

ORDINANCE NUMBER: 2012-12

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE HYDE PARK PLANNED RURAL DEVELOPMENT, ORDINANCE NUMBER 2009-41, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Records of
St. Johns County, FL
Clerk # 2012033592,
O.R. 3573 PG 1589-1612
06/14/2012 at 10:46 AM,
REC. \$97.00 SUR. \$108.50

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

WHEREAS, the development of the lands within this Major Modification shall proceed in accordance with the application dated January 26, 2012 in addition to supporting documents and statements from the applicant which are a part of file MAJMOD 2012-02, for a Major Modification to the Hyde Park Planned Rural Development (PRD) Ordinance Number 2009-41, 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. That development of lands within the Hyde Park PRD shall proceed in accordance with Ordinance 2009-41, as amended, including the Application for Major Modification and attached hereto and made a part hereof.

SECTION 2. That the need and justification for modification of the Hyde Park PRD 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 Hyde Park PRD is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan.
3. As modified, the Hyde Park PRD is consistent with Part 5.03.05.C of the St. Johns County Land Development Code, which provides conditions for Major Modifications to approved PRDs.
4. As modified, the Hyde Park PRD 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 Hyde Park PRD meet all requirements of Section 5.03.02.G of the St. Johns County Land Development Code.

6. As modified, the Hyde Park PRD 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 2009-41 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 PRD 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 Hyde Park PRD 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 May 2012.

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

BY: Jay Morris
Jay Morris, Vice Chairman

RENDITION DATE 05/17/12

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: 05/18/12

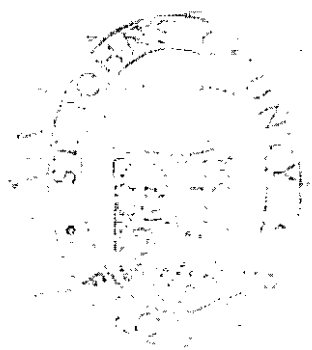


Exhibit A
**Legal Description of
Hyde Park PRD**

DESCRIPTION: A PORTION OF SECTION 4, TOWNSHIP 10 SOUTH,
RANGE 30 EAST, ST JOHNS COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF SECTIONS 4, 44 AND 46,
TOWNSHIP 10 SOUTH, RANGE 30 EAST AND SECTION 33, TOWNSHIP 9 SOUTH,
RANGE 30 EAST, THENCE SOUTH 01°06'07" EAST FOR A DISTANCE OF 560.58
FEET;

THENCE NORTH 88°51'07" EAST FOR A DISTANCE OF 738.90 FEET;
THENCE NORTH 88°45'30" EAST FOR A DISTANCE OF 322.12 FEET;
THENCE SOUTH 03°09'03" WEST FOR A DISTANCE OF 1933.28 FEET;
THENCE SOUTH 89°05'34" WEST FOR A DISTANCE OF 540.02 FEET;
THENCE SOUTH 02°24'13" EAST FOR A DISTANCE OF 1108.48 FEET;
THENCE SOUTH 85°41'26" WEST FOR A DISTANCE OF 668.63 FEET;
TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE NORTH
WITH AN ARC LENGTH OF 346.68 FEET, WITH A RADIUS OF 1095.95 FEET,
WITH A CHORD BEARING OF NORTH 85°14'50" WEST, WITH A CHORD LENGTH
OF 345.24 FEET; THENCE NORTH 00°01'16" WEST FOR A DISTANCE OF 964.48
FEET; THENCE SOUTH 89°05'20" WEST FOR A DISTANCE OF 1256.81 FEET;
THENCE NORTH 00°55'48" WEST FOR A DISTANCE OF 2640.03 FEET;
THENCE NORTH 89°17'49" EAST FOR A DISTANCE OF 1838.94 FEET;
TO THE POINT OF BEGINNING OF RURAL SILVICULTURE PARCEL HEREIN
DESCRIBED.

HAVING AN AREA OF 7,795,049 SQUARE FEET, 178.9 ACRES MORE OR LESS.

SAID LANDS SITUATED, LYING AND BEING IN ST JOHNS COUNTY, FLORIDA.

MASTER DEVELOPMENT PLAN TEXT

A. A description related to the design, character and architectural style or theme of the Project, which demonstrates an innovative, unified, cohesive and compatible plan of development for all Uses included in the Project. Mixed Use PUDs that contain different Uses or several Development Parcels must also demonstrate consistency in design and character and plan of development.

