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12/18/2009 at 10:09 AM,
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ORDINANCE NUMBER: 2009- 58

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the development of the lands within this Planned Rural Development shall proceed in accordance with the PRD application, dated November 1, 2007 in addition to supporting documents and statements from the applicant which are a part of Zoning File PRD 2007-06 The Preserve at Eagle Cove, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Services Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, the Board of County Commissioners, finds as follows:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The PRD is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan, specifically Goal A.1 of the Land Use Element related to effectively managed growth, the provision of diverse living opportunities and the creation of a sound economic base.
3. The PRD is consistent with the Future Land Use Designation of Rural Silviculture.
4. The PRD is consistent with Part 5.03.00 and 5.04.00 of the St. Johns County Land Development Code, which provides standards for Planned Rural Developments.
5. The PRD meets the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
6. The PRD meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02(G)1.t and 5.03.02.(F).of the Land Development Code.
7. The PRD would not adversely affect the orderly development of St. Johns County

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SECTION 2. Pursuant to this application File Number PRD 2007-06 The Preserve at Eagle Cove PRD, the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to PRD.

SECTION 3. To the extent they do not conflict with the specific provisions of this PRD Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to this development; except (a) that modification to this PRD by variance or special use shall be prohibited except where allowed by the Land Development Code; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, Comprehensive Plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

SECTION 4. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 5. This Ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of the Court of St. Johns County in accordance with Section 125.68, Florida Statutes.

SECTION 6. Upon the effective date of this Ordinance, the zoning classifications shall be recorded on the Zoning Atlas maintained in the Zoning Division of the St. Johns County Growth Management Services Department by the Director of Growth Management Services, or his designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 1st DAY OF December 2009.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: Ron Sanchez
Ron Sanchez, Chairman

RENDITION DATE 12/03/09

ATTEST: **CHERYL STRICKLAND, CLERK**

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: 12/09/09



Exhibit A

PARCEL A:

A PORTION OF THE FRANCIS J. FATIO GRANT, SECTION 40, TOWNSHIP 5 SOUTH, RANGE 27 EAST AND SECTION 43, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 13, (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) WITH THE NORTHWESTERLY LINE OF SAID SECTION 43; FROM THE POINT OF BEGINNING THUS DESCRIBED RUN NORTH 41° 31' 26" EAST, ALONG THE SAID NORTHWESTERLY LINE OF SECTION 43 AND THE NORTHWESTERLY LINE OF SAID SECTION 40, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF LANDS DESCRIBED AND RECORDED IN DEED BOOK 215, PAGES 245-247, OF THE PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 2198.95 FEET TO A FOUND CONCRETE MONUMENT SET BY ST. JOE PAPER COMPANY, SAID CORNER ALSO BEING THE NORTHWESTERLY CORNER OF SAID LANDS DESCRIBED IN DEED BOOK 215, PAGES 245-247; THENCE SOUTH 69°00' 09" EAST, ALONG THE NORTHEASTERLY LINE OF SAID SECTION 40, SAID LINE ALSO BEING THE NORTHEASTERLY LINE OF SAID LANDS DESCRIBED IN DEED BOOK 215, PAGES 245-247, A DISTANCE OF 1911.67 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN DEED BOOK 215, PAGES 245-247, SAID CORNER LYING NORTH 71°05'38" WEST, 556.39 FEET FROM THE NORTHWESTERLY CORNER OF SAID SECTION 40; THENCE SOUTH 32° 49'14" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LANDS DESCRIBED IN DEED BOOK 215, PAGES 245-247, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF RIVER OAKS SUBDIVISION, AS RECORDED IN OFFICIAL RECORDS VOLUME 300, PAGE 270-274 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, A DISTANCE OF 2392.20 FEET TO A POINT IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 13, SAID RIGHT-OF-WAY LINE BEING IN A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 22,964.92 FEET; THENCE NORTHWESTERLY ALONG AND AROUND SAID CURVE, AN ARC DISTANCE OF 2211.49 FEET TO THE POINT OF BEGINNING, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 61°40'31" WEST, 2210.64 FEET.

LESS AND EXCEPT SUBMEGED LANDS OF THE STATE.

LANDS THUS DESCRIBED CONTAIN 104 ACRES, MORE OR LESS.

Exhibit A

PARCEL B:

A PORTION OF THE FRANCIS J. FATIO GRANT, SECTION 43, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID SECTION 43 AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 13, (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 13, SAID RIGHT-OF-WAY LINE BEING IN A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 22,864.92 FEET; THENCE SOUTHEASTERLY ALONG AND AROUND SAID CURVE, AN ARC DISTANCE OF 1727.34 FEET TO THE NORTHWESTERLY CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 228, PAGE 248, AS RECORDED IN THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 62° 20' 30" EAST, 1726.93 FEET; THENCE SOUTH 32°01' 22" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LANDS DESCRIBED IN DEED BOOK 228. PAGE 248. SAID LINE ALSO BEING 500 FEET NORTHWESTERLY OF AND PARALLEL TO THE SOUTHEASTERLY LINE OF DEED BOOK 215, PAGES 245-247, A DISTANCE OF 919.27 FEET TO AN IRON PIPE FOUND AT THE TOP OF BANK OF THE ST. JOHNS RIVER; THENCE CONTINUE SOUTH 32°01'22" WEST, A DISTANCE OF 38 FEET (48 FEET ACTUAL), MORE OR LESS, TO THE WATERS OF THE SAID ST. JOHNS RIVER; THENCE NORTHWESTERLY ALONG THE SAID WATERS OF THE ST. JOHNS RIVER, A DISTANCE OF 1954 FEET (4,179 FEET ACTUAL), MORE OR LESS, TO ITS INTERSECTION WITH THE SAID NORTHWESTERLY LINE OF SECTION 43; THENCE NORTH 41°31'06" EAST, ALONG THE SAID NORTHWESTERLY LINE OF SECTION 43, A DISTANCE OF 39 FEET (41 FEET ACTUAL) TO A CONCRETE MONUMENT SET BY ST. JOE PAPER COMPANY AT THE TOP OF BANK; THENCE CONTINUE NORTH 41°31'06" EAST, ALONG THE SAID NORTHWESTERLY LINE OF SECTION 43, ALSO BEING THE NORTHWESTERLY LINE OF LANDS DESCRIBED IN DEED BOOK 215, PAGES 245-247, A DISTANCE OF 1055.92' FEET TO THE POINT OF BEGINNING.

LANDS THUS DESCRIBED CONTAIN 36 ACRES, MORE OR LESS.

PARCELS A AND B BEING THE SAME LANDS AS DESCRIBED IN DEED BOOK 215, PAGES 245-247, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. EXCEPTING THEREFROM SUBMERGED LANDS OF THE STATE.

**APPLICATION FOR REZONING TO
PLANNED RURAL DEVELOPMENT**

THE PRESERVE AT EAGLE COVE

SUBMITTED BY:

PAPPAS METCALF JENKS & MILLER, P.A.

