

ORDINANCE NUMBER: 2011-9

Public Records of
St. Johns County, FL
Clerk # 2011016369,
O.R. 3423 PG 390-394
03/31/2011 at 04:17 PM,
REC. \$21.00 SUR. \$23.00

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE ST AUGUSTINE SHORES PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 1979-73, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS St Johns County, the owners of lands described herein, and incorporated by reference as Exhibit "A" (legal description), filed an application, incorporated by reference as File Number MAJMOD 2010-08, dated August 25, 2010, for a Major Modification to the St. Augustine Shores Planned Unit Development (PUD) Ordinance Number 1979-73, as amended, as described hereinafter, and after required notice was published, a public hearing was held on the 15 day of March, 2011, at 9:00AM on said application.

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

SECTION 1. That development of lands within the St. Augustine Shores PUD shall proceed in accordance with Ordinance 1979-73, as amended, including the Application for Major Modification dated August 25, 2010 and attached hereto and made a part hereof.

SECTION 2. That the need and justification for modification of the St. Augustine Shores PUD has been considered in accordance with Section 5.03.05.C of the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby:

1. The request for a Major Modification has been fully considered after public hearing with legal notice duly published as required by law.
2. As modified, the St. Augustine Shores PUD is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan.
3. As modified, the St. Augustine Shores PUD is consistent with Part 5.03.05.C of the St. Johns County Land Development Code, which provides conditions for Major Modifications to approved PUDs.
4. As modified, the St. Augustine Shores PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments and with the General Standards of Section 5.03.02 with respect to (B) location; (C) minimum size; (D) compatibility, and (E) adequacy of facilities.
5. The Master Development Plan Map and Text for the St. Augustine Shores PUD meet all requirements of Section 5.03.02.G of the St. Johns County Land Development Code.

6. As modified, the St. Augustine Shores PUD does not adversely affect the orderly development of St. Johns County and is compatible and consistent with the development trends of the surrounding area.

SECTION 3. That all other provisions of Ordinance 1979-73 as amended, not in conflict with the provisions of this ordinance shall remain in full force and effect.

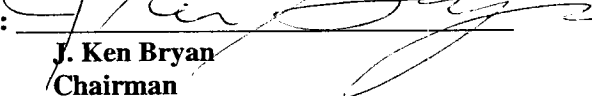
SECTION 4. Except to the extent that they conflict with specific provisions of the approved development plan or the PUD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance 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 special use shall be prohibited except where allowed by the Land Development Code. 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 5. That the terms of this modification to the St. Augustine Shores PUD shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

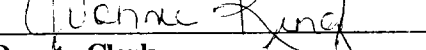
SECTION 6. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 15th DAY OF March 2011.

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

BY:  Rendition date: March 18, 2011
J. Ken Bryan
Chairman

ATTEST: CHERYL STRICKLAND, CLERK

BY: 
Deputy Clerk

Effective date: March 21, 2011

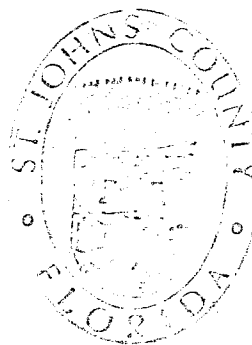


Exhibit "A"