The proposed "Hyde Park" PRD is designed as a Planned Rural Development, with a 37-unit single-family unit development. The single-family units in the PRD shall also include associated recreational amenities and other common areas. It is anticipated that the design, character and architectural style of the development will result in a unified, cohesive and compatible plan of development in that it will:

- Provide an environment of stable character, which is compatible with the surrounding area and maintains the existing character, while complimenting the commercial and business opportunities in the area.
- Permit a creative approach to the development of the land and accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of the Land Development Code.
- Provide for an efficient use of the land, resulting in a more compact network of utilities and drives, lessening the impacts on the local facilities, and provide for an Owner's Association to own, manage and maintain the common areas.
- It is the intent to develop this project following the prescribed methods of the Florida Green Development Designation Standard, Version 5.0 Reference Guide by the Florida Green Building Coalition, Inc. Qualification and completion of an application for a Florida Green Development Designation remains at the sole discretion of the developer.

B. The total number of acres included within the Project as requested in the application.

Approximately 178.95 acres.

C. The total number of Wetland acres included within the Project as requested in the application.

The total number of wetland acres present on the site is approximately 8.63 acres.

D. The total amount of Development area, including the total number of developable acres (including filled Wetlands) for each proposed land Use and the total number of Wetland acres to be preserved for each land Use. Each developable Parcel shall be limited to one Use Classification, as provided in Article II of the Land Development Code.

The total development area will contain 15.71 acres. The remaining 163.24 acres will remain Reserve Area, thereby meeting the 90% reserve area and 10% development area density range of Comprehensive Plan Policy A.1.6.2.c and LDC Section 5.04.02.C.. Of the 8.63 acres of wetlands, 0.17 acres of wetlands will be impacted as a result of the Hyde Park PRD.

E. The total number of residential Dwelling Units and density of the Project, proposed density bonuses, the projected population, and projected population of school age children that may reside within the Project.

Based on the St. Johns County Comprehensive Plan providing for a density allocation of two (2) units per acre for the ninety percent (90%) Reserve Area (161.05 acres) and ten percent (10%) Development Area (17.90 acres), allows for 35.8 single-family lots. In an effort to increase the upland preservation and lessen the impact on the tortoise habitat, the developer has voluntarily reduced the Development Area from the Maximum at ninety percent (90%) Reserve Area of 17.90 acres to 15.71 acres of Development Area. This reduction in Development Area also allows for a Wetland Density Bonus as defined in LDC Section 5.08.00. Application of LDC Section 5.08.00 yields two (2) additional units for a total of 37 single family lots.

10% of the preserved wetlands x the density allocation of 2 du (90-10% scale density)
 $8.63 \text{ less } 0.17 \text{ acres} = 8.46 \text{ acres} \times 10\% = 0.846 \times 2 = 1.69 \text{ units}$
 $1.69 \text{ units plus } 35.8 \text{ (units by PRD scale)} = 37.49 \text{ or } 37 \text{ units}$

The projected population is approximately 90.28 residents (37 units x 2.44 residents per unit) and the projected population of elementary, middle and high school age children that may reside within the PRD is 10.36 students (37 units x .28 students). The developer will provide disclosure documents announcing the potential for school age children to be rezoned to different schools within the sales literature.

F. The total square footage and intensity of non-residential Development.

Not applicable.

G. The residential and non-residential Structure setbacks, as measured from the property line, the minimum size of residential Lots, the number of parking spaces for residential and non-residential Uses, the use of Signs and signage to serve the Project, including the sign height, size and type, such as wall, ground or monument, pylon, etc., street lights or other required outdoor lighting within the Project, and the maximum height of all Structures.

1. **Lot Size:** Lots will vary in size but will not be less than 1.0 acre.
2. **Permitted Uses/Development Area:** The development area of each residential lot will be used exclusively for residential purposes including, but not limited to: dwelling units, guests houses, garages, walls, patios, decks, spas, pools, driveways, sidewalks, walkways, and fencing within the development area. Lots will be developed with conventional single-family homes with accessory uses and structures allowed as per the St. Johns County Land Development Code provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of the structure. Driveways will not be counted toward the development area acreage. Each lot is intended to be served by individual driveways.
3. **Permitted Uses/Reserve Area:** The Reserve Areas will remain largely in their natural state and use will be primarily limited to trails. However, the existing pond may be used for recreation and may include a community boat tie-up/fishing dock. Any community boat tie-up/fishing dock (not a marina) will be limited to the existing pond or man-made retention areas.

4. **Permitted Used/Development Area Buffer:** Accessory buildings will be allowable in the Development Area Buffer. Non-habitable structures such as gazebos, arbors, wells, ponds, and other utility and mechanical systems, infrastructure components including fire hydrants, irrigation wells, pumps, and pump houses are allowable in the Development Area buffer.

5. **Building Setbacks:** Setbacks shall be measured from the property line in accordance with the Land Development Code and shall be: twenty-five (25) feet for the front yard, five (5) feet for the side yard, including any second frontage side yard, and ten (10) feet for the rear yard. No permitted projections into the side yard setback shall be allowed.

6. **Building Height:** Buildings shall not exceed thirty-five (35) feet in height.

7. **Parking:** Parking shall be provided for a minimum two (2) car garage or carport, with a sufficient driveway apron length and width to accommodate a third vehicle.