FOR

PRESERVE DEVELOPMENT CO., LLC

December 1, 2009

THE PRESERVE AT EAGLE COVE PRD MASTER DEVELOPMENT PLAN TEXT

This Master Development Plan Text is part of an application for rezoning to Planned Rural Development in compliance with Section 5.04.05 and Section 5.03.02.G.1 of the St. Johns County Land Development Code (the "LDC"). The application is filed on behalf of the applicant, Preserve Development Co., LLC (the "Developer").

- A. **Project Description:** The Preserve at Eagle Cove Planned Rural Development (the "PRD" or the "Project") proposed by this Development Plan Text is a 28-unit residential single-family project on approximately 140¹ acres within the Rural Silvicultural (R/S) land use designation. The Project fills a market demand for single-family housing by concentrating compact and contiguous development along the S.R. 13 corridor. The Project is adjacent to the St. Johns River and is immediately south of the RiverTown DRI and north of the Shands Bridge. The residential lot sizes are consistent with residential development in the area. Because of its proximity to existing development and infrastructure, the Project will not contribute to urban sprawl. The PRD provides for the preservation of agricultural and silvicultural lands through the implementation of Planned Rural Development controls. The Project is configured in such a manner as to permit the continued silvicultural use of the Reserve Area on the east side of S.R. 13 and to allow maximum open space to be maintained in the Reserve Area through clustering the residential units in the Development Area in compliance with Policy A.1.6.2(e) of the St. Johns Comprehensive Plan (the "Comprehensive Plan"). The performance standards for the Project are consistent with the criteria for buffers, open space, and Scenic and Development Edges contained within the Comprehensive Plan for the Northwest Sector Overlay District. The Project incorporates innovative design approaches to ensure protection of an existing bald eagle nest on the property and the preservation of a natural ravine system associated with the St. Johns River known as the Petty Branch Ravine. An alternative bald eagle management plan ("BEMP") that incorporates a canopy protection plan ("CPP") and preserves a 7.85 acre protection zone for the nest has been developed for the Project as further described below. In addition, 126 acres, or 90%, of the total acreage within the Project will be preserved as permanent Reserve Area.
- B. **Development Size:** As set forth on the Master Development Plan Map (the "MDP Map"), the total number of acres within the Project as requested in the application is 140 located within the R/S land use category. The total Development Area of the PRD contains 14.0 acres and the total Reserve Area contains 126.0 acres.

¹ All acreages are approximate.

C. **Wetlands:** There is a total of 14.9 wetland acres within the PRD as determined by a site evaluation by Access Ecological Associates, Inc. ("AEA"). The wetlands were flagged by AEA and surveyed by All American Surveyors, and the wetland line has been reviewed and approved by the St. Johns River Water Management District (the "District"). These wetland areas may be used to provide mitigation for on-site or off-site wetland impacts. As permits are approved acknowledging such mitigation, conservation easements shall be recorded over the applicable areas and such areas will be shown as conservation easements on any development plan or plats for the Project. The site plan included with the construction plans submitted to St. Johns County (the "County") for the Project will depict the approved wetland jurisdictional line. Only minor wetland impacts are anticipated for drainage outfalls as depicted on the MDP Map. The lot layout shown on the MDP Map may be modified upon final engineering construction plan approval and the approved jurisdictional determination in accordance with Section 5.03.05 of the LDC.

Natural Vegetative Upland Buffers: Buffer averaging will be allowed as depicted on the MDP Map. The application of this upland buffer requirement shall be consistent with Section 4.01.06 of the LDC except as specified in Section T(3) below. A natural vegetative upland buffer (the "Upland Buffer") with an average width of 50 feet or greater has been provided between the Development Area and the St. Johns River and its tributaries and within Petty Branch up to the terminus of the mean high water line as depicted on the MDP Map. The minimum width of the 50-foot Upland Buffer shall be 25 feet in compliance with Section 4.01.06.A.2. of the LDC. The Upland Buffer has been increased over other portions of the Project to result in an average Upland Buffer greater than 50 feet in width. A 25-foot average width Upland Buffer has been provided for the remaining areas of Petty Branch that are not adjacent to the mean high water line, along with a 25-foot building setback as discussed in Section G.1 below. The buffer averaging calculation for the 50-foot and 25-foot Upland Buffers is set forth on the MDP Map in the Site Data Table. The Upland Buffers will be measured landward from the state jurisdictional wetland line along the St. Johns River and any associated tributaries, streams or other water bodies for which a mean high water line may be established. The Upland Buffers shall be included on all construction plans submitted for review and shall be recorded on the plat. Boardwalks and docks shall be allowed to cross the Upland Buffer. Minimum clearing of Upland Buffers and wetland vegetation necessary to construct docks or boardwalks to provide access to navigable waters and to provide shoreline stabilization shall be allowed in accordance with Section 4.01.02.G. of the LDC and as provided for in Sections G and T below.

D. **Development Area:** The development area contains 14.0 acres, or 10% of the entire PRD parcel, located along both sides of S.R. 13 as shown on the MDP Map. The overall PRD contains 125.1 acres of uplands and 14.9 acres of wetlands for a total of 140 acres. The Reserve Area contains approximately 113.02 acres of uplands and 12.98 acres of wetlands, which results in a ratio of

uplands to wetlands of 89.7%. The Development Area contains 12.1 acres of uplands and 1.9 acres of wetlands, which results in a ratio of uplands to wetlands of 86.4%.

- E. **Dwelling Units and Density:** Residential development shall be limited to 28 single family residential units within the Development Area as shown on the MDP Map, pursuant to Section 5.04.02.C and Policy A.1.6.2(c) of the Comprehensive Plan and based upon 90% of the total parcel as Reserve Area, calculated as follows:

$$140 \text{ acres} \times .10 = 14 \times 2 = 28 \text{ units}$$

The gross density of the PRD is 0.20 units per acre based upon 28 residential units on a total of 140 acres within the PRD (28 units ÷ 140 acres). The net density of the Project within the Development Area of 14.0 acres is 2.0 units per acre (28 units ÷ 14.0 acres). The projected population within the entire Project is 69 persons based upon 2.44 persons per household, the St. Johns County concurrency standard (2.44 x 28 units). The estimated number of school age children within the PRD is 23 based upon the County standard of .79 school age children per household for the Northeast District (.79 x 28 units). The Developer will provide disclosure documents announcing the potential for school children to be rezoned to different schools within the marketing literature. Based on the Bartram Trail Concurrency Service Area's student generation rate of 0.64 students per household, the development is projected to generate 18.6 students. Of those students, it is estimated that 8.4 will be at the elementary school level, 4.4 at the middle school level and 5.8 at the high school level.

- F. **Non-Residential Development:** There is no Non-Residential Development within the Project.

