

P.U.D. OFF. REC.
BOOK 3 PAGE 582

ORDINANCE NUMBER: 96-50
AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, MODIFYING MASTER
DEVELOPMENT PLAN, INCORPORATED INTO ORDINANCE NO: 86-79,
AND AS AMENDED BY ORDINANCES 94-22; 94-23; 96-49)
AN ORDINANCE REZONING CERTAIN LANDS
DESCRIBED THEREIN TO PLANNED UNIT DEVELOPMENT;
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That as requested by Gerald Dake Associates, Inc. on behalf of the record title owners, Marsh Creek Partnership, in its application with supporting documents for zoning hearing dated June 10, 1996, concerning lands described on attached Exhibit "VI", the legal description, attached hereto, (hereinafter the "PUD Modification"), the Master Development Plan incorporated into Ordinance Number :86-79; amended by Ordinances : 94-22; 94-23 is hereby modified as set forth in the attached exhibits hereto as :

Exhibit I - Additional Area Map
Exhibit II - Parcel Eight Map
Exhibit III - Parcel Eight Map, after addition
Exhibit IV - Phasing Plan
Exhibit V - Legal Description, Map
Exhibit VI - PUD Legal Description, includes existing Parcel Eight description
Exhibit VII - Legal Description Additional Area

SECTION 2. That development of lands within the PUD shall proceed in accordance with Ordinance Number :86-79 As Amended, including the Application for Zoning Hearing, (The PUD Modification) dated June 10, 1996 , attached hereto and made a part hereof.

SECTION 3. That the need and justification for modification of the PUD 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:

Ordinance Book 18 Page 314

- a. The PUD, as modified, does not adversely affect the orderly development of St. Johns County as embodied in the Zoning Ordinance and in the Comprehensive Plan or portion thereof adopted by the St. Johns County Board of County Commissioners ;
- b. The PUD, as modified, will not adversely affect the health, safety of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent properties or the general neighborhood;
- c. The PUD as modified, will accomplish the objectives and will meet the standards and criteria of Section 8-2-3 and Section 8-4 of the Zoning Ordinance;
- d. The PUD, as modified, is consistent with the development trends of the surrounding area and with the goals, policies and objectives of the Comprehensive Plan; and,
- e. At the public hearing on July 18, 1996 , the Planning and Zoning Agency recommended approval by unanimous vote.

SECTION 4. That all other provisions of Ordinance Number : 86-79, as amended, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Except to the extent that they conflict with specific provisions of the approved development plan or PUD Ordinance, 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, except modification to approved development plans by variance or exception shall be prohibited. Furthermore, no private land use covenant or restriction that may be incorporated into this Ordinance which is more strict than a particular Federal, State or County Statute, Ordinance, Regulation, Rule, or Resolution shall be enforced by the County under this ordinance except as is specifically provided for and described in this Ordinance and the incorporated PUD Ordinance

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 State Constitutions.

SECTION 6. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 7 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 the property owner listed in Section 1 hereof

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PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST JOHNS COUNTY THIS 13th DAY OF August 1996

BOARD OF COUNTY COMMISSIONERS
OF ST JOHNS COUNTY, FLORIDA

by Donald Jordan
Its Chair Donald Jordan

Attest: Carl, "Bud" Markel, Clerk

By: Donald Jordan
Deputy Clerk

Adopted August 13, 1996

Effective August 20, 1996

Marsh Creek PUD 1996
Major Modification

TO

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Ordinance 86-79

1996 MARSH CREEK PUD
MAJOR MODIFICATION
and REZONING

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CONCURRENCY APPROVAL AND EXEMPTIONS

A concurrency exemption was granted to the **MARSH CREEK COUNTRY CLUB** for phases I - VI with 450 residential units, golf course and club, and 25,000 sq.ft. of commercial floor space by ordinance 92-CE-09. Ordinance 92-CD-38 granted concurrency approval for an additional 23 residential units for Phase VII setting a total of 473 residential units and 25,000 sq.ft. of commercial with concurrency approval. Ordinance 93-CD-65 provided approval for an additional 74 residential units, and finally Ordinance 95-CD-35 added another 101 residential units for a grand total to date of 648 residential units and 25,000 sq.ft. of commercial floor space on a 19.3 acre site, all within 745.33 acres of land area.

