RESOLUTION NO. 88-244

RESOLUTION OF THE COUNTY OF ST. JOHNS
STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR A TRAILER STORAGE FACILITY
LOCATED WITHIN THE PARCEL OF LAND ZONED PUD
KNOWN AS ST. AUGUSTINE SHORES

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

Section 1: Pursuant to a letter request dated March 15, 1988, submitted by the St. Augustine Shores Service Corporation, in accordance with Section 8-3 of the St. Johns County Zoning Ordinance, and subsequent review 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 statement attached hereto as Exhibits "B" and "C".

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Vance O. Hartley CHAIRMAN

Attest: Carl "Bud" Markel, Clerk

BY:

_/}

Deputy Clerk
Adopted Regular Meeting:

September 13, 1988

William.

Effective:

September 13, 1988

FINAL DEVELOPMENT PL.

FOR THE ST. AUGUSTINE SHORES SERVICE (

Amended # Employees Parking G EPMO ASSESSED AND ASSESSED AND ASSESSED.

FINAL DEVELOPMENT PLAN

TRAILER STORAGE FACILITY TRACT "S" UNIT ONE ST. AUGUSTINE SHORES SUBDIVISION

EXHIBIT "B" TO THE RESOLUTION

In accordance with the procedure established in Section 8-3, "Implementation of a PUD", the attached Final Development Plan prepared by the St. Augustine Shores Service Corporation, the Declaration of Restrictions and the following text regarding compliance with Section 8-4, are submitted for your consideration.

Ordinance Number: 79-73 of the Planned Unit Development for St. Augustine Shores modification passed and adopted June 20, 1985 reads: "All vehicles described below shall not be parked in any residential area (on any lot or tract; on any front, side or rear yard or on any street, road or right-of-way on this subdivision) except as may be required for normal loading or unloading of such vehicles:

- 1. Semi-tractor
- 2. Trailer
- 3. Tractor
- 4. Buses (including school buses)
- 5. Recreational vehicles
 - a. Motor homes
 - b. Campers
- Boat, boat trailers and canoes
- 7. Trucks
 - a. Any truck 8500 GVWR or over
 - b. Any truck 8500 GVWR or under used for commercial purposes."

The purpose of this Final Development Plan is to permit the parking and/or storage of the following vehicles: recreational vehicles, motor homes, travel trailers, camp trailers, pickup campers, boats, utility trailers, boat trailers and commercial vehicles with a chassis rating of $1\frac{1}{2}$ tons or less within Tract "S" of St. Augustine Shores Unit One subject to the following conditions.

- (1) Such parking and/or storage shall be limited to such equipment owned or leased by property owners within the St. Augustine Shores Subdivision, or owned or leased by a bona fide house guest or leasee of a property owner.
- (2) Such equipment and the area of parking shall be maintained in a clean, neat and presentable manner and the equipment shall be in a usable condition at all times.
- (3) Such equipment shall, at all times, have attached a current vehicle registration, license plate and, if required, a current inspection sticker. All vehicles will be registered by owner with the St. Augustine Shores Service Corporation.
- (4) No major repairs or overhaul work on such equipment shall be made or performed on the site.
- (5) When parked on the site, such equipment shall not be used for living or sleeping quarters and shall not have attached thereto any service connection lines, except as may periodically be required to maintain the equipment and appliances.
- (6) Such equipment shall be so secured so that it will not be a hazard or menace during high winds or hurricanes.
- (7) The St. Augustine Shores Service Corporation is not responsible for loss, theft or damage to personal property or personal injury. Vehicles parked in unauthorized spaces are subject to removal at owners expense.
- (8) Abandoned vehicles will be disposed of by those legal remedies provides by Florida Statutes.

Buffer zones:

