

Recorded in Public Records St. Johns County, FL  
Clark# 96004502 O.R. 1154 PG 1 08:40AM 02/08/96  
Recording \$13.00 Surcharge \$2.00

8161

ORDINANCE NUMBER: 96-4

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS DESCRIBED  
HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION  
OF OR, OPEN RURAL, TO RS-3, SINGLE FAMILY RESIDENTIAL;  
PROVIDING CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING  
A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Theodore J. Kenny and Kathryn Annie Kenny owner of land  
described herein, filed application for change dated September  
13, 1995 of zoning hereinafter described, and after required  
notice was published, a public hearing was held on the 9th day of  
January, 1996 at 1:30 o'clock PM 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, R95029  
supporting documents, statements from the applicant and comments  
from the staff and applicant at the public hearing, finds as  
follows:

- a. R95029 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 CRT to RS-3 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 RS-3 with conditions classification will not  
adversely affect 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 RS-3 with conditions will accomplish the  
objectives, standards and criteria of the Zoning Ordinance;

*Dr & Ret - Irma Pacetti  
Bill Co - BCC Secty  
Rec 13<sup>00</sup>  
2<sup>00</sup>*

e. The rezoning is consistent with the development of property in the area and is compatible with the desired future development of the area;

f. The proposed intensity of development is consistent with the uses allowable by the Comprehensive Plan with regard to development within the Comprehensive Plan designation "B" residential; and

g. On November 16, 1995 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 November 21, 1995, the findings within the report and recommendation are hereby adopted herein.

Section 2. Pursuant to the application of Theodore J. Kenny, zoning classification of CHT, COMMERCIAL, HIGHWAY, TOURIST, on the following described lands:

A part of Section 74, Township 4 South, Range 29 East, St. Johns County, Florida, more particularly described as follows: For a point of reference commence at the Northeast corner of the Sanchez Grant, Section 52, Township 4 South, Range 29 East; thence run N. 86° 30' W., along the line dividing Section 47 and said Section 52, a distance of 210.00 feet to the Easterly right-of-way line of a 60 foot county road known as Neck Road; thence run N. 12° 45' E., along said Easterly right-of-way line of Neck Road, a distance of 352.13 feet to the point of beginning; thence continue N. 12° 45' E., along said Easterly right-of-way line, a distance of 201.54 feet; thence run N. 86° 59" E., a distance of 354.00 feet; thence run S. 18° 13' E., a distance of 52 feet more or less to the Westerly edge of Guano Lake (also known as the Guano River Marsh); thence run Southwesterly, along said Westerly edge of Guano Lake, a distance of 250 feet more or less to a point that bears S. 83° 46' E. from the point of beginning; thence run N. 83° 46' W., a distance of 259 feet more or less to the point of beginning. Containing 1.7 acres more or less.

is hereby changed to RS-3, single family residential, subject to the following conditions:

a. There shall be a maximum of two lots.

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.

O.R. 1154 PG 0003

SECTION 4. All building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitations, and 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 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 the Florida Statutes 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 ordinances or other land development regulations as applied to this development under the Florida or United State Constitution.

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

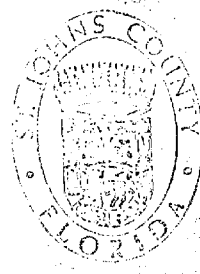
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 23 DAY OF January 1996.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *Donald Jordan*  
It's Chair, **Donald Jordan**

ATTEST: **Carl "Bud" Markel, Clerk**

*Patricia DeGrade*  
BY: Deputy Clerk



EFFECTIVE DATE: February 1, 1996

# 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 Continued Public Hearing

in the matter of Jan. 23, 1996 @ 1:30

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of Jan. 12, 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 12th day of Jan, 1996,

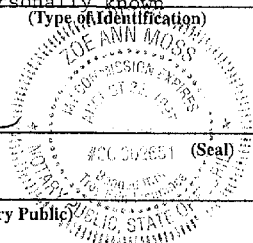
by Julia Meeks who is personally

known to me or who has produced \_\_\_\_\_ personally known \_\_\_\_\_ as

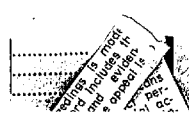
identification.

Zoe Ann Moss  
(Signature of Notary Public)

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



NOTICE OF A CONTINUED PUBLIC HEARING BY THE BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA  
NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 23RD DAY OF JANUARY, 1996 AT 1:30 P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 4020 LEWIS SPEEDWAY, ST. AUGUSTINE, FLORIDA, WILL CONSIDER THE FOLLOWING REQUEST, WHICH WAS CONTINUED FROM THE MEETING OF JANUARY 9, 1996.  
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR, OPEN RURAL, TO RS-3, SINGLE FAMILY RESIDENTIAL, WITH THE POSSIBILITY OF ADDED CONDITIONS. THE APPLICATION FOR REZONING WAS CONTINUED TO ADVERTISE THE PRESENT OWNERS OF THE PROPERTY, WHICH ARE THEODORE JOHN KENNY, AND KATHERINE ANNIE KENNY.  
On lands described as:  
A part of Section 74, Township 4 South, Range 29 East, St. Johns County, Florida, more particularly described as follows: for a point of reference commence at the Northeast corner of the Sanchez Grant, Section 52, Township 4 South, Range 29 East, thence run N. 86° 30' W., along the line dividing Section 47 and said Section 52, a distance of 210.00 feet to the Easterly right-of-way line of a 60 foot county road known as Neck Road; thence run N. 12° 45' E. along the Easterly right-of-way line of Neck Road, a distance of 352.13 feet to the point of beginning; thence continue N 12° 45' E., along said Easterly right-of-way line a distance of 201.34 feet; thence run N. 85° 59' E., a distance of 354.00 feet; thence run S. 18° 13' E., a distance of 32 feet more or less to the Westerly edge of Guano Lake (also known as the Guano River Marsh); thence run Southwesterly, along said Westerly edge of Guano Lake, a distance of 250 feet more or less to a point that bears S 03° 46' E. from the point of beginning; thence run N. 83° 46' W., a distance of 239 feet more or less to the point of beginning, containing 1.7 acres more or less.  
General Location of Property: 1232 Neck Road.  
The aforementioned application and supporting documents are maintained in the office of Zone, County Administration Building, St. Augustine, Florida, and may be examined by parties in interest prior to said public hearing and all parties in interest shall be granted an opportunity to be heard at said public hearing.  
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 is





FLORIDA DEPARTMENT OF STATE  
 Sandra B. Mortham  
 Secretary of State  
 DIVISION OF ELECTIONS  
 Bureau of Administrative Code  
 The Elliot Building  
 401 South Monroe Street  
 Tallahassee, Florida 32399-0250  
 (904) 488-8427

February 2, 1996

Honorable Carl Markel  
 Clerk to Board of County Commissioners  
 St. Johns County  
 Post Office Box 300  
 St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of January 29, 1996 and certified copy of St. Johns County Ordinance No. 96-4, 96-5, 96-6, 96-7, 96-8, and 96-9 which were filed in this office on February 1, 1996.

Sincerely,

Liz Cloud, Chief  
 Bureau of Administrative Code

LC/mw

CLERM. COUNTY COMMISSION  
 Carl Markel

96 FEB -5 P4:27

RECEIVED  
 ST. JOHNS COUNTY COMMISSION