The current application will add an additional 64.6 acres of land area to **MARSH CREEK COUNTRY CLUB** with no increase in additional residential units or commercial floor space, and this additional area will be added to the Concurrency Ordinance 95-CD-35. The total land area included in the Marsh Creek PUD subsequent to this application will be 809.93 acres.

The current application for expansion of **MARSH CREEK COUNTRY CLUB** will add no threshold units and therefor will require no concurrency approvals.

PUD MAJOR MODIFICATION AND REZONING DESCRIPTION

This application requests the modification of **PARCEL EIGHT OF MARSH CREEK COUNTRY CLUB** by the redistribution of 161 residential units previously approved by ORDINANCE R-PUD-94-23 on the existing 122.30 acres of **PARCEL EIGHT** and 64.4 acres of land area to be added to **PARCEL EIGHT** and included in the PUD. The rezoning element of this application will add the additional 64.4 acres of land area currently zoned OR to the **MARSH CREEK COUNTRY CLUB PUD**.

Redistribution of Residential Units: The existing **PARCEL EIGHT** comprised of 122.30 acres of land area is approved for 160 residential units (one additional unit was approved but was allocated to unit two). Unit Nine in **PARCEL EIGHT** comprised of 41 units has been completed, while units Ten and Eleven comprising 37 units are currently under construction, leaving 83 units for future development under the phasing plan.

The proposed plans are to redistribute the remaining 83 units over the undeveloped portion of the existing PARCEL EIGHT and the additional 64.6 acres to be added to PARCEL EIGHT. Current plans for PARCEL EIGHT will result in 160 residential units on 122.30 acres of land for a density of 1.3 units per acre, while the requested expansion of PARCEL EIGHT to 186.93 acres and redistribution of the same 160 residential units will result in a reduced density of 0.86 units per acre.

Development Regulations:

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Residential units in PARCEL EIGHT will consist of a combination of detached patio homes (zero lot line) and single family homes conforming to the following standards:

Patio Home lots will require a 25 foot front line set back line from the street, a 20 foot rear setback line, and a combined 10 foot side separation between exterior structural walls and a minimum of 6 feet between roof overhangs allowing zero lot line capability.

Single Family lots will require a 25 foot front line set back from the street, a 20 foot rear set back line, and 7.5 foot side yards. The **MARSH CREEK ARCHITECTURAL REVIEW BOARD** shall have the right to impose additional set back requirements for all lot lines to preserve line of sight of neighboring properties, and may modify the set back restrictions for an individual lot where in its sole discretion, such modification is necessary for the preservation of trees or the maintenance of overall aesthetics in the area. A residence may be located wholly within a single family lot or a combination of lots and in such event the set back restrictions shall apply to the most exterior boundary lines.

Each residential unit shall be a part of the **Marsh Creek Covenants and Restrictions** and will be members of the **Marsh Creek Home Owners Association** and subject to the requirements thereof and therefore providing unified development control.

A 25 foot buffer will be provided along all lot lines which abut wetlands and/or marshes on the Matanzas River.

Phasing of Development: The phasing of development in the expanded PARCEL EIGHT shall be consistent with the schedule approved in Ordinance 94-22, **Marsh Creek PUD Major Modification and Modification** and Certificate of Concurrencey #93-CD-65 and #95-CD-35.

