues of _____ June 9, 1995 _____

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 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 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 this 11th day of July, 1995,

by Barbara Dresslar who is personally

known to me or who has produced _____ personally known _____ as

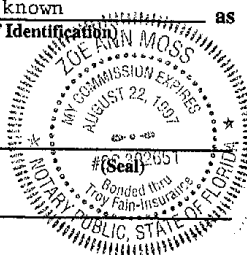
identification. (Type of Identification)

Zoe Ann Moss

(Signature of Notary Public)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)



NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 11th DAY OF JULY 1995 AT 1:30 O'CLOCK PM IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RS-3 TO OR WITH THE POSSIBILITY OF ADDED CONDITIONS.

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

SECTION 1. Pursuant to the application of St. Aug-St. Johns County Airport Auth. owners of the following described land, zoning classification of RS-3, single family on the following described lands:
Lots 6 and 8, Block 1, Araquay Park, Unit 2.
is hereby changed to OR/ Open Rural with the possibility of added conditions.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in zoning district wherein said lands are located.

SECTION 3. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgment of the office of the Secretary of State to the Clerk of the Board of County Commissioners; that same has been filed.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.
By Carl "Bud" Markel, its clerk

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, 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 and needs the services of an interpreter, please contact David Halstead, ADA Coordinator at 941-922-2805 at least 5 days prior to the date of this meeting.

L762 June 9, 1995