

ORDINANCE NO. 2022 - 38

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SOUTHWOOD PLANNED UNIT DEVELOPMENT (PUD), ORDINANCE NUMBER 1988-34, AS AMENDED; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the development of lands within this Major Modification shall proceed in accordance with the application dated November 11, 2021 in addition to the supporting documents and statements from the applicant **which are a part of file MAJMOD 2021-23 Southwood Phases 3 and 4**, for an amendment to the Southwood Planned Unit Development (PUD), Ordinance Number 1988-34, as amended and as approved by the Board of County Commissioners, and incorporated into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. That development of lands, made part hereof as Exhibit "A" (Legal), within the Southwood PUD, shall proceed in accordance with Ordinance Number 1988-34, as amended, including the Application for Major Modification and attached hereto and made a part hereof as Exhibit "B" (MDP Text) and Exhibit "C" (MDP Map).

SECTION 2. That the need and justification for modification of the Southwood 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 Southwood PUD is consistent with the goals, objectives and policies of the 2025 St. Johns County Comprehensive Plan.
3. As modified, the Southwood 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 Southwood 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 Text and Map for the Southwood PUD meets all requirements of Section 5.03.02.G of the St. Johns County Land Development Code.

6. As modified, the Southwood PUD is consistent with Policy A.1.3.11 of the 2025 St. Johns County Comprehensive Plan in that it does not adversely affect the orderly development of St. Johns County and is compatible with the development trends of the surrounding area.

SECTION 3. That all other provisions of Ordinance 1988-34, as amended, not in conflict with the provision 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 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 Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

SECTION 5. It is the intent of the St. Johns County Board of County Commissioners that scrivener's and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

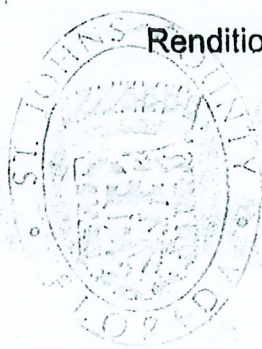
SECTION 6. That the terms of this modification to the Southwood PUD shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 7. 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 17 DAY OF May 2022.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Henry Dean
Henry Dean, Chair



Rendition Date MAY 19 2022

ATTEST: BRANDON J. PATTY,
Clerk of the Circuit Court & Comptroller

BY: Yvonne King
Deputy Clerk

Effective Date: MAY 27 2022

Exhibit "A"
The Property – Southwood PUD Phase 3 and Phase 4

LEGAL DESCRIPTION

PROPOSED SOUTHWOOD PHASE 3 AND PHASE 4

A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 870, PAGE 1244 AS RECORDED IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 30 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF SOUTHWOOD LAKE DRIVE (A 60' RIGHT OF WAY AS NOW ESTABLISHED) AND THE SOUTHWESTERLY CORNER OF TRACT "E", SOUTHWOOD P.U.D., PHASE 1A, UNIT 2, AS RECORDED IN MAP BOOK 36, PAGES 30 THROUGH 33 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 56°20'23" WEST, A DISTANCE OF 60.00 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID SOUTHWOOD LAKE DRIVE; THENCE SOUTH 33°39'37" EAST, A DISTANCE OF 66.01 FEET TO A POINT OF CURVATURE OF A CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 630.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°54'45" AN ARC LENGTH OF 394.88 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 51°37'00" EAST, 388.45 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 20°25'38" EAST, A DISTANCE OF 60.00 FEET TO A POINT ON A CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 570.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°00'04" AN ARC DISTANCE OF 99.49 FEET TO A POINT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 74°34'24" EAST, 99.37 FEET; THENCE NORTH 25°09'48" EAST, A DISTANCE OF 329.81 FEET; THENCE NORTH 88°21'12" EAST, A DISTANCE OF 25.00 FEET TO THE WESTERLY LINE OF TRACT "T", ST. AUGUSTINE SHORES, UNIT ONE, AS RECORDED IN MAP BOOK 11, PAGES 63 THROUGH 71 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 01°38'48" EAST ALONG SAID WESTERLY LINE OF TRACT "T", A DISTANCE OF 160.29 FEET TO THE SOUTHWESTERLY CORNER OF SAID ST. AUGUSTINE SHORES, UNIT ONE; THENCE NORTH 59°05'23" EAST ALONG THE SOUTHEASTERLY LINE OF SAID ST. AUGUSTINE SHORES, UNIT ONE, A DISTANCE OF 1,559.92 FEET TO THE SOUTHEAST CORNER OF SAID ST. AUGUSTINE SHORES, UNIT ONE, SAID CORNER ALSO BEING THE SOUTHWESTERLY CORNER OF ST. AUGUSTINE SHORES, UNIT THREE AS RECORDED IN MAP BOOK 12, PAGES 27 THROUGH 32 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 59°04'13" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID ST. AUGUSTINE SHORES, UNIT THREE, A DISTANCE OF 571.56 FEET TO THE NORTHWESTERLY CORNER OF CAPTAIN'S POINTE AS RECORDED IN MAP BOOK 19, PAGES 61 THROUGH 62 OF THE PUBLIC RECORDS OF SAID COUNTY AND THE NORTHEASTERLY CORNER OF SAID OFFICIAL RECORDS BOOK 870, PAGE 1244; THENCE SOUTH 02°10'31" EAST ALONG THE EASTERLY LINE OF SAID CAPTAIN'S POINTE AND THE EASTERLY LINE OF SAID OFFICIAL RECORDS BOOK 870, PAGE 1244, A DISTANCE OF 723.50 FEET TO THE SOUTHWESTERLY CORNER OF SAID CAPTAIN'S POINTE; THENCE SOUTH 02°54'08" EAST CONTINUING ALONG SAID EASTERLY LINE OF SAID OFFICIAL RECORDS BOOK 870, PAGE 1244, A DISTANCE OF 838.78 FEET TO THE SOUTHEASTERLY CORNER OF SAID OFFICIAL RECORDS BOOK 870, PAGE 1244 SAID CORNER ALSO BEING A POINT ON THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 261, PAGE 67 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°09'17" WEST, ALONG SAID NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 261, PAGE 67 AND THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 870, PAGE 1244, A DISTANCE OF 1,508.56 FEET; THENCE NORTH 47°49'01" WEST DEPARTING SAID NORTHERLY AND SOUTHERLY LINE, A DISTANCE OF 161.71 FEET; THENCE NORTH 01°50'43" WEST, A DISTANCE OF 134.82 FEET; THENCE NORTH 40°55'45" WEST, A DISTANCE OF 207.48 FEET; THENCE SOUTH 49°30'07" WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 59°05'46" WEST, A DISTANCE OF 13.85 FEET TO A POINT OF CURVATURE OF A CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 330.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°35'41" AN ARC LENGTH OF 216.53 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 77°53'37" WEST, 212.67 FEET; THENCE NORTH 83°18'33" WEST, A DISTANCE OF 5.37 FEET TO A POINT OF CURVATURE OF A CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 630.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°44'11" AN ARC DISTANCE OF 151.04 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 76°26'27" WEST, 150.69 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,908,561 SQUARE FEET OR 43.81 ACRES, MORE OR LESS.

