

RESOLUTION NO. 85-40

RESOLUTION OF THE COUNTY OF ST. JOHNS.
STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR JULINGTON CREEK - UNIT IX
LOCATED WITHIN THE PARCEL OF LAND ZONED PUD
PURSUANT TO ORDINANCE 82-14

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

Pursuant to a request for approval made by General Development Corporation in accordance with Section 8-3 of the St. Johns County Zoning Ordinance, and subsequent review and approval by the St. Johns County Planning and Zoning Agency, the Final Development Plan attached hereto as Exhibit A is hereby approved in reliance upon, and in accordance with, the representations and statements made in the written submissions attached hereto as Exhibit B and Exhibit D, all of which are incorporated into and made a part of the Final Development Plan *and shall be complied with and followed*

PASSED and ADOPTED this 19th day of March, 1985.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

BY *Harry Walker*
CHAIRMAN

Attest: Carl "Bud" Markel, Clerk

By: *Cheryl Kert*
Deputy Clerk

FDP/Julington Creek/84011



Bessent, Hammack & Ruckman • 2000 Corporate Square • Jacksonville, Florida 32216 • (904) 721-2037

February 14, 1985

St. Johns County Planning and Zoning Agency
St. Johns County Courthouse
P.O. Drawer 349
St. Augustine, Florida 32084

Re: Final Development Plan
Julington Creek - Unit IX

Dear Planning and Zoning Agency members:

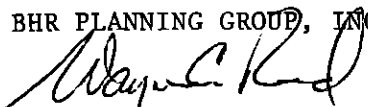
On behalf of General Development Corporation, we are submitting for approval by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners, a Final Development Plan (the "Final Development Plan") for Unit IX (the "Property") at Julington Creek. We also request preliminary plat approval for the Property concurrent with Final Development Plan approval. The Property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance 82-14.

The area encompassed by Julington Creek - Unit IX includes 1,134 single family units (350 SF-2; 784 SF-3) and approximately 594 future MF-6 units. Also enclosed is the accompanying Final Development Plan text, the Declaration of Covenants and Restrictions, and the formal resolution approving this Final Development Plan.

We request that the Planning and Zoning Agency review be scheduled for the March 7, 1985 regular meeting.

Respectfully submitted,

BHR PLANNING GROUP, INC.


Wayne C. Reed
Vice President

WCR/jcp/FDP3

Attachments:	Final Development Plan	Exhibit A
	Written Text	Exhibit B
	Form of Resolution	Exhibit C
	Covenants and Restrictions	Exhibit D

cc: Jack O'Neal, GDC
Nancy Roen, Esquire
John Pancoast, AICP

EXHIBIT B
WRITTEN TEXT

IN ACCORDANCE with the procedure established in Section 8-3, "Implementation of a PUD," the attached Final Development Plan (Exhibit A) prepared by BHR PLANNING GROUP, INC., the Covenants and Restrictions (Exhibit D), and the following text regarding compliance with Section 8-4, are submitted for your consideration. This final development plan includes areas scheduled for construction in Phases I, II, and III as defined in the PUD application. The development and construction phasing schedule provided in the development order as well as in PUD Ordinance 82-14 will be adhered to subject, however, to provisions of Paragraph Six of the Development Order which may allow for deviation from the phasing schedule under certain conditions.

8-4-1 Density of Development.

The total ground area occupied by residential buildings and structures in the subdivision shall not exceed 35 percent of the total ground area committed to residential use.

8-4-2 Open Space.

The Final Development Plan depicts Tracts G-1 through G-60 as those areas within the Property which are to be utilized as open space/drainage areas. Prior to the issuance of any certificates of occupancy, open space areas (not including Tracts L, N, O, and P) shall be dedicated to St. Johns County or its appropriate agency (i.e. Municipal Service Taxing Unit) and maintained by the MSTU. These areas will be used as passive recreation and conservation areas, and have been incorporated into the overall drainage system.