- G. **Site Development Criteria:** The residential areas and associated accessory development will be developed with detached single-family homes with fee-simple form of ownership. Guesthouses shall be allowed consistent with the LDC, and subject to the setbacks of this Section. Home occupations and offices and Accessory Family Units as further described in Sections G.1.b and Q below consistent with the LDC shall be allowed. The setbacks for the residential development shall be as provided in Section G.1 below. Lot development criteria shall be as follows: minimum overall lot size is one acre (as calculated pursuant to Section 6.01.03A of the LDC) with a minimum lot width of 100 feet, except that lots on cul de sacs may have a minimum lot width at the right-of-way of 25 feet (25'). The average lot size is 2.6 acres. The maximum building height for all residential structures shall be 35 feet, in accordance with the requirements of the LDC. The maximum impervious surface coverage for the residential development is 50% of the gross lot area, and the maximum lot coverage by buildings is 35% of the gross lot area. The maximum lot coverage by buildings shall be measured in accordance with the definition of "coverage of a lot by buildings" contained in Article XII of the LDC, as follows:

Coverage of a Lot by Buildings: That percentage of Lot area that is or may be covered or occupied by Buildings.

“Buildings” as used herein shall be defined in accordance with the definition of “building” contained in Article XII of the LDC, as follows:

Building: Any Structure, either temporary or permanent having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a Building but does not include screened enclosures not having a roof impervious to weather.

Flag Lots: A maximum of five flag lots will be allowed within the PRD with no more than three flag lots per cluster. The minimum width of the flag lots shall be 25 feet. The minimum road frontage for flag lots shall be 25 feet. Shared driveways may be used for flag lots.

G.1. Setbacks.

a. *Residential Units.* The setbacks specified in this MDP Text are the minimum setbacks that are currently required under this PRD. The following setback requirements shall apply to all buildings with a permanent foundation. All minimum building setbacks stated herein shall be from the overall property boundary (including deeded Reserve Area). Setbacks shall be measured in accordance with the definition of “Yard” contained in Article XII of the LDC and in accordance with Section 6.01.03 of the LDC:

i. *Side Yard.* The minimum side yard setback shall be 5 feet, providing for a minimum clearance of 10 feet between any buildings. No projections shall be permitted in the side yard less than five (5) feet from the lot line. Driveways may be located within the side yard setbacks.

ii. *Front Yard.* The minimum front yard setback shall be 20 feet. Driveways may be located within the front yard setbacks.

iii. *Rear Yard.* The minimum rear yard setback shall be 10 feet.

iv. *Development Pad.* Within the area defined on the MDP as the Development Area of the lots, the Side, Front and Rear Yard

setbacks shall be zero (0') feet.

- v. *25-foot Upland Buffer.* A minimum 25-foot building setback shall be provided from the 25-foot average width Upland Buffer.

The setbacks for Accessory Structures are as provided in Section Q of this Text.

- G.2. Parking. Parking for a minimum of two vehicles shall be provided outside of the public right-of-way within the driveway or garage of each residential unit. Sufficient parking to serve any model homes or sales offices will be located on adjacent stabilized lots until the model homes/sales offices have been sold or upon subdivision buildout. All parking and interconnecting sidewalks will comply with the requirements of the Americans with Disabilities Act and the St. Johns County LDC.
- G.3. Fencing. Rear and side yards within the Development Area may be fenced with a maximum 6-foot fence, and front yards may be fenced with a maximum 4-foot fence. The fences may be of metal, wood, brick, stone, concrete or similar type fencing but no masonry fencing is allowed within drainage or underground utility easements. Fencing within the Reserve Area is allowed as is typically required to accommodate the allowable uses described in Section G.4.b. below. Fencing is prohibited within the Upland Buffers and the 40' Rural Scenic Buffer. Breaks in the Scenic Edge and the Rural Scenic Buffer may be allowed to allow for access, easements and associated entrance features, including landscaping, signage and fencing incorporated into entry features as further specified in Section N. below. Any fencing provided on the east side of SR 13 along the southerly boundary will be installed not less than 25 feet from the southerly boundary line of the project.
- G.4. Allowable Uses. Up to 28 residential units will be allowed within the PRD as stated in Section E above and as depicted on the MDP Map.
 - a. ***Development Area Uses.*** The Development Area encompasses 14.0 acres and is designated on the MDP Map.
 - i. *Development Area Wetlands.* The wetlands within the Petty Branch ravine system that are located within the Development Area shall be protected as required by Policy A.2.1.3(h) and have been designated on the MDP as conservation area. The only use allowable within these wetlands is a potential stormwater facility outfall and incidental impact and possible erosion protection for the outfall, subject to necessary permitting by applicable agencies.
 - ii. *Development Area Uplands.* Uses within the uplands within the Development Area shall include residential structures and accessory

uses and structures allowable under Section 2.02.04 of the LDC, provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of the structure. Such uses may include dwelling units, guest houses, garages, walls, patios, decks, spas, pools, driveways, sidewalks, walkways, fencing, recreational uses, home offices and home occupations, roads, utilities, stormwater management facilities and other uses ancillary or accessory to the residential development within the PRD. The office area for any home occupations allowing customers to visit the premises shall meet all Building, Fire Marshall, and ADA requirements.

iii. Development Area Buffer. Uses within the 50' Development Area buffer that is located within the Reserve Area shall include the Accessory Uses and Structures allowable under Section 2.02.04 of the LDC, including, but not limited to, driveways, pools, screen enclosures, decks, patios, spas, fencing, sidewalks, stormwater facilities, boardwalks, docks, fencing, heating and air conditioning units and pads, well and septic systems, barns and workshops.

*b. **Reserve Area Uses.*** The Reserve Area is the area outside of the Development Area as shown on the MDP Map.

i. Reserve Area Wetlands. Uses within the Reserve Area wetlands include potential stormwater facility outfall and incidental impact and possible erosion protection for the outfall, subject to necessary permitting by applicable agencies. Boardwalks as provided for herein may cross wetlands provided they are constructed in accordance with all County and State standards and with any necessary permits. Shoreline stabilization is allowable for riverfront lots (Lots 1 through 4 and 11 through 16) as further discussed below.

ii. Reserve Area Uplands. Uses within the Reserve Area Uplands (except as stated below) shall include uses typically allowed within agricultural areas including those accessory uses set forth in Section 2.02.01.B of the LDC, except that housing units shall not be allowed within the Reserve Area. Such uses include park and passive recreation amenities and structures, barns, horses, fencing, gazebos, docks, boardwalks, landscaping, workshops, stormwater management facilities, utility lines, wells, septic tanks and drain fields, driveways, and wetland mitigation for onsite or offsite wetland impacts, (including preservation and enhancement of wetlands and uplands and creation of wetlands) and existing agricultural and silvicultural activities.

Uses within the portion of the Reserve Area located on the east side of SR 13 and labeled as Reserve Area A on the MDP Map shall be

limited to existing agricultural and silvicultural activities, fencing, drainage facilities, and those uses and activities necessary for wetland and gopher tortoise mitigation as described herein, to perpetuate gopher tortoise habitat, and to implement the BEMP and the CPP for the project. Uses within the Reserve Area on the east side of SR 13 and labeled as Reserve Area B on the MDP Map shall be limited to the same uses allowable in Reserve Area A, except that passive recreational uses, including nature trails, shall be allowed. Any fencing provided on the east side of SR 13 along the southerly boundary of the project will be installed not less than 25 feet from the southerly boundary line of the project.