- (1) A "natural buffer" of 15' 20' (and in some areas, much more ground area) exists, and will be maintained around the perimeter of Tract "S". A "natural buffer" is non-existent in the following locations, however, a "natural buffer" will be provided as indicated herein:
- (a) Between Tract "S" and paralleling the following lots and blocks property lines, a "natural buffer" will be installed and co-maintained by the St. Augustine Shores Service Corporation and adjacent property owners:
- 1 Block 35, Lot 6 (187 Estancia) and Block 35, Lot 8 (193 Estancia)....Extending from outermost side lot boundary lines of these adjacent properties and 15' beyond rear property lines: A planting to consist of wax myrtle, slash pine and silver thorn will be installed and maintained by the St. Augustine Shores Service Corporation. A 6' privacy fence will also be installed by the St. Augustine Shores Service Corporation on the Tract "S" side of the planting.
- 2 Block 35, Lot A (201 Estancia)....The 10' barren area in the now existing natural buffer will be planted with wax myrtle and silver thorn by the St. Augustine Shores Service Corporation. That entity also assumes responsibility for the maintenance of the buffer.
- 3 Block 35, Lot C (211 Estancia) and Block 35, Lot D (217 Estancia)....10 wax myrtles have been planted by the St. Augustine Shores Service Corporation in this barren area of the natural buffer. Additionally, 5 laurel oaks (6', 15 gallon) will be planted by that corporation. The plantings will be co-maintained by the St. Augustine Shores Service Corporation and the property owner located at 211 Estancia.
- 4 The smaller breaks in the natural buffer located behind Block $3\overline{5}$, Lots E, 16 and 17 (223 Estancia, 231 Estancia and 251 Lily respectively) will be planted with wax myrtle and 6' (15 gallon) slash pine, as required, to block the view of Tract "S" from those property owners. These areas of the natural buffer will be returned to their natural state and maintained by the St. Augustine Shores Service Corporation.

A description of Tract "S" use and contents:

(1) Tract "S" - "A" (As depicted in Exhibit A)

Storage area with designated, reserved parking for owners of recreational vehicles (motor homes, campers, travel trailers, etc.)

Property owner access by key (locked gate) seven days per week.

Parking is permitted either in front of recreational vehicle in the 20' driving lane. In the event a property owner removes his recreational vehicle from the storage compound, he/she is permitted to park his privately owned motor vehicle (car, truck) in his reserved recreational vehicle space, until that vehicle is returned to his reserved space.

(2) Tract "S" - "B" (As depicted in Exhibit A)

Operations and equipment of the maintenance function of the St. Augustine Shores Service Corporation.

Automobiles, trucks, tractors, trailers for transporting tractors and mowers, lawn care equipment, etc..

Associated maintenance and repair equipment, spare parts, tools, oils, chemicals, fluids, etc., required for routine maintenance and minor repairs.

Grass seed, fertilizer, and associated equipment

(The building depicted on Tract "S" Exhibit A contains a maintenance office, crew lounge area, and houses all of the foregoing)

A nursery used to replace plantings within St. Augustine Shores.

Two (2) above ground, 500 gallon fuel tanks (One for unleaded fuel and one for diesel fuel), to provide fueling requirement for automobiles, trucks, tractors, mowers and gas operated equipment owned by the St. Augustine Shores Service Corporation.

Employee access by key. Normal operating hours are eight (8) hours per day, five (5) days per week, Monday - Friday, Holidays excluded.

. Employee parking as shown on Exhibit A in $\underline{\text{green}}$ as EP.

Tract "S" - "C" (As depicted in Exhibit A)

Same as Tract "S" - "A" (As depicted in Exhibit A) except that this area is for storage of boats, boat trailers, trailers (utility, pop-up, etc.), automobiles, trucks, etc.

Propety owner access by key, seven days per week. (Keyed differently from Areas A and B.)

Planned expansion of Tract "S", in the future:

In the event expansion is planned, a Final Development Plan will be submitted containing a combination of fencing and natural 15' - 20' buffer zones. The natural buffer already in place would be utilised, to the extent possible. It is understood that vegetation planted in natural buffers will be common to the area (slash pine, oak, wax myrtle, etc., and will present an appearance pleasing to the eye. The St. Augustine Shores Service Corporation will comply with St. Johns County Landscape (Green Law) Ordinance 79-19.

The St. Augustine Shores Service Corporation has formally requested that the Deltona Corporation remove all dry (inoperative/unusable) wells on Tract "S" at the earliest possible convenience.

The Declaration of Restrictions for Tract "S" of St. Augustine Shores Unit One, 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 of Restrictions 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). The St. Augustine Shores Service Corporation reserves the right to alter, amend, or allow to be amended, the Declaration of Restrictions, provided however, that if any alteration, amendment or series of alterations or amendments to the Declaration of Restrictions materially erodes the protection afforded by the Declaration of Restrictions 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 recording of such alterations or amendments.

All building codes, zoning ordinances, and other land use and development regulations of St. Johns County as may be amended from time to time shall be applicable to this development except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved development plan or PUD Ordinance. Modification to approved development plans by variance or special exception shall be prohibited.

