

RESOLUTION NO. 86-183
RESOLUTION OF THE COUNTY OF ST. JOHNS
STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR UNIT ONE
LOCATED WITHIN THE PARCEL OF LAND ZONED PUD
KNOWN AS MARSH CREEK COUNTRY CLUB
PURSUANT TO ORDINANCE R-PUD-86-060

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

Section 1: Pursuant to a letter request dated October 22, 1986, submitted by Stokes-O'Steen Communities 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 submission statements attached hereto as Exhibit B, and as referenced in Exhibit

*D all of which shall be
complied with*

C & C

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *Phyllis L. Lydon*
Chairman

Attest: Carl "Bud" Markel, Clerk

By: *Cheryl East*
Deputy Clerk
Adopted Regular Meeting

December 9, 1986

Effective:

December 9, 1986

FINAL DEVELOPMENT PLAN
MARSH CREEK COUNTRY CLUB
PUD ORDINANCE R-PUD-86-060

UNIT ONE
SINGLE FAMILY LOTS
EXHIBIT B
TO THE RESOLUTION

STOKES-O'STEEN COMMUNITIES, INC.
OCTOBER 22, 1986

IN ACCORDANCE with the procedure established in Section 8-3, "Implementation of a PUD", the attached Final Development Plan prepared by PROSSER, HALLOCK & KRISTOFF, INC., the Covenants and Restrictions, and the following text regarding compliance with Section 8-4, are submitted for your consideration.

The Declaration of Covenants and Restrictions for Unit One at Marsh Creek identified as Exhibit C to the Resolution, is provided with this submission in support of the request for Final Development Plan approval.

Nothing contained in the Declaration shall be interpreted to limit or restrict in any way the regulatory powers of St. Johns County (including its powers to review and approve plats and replats under Section 177.071 of the Florida Statutes). Those sections of the Declaration which are specifically referenced herein are incorporated by reference in the Final Development Plan, shall be made a part of the Final Development Plan and shall not be amended without approval of the Board of County Commissioners of St. Johns County. A list of the sections of the Declaration made a part of the Final Development Plan is provided with this submission and is identified as Exhibit D to the Resolution. The developer reserves the right to alter, amend, or allow to be amended all other sections of the Declaration. Provided, however, that if any alteration, amendment or series of alterations or amendments to the Declaration materially erodes the protection afforded by the Declaration so that the Board of County Commissioners of St. Johns County, in the exercise of its reasonable discretion, determines that there is substantial likelihood that the spirit and intent of Article 8 of the St. Johns County Zoning Ordinance will be undermined, then the Board may require that further alterations and amendments be submitted to it for approval prior to the recordation of such alterations or amendments.

8-4-1 Density of Development.

The total ground area occupied by residential buildings and structures shall not exceed 35 percent of the total ground area of the Marsh Creek PUD devoted to residential use.

8-4-2 Open Space

The Final Development Plan depicts Lake area and/or Golf Course areas within the Property which are to be utilized as open space or "Common Areas". Every homeowner shall have a right of use and an easement of enjoyment in the Lake areas, except where its use is limited by the applicable sections of the Declaration of Covenants and Restrictions. The open space will be used for golf, lake, passive recreation and conservation areas. The Lakes and Golf Course will be owned and maintained by the developer.

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

All development which is to occur within the Property will comply with the spirit and intent of the Zoning Ordinance. There will be no more than 249 residences on the property. Furthermore, Article V, Section 4(b), of the Covenants and Restrictions establishes specific setback lines as follows: a 25-foot front setback line, an 8-foot side setback line, a 20-foot rear setback line and a 12-foot side setback line for corner lots on the road side. The Architectural Review Board may modify the setback requirements for tree preservation or maintenance of overall aesthetics. A resident may be located wholly within a single plotted lot or on a combination of plotted lots.

8-4-4 Project Size.

The Marsh Creek PUD consists of more than 20 acres.