8. **Signage:** Signs for the development shall conform to the standards for subdivisions as outlined within the St. Johns County Land Development Code. The subdivision may have four (4) identification signs: (i) two (2) identification signs at the western roadway entrance on Faver-Dykes Road (County Road 204), and (ii) two (2) identification signs at the eastern roadway entrance. The signs shall be located on either side of the entrance within the common areas as indicated on the Master Development Plan, Exhibit D. Such identification signage shall be monument type, which may be double-sided or accommodated within a wall, fence or other entrance feature, provided the sign(s) will not exceed four (4) feet high if located on a fence or within a wall. Signs will be allowed to be a maximum of thirty-two (32) square feet each in size. In addition, the subdivision will be allowed information and directional signage, no larger than three (3) square feet and will adhere to all other regulations regarding temporary signage and real estate sales signs.

9. **Fencing:** Owners will be allowed to fence all or a portion of their lots, at a maximum height of four (4) feet in height in front yards and a maximum of six (6) feet in the rear and side yard in accordance with the Land Development Code standards, however, rear yards facing Reserve Areas shall have fencing that incorporates a design allowing for gopher tortoise mobility into the Reserve Areas. Fencing along the lot lines will be allowed along the inside limits of the easement on any rear or side lot line. In addition, fencing will be prohibited in environmentally sensitive areas such as undisturbed upland buffers and preserved Significant Natural Communities Habitat. Notwithstanding the above, no fencing shall traverse the preservation areas for the Significant Natural Communities Habitat depicted on the MDP map.

10. **Lighting:** Photometric studies of the proposed lighting system will be submitted to the County during construction plan approval evidencing compliance with LDC Section 5.03.06.H.6.

H. The type and location of infrastructure needed to serve the Project, including at a minimum, drainage facilities, vehicle and pedestrian access to the Project, internal vehicle and pedestrian access within the Project, interconnectivity access points to adjacent properties, potential new or expanded thoroughfare or right-of-way location, park, open space and recreation facilities, types of active recreation that will be provided, the provision of water and sewer, fire protection, and solid waste collection. Additional infrastructure requirements may be addressed based upon the character or location of the Project.

The infrastructure needed to serve the PRD will consist of roads, drainage facilities, water and sewer, fire protection and solid waste collection as follows:

1. **Vehicular Access:** There will be an entrance/exit roadway into the Hyde Park PRD from Faver-Dykes Road (County Road 204) and a secondary entrance from Faver-Dykes Road to provide access to lots 1–5 in the general locations as depicted on the MDP Map, Exhibit D. The project as planned will be a small private community that desires to maintain control of ingress and egress by having the main access point on Faver-Dykes Road (County Road 204). The primary access to the PRD will include a site access improvement for the construction of a

portion of roadway between the PRD property boundary and Faver-Dykes Road, which access will be constructed regardless of whether neighboring properties are developed. This connection will be built to County standards and dedicated to the County.

A culvert crossing will be constructed under the PRD main entrance road embankment to maintain water flow characteristics within the contiguous wetland area. The culvert crossing will be designed to meet the requirements of the St. Johns County Land Development Code and St. Johns Water Management District criteria.

2. Interconnectivity: Interconnectivity to the west of the PRD is limited to one (1) point so as to limit wetland impacts to .17 acre. Vehicular interconnectivity to the west and south shall be provided via connections to the main entrance/exit road connecting to Faver-Dykes Road (CR 204) at the locations generally depicted on the MDP Map. Vehicular interconnectivity to the south will also be provided via connection to the internal neighborhood road at the location generally depicted on the MDP Map. Pedestrian interconnectivity to the north of the PRD is provided for on the MDP subject to the approval of the Faver-Dykes State Park and to the east are existing single family lots. Trails being provided in the PRD will be available for private use but will provide for connections to neighboring trails. Additionally, an unrestricted 10 foot wide path area for future St. Johns County Greenway and Blueway Trail System has been provided for on the MDP Map.

3. Pedestrian access: Sidewalks shall be provided pursuant to Sections 6.02.06 and 6.02.07.H of the LDC.

4. Recreation: The project will not have any common recreational areas due to the size and nature of the development. However, the applicant will establish Community walking trails for common recreation for lot owners within the PRD, and clear these trails throughout the Reserve Area along the property boundaries or such other areas as may be desirable to avoid

wetlands and active tortoise burrows. Other recreational facilities and opportunities exist in the adjacent Faver-Dykes State Park and pedestrian interconnectivity will be promoted with trail areas, as generally depicted on the MDP Map. Further, an unrestricted 10 foot wide path area for future St. Johns County Greenway and Blueway Trail System has been provided for public use in compliance with Policy A.1.20 of the Comprehensive Plan. Notwithstanding the above, no trails shall traverse the preservation areas for the Significant Natural Communities Habitat, active tortoise burrows, and wetland and upland buffer areas as depicted on the MDP map. Further, the Applicant will meet LDC Section 5.03.03.A.3, by conserving a minimum of 5% natural upland vegetation not including Significant Natural Communities Habitat.