In addition to the open space dedicated to St. Johns County, the Final Development Plan depicts Tracts L, N, O, and P which are to be utilized as a semi-private golf course, to be owned

and maintained by the Developer. The golf course is programmed for development in Phase ~~III~~²; until such development occurs, these tracts shall remain as unimproved passive open space.

8-4-3 Waiver of Yard, Dwelling Unit, Frontage Criteria, and Use Restriction.

All development which is to occur within the subdivision will comply with the spirit and intent of the Zoning Ordinance. There will be no more than 1,134 single family residences (350 SF-2; 784 SF-3) in Julington Creek - Unit IX. In addition, Unit IX includes two as-of-yet undesignated multi-family parcels (Tracts B and C) that are planned to contain approximately 594 MF-6 units on a total of approximately 99 acres, one commercial parcel (Tract A) of approximately eight acres, and three non-designated parcels (Tracts E, J, and Q) on a total of 3.89 acres. A final development plan will be resubmitted for these parcels prior to any development activity on these parcels.

8-4-4 Project Size.

The PUD consists of more than 20 acres.

8-4-5 Support Legal Documents for Open Space.

Open space areas within Unit IX will be dedicated to St. Johns County and maintained by the MSTU, thus this subsection is inapplicable.

8-4-6 Access.

As graphically depicted on the Final Development Plan, each lot is provided vehicular access within the subdivision via the public rights-of-way to be dedicated to St. Johns County.

8-4-7 Privacy.

Visual and acoustical privacy of each dwelling unit will be provided, where required.

8-4-8 Community Facilities.

- a. None of the utility facilities serving the Property are proposed for dedication to St. Johns County; therefore, the provisions of subparagraph a. are inapplicable.
- b. All requirements for off-street parking and loading set forth in Article 9 of the St. Johns County Zoning Ordinance shall apply as specified below:

9-1-1 Drainage.

The overall drainage plan for the Property is designed to prevent damage to abutting parcels, public streets, and alleys and is graphically depicted on the Final Development Plan. Specific drainage plans for each lot upon which a residence is to be constructed will be consistent with this overall drainage plan. Additionally, storm drainage lines and weir structures are shown on the Final Development Plan.

9-1-2 Separation from Walkway and Street.

Each single family unit will have an individual garage which provides for the required off-street parking.

9-1-3 Entrances and Exits.

The location and design of the entrances and/or exits to all streets will be in accordance with County specifications.

9-1-4 Interior Drives.

As shown on the Final Development Plan, there will be no interior drives serving the single family lots.

9-1-5 Marking of Parking Spaces.

As shown on the Final Development Plan, there will be no parking spaces in groups of

more than ten to serve the single family units.

9-1-6 Lighting.

Lighting within the property shall be placed at locations as follows:

- 1) Road Intersections;
- 2) Road Curves which require directional aid;
- 3) Dead Ends;
- 4) Bridges; and
- 5) Mid-Block - On blocks where additional lighting is required to aid in driveway identification or in detecting driving hazards.

Residential lighting shall consist of 70-watt high pressure sodium fixtures mounted 10 feet above grade (see Exhibit 1 for standard detail), and arterial street lighting shall consist of 250-watt high pressure sodium fixtures mounted 25 feet above grade (see Exhibit 2 for arterial street standard detail). Lighting plans shall be submitted to St. Johns County for approval prior to construction.

9-1-7 Screening.

Section 9-1-7 is inapplicable since there will be no parking spaces for ten or more vehicles in any one location on the Property; however, landscaping will be provided for the units.

9-2 Location.

The required off-street parking facilities will be located upon the same parcel of land they are intended to serve.

9-3-1 Off-Street Parking: Numbers Required.
The single family areas will contain one residence per lot. Two off-street parking spaces will be provided per dwelling on the same parcel they intend to serve, which is twice the requirement specified in Subsection a. of 9-3-1.