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

The Covenants and Restrictions of Marsh Creek Owners Association which apply to the road right-of-ways, gravity sewer lines, street lighting, and security system, assure adequate management and maintenance of the common property.

- a. The Covenants and Restrictions provide for the conveyance of title to the common property to, and ownership by, the homeowner's association, a duly constituted and legally responsible community association.
- b. The Covenants and Restrictions, appropriately limits the use of the common property.
- c. The Covenants and Restrictions assign responsibility for management and maintenance of the common property to the homeowner's association.
- d. The Covenants and Restrictions places responsibility for enforcement of the covenants contained therein upon the homeowner's association.
- e. The Covenants and Restrictions permits the subjection of each lot to assessment for its proportionate share of maintenance costs.

8-4-6 Access

As graphically depicted on the Final Development Plan, each lot is provided vehicular access within the subdivision via the private easements owned by Marsh Creek Owner's Association, Inc.

8-4-7 Privacy

Under Article V, Section 4(k) landscaping will be required as stated in the Covenants and Restrictions for the protection and aesthetic enhancement of the property.

8-4-8 Community Facilities

- a. The water lines, sewer force mains, and lift/pump stations will be dedicated to Anastasia Sanitary District (ASD) for ownership and maintenance and will be constructed to their specifications. The gravity sewer lines will also be dedicated to ASD at such time ASD grants acceptance.

- b. All requirements for off-street parking and loading set forth in Article 9 of the St. Johns County Zoning Ordinance are addressed specifically below:

9-1-1 Drainage

The general drainage plan for the Property so as to prevent damage to abutting parcels and streets is graphically depicted on the Plan. Specific drainage plans for each lot upon which a residence is to be constructed will be consistent with the general drainage plan.

9-1-2 Separation from Walkway and Street

Each unit will have an individual garage and driveway which will provide the required off-street parking. No combined off-street parking and loading facilities will be constructed on the Property.

9-1-3 Entrances and Exits

The location and design of the entrances and/or exits to all streets and will be in accordance with County specifications. In addition, Article V, Section 4(v), of the Covenants and Restrictions assures proper site distances at intersections.

9-1-4 Interior Drives

As shown on the Final Development Plan, there will be no interior drives on the Property.

9-1-5 Marking of Parking Spaces

As shown on the Final Development Plan, there will be no parking spaces in lots of more than ten.

9-1-6 Lighting

Lighting within the Property will meet or exceed minimum lumens of 100 watt high pressure sodium fixture lights affixed 16 feet above the roadway and 300 feet on the center.

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 required.

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 Property will be used for single family residential lots or one single family per lot.

Therefore, in accordance with Subsection d of 9-3, at least one off-street parking space will be provided per dwelling on the same parcel they intend to serve. This space, located within the driveway for the residence, is in addition to the parking spaces allowed for in the garage. Nevertheless, owners shall be required to store automobiles in garages when not in use.

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.
- d. All utilities serving the Property, including telephone, power, cable television, sewer lines, and water lines, will be installed underground. Also shown on the Final Development Plan are general drainage arrows to the lake from the lots facilitating proper drainage of storm waters and preventing erosion and the formation of dust.
- e. Specifications for all streets and roadways depicted on the Final Development Plan shall conform to the rules and regulations adopted by the St. Johns County Board of County Commissioners.

PROSSER, HALLOCK & KRISTOFF, INC.

EXHIBIT "D" TO THE RESOLUTION

OCTOBER 22, 1986

Sections of the Declaration of Covenants and Restrictions made
part of the Final Development Plan.

Article V, Section 4(b)

Set Back Restrictions.

Article V, Section 4(k)

Landscaping.

Article V, Section 4(v)

Site Distance at Intersection.

Article VI, Section 1

Residential Uses.

Article VI, Section 5

Signs.

Article VI, Section 10

Pets and Animals.

Article VI, Section 13

Lawful Use.

(i) actual samples of exterior material with specified paint colors applied to those materials;

(ii) identification of all contractors who will be employed in performing the required work.

Section 4. Architectural Planning Criteria.