5. Open Space: At least 92.34% of the site, or a total of 163.24 acres will be set aside as Reserve area, including the jurisdictional wetlands and their associated buffer, Significant Natural Communities Habitat, Essential Habitat for the gopher tortoise, and a Gopher Tortoise Management Area, and will function as open space. Section 5.03.03.A.3 will also be met.

6. Drainage: Stormwater will be treated on site within the retention and detention areas or within provided off-site drainage easement. All drainage structures and facilities will be designed and constructed in compliance with the LDC in effect at the time of permitting, and the applicable rules of the St. Johns River Water Management District. All necessary permits will be acquired and construction plans approved prior to the commencement of any construction. The Stormwater Management System will be maintained by the property owners association.

The stormwater runoff from the roadways and residential lots would be directed to a roadside swale system. This swale system would be used to convey stormwater to an on-site detention pond. The detention pond system would be designed to meet Outstanding Florida Water criteria, which include providing an additional fifty percent (50%) of both the required treatment and permanent pool volumes. Runoff from the rear of the lots adjacent to wetland areas

would be treated through the use of natural vegetated upland buffers. In addition, the detention pond system would be designed to limit the post-development peak discharge rate to the pre-development peak discharge rate for the 25-year, 24-hour storm event. Stormwater management will be in accordance with Section 6.04.06.F of the LDC (Stormwater Management).

7. Utilities:

- a) The project will be served by central water and sewer.
- b) The Developer must confirm the utility connection points at the water and sewer civil engineering design level. Utility connection points shall be installed as directed by the St. Johns County Utility Department. The Developer shall connect to St. Johns County Utility's central water and sewer system and is fully responsible for all improvements as stated in the Letter of Availability issued by the St. Johns County Utility Department.
- c) Width of right-of-way shall not limit meeting the minimum setbacks for underground utility lines set by the St. Johns County Utility Department. The Developer will not install water or sewer pressurized mains under pavement, sidewalk, and concrete walk unless it is approved by the St. Johns County Utility Department. The Developer will install such lines in grassed right-of-way. The Developer will provide restoration easements to maintain utilities in private right-of way as long as they meet the St. Johns County Utility Department requirements for operation and maintenance.
- d) Any landscaping trees shall be placed at a minimum of 7.5 feet away from the centerline of pipeline to the centerline of the trees.
- e) All electrical, telephone and cable lines will be installed underground on the site. Central water and sewer will be provided by the St. Johns County Utility Department by way of the developer extending water and sewer lines to the site in accordance with the Final Certificate of Concurrency issued in connection with this PRD.

f) In the event proposed rights-of-way do not provide required spacing for underground utilities, Applicant shall provide easements as may be required.

g) Electricity will be provided by Florida Power and Light.

8. **Solid Waste:** Solid waste will be handled by the licensed franchisee in the area.

9. **Fire Protection:** Fire Protection will be provided in accordance with Section 6.03.00 of the Land Development Code. To the extent allowed by the St. Johns County Building Department and the Florida Building Code, the applicant will incorporate a recorded Covenant and Restrictions requirement for all 1 and 2 family dwellings to include an automatic fire sprinkler system in accordance with National Fire Protection Association (NFPA) 13-D Standard for the Installation of Sprinkler Systems in 1 and 2 Family Dwellings & Manufactured Homes. These systems will be designed to incorporate the use of an automatic, piped water sprinkler system in the base construction of each residence.

Fire Hydrants serving detached 1 and 2 family dwellings shall provide not less than 1,000 gpm at 20 psi for a minimum of 2 hours.

As long as the project is located outside of any designated five (5) mile fire protection/EMS service area, the developer shall provide disclosure statements and documents to any and all future purchasers and/or lessors of any of the property contained within this development, stating that **“the project, at the time of approval, is located outside of any designated five (5) mile fire protection/EMS service area and this may affect property owners/lessors regarding fire services and/or their insurance premiums.”** Further, this statement shall be made a part of any deed and/or lease transferring an ownership/possessory interest in any property within this development.

10. **Excavation:** Excavation activities shall be shown on construction plans and shall be allowed within approved development areas (as defined by approval of construction plans for

each phase or portion of the project) for the construction of stormwater management systems and ponds, wetland creation and/or wetland enhancement, lots and other similar uses and structures in conjunction with the development of the project, subject to all applicable permitting requirements and, in connection with the Master Retention Pond and Stormwater System Phase, shall be in compliance with the limitations set forth for that Phase under the Phasing section of this PRD. The dirt from such excavations 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. However, no dirt may be removed from the site until the Developer has bonded (to the reasonable satisfaction of the County) or constructed the connection to the St. Johns County Utility's central water and sewer system as stated in the Letter of Availability. Additionally, fill dirt may be brought onto the project as needed to develop the project. Stormwater management will be in accordance with Section 6.04.06.F of the LDC (Stormwater Management). Access may be temporary subject to construction plan permitting as generally depicted on the MDP Map or as generally depicted on the erosion control plan.