EXHIBIT B
Relevant Sections of the
MASTER DEVELOPMENT PLAN TEXT
(Revised 04/05/2022)

SECTION III - STATEMENT OF INTENDED PLAN OF DEVELOPMENT
(Per this Major Modification / 2021-23)

PHASE III - Construction of 93 single family or zero lot line/patio home lots, and associated roadway and sidewalk improvements within five (5) years of approval of this major modification with commencement within five (5) years and completion by 2027.

PHASE IV - Construction of the remaining 8 single family or zero lot line/patio home lots, and associated roadway and sidewalk improvements within five (5) years of approval of this major modification with commencement within five (5) years and completion by 2027.

For purposes of this schedule, commencement is defined as approval of the horizontal construction plans for the phase and completion is defined as the installation of all infrastructure and the approval of as-builts.

PHASES III and IV Utilities.

A.) All utility construction projects are subject to the current construction standards within the Manual of Water, Wastewater, and Reuse Design Standards & Specifications at the time of review.

B.) Utility connection points shall be installed as listed in the availability letter or as directed otherwise by the St. Johns County Utility Department to minimize impact to the existing infrastructure or to the existing level of service.

C.) Water and/or sewer lines that are to be dedicated to the St. Johns County Utility Department for ownership that are not in public right-of-way shall require an easement/restoration agreement.

D.) No improvements such as pavement, sidewalks, and/or concrete walks are to be placed on top of water and/or sewer pressurized mains unless otherwise approved by SJCUD. Landscaping trees and landscaping buffers shall be placed at a minimum of 7.5 feet away from the centerline of utility pipelines.

Separation Between Structures. A minimum of 10 feet shall be maintained between structures. All structures shall have a minimum separation, as measured from the furthest projection of any other structure to the furthest projection of any other structure.

PHASE III and IV Environmental. No Significant Natural Communities Habitat was identified on the property as set forth in the Environmental Assessment Report conducted by LG2 Environmental Solutions, Inc. Of threatened, endangered, or species of special concern as listed by the USFWS and the FWC, gopher tortoise habitat was the one protected species identified on site. Prior to land clearing, a formal 100% Gopher Tortoise Survey shall be conducted and a relocation permit from FWC shall be received to relocate gopher tortoises to an FWC-authorized recipient site.

PHASES III AND IV ISSUES RELATED TO BELLE HAVEN CONDOMINIUM:

A.) Stormwater.