EXHIBIT "C"

This instrument prepared by: WILLIAM I. LIVINGSTON, Esq. 3250 S. W. Third Avenue Miami, Florida 33129

				PORATION, poration,	
TO I	MOES	IT	MAY	CONCERN:	

DECLARATION OF RESTRICTION

WE 078 HALL 1637

THE DELTONA CORPORATION, a Delaware corporation, authorized to transact business in the State of Florida, hereinafter referred to as the "Subdivider", is the owner of the following described property, situate, lying and being in St. Johns County, Florida, to-wit:

(SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF), said lands being hereinafter referred to as "The Property"

WHEREAS, the property is not subject to any restrictions or limitations of record; and

WHEREAS, it is now desired by the Subdivider to place restrictions and limitations of record on the property and to limit the purposes for which the property shall be used.

NOW, THEREFORE, the Subdivider does hereby declare that: (1) the property is restricted as hereinafter set forth; (2) all restrictions and limitations set forth hereinafter shall be accepted as part of the consideration for any agreement for deed or any deed of conveyance hereafter made pertaining to the property and shall be one of the express conditions thereof; and (3) the restrictions and limitations set forth hereinafter shall be covenants that run with the land.

1. Use Restrictions

The property and all portions thereof as designated by attached Exhibit "A" are restricted to the uses hereinafter set forth.

"Park Tracts" shall be used for both active and passive outdoor recreational activities and facilities, including but not limited to: playgrounds; ball fields; tennis courts; swimming pools; picnic areas; open space; conservation areas.

"Conservation/Open Space Tracts" snall be used for activities and facilities whose primary purpose is the protection and appreciation of natural vegetation, wildlife, scenic and environmental values, including forestry management activities. The meaning shall not include buildings, structures, or other facilities or improvements with the exception of boardwalks, pathways, shelters, nature centers and similar improvements related to the protection and enjoyment of natural resources, and such drainage facilities as may be necessary to serve the St. Augustine Shores community.

"Landscape/Green Belt/Buffer/Median Tracts" shall be used for planting and maintenance of grass, flowers, shrubbery, trees, and other landscaping vegetation and features; installation and maintenance of drainage facilities and placement and maintenance of directional signage.

"Pedestrian Walkway Tracts" shall be used for the construction and maintenance of pedestrian walkways and bike paths; planting and maintenance of drainage swales; installation and maintenance of drainage facilities and placement and maintenance of directional signage.

"Lake Tracts" snall be used for planting and maintenance of grass and other landscape plants and vegetation, installation and maintenance of drainage facilities; control of aquatic vegetation and mosquitoes; and monitoring and maintenance of water quality. The meaning shall not include the construction or installation of any building, structure, facility, or other improvement unless approved by the Subdivider.

"Trailer Storage Tract" and all portions thereof, is restricted to the use of the storage of vehicles not permitted overnight parking upon the lots, streets, roads or other tracts within the St. Augustine Shores Community.

In addition to the uses permitted hereinabove, it shall be allowed to use said property for public services for the purposes of ingress/egress, over, across, through and beneath all of the lands hereinabove described, for the construction, installation maintenance, inspection and use of existing and future drainage and utility services, including but not limited to water lines, wells, sewer, gas and all forms of telecommunications and cable services and related appurtenances thereto.

The property and all portions thereof, is restricted to the sole uses hereinabove set forth and, without enlarging upon the said permitted uses and futher intending to restrict and confine the property to the uses set forth, the said permitted use set forth shall not be deemed to include directly or indirectly any residential or commercial use.

2. Building Restrictions

No building shall be erected unless and until it conforms to the Subdividers Planned Unit Development, affecting said property, as amended from time.

3. <u>W</u>ell Water

Each property shall be limited to the installation and use thereon of individual wells, which may only be used for irrigation systems, sprinkler systems, swimming pools and air conditioning. Upon completion of construction of each such wells and prior to it being placed into service, a sample of water from the well shall be analyzed by a competent laboratory and the written results of such tests shall be furnished to St. Augustine Shores Utilties, a Division of United Florida Utilities Corporation or to its successors or designee; and the well shall not be used for any purpose whatsoever unless the chemical characteristics of the water are as set forth by the Public Health Service Drinking Water Standards (1962) (S.) and as amended from time to time, with the exception that there shall be no limits for iron and manganese. No storm water or water from individual water wells located on any of said property shall be discharged in such a manner that such water will enter the sewer main installed by the sewer utility company without written permission from the sewer utility company.

