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Recorded in Public Records St. Johns County, FL  
Clerk# 96026624 O.R. 1187 PG 463 11:22AM 07/30/96  
Recording \$17.00 Surcharge \$2.50

ORDINANCE NUMBER : 96-45

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF  
FLORIDA, REZONING LANDS AS DESCRIBED  
HEREINAFTER FROM ZONING CLASSIFICATION OF  
CN, COMMERCIAL NEIGHBORHOOD, WITH  
CONDITIONS (ORDINANCE NUMBER 84-38)  
TO CN, COMMERCIAL NEIGHBORHOOD, PROVIDING  
FOR A CHANGE IN CONDITIONS;  
PROVIDING A SAVINGS CLAUSE; MAKING  
FINDINGS OF FACT; REQUIRING RECORDATION  
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, David L. and Elizabeth R. Arnold, record title owners of land described herein, filed an application for change dated May 7, 1996 for zoning hereinafter described, and after required notice was published a public hearing was held on the 9th day of July, 1996 at 1:30 o'clock PM on said application.

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

SECTION 1. Upon consideration of the application, R-96-013, supporting documents, statements from the applicant, correspondence received by the Planning Department, recommendation of the Planning and Zoning Agency, and statements from the staff and applicant at the public hearing, finds as follows:

1. That the need and justification for approval of the rezoning to CN, Commercial Neighborhood, with conditions has been considered in accordance with Section 11-10-4 of the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan, whereby it is found that:
  - a. The rezoning is consistent with the development of the properties in the area and is compatible with the desired future development of the area, and;
  - b. The proposed intensity of development is consistent with the uses allowable by the Comprehensive Plan MUC, Mixed Use Corridor, designation, in that the project proposes a development of commercial uses within an existing building.

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Sur 250  
Bill Co -  
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2 AM 5/31/96

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c. At the public hearing of June 6, 1996 the St. Johns County Planning and Zoning Agency recommended approval by 5 to 2 vote.

SECTION 2. Pursuant to the application of David L. and Elizabeth R. Arnold, the record title owner(s), of the subject land, the zoning classification of CN, Commercial Neighborhood, per Ordinance 84-38 on the following described land:

see attachment "B"

is hereby changed to CN, Commercial Neighborhood, subject to the following conditions:

1. Uses on this property are limited solely to Professional and Business Offices, such as, but not limited to, Medical, Accountant, Attorney, Architect, Real Estate and Insurance and those professional and business offices in compliance with Section 6-1-62 of the St. Johns County Zoning Code; Beauty and Barber Shop. Specifically excluded are retail sales establishments, except for incidental sales in conjunction with the permitted uses described herein.
2. The hours of operation for the use of Beauty or Barber Shop shall be limited to : Monday thru Saturday, 9:00am to 7:00pm, with no operation on Sunday.

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

SECTION 4. All building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development. 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 or 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 Constitution.

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

SECTION 6. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners

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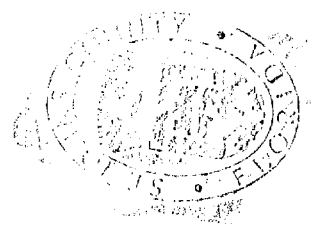
of St. Johns County, Florida, in the official records of St. Johns County, Florida, and indexed under the name of property owner listed in Section 1 hereof.

SECTION 7. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed in the office of Planning, by the Planning Director or his designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 9th DAY OF July 1996.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Ronald Jordan  
Its Chair



ATTEST: CARL "BUD" MARKEL, CLERK

BY: Patricia De Grande  
Deputy Clerk

EFFECTIVE DATE: July 18, 1996

PROJECT NAME: DAVID L. ARNOLD

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A portion of Government Lot 1, Section 7, Township 8 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Beginning (P.O.B.) start at the intersection of the Westerly right of way line of State Road Highway No. 1 and the Southerly right of way line of Creekside Drive as shown on the Plat of Osceola Point, as recorded on Mapbook 15, Pages 80 and 81, Public Records of St. Johns County, Florida; thence around the arc of a curve to the right,  $\pm 290.67$  feet, (said radius is 6757.65 feet) to the waters of Moultrie Creek and reference Point "A" (said curve on the Westerly right of way line of U.S. No. 1); thence begin again at the P.O.B. and run North  $85^{\circ} 52' 30''$  West 255.29 feet along the Southerly right of way line of Creekside Drive to the Northeast corner of Lot 1 as per Osceola Point Plat; thence South  $04^{\circ} 07' 30''$  West  $\pm 281.05$  feet along the Easterly boundary of said Lot 1 to the waters of Moultrie Creek; thence Easterly along said waters  $\pm 255$  feet to reference Point "A" and the final call of this description.