SCHEDULE OF RESIDENTIAL PLATTED LOT CONSTRUCTION AND ESTIMATED RESIDENTIAL UNIT CONSTRUCTION

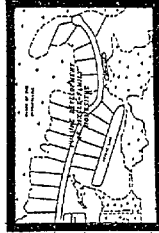
	Phase I	Phase II	Phase III
	1994-1995	1996-1997	1998-2005
Lots Platted	74	50	51
total accum lots	74	124	175
houses built	12	20	143
total accum houses	12	32	

EXHIBIT 1

**P.U.D.
Additional Area**

AREA TO BE
ADDED TO PUD

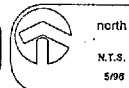
**P.U.D. OFF. REC.
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**Marsh Creek PUD
1996 Major Modification**

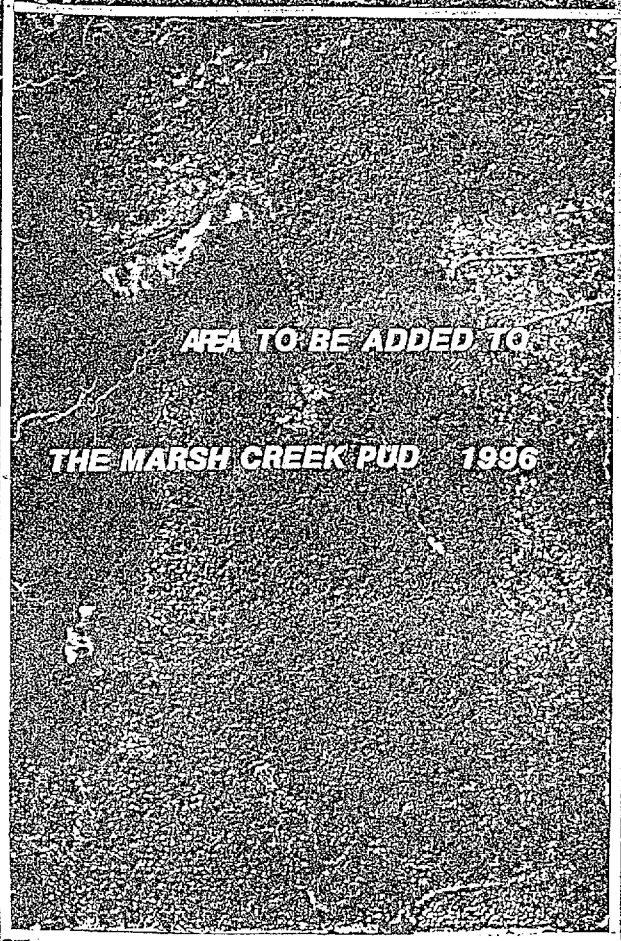
Marsh Creek Country Club

Marsh Creek Partnership • St. Augustine, Florida



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AREA TO BE ADDED TO

THE MARSH CREEK PUD 1996

CITY DISTRICT UTILITY PLANT

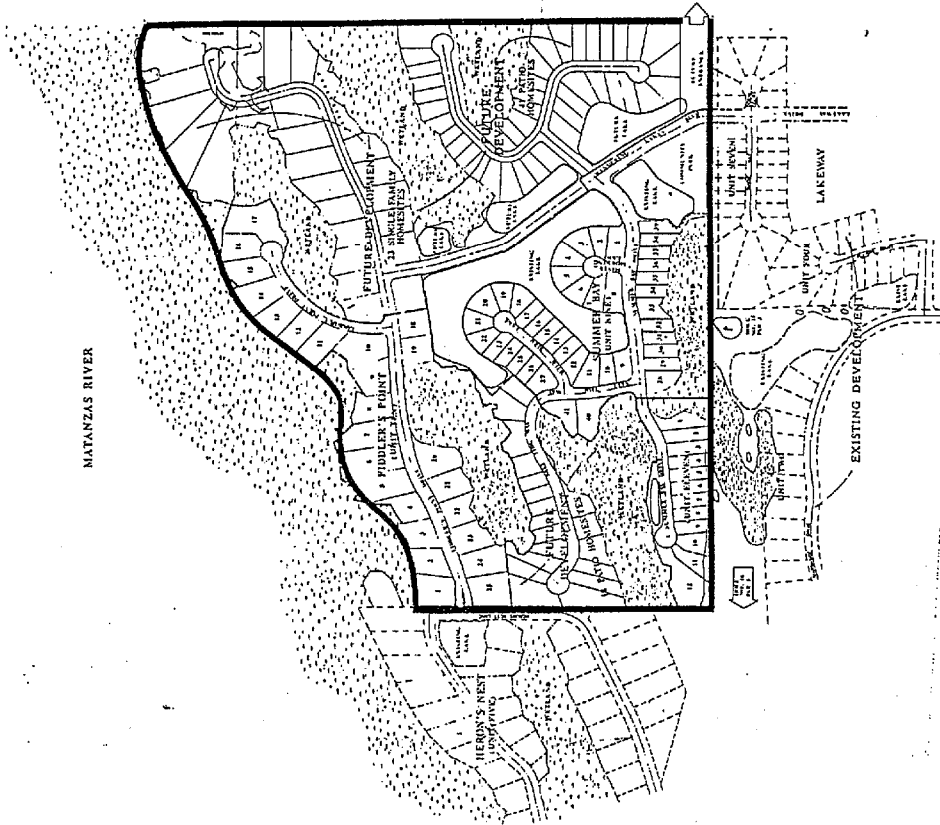
Exhibit II

**Parcel Eight
Prior to Additional Area**

Current Development Plan

Unit Nine	Completed	41
Unit Ten	Under Development	25
Unit Eleven	Under Development	12
Future Development		82
TOTAL HOMESITES		160

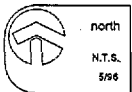
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**Marsh Creek PUD
1996 Major Modification**

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* This plan is a working draft for planning only.

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 Marsh Creek PUD BOOK 5 PAGE 592