(a) Building Type. No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single-family residence containing not less than sixteen hundred and fifty (1,650) square feet of liveable, enclosed, heated floor area (exclusive of open or screen porches, patios, terraces, garages and carports) not to exceed thirty-five (35) feet in height and having a private and enclosed garage (or carport if approved) for not less than two (2) nor more than four (4) cars. Unless approved by the ARB as to use, location and architectural design, no tool or storage room may be constructed separate and apart from the residential dwelling nor can any such structure(s) be constructed prior to construction of the main residential dwelling.

(b) Set Back Restrictions. No part of any structure shall be constructed within twenty-five (25) feet of the front property line, twenty (20) feet from rear line and seven and one half (7½) feet of any side line. The ARB shall have the right to impose additional set back requirements for all lot lines to preserve line of sight of neighboring properties. The ARB may modify the set back restrictions for an individual lot where in its opinion and sole discretion, such modification is necessary for the preservation of trees or the maintenance of overall aesthetics in the area.

(c) Height Limitations. No structure shall exceed thirty-five feet in height.

(d) Exterior Color Plan. The ARB shall have final approval of all exterior colors plans and each Owner must submit to the ARB prior to initial construction and development upon any Lot a color plan showing the color of the roof, exterior walls, shutters, trims, which shall be consistent with the homes in the surrounding areas.

(e) Roofs. Flat roofs shall not be permitted unless approved by the ARB. Minimum pitch of roof will be 5/12. Protrusions through roofs for power ventilators or other apparatus, including the color and location thereof, must be approved by the ARB.

(f) Elevations. Similar elevations shall not be built directly adjacent or across from each other.

(g) Garages and Automobile Storage. In addition to the requirements stated in Paragraph (a) above, all garages shall have a minimum width of twenty (20) feet and a minimum length of twenty (20) feet as measured from the inside walls of the garage. All garages must have either a single overhead door with a minimum door width of sixteen (16) feet for a two-car garage, or two (2) sixteen (16) foot doors for a four-car garage, or two (2), three (3), or four (4) individual overhead doors, each a minimum of ten (10) feet in width, and a service door. All overhead doors shall be electrically operated and shall be kept closed when not in use. No carports will be permitted unless approved by the ARB. The ARB recommends side entry garages. However, where side entry is impractical, the ARB will consider for approval front entry garages. Automobiles shall be stored in garages when not in use. No garage shall be converted to living space unless a garage in compliance with these provisions is constructed in its stead and unless the facade of the enclosed garage is approved by the ARB.

(h) Driveway Construction. All dwellings shall have a paved driveway of stable and permanent construction of at least eighteen (18) feet in width at the entrance to the garage. All driveways must be constructed of an approved material.

(i) Games and Play Structures. All basketball backboards, tennis courts and play structures shall be located at the rear of the dwelling, or on the inside portion of a corner Lot within the setback lines. No platforms, doghouse, tennis court, playhouse or structure of a similar kind or nature shall be constructed on any part of a Lot located in front of the rear line of residence constructed thereon, and any such structure must have prior approval of the ARB.

(j) Fences and Walls. The composition, location and height of any fence or wall to be constructed on any Lot shall be subject to the approval of the ARB. The ARB shall require the composition of any fence or wall to be consistent with the material used in the surrounding homes and other fences, if any. Wire or chain link fences are prohibited. If an Owner owns a pet as permitted hereunder, such Owner shall be required either to erect and maintain a fenced enclosure or to construct and maintain another ARB-approved method for keeping and maintaining such permitted pets. Such enclosure shall be of a reasonable design and construction to adequately contain such pets in accordance with the provisions hereof and shall be screened so that the pets are not visible from neighboring property. Any fence, wall, hedge or other similar struction or improvement must be included in the development plan with respect to location, height, and type of material and must be approved by the ARB.

