

RESOLUTION NO. 92-27  
RESOLUTION OF THE COUNTY OF ST. JOHNS  
STATE OF FLORIDA  
APPROVING A FINAL DEVELOPMENT PLAN FOR  
KATHRYN OAKS  
LOCATED WITHIN THE PARCEL OF LAND ZONED P.U.D.  
PURSUANT TO ORDINANCE NUMBER 91-3

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

SECTION 1. Pursuant to a request for approval made by J. Randolph Brown, Jr. 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 representation and statements made in the written submission statement attached hereto as Exhibit "B" and the sections of the Covenants and Restrictions that will restrict use of the property as set forth in Exhibit "C" and listed on Exhibit "D", all of which are hereby incorporated into and made a part of this Resolution.

SECTION 2. 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 PUD (PSD) Ordinance. Modification to approved development plans by variance or special exception shall be prohibited. All such modifications shall follow the PUD (PSD) amendment procedures provided for in the St. Johns County Zoning Ordinance.

SECTION 3. No building permits will be issued until the Declaration of Covenants and Restrictions for Kathryn Oaks is recorded in the Public Records of St. Johns County.

Adopted this 11th day of February 1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Linda Balvavage  
VICE CHAIRMAN

ATTEST: Carl "Bud" Markel, Clerk

BY: Yvonne Carter  
DEPUTY CLERK

EXHIBIT "B"

TO THE RESOLUTION:

FINAL DEVELOPMENT PLAN FOR

KATHRYN OAKS

WITHIN PUD ORDINANCE NO. 91-3

J. Randolph Brown, Jr. hereby submits, for approval by the St. Johns County Planning and Zoning Board and the St. Johns County Board of County Commissioners, a final development plan (the "Final Development Plan") for a single-family subdivision to be known as "Kathryn Oaks" (the "Property"). The Final Development Plan consists of a 1-page map identified as Exhibit "A" to the Resolution and this text identified as Exhibit "B" to the Resolution (the "Text"), copies of the applicable sections of the Covenants and Restrictions identified as Exhibit "C" and a list of those sections of the covenants specifically incorporated into the Final Development Plan, which list is identified as Exhibit "D" to the Resolution. The Property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance 91-3. The area encompassed by this Final Development Plan is located east of Country Club Boulevard and east of S.R. A-1-A, and adjacent to the Sawgrass Country Club P.U.D.

Nothing contained in the covenants 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 covenants which are specifically referenced herein and listed on Exhibit "D" 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 covenants 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 covenants. Provided, however, that if any alteration, amendment or series of alterations or amendments to the covenants materially erodes the protection afforded by the covenants 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.

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., and the following text regarding compliance with Section 8-4, are submitted for your consideration.

8-4-1      Density of Development

The total ground area of each lot occupied by residential buildings and other structures in the subdivision shall not exceed 35 percent of the total ground area of the lot.

8-4-2      Open Space

The Property within the Final Development Plan area contains open space, consisting of protected wetlands, roadway tree preservation medians, cul-de-sac median, and a landscaped area north of the entrance road across from Lot No. 1 to be used by the future residents of the Property. Additional open space consisting of buffers, lakes and recreation areas exist elsewhere within the adjacent Sawgrass Country Club PUD, and are optionally available for use by residents included within the limits of this Final Development Plan. All passive and active recreation and open spaces, including roads and roadway medians, will be owned and maintained by the Owner/Developer, until such time as the spaces will be transferred to a duly constituted homeowners' association for ownership and maintenance. The wetlands will be preserved and owned by individual lot owners.