Concurrency Approval and Development Schedule

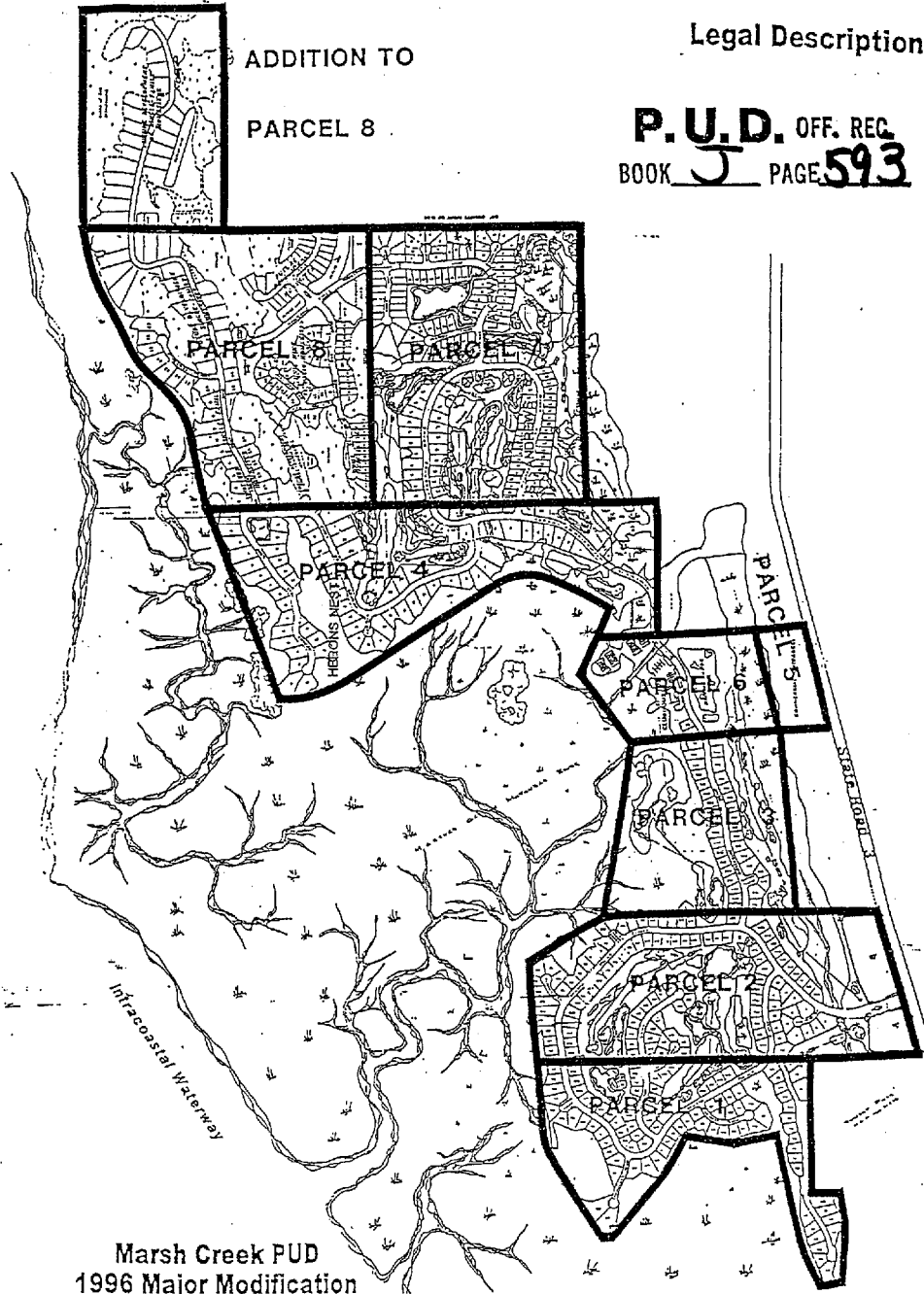
Total Number of Approved Units	175	
January 26, 1994 Certificate of Concurrency Phase One Concurrency Approval		74
Approved Development:		
Unit Eight	14	
Unit Nine	41	
November 8, 1995 Certificate of Concurrency Phase One Concurrency Approval <small>(CERTIFICATE EXPIRES NOVEMBER 8 1997)</small>		101
Approved Development.		
Unit Ten	25	
Unit Eleven	12	
Future Development	<u>54</u>	
Subtotal	146	146
Phase Two Concurrency Approval <small>(CERTIFICATE EXPIRES NOVEMBER 8 1999)</small>		
Future Development	<u>29</u>	<u>29</u>
Total Number of Approved Units	<u>175</u>	<u>175</u>

EXHIBIT V

Legal Description

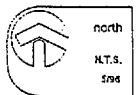
ADDITION TO
PARCEL 8

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Marsh Creek PUD
1996 Major Modification

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Marsh Creek PUD
Legal Description

Exhibit VI
Legal Description

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PARCEL ONE:

Government Lots 1 and 2, Section 9, Township 8 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows:

Beginning at a point on the South line of Section 3, Township 8 South, Range 30 East, where West side of County Road intersects said South line of said Section 3; thence in a Northwesterly direction along the West side of said County Road 50 feet to a point; thence West parallel to South line of said Section 3 and South line of Section 4, Township 8 South, Range 30 East, a distance of 56 chains and 21 links, more or less, to the marsh of the Matanzas River; thence Southerly along the edge of said marsh 50 feet, more or less, to the Southwest corner of Government Lot 7 of Section 7, Township 8 South, Range 30 East; thence East along the South line of said Section 4 and South line of said Section 3, a distance of 56 chains and 21 links, more or less, to the point of beginning.

Said land being the South 50 feet of Governments Lots 7 and 8 of Section 4 and the South 50 feet of that part of Government Lot 7 of Section 3, as lies West of the County Road, all in Township 8 South, Range 30 East, in St. Johns County, Florida.

PARCEL TWO:

All of Government Lots 7 and 8 of Section 4 and that part of Government Lot 7 of Section 3, lying West of the Crescent Beach or County Road.