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ATTACHMENT "B"

Drd 96-45

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 \_\_\_\_\_

Julia Meeks \_\_\_\_\_ 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 Proposed Rezoning

in the matter of July 9, 1996 @ 1:30pm

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 14, 1996

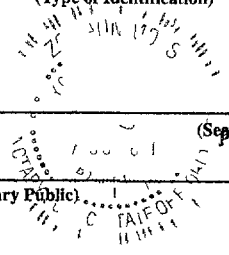
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 14th day of June, 1996,

by Julia Meeks \_\_\_\_\_ who is personally  
known to me or who has produced \_\_\_\_\_ personally known \_\_\_\_\_ as  
(Type of Identification)

Zoe Ann Moss  
(Signature of Notary Public)

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



PLANNING & ZONING  
DEPARTMENT  
JUN 17 1996  
ST. JOHNS COUNTY  
FLORIDA

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NOTICE OF PROPOSED REZONING  
Notice is hereby given that the Board of County Commissioners of St. Johns County, Florida at its regular meeting on the 9th day of July 1996 at 1:30 p.m. in the County Auditorium Building Lewis Road (County Road 16-A) and US 1 North, St. Augustine, Florida will consider 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 CN Commercial Neighborhood with conditions limiting uses to professional and business offices to CN Commercial Neighborhood with conditions that would allow the addition of beauty and barber shop retail sales establishments are excluded except for incidental sales and uses as described.  
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
SECTION 1 Pursuant to the application of David L. Arnold et al owners of the following described land zoning classification of CN with Conditions on the following described lands  
A portion of Government Lot 1 Section 7 Township 8 South Range 30 East St. Johns County Florida being more particularly described as follows  
For a Point of Beginning (P.O.B.) start at the intersection of the Westerly right of way line of State Road Highway No. 1 and the Southerly right of way line of Creekside Drive as shown on the Plat of Osceola Point as recorded on Mapbook 15 Pages 80 and 81 Public Records of St. Johns County Florida thence around the arc of a curve to the right plus minus 290.67 feet (said radius is 6757.65 feet) to the waters of Maultrie Creek and reference Point A (said curve on the Westerly right of way line of U.S. No. 1) thence begin again at the P.O.B. and run North 85° 52' 30" West 255.29 feet along the Southerly right of way line of Creekside Drive to the Northeast corner of Lot 1 as per Osceola Point Plat thence South 0° 07' 30" West plus minus 281.05 feet along the Easterly boundary of said Lot 1 to the waters of Maultrie Creek thence Easterly along said waters plus minus 255 feet to reference Point A and the final call of this description  
IS HEREBY CHANGED TO CN Commercial Neighborhood with the change in conditions allowing the added use of beauty/barber shop and retail sales incidental to permitted uses along with business and professional offices  
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 except as provided in Section 1 above  
SECTION 3 The Planning Department is authorized to issue construction permits allowed by zoning classification as rezoned

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. JOHN'S COUNTY, FLORIDA

By:                      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, it 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 persons interested persons who are planning to attend this meeting and needs the services of an interpreter please contact David Holstead, ADA Coordinator, at 904 822-2252, at least 5 days prior to the date of this meeting. This matter is subject to court imposed judicial rules of procedure. Interested parties should limit contact with the County Commissioners and Planning & Zoning Committee members on this matter with compliance with Resolution 95-126 to properly noticed public hearings or written communication. Years of St. Johns County Planning Department, P.O. Drawer 268, St. Augustine, Florida 32084.

95-126 11/17/95