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

All development which is to occur within the Final Development Plan will comply with the spirit and intent of the Zoning Ordinance. There will be a maximum of 26 future residences on the 24 lots shown. This will be accomplished by the presence of a maximum of two (2) detached single-family homes on Lot No. 5 (one of which already exists) and a single two-unit attached dwelling on Lot No. 7. The Final Development Plan reflects minimum setbacks from the property lines for each lot. All setbacks will be measured from the exterior wall of the dwelling to the applicable parcel boundary. The rear yard setback shall not apply to pools, cabanas, terraces, decks, gazebos, docks or similar structures except that these structures and improvements shall not be constructed within three feet of a rear or side yard line, and except that lakefront lots 1, 2, 3, 5, 7, 9, 10, 11, and 12 shall have no rear yard setback restrictions for lakefront pools, cabanas, terraces, gazebos, docks or similar structures. No structure of any kind shall be constructed within a drainage easement, except that on lots 1, 2, 3, 5, 11 and 12, pools, cabanas, terraces, gazebos, docks or similar structures shall be allowed within the "Lake and Drainage Easement" as shown on the Plat and the Final Development Plan. Typical sections of the covenants that will address minimum building parcel size and minimum front side and rear setbacks are attached as Sections 10.1 and 10.4, respectively, of Exhibit "C". The actual recorded covenants for the subdivision depicted on this Final Development Plan shall contain these provisions but may identify them by different section number and may include greater setbacks. This Final Development Plan is intended to establish minimum setbacks for purposes of final development plan administration and enforcement by St. Johns County. The establishment of these minimum setbacks in the Final Development Plan, however, is not intended to prohibit or restrict the developer in any way from establishing greater setbacks by private recorded covenants and restrictions.

8-4-4 Project Size

The PUD consists of 14.6 + acres as depicted on the Final Development Plan.

8-4-5 Support Legal Documents for Open Space

The covenants shall assure adequate management and maintenance of all common areas encompassed by this Final Development Plan.

- a. The covenants shall provide for conveyance of title to the common property to, and ownership by, the appropriate homeowners' association as described above in Section 8-4-2, which shall be a duly constituted and legally responsible community association.
- b. The covenants shall appropriately limit use of the common property by inclusion of a provision substantially similar to Section 4.1 of Exhibit "C".
- c. The covenants shall assign responsibility for the management and maintenance of the common property to the appropriate homeowners' association.
- d. The covenants shall place responsibility for enforcement of the covenants contained therein upon the appropriate homeowners' association and its board of directors.
- e. The covenants shall permit the subjection of each lot to assessment for its proportionate share of maintenance costs by inclusion of a provision substantially similar to Section 6.1 of Exhibit "C".

8-4-6 Access

As graphically depicted on the Final Development Plan, each unit is provided vehicular access within the Property via the private road to be owned and maintained by the homeowners' association. Access to the property is by recorded and platted ingress and egress easement from State Road A-1-A.

8-4-7 Privacy

Each dwelling will be provided visual and acoustical privacy by virtue of lot sizes. Landscaping, both planted and retained native vegetation shall be provided for the protection and aesthetic enhancement of the Property, and to screen objectional views and reduce noise.

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 are addressed specifically below.
- 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 fire hydrants and water and sewer lines serving the Property are also depicted on the Final Development Plan. The fire hydrants to be installed pursuant to this Final Development Plan shall meet County standards and must be approved by the County Fire Coordinator prior to issuance of certificates of occupancy for any structure to be served by such hydrants.
- 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 is the location and design of the storm sewer facilities serving the Property and the grading and topography of the site 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, with the exception that a request for variances be granted to allow for the construction of 18 inch wide "Miami"-type curb and gutter in lieu of 24-inch wide curb and gutter, and to allow for 14-foot wide entrance lanes and 10-foot wide exit lanes, where shown on the Final Development Plan, in lieu of 20-foot wide entrance lanes and 12-foot wide exit lanes.
- f. Signs: An entrance sign not to exceed 140 square feet (which may be lighted) may be installed within the common area adjacent to the Kathryn Oaks entrance road right-of-way for project identity. No other signs will be installed other than a small sign to identify each model home, or traffic signs as may be deemed necessary. The entry sign, if installed, will be maintained by the homeowners' association. A street sign already exists at the intersection of Lake Kathryn Drive and Country Club Boulevard, and no additional street signs will be needed since this project will be an extension of Lake Kathryn Drive.
- g. Temporary Uses - It is expected that model home buildings will be constructed. Temporary construction trailers will be utilized on the site. Parking will be allowed in the model home driveways only.

- h. Maximum Height - Except with respect to lots 23 and 24, no building or unit in Kathryn Oaks shall be taller than the maximum height allowed in the Zoning Ordinance for detached Single-Family Homes of thirty-five (35') feet. With respect to lots 23 and 24, no building shall be taller than one story.

9-1-1 Drainage

The general drainage plan for the Property, which is designed to prevent damage to abutting parcels and streets, is graphically depicted on the Final Development Plan. All drainage easements are depicted. A variance is requested that will allow a drainage easement width of 7 feet for the stormwater treatment berm behind lots 12 through 22 inclusive, and that will allow a "Lake and Drainage Easement" of varying width behind lots 1, 2, 3, 5, 11, and 12.

