

Recorded in Public Records St. Johns County, FL  
Clerk# 96003141 O.R. 1152 PG 157 12:19PM 01/29/96  
Recording \$13.00 Surcharge \$2.00

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Fee - 13<sup>00</sup>  
Sur - 2<sup>00</sup>

ORDINANCE NUMBER:- 96-3  
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE  
OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT  
ZONING CLASSIFICATION OF OR, OPEN RURAL, WITH CONDITIONS AND AN  
EXCEPTION FOR BORROW PIT USE TO OR, OPEN RURAL, WITH CHANGE IN  
CONDITIONS AND AN EXCEPTION FOR BORROW PIT USE;  
PROVIDING FOR CONDITIONS;  
PROVIDING A SAVINGS CLAUSE; MAKING FINDINGS  
OF FACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, David Lee Sellers, Sr., owner of land described herein, filed application for change dated October 16, 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 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, R-95-036, supporting documents, statements from the applicant and comments from the staff and applicant at the public hearing, finds as follows:

A. That the need and justification for approval of the rezoning to OR, Open Rural, with conditions and an exception for a borrow pit 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 Mixed Use Development of the properties in the area and is compatible with desired future development of the area, and;
- b. The proposed intensity of development is consistent with the uses allowably by the Mixed Use Corridor designation with the Comprehensive Plan, in that the project proposes a mixed use of residential, with an exception for a borrow pit, and;
- c. At the public hearing of November 16, 1995 the St. Johns County Planning and Zoning Agency recommended approval by unanimous vote.

SECTION 2. Pursuant to the application of David Lee Sellers, Sr, the zoning classification of OR, Open Rural, with conditions, and an exception for borrow pit use, on the following described land:

The northerly 549 feet of lot 10, F.N. Holmes Subdivision as recorded in Map Book 2, page 36 of the public records of St. Johns County, Florida.

Is hereby changed to OR, Open Rural, with and Exception for borrow pit use, subject to the following conditions:

- 1. The following Permitted Principal Uses and Structures as defined by Section 5-11-2 of the

Dr. Ret. BCC Secty  
P. Degradle

St. Johns County Zoning Ordinance shall be prohibited:

b., c., d., f., g., h., and j.

2. The following Permissible Uses by Exception as defined by Section 5-11-4 of the St. Johns County Zoning Ordinance shall be prohibited:

c., d., e., f., g., h., l., m., n., p., q., and r.

3. The borrow pits shall have side slopes of 4:1 on all sides and the top of bank shall be a minimum of fifteen (15) feet from all property lines, except in any area where the borrow pit is directly connected to an off-site borrow pit.
4. A six (6) foot high fence shall be erected behind a fifteen (15) foot buffer area facing Holmes Boulevard, behind a fifteen (15) foot buffer along the north property line of the property and along the south property line. The length of the fence shall be the entire frontage facing Holmes Boulevard and a minimum of fifty (50) feet on the North and South Property lines.
5. No Federal or State Jurisdictional lands are to be dredges as borrow pit unless permitted as such.
6. The borrow pit activities are limited the three (3) years from the effective date of this Ordinance.
7. No construction or clearing debris are to be placed within the borrow pits during or after the borrow pit activities.

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 limitations, any 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 Statutes or that may be provided in any 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 Constitution.

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

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

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

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *Donald Jordan*  
Its Chair - Donald Jordan

ATTEST: CARL "BUD" MARKEL  
CLERK OF THE CIRCUIT COURT

BY: *Patricia DeGrande*  
Deputy Clerk

EFFECTIVE DATE: January 18, 1996