The Reserve Area may also be used as a gopher tortoise relocation site for on-site or off-site mitigation for impacts to gopher tortoises and gopher tortoise habitat for this and other projects. Any gopher tortoise relocation sites will be shown on incremental master development plans that may be approved by small adjustment to the PRD. Only low impact uses, such nature and hiking trails and activities incidental to and necessary to further gopher tortoise habitat and to implement the CPP shall be allowable within such gopher tortoise relocation sites. Appropriate sandhill habitat may be maintained within the Reserve Area.

Boardwalks and docks shall be allowed within the Reserve Area to provide access to navigable waters and are allowed to cross the wetlands adjacent to the riverfront and the Upland Buffer provided adjacent to the St. Johns River in accordance with Section 4.01.02.G of the LDC.

Because the riverfront has been subject to erosion and to prevent further trees from collapsing into the river, the river banks may be shored up and fortified to protect the canopy along the riverfront and the ravine. The applicant may provide shoreline stabilization and erosion protection using a combination of re-grading, installation of geo-textile fabric, and the installation of various species of native grasses to combat erosion. Stone riprap will be installed at the base of the slope in accordance with state and local guidelines and the shoreline stabilization cross-section depicted on Figures 4a and 4b of the CPP attached to this Text as Attachment 2. If the shoreline stabilization efforts on the riverfront lots (Lots 1 through 4 and 11 through 16) are inadequate to accomplish shoreline protection, other stabilization measures, including bulkheads, may be implemented as necessary, subject to permitting by St. Johns County and other state and federal agencies with jurisdiction.

The uses within the Reserve Area shall also include those uses and activities necessary to perpetuate gopher tortoise habitat and to

implement the BEMP and the CPP for the project, copies of which are attached to this Text as Attachment 1 and Attachment 2, respectively. Section 2 of the CPP contains specific canopy protection requirements, including canopy replanting and acceptable species; Section 3 contains requirements for shoreline stabilization, and Section 4 addresses unforeseen circumstances. Stormwater management ponds serving allowable uses within the Reserve Area and roads running through the Reserve Area may be located within the Reserve Area. The Reserve Area shall be designated within the covenants and restrictions adopted for the project as permanent open space. The covenants and restrictions will encourage sustainable, eco-friendly practices and technologies and will promote high-performance green building designs.

iii. Petty Branch Ravine. The ravine system shall be protected through the use of innovative design approaches that ensure protection of the ravine in compliance with Policy A.2.1.3(h) of the Comprehensive Plan. The CPP ensures that the aerial component of the ravine system will be maintained in its natural state in perpetuity. To further ensure the integrity of the ravine and to offset any adverse possible adverse ecological effects that this project might cause, the residential units have been clustered and the project sets aside 126 acres, or 90% of the entire site, as Reserve Area that will be undeveloped in perpetuity. The entire southeast side of the ravine on east side of S.R. 13 will be protected from development. The ravine system has been designated as conservation area on the MDP and will be left in its natural vegetative state. The significant habitat preservation areas and any gopher relocation sites will provide protection of the ravine. The Upland Buffers and the 25-foot setback to the Upland Buffers will further protect the ravine system.

- c. *Upland Buffers.* The allowable uses set forth above shall be prohibited within the Upland Buffers except in Compliance with Article 4.01.06 of the LDC and as provided herein.
- d. *Prohibited Uses.* The Development Area and Reserve Area uses set forth above shall be prohibited within the 330' Eagle Protection Zone, the Significant Natural Communities Habitat preservation areas shown on the MDP Map except for those activities required to implement the BEMP and the CPP.

G.5. *Signage.* Project identification signs will be located at or near the main entrances to the PRD in the general locations depicted on the MDP Map. The Project identification signs may be monument or ground signs and may be incorporated into a wall, fence, or other structure, and shall be no more than 15 feet in height. The Project identification signs may be either:

- (1) one single or two-sided median sign at the entrances to the Project with a maximum Advertising Display Area ("ADA") of 32 square feet per side; or
- (2) two single-faced signs flanking each side of the entrances to the Project, each with a maximum ADA of 32 square feet; or
- (3) a single or two-sided sign with a maximum ADA of 32 square feet per side located on either side of the entrances to the Project; or
- (4) a combination of median and side signage at the entrances to the Project with a maximum ADA of 32 square feet per side.

The Project identification signage may be lighted or externally illuminated and shall be landscaped. All permanent signs permitted within the PRD may be either monument type or ground signs, and may be incorporated into a wall, fence, or other structure, and shall be located no less than 5 feet from any property line and shall not obstruct visibility for vehicular traffic.

Locational Signs. Various locational, informational, directional, model home and traffic control one or two-sided signs in accordance with the requirements of the LDC shall be allowed on site within the Development Area and the Reserve Area to direct traffic and for identification of a sales office, recreation areas, etc. which may be lighted or externally illuminated and incorporated into a wall, fence, entry feature or other structure and landscaped. The locational signs will have a maximum ADA of 3 square feet with a maximum height of 3 feet.

Temporary Signs. Temporary signage will be allowed within the Project in accordance with the requirements of the Article 7 of the LDC.

Miscellaneous. All signage ADA within the Project shall not include the base structure or any decorative edging. Any of the signs within the PRD may be located either inside or outside of the rights-of-way on either side of the rights-of-way or within median islands that are not part of the rights-of-way. All of the signs within the PRD shall comply with Article VII of the LDC except as stated herein.

G.6. Lighting.

The project lighting will conform with the criteria set forth in Section 3.2.4 (Lighting Management) of the BEMP, a copy of which is attached hereto

as Attachment 1 to this Text. The exterior lighting will be limited to directional lighting.

H. Infrastructure.

1. Stormwater. Stormwater will be handled on-site with one or more ponds or dry storage areas, berms, and roadside swales throughout the site and conveyed via the roadways and/or piping within appropriate easements. The drainage structures and facilities will be designed and constructed in compliance with the LDC in effect at the time of permitting, subject to the permitting requirement of the District. Specifically, any roadside swales that may be used within the Project will comply with Section 6.04.07.C.2 of the LDC. The stormwater ponds may be designed as amenities and may have fountains. All retention areas will be subject to a drainage easement extending a minimum of 5 feet landward of the design top of bank. Easements will also be provided to allow maintenance access to the retention areas. No permanent structure shall be allowed within any public or private drainage or underground utility easements. Examples include, but are not limited to: buildings, footings, decks, screened enclosures, patios, swimming pools and pool decks, and air conditioning, heating, and pool equipment. Any wet detention/retention ponds with a surface area greater than one (1) acre will be designed to utilize stormwater runoff for irrigation as applicable.