(k) Landscaping. A basic landscaping plan shall be prepared for each Lot and must be submitted to and approved by the ARB prior to initial construction and development therein. The plan shall call for landscaping improvements, exclusive of sodding and sprinkling systems, requiring a minimum expenditure of \$500.00 by Owner. No artificial grass, plants or other artificial vegetation or sculptural landscape decor shall be placed or maintained on any Lot unless approved by the ARB.

(l) Swimming Pools and Tennis Courts. Any swimming pool or tennis court to be constructed on any Lot shall be subject to the requirements of the ARB, which include, but are not limited to the following:

(i) Composition to be of material thoroughly tested and accepted by the industry for such construction;

(ii) The outside edge of any pool wall may not be closer than four (4) feet to a line extended and aligned with the side walls of dwelling unless approved by the ARB;

(iii) No screening of pool areas may stand beyond a line extended and aligned with the side walls of the dwelling unless approved by the ARB;

(iv) Pool screening may not be visible from the street in front of the dwelling unless approved by the ARB;

(v) Location and construction of tennis or badminton courts must be approved by the ARB;

(vi) Any lighting of a pool or other recreation area shall be designed so as to buffer the surrounding residences from the lighting;

right to modify the subdivision plats of the Property provided that all Owners of the affected Lots consent to such modification, which consent shall not be unreasonably withheld. The Declarant, without the consent of any Owners, may modify a Lot(s) it owns for the purpose of creating a street or right of way and the restrictions as to use contained herein shall not be applicable to such Lot(s).

(u) Waiver of Architectural Planning Criteria. The Architectural Planning Criteria set forth herein are intended as guidelines to which adherence shall be required by each Owner in the Property; provided, however, the ARB shall have the express authority to waive any requirement set forth herein if, in its professional opinion, it deems such waiver in the best interest of the Property and the deviation requested is compatible with the character of the Property. A waiver shall be evidenced by an instrument signed and executed by the ARB upon approval by a majority of its members.

ARTICLE VI

USE RESTRICTIONS

In order to provide for congenial occupancy of the Property and for the protection of the value of the Lots, the use of the Property and Lots shall be in accordance with the following provisions so long as the Property and Lots are subject to this Declaration.

Section 1. Residential Uses. Lots shall be used for residential living units and for no other purpose, and no business or commercial building may be erected on any Lot and no business may be conducted on any part of any Lot.

Section 2. Antennae. No aerial, antenna, satellite receptor dish or similar device shall be placed or erected upon any Lot or affixed in any manner to the exterior of any building on such Lot without the written consent of the ARB and if approved, must be appropriately screened from view of the neighboring Owners and from the street, such screening to be approved by the ARB.

Section 3. Clothes Drying Area. No portion of any Lot shall be used as a drying or hanging area for laundry of any kind unless screened from the view of neighboring Owners and from the street.

Section 4. Nuisances. Nothing shall be done or maintained on any Lot which may be or become an annoyance or nuisance to the neighborhood. Any activity on a Lot which interferes with television, cable or radio reception on another Lot shall be deemed a nuisance and a prohibited activity. In the event of a dispute or question as to what may be or become a nuisance, such dispute or question shall be submitted to the Board of Directors of the Association and the written decision of the Board shall be dispositive of such dispute or question.

Section 5. Signs. No signs larger than 3 square feet, except for one "For Sale" or "For Rent" sign no greater than 3 square feet, may be placed on any Lot.

Section 6. Energy Conservation. Solar energy and other energy conservation devices are not prohibited or discouraged, but the design and appearances of such devices will be closely scrutinized and controlled to assure consistency with neighborhood aesthetics. Request for approval of installation of any type of solar equipment shall be included in the development plan and must be approved in accordance therewith.

Section 7. Window Coverings. No reflective window coverings or treatments shall be permitted on any building in the Property. The ARB, at its discretion, may control or prohibit window coverings and treatments not reasonably compatible with aesthetic standards set forth herein.