4. General Restrictions

- (a) No noxious or offensive trade shall be carried on upon any portion of the property, nor shall anything be done thereon which may be or become an annoyance to the general neighborhood.
- (b) At no time shall the property be used or be permitted to be used as a residence, either temporary or permanent, nor shall any structure or vehicle, including but not limited to, mobile homes, camping trailers, trailers, basements, tents, shacks, garages, barns or other outbuildings be placed or erected upon the property for the purposes of using the same as a residence.
- (c) No oil drilling, oil development, oil refining, quarrying or mining operations of any kind shall be permitted upon the property; no oil wells, tanks, tunnels, mineral excavations or shafts shall be permitted upon the property; and no derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon the property.
- (d) No animals, livestock or poultry of any kind shall be raised, bred or kept upon the property, except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for commercial purposes.
- (e) The property shall not be used or maintained as a dumping ground; and rubbish, trash, garbage or other waste shall not be kept except in sanitary containers maintained at all times in a clean and sanitary condition. No incinerator or similar device for disposing of rubbish,

trash, garbage or other waste shall be permitted on the property.

(f) Except as allowed under the permissive uses under paragraph l, no tractors or trailers or other heavy equipment shall be parked overnight on any portion of the property or the adjoining streets, roads, tracts or lots.

5. Obstruction to Sight Lines

No fence, sign, wall, hedge, tree, or shrub planting may be placed or maintained on the property which would constitute an obstruction to sight lines so as to create a danger to vehicular or pedestrian traffic.

6. Easements

All easements for utilities, drainage and other related appurtenances affecting the property as reserved by the Subdivider in instruments recorded from time to time among the Public Records of St. Johns County, Florida, are hereby reserved as perpetual easements for maintenance and installation of utility and drainage facilities as provided for on said instruments. Any wall, fence, paving, planting or any other improvement located in an easement area shall be removed upon the request of the Subdivider, its successors or assigns or any public utility using said area, by or at the expense of the owner or owners of the property.

7. <u>Drainage</u>

No changes in elevations to the property shall be made, which will interfere with the drainage of or otherwise causes undue hardship on adjoining property.

8. Amendments to Restrictions

The Subdivider or its successors or assigns, with written consent of the St. Augustine Shores Service Corporation, hereinafter referred to as the "Service Corporation" or the Service Corporation, with written consent of the Subdivider or its successors or assigns may, in accordance with the conditions hereinafter set forth, amend any of the restrictions or limitations contained herein by filling an amended Declaration of Restrictions. The Subdivider or the Service Corporation has the discretion to to make any amendments hereto that it deems are reasonable and justified; however, the Subdivider or Service Corporation shall not propose or make any amendment to these restrictions which would materially

injure or diminish the rights of any other property owner who may also be subject to this Declaration of Restrictions or to other similar Declaration of Restrictions affecting property within the St. Augustine Shores community whether now or in the future. Furthermore, the Subdivider may include in any Declaration of Restrictions, contract, agreement for deed, hereinafter made, covering other property within the Community, any additional conditions, restrictions and covenants.

Definition of Successors or Assigns

As used in these restrictions, the words "successors or assigns shall not be deemed to refer to individual purchasers of property within the St. Augustine Shores, but shall be deemed to refer to the successors or assigns of legal or equitable interests of the Subdivider and who are designated as such by an instrument in writing signed by the Subdivider and recorded among the Public Records of St. Johns County, Florida, specifically referring to this provision of these Restrictions.

10. <u>Duration of Restrictions</u>

These covenants and restrictions are to run with the land and shall be binding upon the undersigned and upon all the parties and all persons owning or using the above described property until January 1, 2014, at which time these covenants and restrictions shall be automatically extended for successive periods of ten (10) years, unless by vote of a majority of the then owner(s) of the property, it is agreed to change these covenants and restrictions in whole or in part.

11. Remedies for Violations

In the event of a violation or breach of any of these restrictions by any person or concern claiming by, through or under the Subdivider, or by virtue of any judicial proceedings, the Subdivider, its successors or assigns, and any lot or tract owner(s), or any of them jointly or severally shall have the right to proceed at law or in equity to compel compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing, the Subdivider, its successors or assigns, shall have the right, whenever there shall have been built on the property any structure which is in violation of these restrictions, 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, 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.