2. Vehicular Access/Interconnectivity. The access into the PRD will be from S.R. 13 as shown on the MDP Map. The internal roads will have a minimum right-of-way width of 60 feet. No interconnections to the Project are feasible because of the depth and width of the natural ravine system that bisects the property, the single family lots adjacent to the southerly boundaries, the wetland system adjacent to the northerly boundary west of State Road 13, and the undeveloped area of the Rivertown DRI adjacent to the northerly boundary on the east side of State Road 13. All roads, streets, and parking areas shall conform to the design standards specified in the St. Johns County LDC except as provided in this PRD Text. Any modifications to the roadways will comply with the requirements of Section 5.03.05 of the LDC. The internal roadways will be privately owned and may be owned by an applicable property owners association. The Project may use shared driveways. The MDP Map depicts a preliminary vehicular circulation system. The exact location and configuration of the internal roads and stormwater facilities shall be depicted on construction plans submitted for approval by the County. Changes made to the PRD shall be in accordance with LDC Section 5.04.07.

A 12' paved multi-purpose path will be provided adjacent to the right-of-way within the Scenic Edge on the east side of S.R. 13 as shown on the MDP Map. The multi-purpose path will be located outside of the 40' undisturbed Rural Scenic Buffer. The multi-purpose path will be provided

within the Scenic Edge except where S.R. 13 crosses the ravine system, where crossings are not feasible due to the depth and width of the ravine, extensive wetland impacts that would be necessary and permitting issues associated with sovereign lands not owned by the applicant. The developer will include a request for pedestrian crossing signage approval in the FDOT driveway connection application to facilitate safe crossing of S.R. 13 for residents.

3. Sidewalks. The developer will provide a minimum 4-foot-wide sidewalk along one side of all streets, subject to meeting applicable permitting requirements and construction plan approval. Sidewalks will be shown on construction plans. The Developer may provide pedestrian connections between residential parcels through any open space and the Reserve Area, subject to meeting applicable permitting requirements and construction plan approval.

4. Recreation and Open Space. Pursuant to Section 5.04.03.G, no active recreation area is required within the Project. However, a public gathering space will be provided in the Reserve Area in the location shown on the MDP in compliance with Policy A.2.1.10.(c)(2) of the Comprehensive Plan. In addition, a minimum of five acres of neighborhood park area will be provided within the public gathering space, nature trails within the Development Edge and the multi-purpose path within the Scenic Edges, and the Reserve Area with passive and active-based activities and facilities. The public gathering space and neighborhood park areas may be developed with active or passive recreation amenities, bicycle parking, tot lots, gazebos, pavilions, community gardens, wildlife and nature observation areas; nature trails and other active and passive park specific amenities in compliance with Policy A.2.1.10.(c)(16). The Reserve Area will provide permanent open space that may provide recreational opportunities. There is a total of 126 acres, or 90% of the overall project acreage, in open space within the Reserve Area, wetlands, Scenic and Development Edges and the Upland Buffers provided in the PRD which exceeds the requirement of Section 5.03.03.A.1 of the LDC.

Except for the nature trails within the Development and Scenic Edges, all the facilities and elements for the park, open space, recreational areas shall meet the requirements of the Florida Accessibility Code for Building Construction (FACBC) and Americans Disability Act Accessibility Guidelines (ADAAG) established by Florida law and 28 CFR Part 36.

5. Potable Water/Sanitary Sewer. Potable water and sanitary sewer may be provided by private wells and septic tanks. However, if at the time of Commencement of development (as defined in Section R below), the adjacent Rivertown DRI has extended the JEA potable water mains on SR 13 to its future phase of development located approximately 3,000 feet north of the PRD, the Developer will further extend the potable water

mains to serve the Project, subject to agreement and permitting by JEA and all other applicable agencies. The Developer may, at its option, extend the potable water mains from their existing location on SR 13 approximately 5,400 feet from the Project. In the event that the Project is served by JEA for potable water, the private pressurized fire hydrant system described in Section H.6 below shall not be required. Irrigation wells shall be allowed within the Project. Any private septic systems that are installed within 100 feet of the St. Johns River shall be advanced on-site treatment and disposal systems.

6. Fire Protection. Emergency and fire protection services shall be provided by St. Johns County. The project will comply with Section 6.03 of the LDC. A tee turnaround for emergency vehicles will be provided for any house structures located more than 150 feet (150') from an internal road and will be shown on construction plans.

The property is within the service area of JEA and currently the Project's point of connection is approximately one mile to the north and connection is not feasible at this time. The applicant will provide an alternate water supply system in accordance with Section 6.03.04 and NFPA 1142 and a private pressurized fire hydrant system in accordance with Section 6.03.03 of the LDC and NFPA 24. The maintenance of any required fire protection water supply and fire hydrants shall be in the form of an adoption and dedication of the fire protection system to a homeowner's association or similar group that has a mandatory membership requirement of all benefiting property owners, and that has the authority to assess fees to provide for the required maintenance. The requirement for all owners to become members of the association shall be identified on the recorded plat or other recorded document in such a manner as to be enforceable by the County. However, if public potable water is extended to the Project as described in Section H.5 above, the private pressurized fire hydrant system shall not be required.

7. Solid Waste. Solid waste collection will be provided by the County-contracted waste collection company. Based upon an estimated generation of 4 pounds per person per day, solid waste generation for 28 residential units results in an estimated 274 pounds per day (28 x 2.44 x 4).
8. Utilities. Within the Development Area of the PRD, all electrical and telephone lines will be installed underground on the site. Electrical power will be provided by FP&L.

- I. **Potable Water/Sanitary Sewer:** Private wells and septic tanks within the Development Area or the Reserve Area will provide potable water and sanitary sewer, except as provided in Section H.5 above.

J. **Soils:** The soil survey for St. Johns County Florida identifies the following types of soil within the Development Area of the PRD:

- 1 - **Adamsville fine sand**
- 2 - **Astatula fine sand, 0 to 8% slopes**
- 6 - **Tavares fine sand, 0 to 5% slopes**
- 9 - **Pomona fine sand**
- 26 – **Samsula muck**
- 36 - **Riviera fine sand, frequently flooded**
- 44 - **Sparr fine sand, 0 to 5% slopes**
- 46 - **Holopaw fine sand**
- 66 - **Terra Ceia muck, frequently flooded**

K. **Site Vegetation:** Within the PRD, the Level III classification of the Florida Land Use, Cover and Forms Classification System (FLUCFCS) identifies the following upland vegetation types on the site: 4340 Upland Hardwood – Conifer Mixed Forest; 6170 Mixed Wetland Hardwoods; 4140 Mixed Pine – Mesic Oak; 4141 Mixed Pine – Xeric Oak; 4120 - Longleaf Pine – Xeric Oak.

Existing agricultural and silvicultural activities, mitigation and other allowable uses as described in Section G.4. above may be allowed within the Reserve Area on the east side of S.R. 13 at any time (except within areas designated as conservation, the undisturbed Upland Buffers, the Undisturbed Rural Scenic Buffer and the Bald Eagle Protection Zone). A CPP has been developed for the Project and is attached to this Text as Attachment 2. Section 2 of the plan contains specific canopy protection requirements, including canopy replanting and acceptable species; Section 3 contains requirements for shoreline stabilization, and Section 4 addresses unforeseen circumstances. All agricultural and silvicultural activities will comply with the LDC and the CPP for the Project.