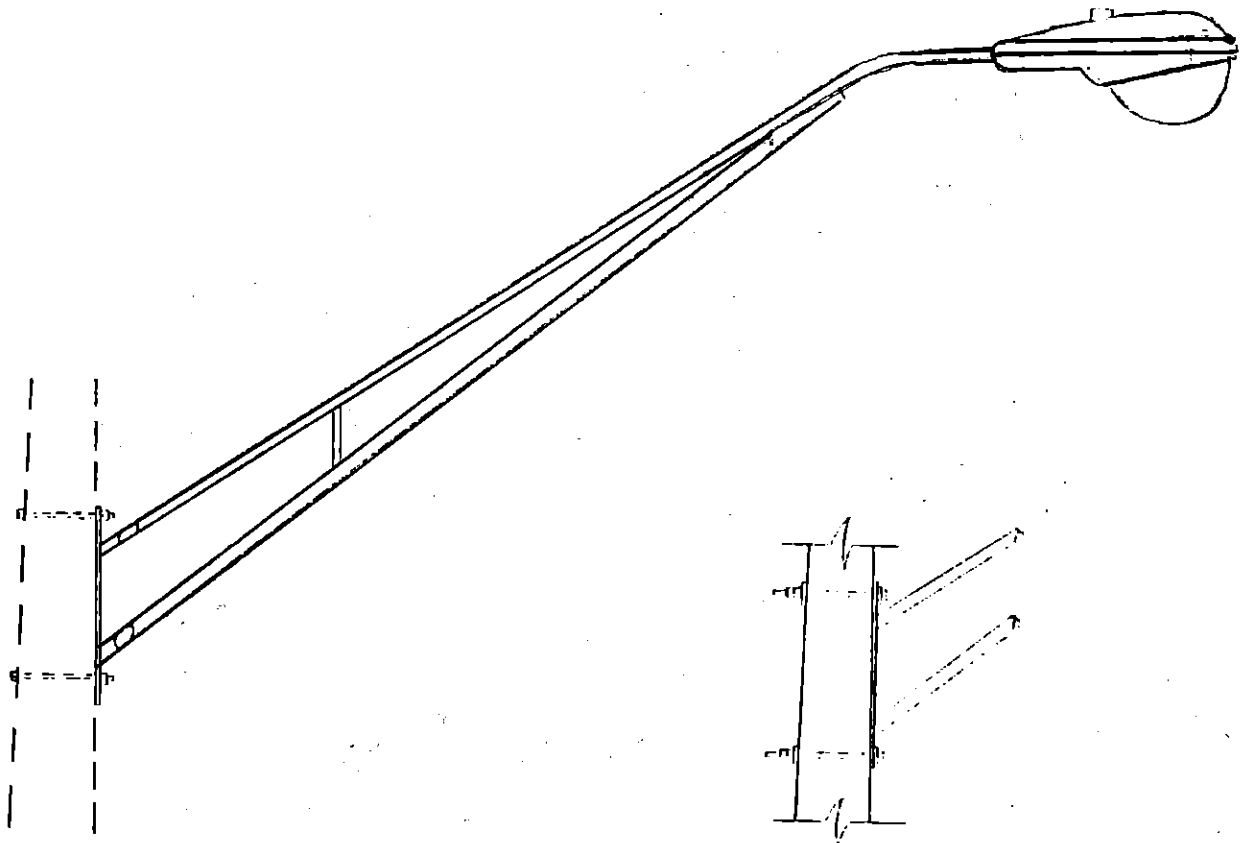
9-4-1 Off-Street Loading Requirements.

This section does not apply to residential developments.