- a. The developer shall design the stormwater system for Phases III and IV so that Belle Haven will suffer no loss of the existing stormwater and drainage capacity from building runoff and east yard runoff based on current conditions behind Belle Haven Buildings 116 and 120 currently provided by the existing stormwater pond on the Phase III and IV property.
- b. Prior to approval of the construction plans for the Phases III and IV, the developer's stormwater engineer shall calculate the capacity of the existing stormwater pond to accept stormwater and drainage from Belle Haven and shall design the stormwater system for Phases III and IV to have sufficient capacity and accept the stormwater and drainage from building runoff and east yard runoff based on current conditions behind Belle Haven Buildings 116 and 120. The developer shall construct, install and maintain all necessary infrastructure to accept the building runoff and east yard runoff based on current conditions behind Belle Haven Buildings 116 and 120.
- c. The developer shall provide a stormwater easement for the benefit of Belle Haven Condominium Association, Inc., prior to construction plan approval for the development of Phases III and IV so that Belle Haven may continue to discharge stormwater from building runoff and east yard runoff based on current conditions at Belle Haven Buildings 116 and 120 onto the Phase III and IV property.

B.) Buffer. As part of the subdivision construction plans, the developer shall provide plantings within the "Open Space Buffer" located between Belle Haven Condominium and Phases III and IV as depicted on the MDP Map according to the following minimum standard (meeting or exceeding the LDC):

- a. The following is the planting criteria for such vegetative buffer:
 - i. Plant Material Per 100 Linear Ft. as follows:

1. Native Evergreen Canopy Tree	5
2. Native Understory Tree	7
3. Evergreen Tree Misc.	3
4. Native Shrub	60
 - ii. Trees shall meet the following minimum size standards at planting:

1. Height	10 ft
2. Caliper	2"
3. Container	25 gals

- iii. Shrubs shall consist of woody plants a minimum of two (2) feet in height in a minimum three-gallon container, planted at a maximum spacing of thirty-six (36) inches on center.
- b. The above planting requirements shall not be required in areas where undisturbed natural vegetation exists in substantially the same opacity or otherwise serves to provide substantially the same buffering and provided the equivalent tree caliper is exceeded.
- C.) Roads. As part of the subdivision construction plans, the developer shall maintain and keep clean Southwood Lake Drive pavement, sidewalks, and swales and restore Southwood Lake Drive pavement, sidewalks, and swales to its pre-development condition upon completion of the development of Phases III and IV. The developer shall not be required to improve, repair or otherwise correct existing conditions.

CONDITIONS ADDED AT BCC HEARING ON MAY 17, 2022:

1. Lots 86-100 - No 2 story homes.
2. Lots 86-100 – The buffer will have enhanced landscaping of canopy trees every 15 ft in the event there is not natural vegetation (subject to construction plan approval for type of trees).
3. Lots 86 and 87 - Would be relocated to the west side of the road to the extent reasonably practical and maintain 101 total lots and not impact the wetlands.

THE ST. AUGUSTINE RECORD
Affidavit of Publication

ST. JOHNS LAW GROUP
104 SEA GROVE MAIN ST

SAINT AUGUSTINE, FL 32080

ACCT: 15621
AD# 0003405512-01

PO#

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

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says 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 **SA Legal Classified** in the matter of **MAJMOD-2021-23** was published in said newspaper in the issue dated **03/11/2022**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in 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, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

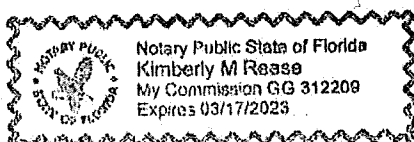
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this _____ day **MAR 11 2022**

by *Melissa Rhinehart* who is personally known to
me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)



NOTICE OF A PROPOSED MAJOR MODIFICATION

NOTICE IS HEREBY GIVEN that a public hearing will be held on 4/7/2022 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida and on 5/17/2022 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a request for a Major Modification to Southwood PUD (Ordinance 1988-34, as amended) to revise Phase 3 and 4 in order to facilitate development of 101 single family lots.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SOUTHWOOD PLANNED UNIT DEVELOPMENT (PUD), ORDINANCE NUMBER 1988-34, AS AMENDED; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The subject property is within Southwood PUD at terminus of existing Southwood Lake Drive. See attached map (Exhibit A). This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Department located at the St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida 32084 and may be inspected by interested parties prior to said public hearing. Items not heard by 6 pm 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.

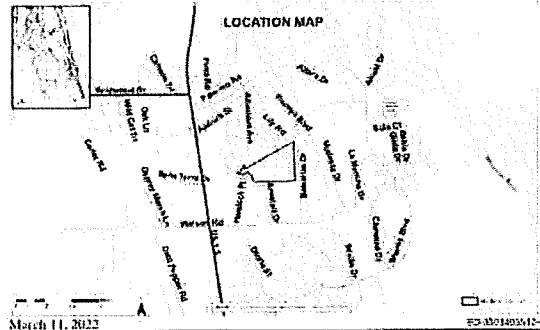
If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony 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 SIC 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) 209-4630 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 3 days prior to the meeting.

PLANNING AND ZONING AGENCY BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA ST. JOHNS COUNTY, FLORIDA
GREG MATOVINA, CHAIR HENRY DEAN, CHAIR

FILE NUMBER: MAJMOD-2021-23
PROJECT NAME: Southwood Phases 3 and 4





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 31, 2022

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Honorable Brandon Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2022-38, which was filed in this office on May 27, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/mas

MAY 27 2022
FILED
St. Johns County
Clerk of Court

By: Yvonne King
Deputy Clerk