12. <u>Severability</u>

Invalidation or removal of any of these covenants or restrictions by judgment, decree, court order or amendment by the Subdivider, its successors or assigns, shall in nowise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the Subdivider 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 <a href="https://link.nih.google.com/

THE DELITONA CORPORATION

BY: Ulle Hora

ATTEST

MICHELLE R. GARBIS Corporate Secretary

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STATE OF FLORIDA) SS. COUNTY OF DADE)

I HEREBY CERTIFY that on this 1985, before me personally appeared WILLIAM I. LIVINGSTON and MICHELLE R. GARBIS, Senior Vice President and Corporate Secretary respectively, of THE DELTONA CORPORATION, a Delaware corporation, to me known to be the persons described in and who executed the foregoing instrument as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation, and that said instrument is the act and deed of said corporation.

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

Notary Public, State of Florida

at Large

My commission expires:

EXHIBIT "A"

Legal Descriptions

PARK SITE TRACTS

TRACT	ST. AUGUSTINE SHORES UNIT	ACREAGE	PLAT BOOK/PAGE NUMBERS
"B" "C" "D" "R"	1 1 1 1	4.55 10.34 1.70 10.77 0.26	11/61-71
		ALSO	
"L"	Replat 2	5.84	13/114-124
		ALSO	
"C" "F"	3 3	6.72 6.71	12/27-35
		ALSO	
"L"	5	5.29	14/21-24
		ALSO	
"E" "G"	6 6	3.96 7.27	14/40-46

"CONSERVATION/OPEN SPACE TRACTS"

TRACT	ST. AUGUSTINE SHORES UNIT	<u>ACREAGE</u>	PLAT BOOK/PAGE NUMBERS
"V" "A-X" "H" "U"	Replat 2 Replat 2 Replat 2 Replat 2 Replat 2	1.18 0.14 0.37 4.05 5.77	13/114-124

Less and Excepting from said Tracts "H" and "U" that certain parcel of land conveyed from The Deltona Corporation to Florida Power and Light Company by Warranty Deed bearing date the 7th day of December, 1982 and recorded in Official Records Book 564, Page 565 et seq., of the Public Records of St. Johns County, Florida.

		ALSO	
"A" "B" "C" "F" "G"	4 4 4 4 4	0.92 0.40 15.96 1.06 2.17 1.58	13/31-38 " " " " " "
		ALSO	
"D" "F" "D-D"	6 6 6	9.23 5.29 8.71	14/40-46

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"LANDSCAPE/GREENBELIT/BUFFER/MEDIAN TRACTS"

TRACIS	ST. AUGUSTINE SHORES UNIT	ACREAGE	PLAT BOOK/PAGE NUMBERS
"A" "J" "N" "W" "X"	1 1 1 1	0.45 1.25 0.99 0.17 0.07	11/61-71
		ALSO	
"Y" "A-G"	Replat 2 Replat 2	0.12 0.74	13/114-124
		ALSO	
"A" "B" "D" "E" "G"	3 3 3 3	7.97 0.82 10.36 0.71 0.79	12/27-35 n n
		ALSO	
"A" "B" "C" "D" "E" "G"	5 5 5 5 5 5	0.06 0.30 0.46 0.57 0.07 2.91 3.13	14/21-24 "
		ALSO	
"N" "P" "Q" "S" "T" "U" "V" "W" "X" "Z" "A-A" "B-B" "C-C" "E-E"	6 6 6 6 6 6 6 6 6	0.05 0.33 0.39 0.37 0.06 0.06 0.33 0.45 0.31 0.79 2.45 0.53 0.18 0.10 0.85 2.36	14/40-46 11

"PEDESTRIAN WALKWAY TRACTS"

TRACT	ST. AUGUSTINE SHORES UNIT	ACREAGE	PLAT BOOK/PAGE NUMBERS
"E" "K" "M"	1 1	0.14 0.42 2.98	11/61-71
		ALSO	
"F"	5	0.08	14/21-24

0.08

14/21-24

LAKE TRACES

TRACT	ST. AUGUSTINE SHORES UNIT	ACREAGE	PLAT BOOK/PAGE NUMBERS
"A-C"	Replat 2	0.83	13/114-124

ALSO

"H" 5 15.09 14/21-24

EXHIBIT "A" (cont'd)

TRAILER STORAGE TRACT

TRACT	ST. AUGUSTINE SHORES UNIT	ACREAGE	PLAT BOOK/PAGE NUMBERS
"S"	1	6.13	11/61-71

VERIFIED BY

FILED A SECTION TO THE

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