- c. The Final Development Plan illustrates the anticipated traffic flow pattern. Sufficient space has been allowed to permit access for fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries, and debris removal. Location of the fire hydrants and water and sewer lines serving the Property are also depicted on the Final Development Plans. In addition, pedestrian/bike-ways are illustrated.
- d. All utilities within the subdivision proper including telephone, power (excepting overhead distribution feeder lines along Davis Pond Boulevard, Durbin Creek Boulevard and Flora Branch Boulevard), cable television, sewer lines, and water lines, will be installed underground. Also shown on the Final Development Plan are general drainage arrows to the retention areas from the lots facilitating proper drainage of storm waters and preventing erosion.
- e. Specifications for all streets and roadways depicted on the Final Development Plan shall meet or exceed the rules and regulations

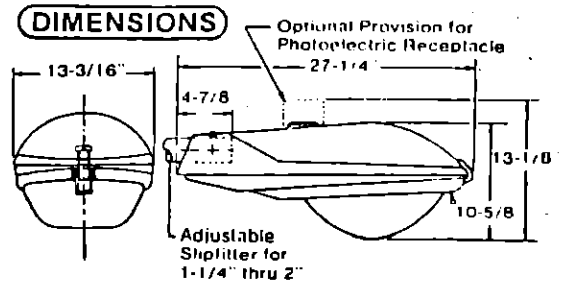
adopted by the St. Johns County Board of County Commissioners in Article IX, Section 91 of the St. Johns County Subdivision Regulations, and as committed in Exhibit 3 for residential streets, and Exhibit 4 for arterial streets.

BHR PLANNING GROUP, INC.



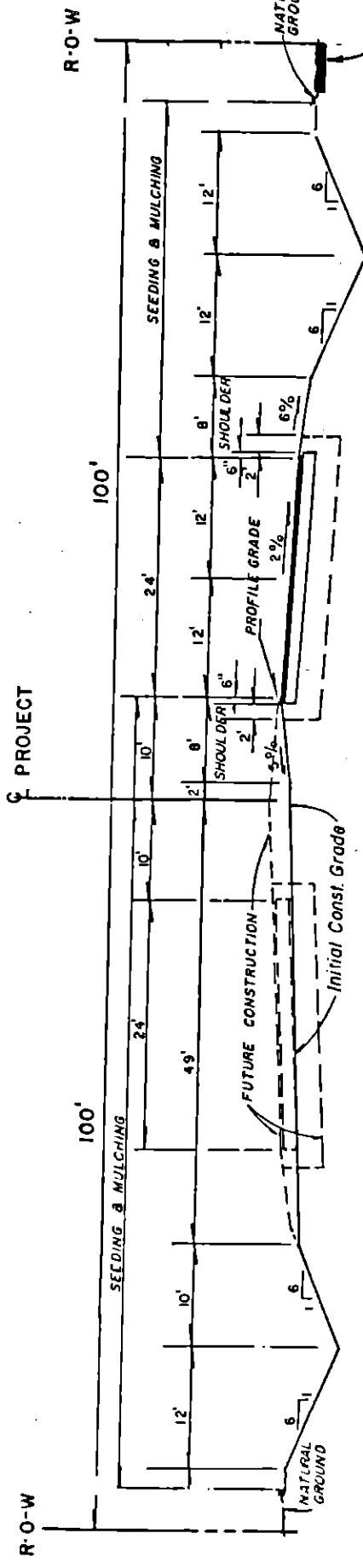
SPECIFICATION CHECK

- ✓ 1-1/4 inch - 2-inch universal slipfitter
- ✓ Adjustable socket
- ✓ Acrylic or borosilicate glass refractor
- ✓ Resilient polyester fiber gasketing
- ✓ Die cast aluminum housing