ST. AUGUSTINE SHORES

All of Tract "L", together with a portion of Tract "K", all as shown on the plat of St. Augustine Shores Unit Six, as recorded in Map Book 14, Pages 40 through 46, inclusive, of the Public Records of St. Johns County, Florida, together with a portion of Section 40, Township 8 South, Range 30 East, said County, and all being more particularly described as follows: BEGINNING at the Northwest corner of said Tract "K", said point being situate in the Easterly right of way line of Shores Boulevard (a 100 foot right of way as shown on the plat of St. Augustine Shores Unit Five, as recorded in Map Book 14, Pages 21 through 24, inclusive, of said Public Records) said point also being the Southwest corner of Tract "F", as shown on the plat of St. Augustine Shores Unit Four, as recorded in Map Book 13, Pages 31 through 38, inclusive, of said Public Records; thence North 89°21'00" East, along the Northerly boundary of said Tract "K" and along the Southerly boundary of said plat of St. Augustine Shores Unit Four, a distance of 492.88 feet to an angle point in said boundary line, said point also being the Southeast corner of Lot 7, Block 121, said plat of St. Augustine Shores Unit Four; thence North 52°37'52" East, along the Northwesterly boundary of said Tract "K" and along the Southeasterly boundary of said plat of St. Augustine Shores Unit Four, a distance of 330.32 feet to an angle point in said boundary line of Tract "K", said point also being the most Easterly corner of Lot 9, said Block 121, said point to be hereinafter referred to as Reference Point "A"; thence South 67°08'08" East, 1,154.03 feet to a point hereinafter referred to as Reference Point "B"; returning to said Reference Point "A" run thence North 69°12'10" East, continuing along the Northerly boundary of said Tract "K" and along the Southerly boundary of said plat of St. Augustine Shores Unit Four, a distance of 20 feet, more or less, to the edge of marsh and/or approximate Mean High Water Line of the Matanzas River; thence Southeasterly, Northeasterly, Easterly, Southeasterly and Southerly around and along said edge of marsh and/or approximate Mean High Water Line, 1,770 feet, more or less, to a point which lies North 48°21'40" East, 17 feet, more or less, from the aforementioned Reference Point "E"; thence South 48°21'40" West, along the Northwesterly line of those certain lands described in Official Records Book 834, Page 513, Exhibit "B" (Riverview Club, St. Augustine Shores), Page 517 of said Official Records Book 834, a distance of 17 feet, more or less, to said Reference Point "B"; thence continue South 48°21'40" West, along said last mentioned line, a distance of 460.00 feet to an angle point in said lands described in Exhibit "B"; thence North 41°38'20" West, and continuing along the Northeasterly line of said last mentioned lands, a distance of 60.10 feet; thence South 48°20'47" West, along said Northwesterly line of said last mentioned lands, a distance of 247.10 feet to a point situate in the Northeasterly line of Tract "EE", as shown on said plat of St. Augustine Shores Unit Six, said Northeasterly line being a curve concave Northeasterly and having a radius of 1,960.00 feet; thence Northwesterly around and along the arc of said curve and along said Northeasterly line of Tract "EE", a distance of 60.04 feet, said arc being subtended by a chord bearing and distance of North 37°06'48" West, 60.03 feet to the most Northerly point of said Tract "EE"; thence South 48°21'40" West, along the Northwesterly line of said Tract "EE", a distance of 412.95 feet to the most Westerly corner thereof and a point situate in the Northerly right of way line of Cristina Drive (a 100 foot right of way), said Northerly right of way line being a curve concave Southerly and having a radius of 600.00 feet; thence Westerly around and along the arc of said curve, and along said Northerly right of way line, a distance of 37.34 feet, said arc being subtended by a chord bearing and distance of South 70°24'24" West, 37.34 feet to the point of reverse curvature of a curve concave Northerly and having a radius of 500.00 feet; thence Westerly around and along the arc of said curve and continuing along said Northerly right of way line, a distance of 68.18 feet, said arc being subtended by a chord bearing and distance of South 72°31'49" West, 68.13 feet to the point of compound curvature of a curve concave Northerly and having a radius of 1,050.00 feet; thence Westerly around and along the arc of said curve and continuing along said Northerly right of way line, a distance of 238.44 feet, said arc being subtended by a chord bearing and distance of South 82°53'17" West, 235.94 feet to the point of tangency of said curve; thence South 89°20'20" West, and continuing along said Northerly right of way line of Cristina Drive, a distance of 430.34 feet to a point of intersection with the common boundary of said Tract "K" and the Easterly boundary of Tract "J" as shown on said plat of St. Augustine Shores Unit Six; thence along the common boundary of said Tract "K" and Tract "J" the following three (3) courses and distances: Course No. 1: North 04°28'42" East, a distance of 671.09 feet; Course No. 2: North 16°12'55" West, a distance of 93.16 feet; Course No. 3: due West 165.00 feet to a point situate in said Easterly right of way line of Shores Boulevard; thence North 00°39'00" West, along said Easterly right of way line, a distance of 202.54 feet to the POINT OF BEGINNING.

Containing 33.7 acres, more or less.

Together with all the Grantors rights in and to the mutual ingress and egress easement, as shown and set forth in the Mutual Easement Agreement recorded in Official Records Book 834, page 513.

CERTIFIED TO: THE TRUST FOR PUBLIC LAND
ST. JOHNS COUNTY
TIMOTHY A. BURLEIGH, P.A.
COMMONWEALTH LAND TITLE INSURANCE COMPANY
FLORIDA COMMUNITIES TRUST

I hereby certify that I have reviewed that certain Title Commitment issued by Commonwealth Land Title Insurance Company, Issuing Order No. 10215964CA, effective date June 16, 2005, and that the description on Exhibit "A" therein is one and the same as shown and described herein. I further certify that with regard to Schedule B—Section 2 thereof, that certain Electric Easement in O.R.B. 525, Page 37 listed as Item 6 and the Grant of Non-exclusive Electric Easement in O.R.B. 657, Page 382, listed as Item 7 (Exhibit "D", Parcels 1 and 2), do not affect the subject property. Those easements set forth in O.R.B. 834, Page 513, listed as Item 8 are adjacent and contiguous to the subject property and are shown hereon.