I. The amount of water and sewer use, based upon the projected population, and the Public Utility Providers, if applicable.

The project will be served by central water and sewer. Water and sewer will be provided by the St. Johns County Utility Department.

J. The type of underlying soils and its suitability for Development of the proposed Project.

The soil survey of St. Johns County, Florida, identifies the following soils as present on the Property: (1) Adamsville fine sand; (2) Astatula fine sand; 0 to 8 percent slopes, (6) Tavares fine sand; 0 to 5 percent slopes, (8) Zolfo fine sand, and (12) Ono fine sand. A soils map is attached hereto as Exhibit "F."

K. The type and extent of upland forest and wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). A map

depicting the location of upland forest and Wetland vegetation shall be provided with the application *submittal.*

A FLUCCS Map is attached hereto as Exhibit G.

L. The type and extent of any Significant Natural Communities Habitat as defined by this Code. Listed Species information including locations, densities and extent of habitat.

Enclosed is a FLUCCS Map that depicts the type and extent of vegetative communities on-site (Exhibit G). Approximately 23.53 acres of FLUCCS type 439 or Other Hardwoods-Sandhill was identified within the proposed PRD boundaries. This sandhill community represents the extent of the Significant Natural Communities Habitat found on the site. Approximately 6.41 acres of sandhill (27% of the total sandhill) will be preserved on site. Approximately 5.89 acres in the northeastern portion of the PRD will be preserved in its entirety and is contiguous with an offsite sandhill community within Faver Dykes State Park. Approximately 0.52 acre located to the northwest of the existing lake is contiguous to offsite sandhill habitat contained within the PUD boundary.

A listed species survey was conducted to determine the presence or absence of protected species and their habitat. The only protected species observed on site was the gopher tortoise. It is assumed that since occupied gopher tortoise habitat exists on site, commensal species that typically utilize gopher tortoise burrows, such as the pine snake (*Pituophis melanoleucus mugitus*), indigo snake (*Drymarchon corais couperi*), gopher frog (*Rana capito*), and Florida mouse (*Peromyscus floridanus*) also have the potential to occur on the property. In accordance with FFWCC guidelines and permit requirements, any commensal species encountered during relocation of tortoises will also be relocated to the approved recipient site. The predicted locations, densities, and extent of habitat of these commensal species are commensurate with the extent of the gopher tortoise habitat found on site.

Measures taken to protect the gopher tortoises on site include onsite preservation of gopher tortoise habitat and relocation of affected tortoises. The majority of the gopher tortoise population (72%) within the PRD boundary will be left undisturbed. Permitting of affected tortoises will be in accordance with current FFWCC regulations, which require the relocation of 100% of affected gopher tortoises on site. Relocation will include both onsite and offsite relocation. Onsite relocation will occur in the proposed onsite gopher tortoise management area. Management will consist of approved forestry and wildlife habitat management practices, such as prescribed burning and thinning that will enhance the vegetative community to promote foraging for gopher tortoises. The management plan for the onsite relocation area will be approved under the gopher tortoise relocation permit that will be obtained from FFWCC.

M. Identification of known or observed Historic Resources as defined by this Code, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory. In such cases, the requirements of Part 3.01.00 of this Code shall apply.

ESI conducted a historic and archaeological survey of the subject property in August 2006 (DHR File No. 2006-08091). During the course of the investigation, one site was encountered and investigated by ESI. This site was determined not to be eligible for registry into the National Register of Historic Places. The State Historic Preservation Officer concurred with these findings in a letter dated October 11, 2006 and recommended no further work on the property.

N. The type and extent of buffering, landscaping, Tree removal and Tree protection, and buffering between adjacent Uses as needed to aesthetically screen uses and provide privacy.

1. **Buffers:** In accordance with the current St. Johns County Land Development Code, the following buffer areas will be established and maintained within the development, as follows:

A minimum twenty-five (25') foot undisturbed upland buffer, and a twenty-five (25') foot building setback will be provided adjacent to the contiguous wetlands. The upland buffer is to be measured from the State Jurisdictional Wetland Line proceeding landward and no reduction to the upland buffer through averaging will be permitted. No activity or placement of a structure or accessory use is to take place in the upland buffer, as it is to remain a natural undisturbed vegetative buffer. Accessory uses are allowed to take place in setback areas. The accessory uses do not include buildings with a permanent foundation. All landscaping, tree removal and tree protection shall be in compliance with the LDC in effect at the time of approval of this PRD Ordinance.

The Applicant is following the Florida Green Building Coalition's "Florida Green Development Designation Standard," Category 1, P-8, for buffering.