250 W HIGH PRESSURE SODIUM

EXHIBIT 2



2 LANE INITIAL CONSTRUCTION

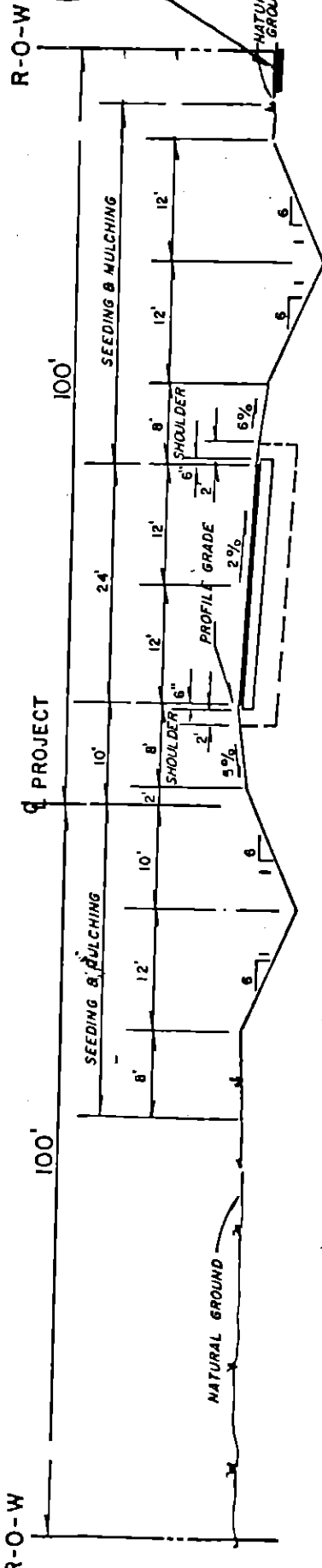
2 LANE FUTURE CONSTRUCTION

6' BICYCLE PATH
(One Side Only or as Depicted on Final Dev Plan)

4 LANE ARTERIAL ROAD
(With Swales)

NOTE:
ACTUAL LOCATION OF BIKE PATH TO BE DETERMINED IN FIELD TO PRESERVE VEGETATION AND AVOID CONFLICT WITH OTHER CONSTRUCTION

SURFACE: 1 1/4" Asphaltic Concrete Type S-1
BASE: 8" Limerock or Equivalent
SUBGRADE: 12" Compacted, 60% F.B.V. Min.



2 LANE ARTERIAL ROAD

See Above For Pavement Structure

EXHIBIT D
COVENANTS AND RESTRICTIONS

GENERAL DEVELOPMENT CORPORATION :
A Delaware Corporation
:
TO WHOM IT MAY CONCERN :

WHEREAS, GENERAL DEVELOPMENT CORPORATION, a Delaware corporation authorized to do business in the State of Florida, hereinafter referred to as "GENERAL", is the owner of the following described property, situate, lying and being in St. Johns County, Florida, to be designated as, to-wit: JULINGTON CREEK UNIT NINE, a subdivision in St. Johns County, Florida according to the plat thereof, recorded in Plat Book _____, at Pages _____ through _____ of the Public Records of St. Johns County, Florida (herein called "UNIT NINE"); and

WHEREAS, the property above described is not subject to restrictions and limitations of record; and

WHEREAS, it is now desired by "GENERAL" to place restrictions and limitations of record as to the use of each and every one of the lots, located in said subdivision.

NOW, THEREFORE, "GENERAL" does hereby declare that the property to be included in UNIT NINE, shall be held, transferred, sold, conveyed and occupied subject to the covenants and restrictions hereinafter set forth;

1. Residential Lots

All lots in all blocks are single family residence lots and no principal building shall be constructed or erected on any single family residence lot other than one detached single family dwelling not to exceed two (2) stories in height. No single family residence lot shall be re-subdivided into build-

ing lots having a square footage less than that set forth herein.

2. Building Square Footage and Set Back Requirements

The minimum square footage requirements of buildings and the building set back requirements shall be as follows:

a. All lots within Blocks 221-225, 235-238, and 241-253 of "Julington Creek Unit Nine", inclusive, shall be subject to the following restrictions:

(1) Minimum residential unit lot size - 7,500 Sq. Ft.

(2) Minimum square footage of dwelling unit - 800 Sq. Ft.

(3) Building setback requirements:

(a) Front - 25 feet

(b) Side - 8 feet

(c) Rear - 10 feet

(4) Building setback requirements may be varied from this regulation as permitted by Condition 11 of the Julington Creek (Development Order).

b. All lots within Blocks 226-234, 239-240, and 254 of "Julington Creek Unit Nine", inclusive, shall be subject to the following restrictions:

(1) Minimum residential unit lot size - 10,000 Sq. Ft.