L. **Significant Natural Communities Habitat:** AEA has assessed the site for the occurrence of Significant Natural Communities Habitat. The property contains Sandhill, Scrub, Scrubby Flatwoods, and Xeric Hammock communities. A minimum of 10% of these communities and a minimum of 5% of upland natural vegetation will be preserved on-site within the Reserve Area as shown on the MDP Map.

Listed Species: The latest data documenting the occurrences of federal and state listed species were reviewed for the site and vicinity by AEA. The data was obtained from the Florida Fish and Wildlife Conservation Commission (“FFWCC”), the Florida Department of Agriculture and Consumer Services, the U.S. Fish and Wildlife Service, and the Florida Natural Areas Inventory. A bald eagle nest (SJ-010) is located on the property on the west side of State Road 13. The U.S. Fish and Wildlife Service (USFWS) approved a BEMP for the property on July 8, 2005 (a copy of the plan and approval letter is attached to this Text as Attachment 1), which incorporates a CPP (attached as Attachment 2). The Developer is seeking approval of the BEMP by the County simultaneously with

approval of the PRD. In the event that the nest is documented to be either unused or abandoned pursuant to Section 4.01.10.C of the LDC, the requirements of the BEMP will no longer apply to the Project.

Gopher Tortoises were also confirmed on-site. As part of the development approval and permitting process, the gopher tortoise burrows will be surveyed to determine locations, characterization, status, and densities in accordance with FFWCC guidelines. Results from the survey will be submitted to FFWCC and to the County. Any proposed impacts to the habitat will be permitted through the FFWCC. Gopher tortoises may be relocated to the Reserve Area. The Reserve Area may also be used as a gopher tortoise relocation site for off-site mitigation purposes. Appropriate sandhill habitat may be maintained within the Reserve Area. Areas used for gopher relocation sites will be permanently preserved and shown on incremental MDPs that may be approved by staff as a small adjustment to the PRD. Only low impact uses, such as nature and hiking trails and activities incidental to and necessary to further gopher tortoise habitat and to implement the CPP shall be allowable within such gopher tortoise relocation sites.

M. Historic Resources: An intensive cultural resource assessment survey (the "Survey") was conducted by Bland & Associates (BAI) of the project. BAI located one multi-component archaeological site (8SJ5239) during the investigation and determined it to be potentially eligible for listing in the National Register of Historic Places (NRHP). The Survey and DHR concurrence letter have been submitted to the County. BAI developed a mitigative plan for Phase III excavations. On July 18, 2006, the Division of Historical Resources (the "DHR") issued a letter of concurrence indicating that the Phase 1 investigations were complete and approved the Phase III mitigation as sufficient within the parameters of the approved research design. The Project has complied with the approved mitigative plan and the Phase III investigation has been completed. The Phase III investigation report prepared by BAI has been submitted to the County. Artifacts that were collected during the excavation have been donated to the County for long term curatorial storage and for research and public interpretation.

N. Buffers, Landscaping and Clearing: Natural vegetative Upland Buffers adjacent to the St. Johns River and its tributaries onsite shall be as described in Section C above. Minimum clearing of the Upland Buffers and wetland vegetation necessary to construct boardwalks or docks to provide access to navigable waters is allowed in accordance with Section 4.01.02.G of the LDC. Shoreline stabilization may be installed along the riverfront and the ravine as described herein and on Figures 4a and 4b to the CPP attached to this Text as Attachment 2. A 10' Perimeter Buffer will be provided as shown on the MDP Map. A 50-foot Development Buffer shall be provided around the Development Area within the Reserve Area that may consist of wetlands or uplands as depicted on the MDP Map in compliance with Section 5.04.03.C of the LDC and may be used for boardwalks, shoreline stabilization, docks, landscaping and hardscaping,

including walls, berms, fences, stormwater facilities and illumination fixtures. The Upland Buffers will be measured landward from the state jurisdictional wetland line along wetlands and the St. Johns River and any associated tributaries, streams or other water bodies for which a mean high water line may be established. There are no incompatible uses proposed within the PRD that would necessitate the 200-foot buffer required under Section 5.04.03.B of the LDC between the Reserve Area and the Development Area or between any portion of the PRD and adjacent land uses. Areas where the Upland Buffer is or will be comprised of fill material, with permits by state and federal regulating agencies, shall be reestablished as a natural upland buffer by the replanting of plants that are natural and native to the original ecological community. Turf grasses and exotic or non-native plants are expressly prohibited within the Upland Buffers. Upland Buffer planting plans shall be provided with the Construction Plans. Noxious or exotic native plant species or dead trees may be removed within the Upland Buffers. Where native vegetation has been removed or destroyed within Upland Buffers, the areas will be replanted with native vegetative species. A CPP has been established for the project on the west side of S.R. 16 and is attached to the Text as Attachment 2. The homeowners' association will be responsible for implementing the CPP, including the replanting requirements contained therein.

Rural Scenic Buffer

A 40' undisturbed Rural Scenic Buffer has been provided adjacent to S.R. 13 as required under Section 6.06.02.G.2.a. of the LDC. The Rural Scenic Buffer has been depicted on the MDP Map and will be left in a natural state.

Development Edge

A Development Edge of 35 feet shall be located along the PUD boundary as required by Policies A.2.1.3 of the Sector Plan as shown on the MDP. Development Edges may be left in a natural state or landscaped. Development Edges may include hiking and biking trails, signs, architectural features, and storm water ponds and pond slopes (if unfenced and therefore designed as an amenity). Dispersion ponds, utility or access easements, and drainage easements and outfalls may be located within Development Edge. No Development Edge is required wherever a Scenic Edge is provided.

Scenic Edge

A 75-foot Scenic Edge shall be provided along S.R.13 as shown on the MDP. Scenic Edges may be left in a natural state or may be landscaped. Stormwater ponds and pond slopes (if unfenced and therefore designed as an amenity), dispersion ponds, road systems, drainage, utility or access easements and drainage outfalls may be located within the Scenic Edge. Breaks in the Scenic Edge are allowed in otherwise continuous edges to allow for access and

associated entrance features, including signage and fencing incorporated into entry features, and to provide views corresponding to parks, scenic areas and other publicly accessible areas. A 12' multi-purpose path adjacent to the right-of-way on the east side of S.R. 13 shall be provided within the Scenic Edge as depicted on the MDP Map.

The allowable uses within the Development and Scenic Edges set forth above shall be prohibited within the Upland Buffers except in compliance with Article 4.01.06 of the LDC and as provided herein. Breaks in the Scenic Edge and the Rural Scenic Buffer at the three accesses to the project up to 150' in width may be allowed to allow for right-of-way, easements, landscaping and associated entrance features, including signage and fencing incorporated into entry features.

Landscaping and Clearing

Excavation activities shall be shown on construction plans and shall be allowed within approved Development Areas (as defined by approval of construction plans) within the Project for the construction of stormwater management systems and ponds, wetland creation or enhancement projects and other similar uses and structures in conjunction with the development of the Project, subject to all applicable permitting requirements. The dirt from such excavation activities may be retained on-site or sold and transported from the site where the Developer has determined that such dirt is not required for the development of the Project. Additionally, fill dirt may be brought onto the Project as needed to develop the Project. Stockpile areas will be identified on construction plans.