2. **Landscape:** To the extent allowed by the St. Johns County Landscape Code and the St. Johns River Water Management District, the developer will use Xeriscape Landscape Planting and Irrigation practices throughout the project. The developer will encourage through recorded Covenants and Restrictions, the incorporation, to the greatest extent practical, Xeriscape Landscape and Irrigation practices as approved and supported by the St. Johns River Water Management District and St. Johns County rules and regulations. These practices may include but shall not be limited to preservation of existing natural vegetation, responsible site clearing and grading management, efficient use of sod, incorporation of drought resistant native plant and tree species and low volume-high efficiency irrigation systems.

O. PRDs located in Special Districts as defined by Article III of the Land Development Code shall include a statement identifying the particular Special District and referencing the requirements to comply with the provisions of such Special District.

The PRD is not located within a Special District.

P. The use, location and duration of temporary uses, including Construction trailers, sales units, model homes, and temporary signage related to Construction of the Project.

Temporary signage shall be allowed within the PRD and shall comply with Sections 7.03.00 and 7.01.03.b. of the Land Development Code. Temporary construction and temporary sales trailers may be utilized and placed on the site upon approval of the construction plans in the location shown on the Construction Plans. Temporary construction trailers will be allowed to remain until completion of the buildings, and must be removed no later than thirty (30) days of approval of the Certificate of Occupancy for the last building.

Sales trailers and sales offices for sales of units within the PRD shall be allowed on-site and moved throughout the site as necessary. Parking shall be provided for the sales trailer(s) in a temporarily defined, but unpaved lot with a driveway apron that meets County Code requirements. Pursuant to LDC Section 2.02.04.B.10, the Applicant will obtain all necessary permits prior to placement of construction or sales trailers.

Q. The use and location of Accessory Uses for residential and non-residential Structures, including Guest Houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing, and similar Uses.

Standard accessory uses will be allowed including, but not limited to: garages, decks, patios, air conditioning units, walkways, and sidewalks. Accessory uses and structures will be allowed as per the St. Johns County Land Development Code, provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of structure. Specifically as follows:

1. Accessory uses or structures contained within or attached to the building containing the principal use shall be considered a part of the principal building and not an accessory building and shall meet the same requirements for setbacks as the main use structure.

2. Accessory uses such as pools, covered pools, patios, decks, gazebos, and garages either attached or detached from the principal use structure, may be constructed up to a minimum of five (5) feet from the rear or side property boundary of each lot.

3. No permanent structures shall be allowed within any (public or private) drainage or utility easement. Examples of permanent structures shall include, but are not limited to: buildings, footings, decks, screened enclosures, patios, swimming pools and decks, air conditioner and electrical equipment, and fuel tanks for permanently installed generators.

R. A phasing schedule, which shall include the amount of residential and non-residential Development to be completed within a specified phase, a specific commencement term with a definition of commencement, and a specific completion term with a definition of completion. Phasing of the PUD/PRD may be obtained by either of the following two methods:

(1) the provision of an estimate of Uses to be developed within five (5) year phases. The estimated phases may overlap during construction; however, a phase shall be fifty percent (50%) complete, before the next phase may proceed; or

(2) the provision of number of residential units or non-residential square footage that comprise a phase and the provision of specific development conditions related to the specific phase (e.g. prior to the platting of one hundred (100) dwelling units, a park shall be provided).

The phasing schedule, using either option, shall also provide for a PUD/PRD Progress Report as required by Section 5.03.07.

An extension of the commencement or completion date of a PUD/PRD, of not more than one (1) year, may be approved by a Small Adjustment when the County Administrator has determined there are not significant changes to the surrounding area since the PUD/PRD was originally approved that would cause the PUD/PRD to negatively impact the surrounding area, and the Future Land Use Map designation of the subject PUD/PRD is the same as when the PUD/PRD was approved. If, in the determination of the County Administrator, either of these conditions are not met, or the extension of the commencement or completion date is for more than one (1) year, a Major Modification to the PUD/PRD shall be required, as provided in Section 5.03.05.C. An extension of any phase of a PUD/PRD may also be approved by a Small Adjustment, so long as the commencement or completion dates of the PUD/PRD are not extended beyond one (1) year.

Phasing: Consistent with LDC Section 5.03.02.G.1.r.2, the Property will be developed according to the following development conditions by use.