- (2) Minimum square footage of dwelling unit - 1,000 Sq. Ft.
- (3) Building setback requirements:
 - (a) Front - 25 feet
 - (b) Side - 8 feet
 - (c) Rear - 10 feet
- (4) Building setback requirements may be varied from this regulation as permitted by Condition 11 of the Julington Creek (Development Order).

3. Approval of Plans

No building, fence, wall, out-building or other structure shall be erected until the plans and/or specifications for the design and location thereof have been approved, in writing, by an environmental control committee appointed by "GENERAL" or elected by the owners of record of a majority of the lots first hereinabove described; provided, however, if approval or disapproval of such design or location is not forwarded to the applicant within thirty (30) days after date of request for approval, then such approval will not be required, provided the design and location of the building, fence, wall, out-building or other structure conforms to and is in harmony with the existing structures on the lots first hereinabove described in these covenants.

4. Driveway Elevations (Swale Drainage Areas)

Prior to construction of any driveway, information must be submitted to the County Engineer on the proposed elevation of the driveway from the right-of-way line to the edge of the pavement. The driveway shall be constructed of concrete or its equivalent in accordance with the elevations, plans and specifications for the driveway approved by the county. As-

built elevations shall be prepared by a Florida licensed surveyor and submitted to the County.

5. Recreational Vehicles

No travel trailer, mobile home, recreational vehicle, tent, shack, garage, barn or out-building erected on any lot shall at any time be used as a residence, temporarily or permanently; provided, however, that recreational vehicles such as travel trailers, motor homes, tent trailers, boats, etc. not exceeding ten (10) feet in height and thirty two (32) feet in length may be stored on the premises at the rear or side of the residence situated thereon upon the following conditions:

- a. No such vehicle shall be permitted within the front or side setback areas.
- b. All such vehicles shall bear a current State registration or inspection tag.

6. Parking

No truck exceeding one ton capacity shall be parked overnight in areas designated residential unless the truck is employed in the construction of new residential units or is allowed by zoning exception.

7. Signs

No sign of any kind shall be displayed to the public view on any single family or duplex residence lot, except one sign of not more than two (2) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period, all of which shall be approved by the committee.

8. Oil Drilling

No oil drilling, oil development operation, oil refining, quarrying or mining operation of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels,

mineral excavation or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

9. Animals

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that no more than four adult dogs, cats or other domestic household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

10. Trash Storage

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste matter must be kept in sanitary containers. No lot on which improvements have been constructed or erected shall be allowed to become or remain overgrown and/or unsightly.

11. Intersection Sight Distance

No hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within the above described limits of intersections unless the foliage line is maintained at or above six (6) feet above roadway intersection elevation to prevent obstruction of sight lines.

12. Tree Preservation

No trees measuring six (6) inches or more in diameter at ground level may be removed without the written approval of the Developer unless located within ten feet of the main dwelling or accessory building or within ten feet of the approved site for such building. No trees shall be removed from any lot without the consent of the Developer, until the owner shall be ready to begin construction.

13. Easements

Easements for the installation and maintenance of public utilities and drainage facilities are reserved as noted on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage, impair or interfere with the installation and maintenance of utilities. The easement area of each lot, tract, or parcel and all permitted improvements within said easement area shall be maintained continuously by the owner of the lot, tract or parcel, except for those improvements for which a public authority or utility company is responsible.

14. Utilities

GENERAL DEVELOPMENT CORPORATION, and its wholly owned subsidiary GENERAL DEVELOPMENT UTILITIES, INC., hereinafter referred to as "UTILITIES", and their respective successors and assigns agree to abide by any and all legal requirements imposed by St. Johns County and the Florida Department of Environmental Regulation relative to water supply source and sewage waste disposal within the subdivision. Any future agreement arrived at between "GENERAL" and/or "UTILITIES" with St. Johns County and/or the Florida Department of Environmental Regulation relative to water supply source and sewage waste disposal within the subdivision shall also be binding upon all persons claiming by, through, and under "GENERAL".