9-1-2 Separation from Walkway and Street

No off-street parking spaces will exist other than on the private driveways. Therefore the provisions of this Subsection are not applicable.

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, two-way interior drives on the Property will be a minimum of twenty feet wide, thus facilitating two-way traffic, and safe access from the individual dwelling unit driveways. One-way interior drives will be a minimum of ten feet wide.

9-1-5 Marking of Parking Spaces

As shown on the Final Development Plan, there will be no off-street parking spaces, other than private driveways.

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. The lighting shall be designed and installed to minimize glare on adjacent property.

9-1-7      Screening

Section 9-1-7 is inapplicable since there will be no parking spaces for 10 or more vehicles in any one location.

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 residences. A garage for each unit will exist with additional off-street parking located in the driveways.

9-4-1      Off-Street Loading Requirements

Off-street loading requirements do not apply to residential developments.



EXHIBIT "C" TO RESOLUTION

Section 4.1 Ownership, Maintenance, and Use of Common Property. The Association shall at all times be responsible for maintaining the Common Property which shall remain the property of the Developer until such time as it shall be conveyed to the Association. When the Developer no longer owns any lots within the property or, at the Developer's option, at any earlier time, the Common Property shall be conveyed to the Association subject to any taxes for the year of conveyance, restrictions, conditions, limitations, easements of record for drainage and public utilities and perpetual non-exclusive easement for ingress and egress granted to the Association and the Association shall accept such conveyance. Every member of the Association shall have a right of use and an easement of enjoyment in and to the Common Property which shall be appurtenant to, and pass with, the title to every Lot, subject to the following:

4.1.1 The right of the Association to take such steps as are reasonably necessary to protect the Common Property against foreclosure.

4.1.2 The right of the Developer or the Association to grant easements and rights of way as either may deem appropriate for the proper development and maintenance of the Property, including and without limitation, the Developer's right to reserve an easement for itself, its successors and assigns for ingress, egress, maintenance, drainage and utilities over all roadways and the Property.

4.1.3 All provisions of this Declaration, any plat of all or any parts of the Property, and the Articles and Bylaws of the Association.

4.1.4 Rules and regulations governing use and enjoyment of the Common Property adopted by the Association. Easements and restrictions of record affecting any part of the Common Property.

EXHIBIT "C" TO THE RESOLUTION (CONTINUED)

Section 6.1 Creation of the Lien and Personal Obligation of Assessments. Each Owner of a Lot within the Subdivision other than the Developer hereby covenants, and by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed or other conveyance including any purchaser at a judicial sale, shall hereafter be deemed to covenant and agree to pay to the Association any annual assessments or charges, and any special assessments for capital improvements or major repair against such property. Such assessments shall be fixed, established and collected from time to time as hereinafter provided. All such assessments, together with interest thereon from the due date at the highest lawful rate and costs of collection thereof (including reasonable attorneys fees), shall be a charge on the Lot and shall be a continuing lien upon the Lot(s) against which each such assessment is made, and shall also be the personal obligation of the Owner. No Owner may avoid liability for the assessments by waiver of rights to use, or by non-use of, the Common Property or by abandonment.

EXHIBIT "C" TO RESOLUTION (CONTINUED)

Section 10.1 Residential Use. The Lots subject to this Declaration may be used for residential living units and for no other purpose except that one or more Lots may be used for model homes during the development and sale of Lots within the Property. The model homes may be used to promote the sale of homes located solely within the subdivision. No business or commercial building may be erected on any Lot and no business may be conducted on any part thereof. Except as hereafter provided with respect to Lot 5, no Lot shall be divided, subdivided or reduced in size without the prior written consent of the Board of Directors of the Association, in its sole discretion. Lot 5 may be divided into two lots without the prior consent of the Board of Directors. Assessments for common expenses attributable to any Lot which may be subdivided pursuant to this Section 10.1 shall be reallocated by the Board of Directors, in its sole discretion, at the time written consent for such subdivision is given by the Board. Except as hereafter provided with respect to Lots 5 and 7, no dwelling or other structure or improvement shall be erected, placed or permitted to remain on any building site which does not include at least one (1) full platted Lot according to recorded plats of the Subdivision. With respect to Lot 5, in the event Lot 5 is subdivided into two Lots, a dwelling may be constructed on each of said Lots. With respect to Lot 7, either a single family dwelling or a duplex may be erected on Lot 7.