Excepting 50 feet being the South 50 feet of Government Lots 7 and 8, Section 4, and the South 50 feet of that part of Government Lot 7, Section 3, as lies West of the County Road at the present time. All in Township 8 South Range 30 East, St. Johns County, Florida.

PARCEL THREE:

Government Lot 6, Section 4, Township 8 South, Range 30 East, St. Johns County, Florida.

PARCEL FOUR:

Government Lots 2, 3 and 4, Section 4, Township 8 South, Range 30 East, excepting therefrom the North 50 feet thereof conveyed to St. Johns County, Florida, for public road purposes as described in Deed Book 216, page 97, of the public records of St. Johns County, Florida.

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PARCEL FIVE:

All that part of Government Lot 3, Section 3, Township 8 South, Range 30 East, lying West of State Road Alternate A-1-A, St. Johns County, Florida.

PARCEL SIX:

Government Lot 5, Section 4, Township 8 South, Range 30 East, St. Johns County, Florida.

TOGETHER with all accretions thereto, but less and except that certain parcel of land described as follows

A portion of land in Section 4 and accretion Westerly thereto, Township 8 South, Range 30 East, being more particularly described as follows:
Commence for a point of reference at the Northwest corner of said Section 4; thence run South along the Westerly line of said Section 4, 1170 feet, more or less, to the Northeasterly meander corner of Government Lot 1, Section 5; thence North 67° 45' West 90 feet, more or less, to the Northerly meander corner of said Government Lot 1; thence South 54° 45' West 92 feet, more or less, to the Northwesterly meander corner of said Government Lot 1, Section 5 and the point of beginning; thence North 54° 45' East 92 feet, more or less, to the Northerly meander corner of said Government Lot 1; thence South 67° 45' East 90 feet, more or less, to the Northeasterly meander corner of said Government Lot 1; thence South 22° 45' East 86 feet, more or less, to the Easterly meander corner of said Government Lot 9, Section 4; thence South 23° 15' West 84 feet, more or less, to the Southerly meander corner of said Government Lot 9; thence South 17° 00' East 570 feet, more or less, to the Northeasterly meander corner of said Government Lot 10, Section 4; thence South 24° 00' East 582 feet, more or less, to the Easterly corner of said Government Lot 10, thence South 19° 00' West 132 feet, more or less, to the Southerly meander corner of said Government Lot 10; thence South 64° 00' West 425 feet, more or less, to the mean high water line of the Matanzas River; thence meander Northerly along said mean high water line 1770 feet, more or less, to a point lying South 64° 00' West 430 feet, more or less, from the point of beginning; thence North 64° 00' East 430 feet, more or less, to the point of beginning.

Ordinance Book

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PARCEL SEVEN

A portion of Section 33, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows: COMMENCE at the Southeast corner of said Section 33; thence South 89°19'05" West along the Southerly line of said Section 33, a distance of 1968.05 feet to the Westerly line of the East one half of the West one half of the Southeast one quarter of the aforesaid Section 33; thence North 01°04'33" West along said Westerly line, a distance of 50.00 feet to the Northerly right of way line of a 100.00 foot road right of way as recorded in Deed Book 216, Page 93 and 97 of the Public Records of the aforesaid county and the POINT OF BEGINNING; thence South 89°19'05" West, along said Northerly right of way line, 555.52 feet to an angle point therein; thence South 89°17'53" East continuing along said Northerly right of way line, 1312.94 feet to the Easterly line of the Southwest one quarter of the Southwest one quarter of aforesaid Section 33; thence North 01°12'00" West along said Easterly line, 1267.96 feet, to the Northeast corner of said Southwest one quarter of the Southwest one quarter of Section 33; thence North 89°11'52" East, along the South line of the Northeast one quarter of the Southwest one quarter of Section 33, a distance of 1314.59 feet to the Southeast corner of said Northeast one quarter of the Southwest one quarter; thence North 01°06'29" West, along the Easterly line of the Southwest one quarter of Section 39, a distance of 1319.37 feet, to the Northeast corner of the aforesaid Southwest one quarter of Section 33; thence North 89°07'01" East, along the North line of the Southeast one quarter of Section 33, a distance of 657.34 feet to the aforesaid Westerly line of the East one half of the West one half of said Southeast one quarter; thence South 01°04'33" East, along last said line, a distance of 2591.91 feet, to the POINT OF BEGINNING.