For infrastructure development, the County may issue permits for clearing, grading and earthwork for portions of the Project before the County approves construction and engineering plans; however, all other federal, state and regional permits applicable to land clearing, grading and earthwork must be obtained. Prior to any such land clearing activities, the Developer shall provide to the County a tree inventory or location in compliance with Section 4.01.05.F. of the LDC within the limits of the clearing for the road rights-of-way and the master drainage system. The development will conform to all land clearing and tree inches / replacement requirements outlined within the Land Development Code, effective at the time of permitting.

For residential lot development landscaping requirements, the minimum lot size shall be one acre, with a maximum tree mitigation requirement of 80 Tree Inches (as defined by the LDC) per Lot. Lot clearing will be allowed individually by permit through the County.

- O. **Special Districts:** The Project is not located in a Special District as defined by Article III of the St. Johns County LDC.

P. **Temporary Uses:** Development of the Development Area and construction of the improvements may require temporary uses such as construction trailers, temporary signage or temporary access. Temporary construction trailers and other temporary improvements may be moved throughout the Project as necessary. The temporary trailers shall be allowed to remain on site for a period of five (5) years commencing from the start of construction. Temporary construction trailers will be shown on engineering and construction plans. Model homes may be used as temporary sales centers and construction offices after as-built approval. Parking for the model homes and sales offices will be located within the driveway. Model homes may have one sign each, located on the lot. As allowed by the LDC, model homes may be constructed prior to platting. Model homes must be located on a residential lot shown on the approved MDP Map. Model homes shall not equal more than 10% of the total number of lots allowed under an approved development permit. No certificates of occupancy shall be released until a final plat has been recorded and As-Builts have been approved by the County.

Q. **Accessory Uses:** All accessory uses and structures as provided in the LDC are allowed within the Project, provided such uses are of a nature customarily incidental and clearly subordinate to the permitted or principal use of the structure. Accessory uses, such as home offices and occupations, guest houses, accessory family units, workshops, pets, etc. will be allowed as per the requirements for residential districts stipulated within the LDC. The home office area shall meet all Building, Fire Marshall, and ADA requirements. Fencing shall be allowed as specified in Section G.3 above.

Accessory Structures, including uncovered decks and patios, shall be allowed as described in Section 2.02.04 of the LDC, and may be located in a required yard with a minimum setback of 5 feet from any property line or top of bank of any lake, (if applicable). Detached Accessory Structures (other than Guest Houses and Accessory Family Units) that are separated from the main Structure by not less than 10 feet may be located in a required Side or Rear Yard but not less than 3 feet from any Lot line. Air conditioning and heating units and pads designed to serve the main building may be located in any required side or rear yard and but not less than 5 feet from any Lot line. No air conditioning or electrical equipment, masonry walls, swimming pools or swimming pool decks, or pool enclosures will be located within platted drainage or underground easement boundaries.

R. **Phasing:** The PRD will be developed in a single five-year phase. The Development Phase will commence within five years of the effective date of the PRD rezoning ordinance. "Commencement" for purposes of this Section R is defined as approval of horizontal construction plans. The Development Phase will be completed within five years of its Commencement. "Completion" of development shall be defined as County approval of the as-builts for all horizontal improvements. Any portion of the Project may be developed at any

time within the Development Phase by separate plats based upon marketing and engineering plans.

- S. **Project Impact:** The PRD will not adversely affect the health, safety and welfare of the residents or workers in the area, will not be detrimental to the natural environment or to the development of adjacent properties and will accomplish the objectives, standards and criteria set forth in the Comprehensive Plan and the LDC. The Project will provide on-site stormwater drainage facilities and will preserve approximately 14.9 acres of wetlands. The overall design incorporates generous green space and open space and varied passive on-site recreational opportunities for its residents. Private wells and septic tanks will provide all of the water and sewer facilities for the Development Area, except that the project may connect to JEA potable water lines as provided in Section H.5 above. The Project will have minimal impact on the facilities and infrastructure of St. Johns County.

The Project is compatible with the surrounding zoning, will complement the other developments and natural resources within the area, and will comply with the Comprehensive Plan. The Project is located immediately south of and adjacent to the Rivertown DRI and north of the Shands Bridge, which is an area that is experiencing strong demand for housing in northern St. Johns County. At the same time, the Reserve Area preserves rural areas where agricultural and silvicultural activities may occur. The PRD zoning, rather than conventional residential zoning, allows the Developer and the County greater control over development within this Project and a more desirable environment than could be accomplished through conventional residential zoning. The Project allows for the preservation of a natural ravine system associated with the St. Johns River, in accordance with Policy A.2.1.3(h) of the Comprehensive Plan. It also allows the protection and relocation of gopher tortoises and their habitat on-site, and the protection of a bald eagle nest within the Reserve Area and has been designated to effectuate the BEMP. The infrastructure, recreational, and community support amenities to serve this Project are in place or will be constructed in the future.

Justification Statement, Summary and Conclusion.

The need and justification for approval of the Preserve at Eagle Cove PRD has been considered in accordance with the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, as follows:

- A. **Consistency:** The project is located within the Rural Silvicultural (R/S) designation on the Future Land Use Map. The proposed rezoning is consistent with the Comprehensive Plan as defined within the Textual Appendix to the Future Land Use Element of the St. Johns County Comprehensive Plan, including Goal A.1 "To effectively manage growth", Objective A.1.2 Control of Urban Sprawl, Objective A.1.3 Surrounding Land Use, Objective A.1.6 Agricultural and Silvicultural areas (including Policies A.1.6.2 providing for Planned Rural Developments). Therefore, the project is consistent with the Goals

and Objectives of the St. Johns County Comprehensive Plan and is not incompatible with present or future land uses.

B. Location: The project is located within a Rural Silvicultural District on the FLUM which district allows the type of development envisioned within the PRD. Therefore, the project conforms to the requirements for location as required under the Comprehensive Plan and the Land Development Code.

C. Minimum Size: The area encompassed by this project is greater than the size criteria for development of a typical single-family residential development established within Article VI of the LDC.

D. Compatibility: The proposed uses are compatible with the area and the overall community and meet the requirement of Objective A.1.3, Surrounding Land Use, which requires that adjacent land uses be compatible. Compatibility means a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is unduly negatively impacted directly or indirectly by another use. The project, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, will not adversely affect the orderly development of St. Johns County as embodied in the LDC and the Comprehensive Plan, as the proposal is in conformance with the Plan and its goals and objectives. It will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood. As a result of the conditions and safeguards included in the application, this development will be beneficial to the area as a whole. The PRD provides for strict regulation and maintenance of the project to provide the County assurance of an attractive and beneficial asset.

Adjacent land uses surrounding this property include rural silvicultural and low-density single family residential uses to the east and south, the Rivertown DRI to the north and the St. Johns River to the west, all of which are compatible with the PRD. The proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan. The permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area; the proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway; the proposed permitted uses will not cause a public nuisance; and the proposed permitted uses, structures and activities within the PRD are allowable within the R/S designation under the Comprehensive Plan.