- a. Unless otherwise authorized by "Utilities", no individual water wells, septic tanks or other individual sewage disposal facility shall be permitted on any lot from the time when central water and/or sewer service or services are made available. This provision, however, shall not be construed to prohibit private water wells for irrigation, swimming pools or air conditioning. All wells that supply water to air heating or cooling units and use the Floridan Aquifer as a supply source shall be fitted with a demand valve.
- b. It shall be a requirement that no water closet be installed in any home to be constructed on any of the properties having a capacity in excess of 3.5 gallons and that flow restrictors shall be installed in all shower heads.
- c. General Development Corporation, as the Developer, reserves to itself and its successors and assigns all water rights below 400 feet in depth and under all of the properties.

15. Municipal Service Taxing Unit

Notice is herewith given that the subject property is located within an area designated by St. Johns County as the Julington Creek Municipal Service Taxing Unit, and is subject to a continuing annual ad valorem tax and/or special assessment. Failure to pay said assessment when due will result in a lien being placed on property subject to the assessment.

16. Energy Conservation

All residential units shall be designed to require as a maximum an electrical energy consumption factor of 0.75 kilowatt-hours/month/sq. ft. The residential units shall be

certified as energy conserving units by a qualified engineer or the utility serving the plat unit.

17. Term

These covenants and restrictions are to run with the land and shall be binding upon all parties and all persons claiming under them until thirty (30) years from the date of recording has elapsed, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years; provided, however, that notwithstanding the foregoing date reference contained in this paragraph, said covenants and restrictions, except paragraph 13 and 14 hereof, may be altered, amended or rescinded in whole or in part at any time by the then fee owner or fee owners appearing of record of a majority of the lots affected by the respective provisions of these restrictions.

18. Violation or Breach

In the event of a violation or breach of these restrictions by any person or concern claiming by, through or under "GENERAL", its successors or assigns, "GENERAL" and the then lot owners of record, or any of them jointly or severally shall have the right to proceed at law or in equity to compel a compliance with the terms thereof or to prevent the violation or breach of any of them. In addition to the foregoing, "GENERAL", its successors or assigns, shall have the right whenever there shall have been built on any lot, any structure which is in violation of these covenants, to enter upon the property where such violation exists and summarily abate or remove the same at the expense of the owner; and such entry and abatement or removal shall not be deemed a trespass. The failure to enforce any right, reservation, restriction or condition contained in this Declaration of Restrictions, however long continued, shall not be deemed a waiver of the right to do so thereafter, as to the same breach or as to a

breach occurring prior or subsequent thereto and shall not bar or affect its enforcement.

19. Severability

Invalidation of any portion of these covenants by judgement, decree or court order shall in no wise affect any of the other provisions contained herein, which shall remain in full force and effect.

IN WITNESS WHEREOF, GENERAL DEVELOPMENT CORPORATION, a Delaware corporation, has caused these presents to be executed by its proper officers, who are thereunto duly authorized, and its corporate seal to be affixed, at Miami, Dade County, Florida, this _____ day of _____, 1985.

GENERAL DEVELOPMENT CORPORATION

BY: _____

C. C. CRUMP
Senior Vice President

ATTEST: _____

SAUL J. SACK
Assistant Secretary

STATE OF FLORIDA)
)
COUNTY OF DADE)

I HEREBY CERTIFY that on this _____ day of _____, 1985, before me personally appeared C.C. CRUMP and SAUL J. SACK, Senior Vice President and Assistant Secretary, respectively, of General Development Corporation, a Delaware corporation, to me known to be the persons described in and who executed the foregoing Declaration of Restrictions as such officers of said Corporation for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said Corporation, and that the said instrument is the act and deed of said Corporation.

WITNESS my signature and official seal at Miami, in the County of Dade, State of Florida, the day and year last aforesaid.

NOTARY PUBLIC, State of Florida at large

My Commission Expires:

FDP/Julington Creek/84011