Containing 77.322 acres, more or less.

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PARCEL EIGHT. 122.33 acres ±

West half of the Southwest quarter of Section 33, Township 7 South, Range 30 East, St. Johns County, Florida excepting the East 30' and the South 50', together with Government Lot 5, Section 32, Township 7 South, Range 30 East, St. Johns County, Florida excepting the South 50'.

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Exhibit VI
**Additional Area
Legal Description**

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Government Lots 1 & 4, less and accept
The northerly 500 feet of Government Lot 1,
All lying in section 32, township 7 south,
range 30 east, St. Johns County, Florida.

**Marsh Creek PUD
1996 Major Modification**

Ordinance Book 18 Page 329

Marsh Creek Country Club
Marsh Creek Partnership • St. Augustine, Florida



north
N.T.S.
5/96



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* This plan is a working draft for planning use only.

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 Public Hearing

in the matter of Proposed Major Modification Ordinance 86-79

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

issues of July 24, 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 24th day of July, 1996,

by Julia Meeks _____ 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 _____ (Seal)

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

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COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING ON PROPOSED MAJOR MODIFICATION TO PLANNED UNIT DEVELOPMENT

Notice is hereby given that a public hearing for Major Modification to Ordinance 86-79, an ordinance modifying lands within Marsh Landing Planned Unit Development, will be heard by the Board of County Commissioners of St. Johns County, Florida, to consider the following:

The addition of 64.6 acres of land to the Planned Unit Development with no increase in the approved residential units for the Planned Unit Development on the following described lands located in St. Johns County, Florida:

Marsh Creek PUD Exhibit W

Legal Description

PARCEL ONE: Government Lots 7 and 2, Section 9, Township 8 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows:

Beginning at a point on the South line of Section 3, Township 8 South, Range 30 East, where West side of County Road intersects said South line of said Section 3; thence in a northwesterly direction along the West side of said County Road 50 feet to a point; thence West parallel to South line of said Section 3 and South line of Section 4, Township 8 South, Range 30 East, a distance of 56 chains and 21 links, more or less, to the marsh of the Matanzas River; thence South along the edge of said marsh 50 feet, more or less, to the Southwest corner of Government Lot 7 of Section 7, Township 8 South, Range 30 East; thence East along the South line of said Section 4 and South line of said Section 3, a distance of 56 chains and 21 links, more or less, to the point of beginning.

Said land being the South 50 feet of Government Lots 7 and 8 of Section 4 and the South 50 feet of that part of Government Lot 7 of Section 3, as lies West of the County Road, all in Township 8 South, Range 30 East, St. Johns County, Florida.

PARCEL TWO: All of Government Lots 7 and 8 of Section 4 and that part of Government Lot 7 of Section 3, lying West of the Crescent Beach or County Road, excepting 50 feet being the South 50 feet of Government Lots 7 and 8, Section 4, and the South 50 feet of that part of Government Lot 7, Section 3, as lies West of the County Road of the present time. All in Township 8 South, Range 30 East, St. Johns County, Florida.

PARCEL THREE: Government Lot 6, Section 4, Township 8 South, Range 30 East, St. Johns County, Florida.

PARCEL FOUR: Government Lots 2, 3 and 4, Section 4, Township 8 South, Range 30 East, excepting therefrom the North 50 feet thereof conveyed to St. Johns County, Florida for public road purposes as described in Deed Book 216, page 97, of the public records of St. Johns County, Florida.

PARCEL FIVE: All that part of Government Lot 3, Township 8 South, Range 30 East, lying State Road Alternating, St. Johns County, Florida.