D. Adequacy of Public Facilities: The subject property and future project is served by a major transportation system and will provide on-site stormwater and drainage facilities that mitigate any off-site drainage impacts. The project has a Certificate of Concurrency, which assures that adequate public facilities and services are available to support the development. The project has school

concurrency for middle and high school and is currently under negotiation with the St. Johns County School Board to enter into a proportionate share mitigation agreement for elementary school concurrency.

F. Relation to PRD Regulations: The subject project meets all applicable requirements of general zoning, subdivision and other regulations except as requested to be waived pursuant to Sections 4.01.10.B.C. and D and 7.00.02B.2 of the LDC as provided for herein.

G. Master Development Plan: The Master Development Plan Text and Map for this project meet all requirements of Section 5.03.02 (G) of the Land Development Code.

Project Vision and Community Goals: As required under Policy A.2.1.9.r of the St. Johns County Northwest Sector Plan, The following is the Project Vision Statement and the Community Goals and Objectives that are consistent with the Goals, Objectives and Policies of the Northwest Sector Overlay.

Community Goals/ Project Vision Statement

The Project has been designed to meet the community's goals and objectives for the future development of Northwest St. Johns County, a growing area where many families desire to live because of its proximity to both Jacksonville and to St. Augustine. Development of the Project as a Planned Rural Development with 90% of the area preserved as Reservation Area fosters the protection of the existing eagle nest and natural ravine system associated with the St. Johns River located on the property. The Project incorporates and preserves natural environmental features. The project allows a balance between development and the natural environment by providing Development Edges and Scenic Edges consistent with the Northwest Sector Overlay, and provides for compatibility between this Project and the surrounding development areas along State Road 13. The Project also contains a significant amount of open space (approximately 126 acres, or 90% of the entire PRD). The close proximity of the Project to existing and planned civic, cultural, recreational, office, commercial, and industrial development within Northwest St. Johns County will help provide the critical mass necessary to support the development of new and existing non-residential development in the area. In addition, the performance standards of the Project are consistent with the criteria set forth in the Comprehensive Plan for open space, Upland Buffers, and Scenic and Development Edges.

The Northwest Sector General Development Neighborhood Profile and Sustainability Indicators are attached to this Text as Attachment 3 in compliance with Policy A.2.1.13 of the Comprehensive Plan.

T. Waivers:

(1) A waiver to Sections 4.01.10.B.C. and D of the Land Development Code (Habitat Management for the Bald Eagle) to provide the alternate BEMP for nest SJ-010 located within the Reserve Area between S.R.13 and the St. Johns River based upon the U.S. Fish and Wildlife guidelines. This waiver is justified upon approval of the alternate BEMP by the Board of County Commissioners in accordance with Section 4.01.10(C)(5)(b) of the Land Development Code, a copy of which is attached as Attachment 1 to this Text, which has also been approved by the U.S. Fish and Wildlife Service. The BEMP is a stand-alone document that may be modified by staff approval without the necessity to modify this PRD Text.

(2) A waiver is requested to Sections 5.03.03.E and 7.00.02B.2 of the LDC requiring a unified sign plan for the Project. The waiver is justified due to the limited size and scope of the Project. In addition, the requirements for the types, sizes, and height of the signs have been provided in Section G of this PRD Text, and the general locations of the signs are shown on the MDP Map to provide staff with the necessary guidelines to review and approve the signs.

(3) A waiver is requested to Section 4.01.06.A.2 of the LDC requiring the Upland Buffers to be maintained in their natural vegetated condition. This waiver is justified because it will provide shoreline stabilization that is necessary due to extensive erosion that has resulted in loss of land and an unstable footing along the river. The applicant may provide shoreline stabilization on Lots 1 through 4 and 11 through 16 using a combination of re-grading, the installation of geotextile fabric, and the installation of various species of native grasses to combat erosion. Stone riprap will be installed at the base of the slope in accordance with state and local guidelines and the shoreline stabilization cross-section depicted on Figures 4a and 4b of the CPP attached to this Text as Attachment 2.

U. **Ownership/Agreement:** All successors and assigns in title to the Property shall be bound to the conditions of the approved PRD. A notice of PRD approval and designation of the Reserve Area as permanent open space shall be placed of record upon approval of this PRD, consistent with Comprehensive Plan Policy A.1.6.2.(j).

V. **Future Land Use Designation:** The PRD is located in the Rural/Silvicultural (R/S) Comprehensive Plan FLUM category. The total upland and wetland gross acreage within the R/S FLUM category is 140 acres.

SJC DEVELOPMENT REVIEW
ATTN: NANCY WALES
4040 LEWIS SPEEDWAY
SAINT AUGUSTINE FL 32084

Ref.#: L3981-9
P.O.#: HG DEC 1

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

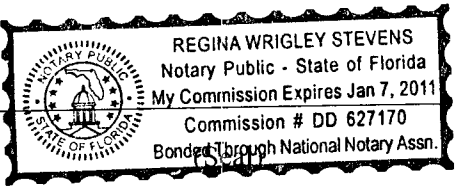
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E. VERSTRAATE**
who on oath says that he/she is an Employee 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 HEARING**
In the matter of **PRD2007-06 PRESERVE - RESCHEDULED HG TO DEC 1**
was published in said newspaper on **11/16/2009**

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 has 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, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/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 16th day of Nov 2009
by Ulinda E Verstraate who is personally known to me
or who has produced as identification

Regina Wrigley Stevens
(Signature of Notary Public)



NOTICE IS HEREBY GIVEN that a public hearing that is to be held on Tuesday, November 17, 2009 at 9:00 am, has been rescheduled for Tuesday, December 1, 2009 at 9:00 am by the Board of County Commissioners, in the County Auditorium, County Administration Building, 500 San Sebastian Vlew. St. Augustine, Florida.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING

L 3981-9 A S D 2009-06 PRESERVE - RESCHEDULED HG TO DEC 1
PLANNED RURAL DEVELOPMENT (PRD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located off of State Road 13, 3/4 mile north of Shands Bridge within St. Johns County, Florida; See attached map (Exhibit A). This file is maintained in the Planning Division of the Growth Management Service Department, at the County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to public hearing. Items not heard by 6pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

Interested parties may appear at the meeting and be heard with respect to the proposed request.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 San Sebastian Vlew., St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1 800 955 8770), no later than 5 days prior to the meeting.

This matter is subject to court imposed quasi-judicial rules of procedures. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly

noticed public hearings or to written communication. St. John County Planning Division, 4040 Lewis Speedway, St. Augustine, Florida 32085
BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA
RON SANCHEZ, CHAIR
FILE NUMBER: PRD 2007-06 The Preserve L3981-9 Nov 16, 2009

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 11, 2009

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 8, 2009 and certified copies of St. Johns County Ordinance Nos. 2009-55 through 2009-58, which were filed in this office on December 9, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.dos.state.fl.us>

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