

RESOLUTION OF THE COUNTY OF ST. JOHNS

STATE OF FLORIDA

APPROVING A FINAL DEVELOPMENT PLAN

FOR: OLD PALM VALLEY

LOCATED WITHIN THE PARCEL OF LAND ZONED PUD

PURSUANT TO ORDINANCE NUMBER: R-PUD-89-052

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

SECTION 1. Pursuant to a request for approval made by B.A.T. of Palm Valley, Inc. in accordance with Section 8-3 of the St. Johns Zoning Ordinance, and subsequent review and approval by the Board of County Commissioners of St. Johns County, 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 Exhibit B.

SECTION 2. All attachments included herein are incorporated herein and made a part of the adopting Resolution.

SECTION 3. All building code, zoning ordinance 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 Ordinance. Modification to approved development plans by variance or special exception shall be prohibited.

SECTION 4. No construction permits shall be issued on the herein lands until the Declaration of Covenants & Restrictions mentioned in the attached Exhibit B are duly recorded in the Official Records of St. Johns County.

SECTION 5. The St. Johns County Building Official is hereby authorized to issue construction permits on the herein lands in accordance with approved plans, provided all other requirements are met.

Adopted December 17, 1991
BOARD OF COUNTY COMMISSIONERS

ST. JOHNS COUNTY, FLA.

BY: Fred R. Ruhlhoff

Chairman

Attest:

Kathleen A. Gardner
Deputy Clerk

B.A.T. of Palm Valley, Inc.
P.O. Box 1155
Ponte Vedra Beach, FL 32082-1155

#2
Exhibit B

Project Name: Old Palm Valley PUD

8-4-1

Density Factors: The project's gross density which is based on 81 single family lots is 1.49 dwelling units per acre. The net density which is based on 41 acres of uplands, is 1.9 units per acre.

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

Phasing Plan: The project will be developed in three phases. Unit I will contain 36 lots, Unit II will contain 25 lots, and Unit III will contain 20 lots.

Unit I will contain the following:

Offsite improvements which entails the construction of an acceleration lane, a deceleration lane, a by-pass lane, and a turning lane at the entry way.

Ingress and egress to the property shall be through one (1) main entrance off of County Road 210.

Signage and Entry Wall

There will be a lighted sign in the center of the entry island 15 feet from the right of way of County Road 210. The sign will display the name and logo of the development and will not exceed a maximum height of 5 feet and maximum size of 50 square feet.

The entrance wall will be constructed of brick and run the length of the property frontage on Country Road 210.

The entrance and entry wall will be generously landscaped while at the same time utilizing the natural beauty of property in the overall plan.

Onsite improvements shall consist of sewer collection, water distribution, storm water collection and detention, roadway improvements and underground electric and street lights. All roadway improvements within the property shall be private and constructed according to County specifications. Main roads shall have a right of way of 50 feet, minor roads shall have a right of way of 40 feet, and cul de sacs shall have a right of way of 100 feet. The standard roadway section will be a Miami curb roadway section containing inlets to accommodate storm water. Cable TV will be installed in the development.

8-4-2

Open Space:

The Final Development Plan depicts four lakes, conservation areas, and an amenity center 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 "Common 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 lake, passive recreation and conservation areas. The "Common Areas" will be owned and maintained by the Old Palm Valley Homeowners Association, Inc. (Homeowner's Association).

8-4-3

Waiver of Yard, Dwelling Unit, Frontage Criteria, and Use Restrictions:

The development will adhere to and maintain the spirit and intent of the zoning ordinance.

8-4-4

Project Size:

The total acreage within boundary of the project is 54.11 acres.

8-4-5

Support Legal Documents for Open Space:

A draft of the Declaration of Covenants, Conditions, Restrictions, and Easements (Covenants & Restrictions) has been submitted separately.

The Covenants and Restrictions of the Homeowner's Association which apply to the road rights-of-way, and street lighting, 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 limit 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 place responsibility for enforcement of the covenants contained therein upon the Homeowner's Association.
- e. The Covenants and Restrictions permit 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 right-of-way owned by the Homeowner's Association.

8-4-7

Privacy:

Each dwelling unit within the PUD shall be provided visual and acoustical privacy. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or use and reduction of noise.