EXHIBIT "C" TO RESOLUTION (CONTINUED)

Section 10.4 Setbacks

10.4.1 Front Except as hereafter provided with respect to Lots 19 and 20, no dwelling shall be erected within twenty-five (25) feet of the front Lot line. With respect to Lots 19 and 20, no dwelling shall be erected within twenty (20) feet of the front Lot line. With respect to Lot 5, the front setback shall not apply to greenhouse, utility building, and detached garage, which are located within twenty-five (25) feet of the front property line in accordance with the approved P.U.D.

10.4.2 Side Except as hereafter provided with respect to Lot 12 and Lot 5 no dwelling shall be erected within ten (10) feet of any side Lot line, or side line of any dwelling parcel. With respect to Lot 12, no dwelling shall be erected within twenty (20) feet of the south side Lot line. With respect to Lot 5, the side setback on the south side of the lot shall not apply to greenhouse, utility building, and detached garage, which are within ten (10) feet of the side property line in accordance with the approved P.U.D.

10.4.3 Rear Except as hereafter provided with respect to Lots 1, 2, 3, 5, 7, 9, 10, 11, 12 and Lots 13, 14, no dwelling shall be erected within ten (10) feet of any rear Lot line or within any easement area shown on the plat of the subdivision or reserved in this Declaration. With respect to Lots 1, 2, 3, 5, 7, 9, 10, 11 and 12, no dwelling shall be erected within fifty (50) feet of any rear Lot line or within any easement area shown on the plat of the subdivision or reserved in this Declaration. With respect to Lots 13 and 14, no dwelling shall be erected within twenty (20) feet of any rear Lot line or within any easement area shown on the plat of the subdivision or reserved in this Declaration. The rear setback shall not apply to pools, cabanas, gazebos, terraces, decks, docks or similar structures except as to Lots 13 and 14, where the twenty (20) foot rear setback is also a drainage pipe easement, and except that these structures and improvements shall not be constructed within three feet of a rear yard line, and except that lakefront lots 1, 2, 3, 5, 7, 9, 10, 11, and 12 shall have no rear yard setback restrictions for lakefront pools, cabanas, terraces, decks, gazebos, docks or similar structures. No structures of any kind shall be constructed within a drainage easement, except that on lots 1, 2, 3, 5, 11 and 12, pools, cabanas, terraces, gazebos, docks or similar structures shall be allowed within the "Lake and Drainage Easement" as shown on the Plat and the Final Development Plan.

10.4.4 Measurement of Setbacks All setbacks shall be measured from the exterior wall of the dwelling to the applicable parcel boundary.

EXHIBIT "D" TO THE RESOLUTION

Typical sections in substantially the same form as found in Exhibit "C" to the Resolution herein must be included within recorded covenants and are hereby made a part of the Final Development Plan. These Sections are:

SECTION 4.1  
SECTION 6.1  
SECTION 10.1  
SECTION 10.4

November 26, 1991

Planning and Zoning Department  
St. Johns County  
4020 Lewis Speedway  
St. Augustine, Florida 32084

Re: Final Development Plan/Kathryn Oaks

Ladies/Gentlemen:

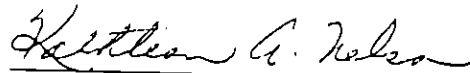
I hereby authorize J. Randolph Brown, Jr. to act on my behalf in applying for, and obtaining a final development plan and final plat for the above referenced subdivision located north of Fisherman's Cove, east of the Lake Kathryn and south of L'Atrium.

Sincerely,



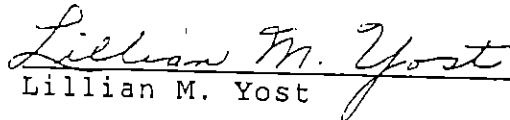
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E. Paul Nelson



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Kathleen A. Nelson



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Lillian M. Yost

November 26, 1991

Planning and Zoning Department  
St. Johns County  
4020 Lewis Speedway  
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Ladies/Gentlemen:

I hereby authorize J. Randolph Brown, Jr. to act on my behalf in applying for, and obtaining a final development plan and final plat for the above referenced subdivision located north of Fisherman's Cove, east of the Lake Kathryn and south of L'Atrium.

Sincerely,

  
J. Randolph Brown, Sr.