Section 8. Off-Street Motor Vehicles. No motorized vehicles including, without limitation, two and three wheel all terrain vehicles or "dirt bikes" may be operated off of paved roadways and drives except as specifically approved in writing by the ARB. Without limiting the Association's right to collect and assess fines in other instances, it is specially acknowledged that Owners may be fined for each violation of this provision by themselves, their families, guests, tenants and invitees. Violations will result in automatic fines of \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for each subsequent offense.

Section 9. Noise. Exterior noise, and noise emanating from within buildings or other improvements, including without limitation, talking, singing, television, radio, record or tape player or musical instruments, shall be maintained from 11:00 p.m. until 7:30 a.m. at such volume that the noise is not audible beyond the boundaries of the Lot from which it originates and at all times so as not to constitute a nuisance or unreasonable annoyance to neighbors.

Section 10. Pets and Animals. No animals except common domestic household pets, within the ordinary meaning and interpretation of such words, may be kept, maintained or cared for in any Lot or within the Property. No pets shall be allowed to make an unreasonable amount of noise or to become a nuisance; and no pets will be allowed on the Property other than on the Lot of the owner of such pets, unless confined to a leash or under voice control. No pet shall be allowed to run at large and all pets shall be kept within an enclosed area, which must be clean, sanitary and reasonably free of refuse and waste. Upon written request of any Owner the ARB may conclusively determine at its sole discretion, in accordance with its rules, whether an animal is a domestic household pet, whether such animal is making an unreasonable amount of noise, whether an animal is being allowed to run at large or whether an animal is a nuisance. The decision of the ARB in such matters is conclusive and shall be enforced as other restrictions contained herein. No pet may be maintained, kept, cared for or boarded for hire or remuneration on the Property and no kennels for boarding or operation shall be allowed.

Section 11. Oil and Mining Operation. No oil drilling, mining operations, oil refining, quarrying or oil development operations, or tanks, tunnels, mineral excavations or shafts shall be permitted upon, in, or under 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.

Section 12. Commercial Trucks, Trailers and Boats. No vehicles of any kind including, without limitation, commercial vans, trucks, trailers, boats or automobiles shall be permitted to be parked or to be stored on blocks or maintained outside of an enclosed garage in an inoperable condition.

Section 13. Lawful Use. No immoral, improper, offensive or unlawful use shall be made of the Property or any part thereof and all valid laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction thereof shall be observed.

Section 14. Additional Use Restrictions. The Board of Directors of the Association may adopt such additional use

ARTICLE V

SECTION 4 - ARCHITECTURAL PLANNING CRITERIA

8.6(v).21 Sight Distance at Intersection. No fence, wall, hedge, or shrub planting which obstructs sight lines and 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 property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of rounded property corner, from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.



PROSSER, HALLOCK & KRISTOFF, INC.
Planners and Engineers

December 8, 1986

Ms. Rosemary Yeomans
St. Johns County Zoning Agency
P. O. Drawer 347
St. Augustine, Florida 32084

Re: Marsh Creek Final Development Plan R-PUD-86-060
PHK No. 84-044.04

Dear Rosemary:

Per the Planning and Zoning Boards' discussion regarding the use of temporary structures at Marsh Creek, please consider the following language to be included in the final adopting resolution:

"Temporary Structures - The use of temporary structures on the project will be limited to: 1) those structures normally required for construction management housing and temporary storage of building supplies and materials subject to damage if exposed to the weather; 2) temporary on-site real estate sales office used exclusively for project sales. Said temporary structures shall be located wholly on-site and shall not be located to cause undue traffic or safety concerns for residents occupying their homes prior to completion of the project. All of said temporary structures shall be removed by the developer on or before the projection completion and sites of said structures shall be restored to improved or existing condition."

Also, please be advised that a new final development plan will be submitted to address the entrance sign.

If you have any problems with this language, or need further clarification on the sign, please give me a call.

Sincerely,

PROSSER, HALLOCK & KRISTOFF, INC.


Richard C. Prosser, AICP
President

RCP/cp

EXHIBIT C

8386 Baymeadows Road • Jacksonville, Florida 32216 • 904/739-3655