2012-2022	<p>Master retention pond and stormwater system.</p> <p>Commencement of development of the master retention pond and stormwater system and other infrastructure improvements, including land clearing, land excavation, retention ponds, stormwater structures, stormwater systems and/or lake amenities is conditioned upon construction plan approval consistent with Section 6.04.09.B, LDC. <u>Any such activity shall be limited to the minimum area reasonably required for the work as such area is generally depicted in the Erosion and Sediment Control Plan dated February 2011 and contained within the Staff Report dated May 15, 2012.</u></p> <p>Stormwater management will be in accordance with Section 6.04.06.F of the LDC (Stormwater Management).</p> <p>At the time of construction plan approval, the developer will address how the site will be managed should the construction/excavation of the stormwater management facilities is delayed, i.e., site stabilization, erosion control, NPDES requirements, and other environmental controls, as required by the Land Development Code.</p>
	<p>Residential units</p> <p>Commencement of the residential units is conditioned upon the construction plan approval of the infrastructure facilities serving the residential units. Such construction plan approval shall include necessary off-site improvements consisting of the intersection and turn lane improvements as depicted on the Master Development Plan.</p>

Commencement: Construction of the PRD will be commenced within ten (10) years of the County's approval of the PRD, upon approval of the construction plans for the development area of the PRD. Commencement of construction shall be deemed to have occurred upon approval of the construction plans for the particular portion of the development area.

Completion: Completion is defined as receipt of approval from the County of the as-built surveys for the infrastructure and other common area horizontal improvements. Completion shall be within five (5) years of Commencement of the development conditions for each use as described above..

S. The projected impact of the Project upon St. Johns County, and an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification of the Project.

The property is located within the Rural Silvicultural Category of the 2015 St. Johns County Comprehensive Plan, which allows the types of uses and the residential densities included within the application. The overall area and neighborhood is ideally suited to this type of development and this tract is suitable in character and location for the structure and uses proposed. It has access to major roadways and transportation corridors by virtue of its proximity to U.S. Highway 1 South and Interstate-95, which provide access to area employment opportunities and retail activities.

The applicant believes that the proposed Planned Rural Development will be of benefit to the future occupants of the project and to the residents of St. Johns County, in that it will further the stated goals and objectives of the County Comprehensive Plan and provide for a more desirable environment than could be accomplished through traditional zoning. In accordance, the need and justification for approval of the PRD has been considered in accordance with the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby, it is found that:

- The PRD will not adversely affect the orderly development of St. Johns County as embodied by the LDC and the St. Johns County Comprehensive Plan 2015. The property is identified as Rural Silviculture on the Future Land Use Map of the St. Johns County Comprehensive Plan, which allows development activities as proposed within this application. As described, this use is compatible with the surrounding zoning and Comprehensive Plan as well as the overall trend of the area. Development of the subject project is consistent with the St. Johns County Comprehensive Plan.

- The proposed PRD will be a benefit to the future occupants of the PRD and to the residents of St. Johns County in that the County will be afforded strict control over development of this project. 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 or the neighborhood and will accomplish the objectives, standards and criteria set forth in the LDC. Before planning this PRD, wetland and topographical surveys were performed to include wetland preservation as part of the development plan. The Applicant, owners association and architectural review board will maintain the character and appearance set forth herein.
- The impact of the PRD on County service and infrastructure will be within all adopted levels of service including traffic concurrency. The PRD's benefits include the provision of additional housing opportunities that will complement neighboring developments. The PRD will conform to the requirements of Article XI of the LDC. Construction will commence only after confirmation by the St. Johns County Concurrency Review Committee in accordance with the standards and procedures of the LDC that the availability of adequate public facilities and services support the proposed PRD and issuance of a Final Certificate of Concurrency. No Final Development Permits (Construction Plans or Final Plats) can be approved unless a valid, unexpired Final Certificate of Concurrency has been issued by the Concurrency Review Committee.
- The conditions stipulated in the PRD application and imposed by this ordinance provide for strict regulation and maintenance of this PRD. When developed in accordance with the conditions stipulated by this ordinance, the PRD will maintain the standards of the area, complement the neighboring developments and will be compatible with the desired future development of the area.

- The subject project meets all applicable requirements of Section 5.04.00 Planned Rural Development districts, as well as general zoning, subdivision and other regulations, specifically in relation to Location (it is located within Rural Silviculture on the 2015 FLUM, which district allows the type of development envisioned within the PRD), Compatibility, Adequacy of Public Facilities and in conformance with all applicable requirements of Section 5.04.00 Planned Rural Development districts. In addition, the PRD provides for a Master Development Plan Text and Map which meet the requirements of Section 5.03.02 (G) of the Land Development Code.

Therefore, the type of uses included in the application will be compatible with the emerging development patterns of the area, are consistent with the St. Johns County Comprehensive Plan and all County requirements and guidelines, as well as consistent with the overall development trend for the area.

T. A description of any requested waivers from the strict provisions of the Land Development Code to allow for innovative design techniques and alternative development patterns through the PUD zoning process. An explanation of the benefits arising from the application of flexible standards and criteria of this Land Development Code shall be provided to justify the need for such waivers.

The Applicant seeks a waiver from Section 5.03.04.E and Section 7.00.02.B.2 of the LDC requiring a uniform sign plan. Due to limited size and scope of project, the applicant feels a separate unified sign plan is not necessary. The requirements for the types, size, height and location of the intended sign(s) has been provided in the MDP text and shown on the MDP map.