8-4-8

Community Facilities:

- a. The sewer collection system and water distribution system will be dedicated to Intercoastal Utilities Company for ownership and maintenance and will be constructed to their specifications. The system will be dedicated to Intercoastal Utilities Company at such time Intercoastal Utilities Company grants acceptance.
- b. All requirements for off street parking and loading as set forth in Article 9 of the St. Johns County Zoning Ordinance have been complied with in the Final Development Plan by each lot providing parking on-site.
- c. Access has been designed to accommodate all large trucks and emergency vehicles.
- d. All utilities are planned to be underground and will be in right-of-ways or easements.

- e. All design and specifications meet or exceed St. Johns County Standards.

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 Construction Documents. Specific drainage plans for each lot upon which a residence is to be constructed will be consistent with the general drainage plan.

Additional Data

Lot Size and Setbacks

The single family lots on which homes will be constructed will have a minimum width of 90 feet and a minimum lot area of .27 of an acre. The lots will range in size from 12,000 to 33,000 square feet. The setbacks for single family lots will be 25 feet for front yards, 20 feet for rear yards and 7.5 feet for side yards. All setbacks will be measured from the wall of the home. The maximum height of all structures within the property shall be 35 feet.

Construction/Sales Trailer

A construction/sales trailer shall be located on Tract A or in the Model Center during the period of construction.

Amenity Center

The Amenity Center will consist of a children's tot lot with recreational facilities enclosed by a fence four feet in height, a gazebo located on the fringe of the nature preserve, as depicted graphically on the Final Development Plan, and a nature trail meandering through the site.

Sidewalk Plan

A sidewalk shall be installed on the north side of the project's entrance road. The sidewalk shall commence at the point where the western most cul de sac intersects the entrance road and shall terminate at the eastern end of the entrance road. The sidewalk shall be installed in phases as homes are constructed on individual lots front the north side of the entrance road, or within five (5) years from the date of approval of the Final Development Plan, whichever shall occur first.

Model Center

The Model Center will be located on Cypress Pond Court (lots 1-5) where up to four models will be constructed. Temporary "For Sale" signs will be placed on the property advertising such model homes for sale. Such signs shall not exceed thirty (30) square feet in size and the location of the same shall be designated on the Final Development Plan.

Fencing Residential Areas

It is permissible to fence the side and rear yard of a single family lot. Fencing shall not exceed five (5) feet in height and must be twelve (12) feet rear of the front corners of the house on both sides. Fencing must be constructed of one half (1/2) by six (6) inch cypress lumber in the shadow box design.

Easements

The Homeowner's Association for the project will be granted an easement over all wetland areas or conservation easements for maintenance of such areas. All easements for utilities will be shown on the record plat.

Tract E will be dedicated to St. Johns County for their ownership and maintenance. (seventeen feet of property contiguous to and parallel with County Road 210 for the purpose of roadway and drainage improvements).

Swimming Pools

All swimming pools constructed or installed within the property shall be fenced and shall comply with the St. Johns County standards regarding pool fencing.

Unit II and Unit III

The same onsite improvements will be constructed in Unit II and Unit III as those described in Unit I.

The Unit II development schedule will be from 1993 to 1995.

The Unit III development schedule will be from 1995 to 1998.

Homeowner's Association

All common facilities located within the Planned Unit Development for the common use and benefit of property owners shall be owned and maintained by the Homeowner's Association. Roads and drainage facilities within the development shall not be dedicated to St. Johns County. The applicant shall transfer ownership of the open space and common facilities within the development to the Homeowner's Association, a non-profit corporation. However, each particular common facility shall first be constructed before it is transferred by the applicant to the Homeowner's Association. Such common facilities consist of roads, drainage facilities and the tot lot, gazebo and nature areas.

The Homeowner's Association shall be responsible for the maintenance of all common facilities including the retention areas located within the Planned Unit Development and shall be authorized by restrictive covenants to assess each property owner within the development a reasonable fee for the maintenance of said common facilities.

Architectural Control Committee

There shall be established an Architectural Control Committee for the purpose of reviewing and approving house plans, fencing and landscape design.