

RESOLUTION NO.: 92-137
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF ST. JOHNS
STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR MARSH CREEK UNIT SEVEN
LOCATED WITHIN THE PARCEL OF LAND ZONED PUD
PURSUANT TO ORDINANCE NUMBER 86-79
FILE NO. (R-PUD-86-060)

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

SECTION 1. Pursuant to a request for approval made by Hill, Boring & Associates, Inc. in accordance with Section 8-3 of the St. Johns County Zoning Ordinance, and subsequent review and approval by the Board of County Commissioners of St. Johns County, the Final Development attached hereto as Exhibit "A" is hereby approved in reliance upon, and in accordance with the representation and statements made in the written submission statement attached hereto as Exhibit "B" and the Covenants and Restrictions previously recorded OR 753 pgs. 1756-1782, pertinent portions of which are attached as Exhibit "C".

SECTION 2. All exhibits to this resolution are incorporated herein and made a part hereof.

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. 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.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

BY: Fred Brinkhoff

Chairman - Fred Brinkhoff

Attest: Carl "Bud" Markel, Clerk

Yvonne Carter
Deputy Clerk

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

EXHIBIT "B"
TO THE RESOLUTION

JUNE 16, 1992

IN ACCORDANCE with the procedure established in Section 8-3, "Implementation of a PUD," the attached Final Development Plan prepared by HILL, BORING & ASSOCIATES, 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 Seven at Marsh Creek Country Club 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 "C" 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 26 residences on the Property. Furthermore, Article V, Section 4(b), of the Covenants and Restrictions establishes specific setback lines as follows: Patio Home Lots - a 25-foot front setback line, a 20-foot rear setback line and a combined 10-foot side separation between exterior structural walls and a minimum of 6 feet between roof overhangs, allowing zero lot line capability. The Architectural Review Board may modify the setback requirements for tree preservation or maintenance of overall aesthetics. A residence may be located wholly within a single platted lot or combination of platted lots.

8-4-4 Project Size

Marsh Creek Unit Seven consists of 9.95 acres.

8-4-5 Support Legal Documents for Open Space

The Covenants and Restrictions of Marsh Creek Owners Association which apply to the road rights-of-way, 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 homeowners' 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 homeowners' association.
- d. The Covenants and Restrictions places responsibility for enforcement of the covenants contained therein upon the homeowners' 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 Marsh Creek Owners' 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 and gravity sewer mains will be dedicated to St. Johns County Utility Department for ownership and maintenance and will be constructed to their specifications. These lines will be dedicated to the Utility Company at such time Utility Company 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 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.

9-1-8 Height Limitations

No structure shall exceed thirty-five (35) feet in height.

9-2 Location

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

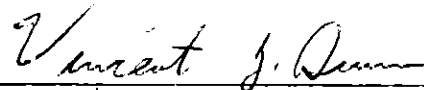
9-3-1 Off-Street Parking; Numbers Required

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.

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 Plan.
- 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.

HILL, BORING & ASSOCIATES, INC.



Vincent J. Dunn, P.E.

MARSH CREEK UNIT SEVEN

EXHIBIT "C" TO THE RESOLUTION

Sections of the Declaration of Covenants and Restrictions made part of the Final Development Plan (OR 753, pages 1756-1792).

Article V, Section 4(b)	Set Back Restrictions
Article V, Section 4(u)	Site Distance at Intersection
Article VI, Section 1	Residential Uses
Article VI, Section 5	Signs