U. A statement, and agreement to comply, binding all successors and assigns in title to the commitments and conditions of the MDP.

The Applicant, its successors and assigns, hereby agree and stipulate to proceed with the proposed development in accordance with the PRD Ordinance for this application as adopted by the St. Johns County Board of County Commissioners. The applicant also agrees to comply with

all conditions and safeguards established by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners regarding said PRD specifically outlined as follows:

"To the extent that they do not conflict with the specific and detailed provisions of this approved 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; 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 ordinance, building code, comprehensive plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein."

All roads, drainage facilities and common areas, located within the PRD for the common use and benefit of all property owners, shall initially be constructed, owned and maintained by the Applicant, his successors and/or assigns. Upon completion of construction of such common facilities and at the time established by the Owners Association documents, the Applicant will transfer ownership and maintenance responsibilities to a PRD Owners Association, a non-profit corporation established under the laws of the State of Florida. The site shall be maintained in a clean and orderly manner in accordance with all provisions of this PRD and conditions included within the adopting Ordinance. Legal documents and agreements for common ownership by property owners and/or a property association, shall meet the requirements of the St. Johns County Land Development Code in effect at the time of establishment.

V. When the subject property is designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and Wetland acres for each land Use designation."

Not Applicable.

Notes:

1. All acreages contained within this Master Development Text are approximate to within one acre.

I HEREBY CERTIFY THAT THIS DOCUMENT
IS A TRUE AND CORRECT COPY AS KEPT ON
RECORD IN THE CLERK'S OFFICE.
WITNESS MY HAND AND OFFICIAL SEAL
THIS 13th DAY OF June 2012
CHERYL STRICKLAND CLERK
Ex-Officio Clerk of the Board of County Comm.

BY: Glenn King

THE ST. AUGUSTINE RECORD

**COPY OF ADVERTISEMENT
NOTICE OF A PROPOSED MAJOR MODIFICATION**

ST JOHNS LAW GROUP
DOUGLAS N. BURNETT
509 ANASTASIA BLVD
SAINT AUGUSTINE FL 32080

Ref.#: L888-12
P.O.#: HYDEPKPRD

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 **STEVEN SMITH** 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 **MAJMOD 2012-02 - HGS APR 19, MAY 15, 2012** was published in said newspaper on **04/04/2012**

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 City of St. Augustine, in said St. Johns County, for a period of one year prior to 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 4th day of April 2012

by Steven Smith who is personally known to me or who has produced as identification

Tiffany M. Lowe
(Signature of Notary Public)

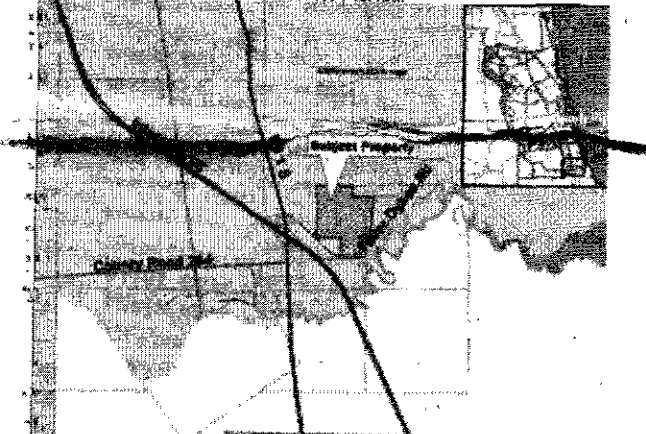


(Seal)

NOTICE IS HEREBY GIVEN that a public hearing will be held in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida on **Thursday, April 19, 2012 at 1:30 p.m.** by the St. Johns County Planning and Zoning Agency, and on **Tuesday, May 15, 2012 at 9:00 a.m.** by the Board of County Commissioners to consider a Major Modification to the Hyde Park Planned Rural Development.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE HYDE PARK PLANNED RURAL DEVELOPMENT, ORDINANCE NUMBER 2009-41, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The subject property is generally located Northeast of the intersection of US 1 South and I-95 within St. Johns County, Florida.



This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be inspected by interested parties prior to said public hearings. Items not heard by 6 am 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 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 and Zoning Section, 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 of 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
BRAD NELSON, CHAIR
BOARD OF COUNTY COMMISSIONERS: ST. JOHNS COUNTY, FLORIDA
MARK P. MINER, CHAIR
FILE NUMBER: MAJMOD 2012-02 Hyde Park PRD
L888-12 Apr 4, 2012



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 22, 2012

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

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 April 17, 2012 and certified copies of Ordinance Nos. 2012-10 through 2012-14, which were filed in this office on May 18, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

2012 MAY 25 PM 3:09
OFFICE OF THE SECRETARY OF STATE
SYSTEM