Richard A. Miller
Registered Land Surveyor No. 3848
State of Florida

**Major Modification to St. Augustine Shores
PUD Ordinance 79-73
For
Canopy Shores Park
St. Johns County – Recreation and Parks**

This application for a major modification to the St. Augustine Shores PUD is to change the usage of tracts "L and a portion of K" as shown on the plat of St. Augustine Shores Unit 6 and the unplatted portion of section 40 (see legal description shown on the MDP map) to a Public Park.

Canopy Shores Park is located on Christina Drive approximately 700 feet east of the intersection with Shores Boulevard. The park site is approximately 34 acres in size located in St. Augustine Shores Development along the Matanzas River (Intracoastal Waterway). Prior to being sold to St. Johns County for a park, the parcel was scheduled for use as a condominium development with a marina and boat docks. The property is currently composed of natural uplands and SJRWMD/USACE wetlands. Development of the park will only include a small portion which will be used for access and parking. The remainder will be left undisturbed to retain the natural beauty of the property. Approximately 31 acres will remain undisturbed of the 34-acre parcel purchased by the County.

The development of this tract of land as a park would reduce the number of multi-family units in the area while providing an additional local public facility for families to enjoy. The change in usage would not only reduce the amount of traffic in the area by reduction of residential units but increase pedestrian traffic by being within walking distance to the local residential areas. The Park is intended to be used as an educational facility to inform the public concerning the natural habitat and historical past of the area along the Matanzas River.

The parking lot shall be designed to minimize the impact to the adjacent trees and vegetation. The ground cover within the playground area shall be cleared to protect the children. The playground equipment shall be installed to minimize the impact on the existing trees and provide the required safe "Fall Zones" for the children around the playground equipment.

The park will consist of a small restroom building, nature trail, and children's playground facility with related asphalt parking lot. The park and recreation department in conjunction with the Florida Communities Trust have planned to include in the future a canoe/kayak launch and fishing/observation dock along the marsh area on the Matanzas River. This facility is intended to provide a local park for families to bring their children and create a nature trail for observing the local wildlife in a natural setting.

I HEREBY CERTIFY THAT THIS DOCUMENT
IS A TRUE AND CORRECT COPY AS APPEARS
ON RECORD IN ST. JOHNS COUNTY, FLORIDA
WITNESS MY HAND AND OFFICIAL SEAL
THIS 29th DAY OF March, 20 11
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners

BY: Wenck King D.C.



SJC DEVELOPMENT REVIEW
ATTN: RACHEL GARVEY
4040 LEWIS SPEEDWAY
SAINT AUGUSTINE FL 32084

Ref.#: L571-11
P.O.#:

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 **BRI HALL**
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 REZONING**
In the matter of **MAJMOD 2010-08 CANOP - HG MARCH 15,2011**
was published in said newspaper on **02/28/2011**

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 28 day of Feb 2011
by Bri Hall who is personally known to me
or who has produced as identification

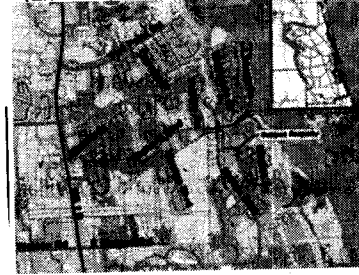
(Signature of Notary Public)

(Seal)

**NOTICE OF A PROPOSED REZONING
NOTICE OF A PROPOSED
MAJOR MODIFICATION**

NOTICE IS HEREBY GIVEN that a public hearing will be held on March 15, 2011 at 9:00 a.m. by the St. Johns County Planning and Zoning Agency in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to allow a Public Park on Tracts K & L and Parcel 1-A.
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE SHORES PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 1979-73, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The subject property is located on Christina Drive, within St. Johns County, Florida. See attached map (Exhibit A).



This file and the proposed ordinance are maintained in the Planning Division of the Growth Management Services Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be inspected by interested parties prior to said public hearing.

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

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

This matter is subject to court imposed quasi-judicial rules of procedure. 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, care of SJC Planning Division, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

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 Sebastian View, St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1 800 955 8770), no later than 5 days prior to the meeting.

**PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
J. KEN BRYAN, CHAIR
FILE NUMBER: MAJMOD 2010-08
CANOPY SHORES PARK
L571-11 March 15,2011**



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

March 21, 2011

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk, Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 18, 2011 and certified copies of Ordinance Nos. 2011-8 through 2011-10, which were filed in this office March 21, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/vm

2011 MAR 25 AM 10:30
OFFICE OF THE SECRETARY OF STATE
ST. JOHNS COUNTY, FL

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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