RESOLUTION NUMBER 93-189

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR PHASE III-B OF THE VILLAGES OF VILANO
PLANNED UNIT DEVELOPMENT

WHEREAS, it is found that:

- P.U.D. OFF. REC. BOOK F PAGE 213
- (a) the Final Development Plan for Phase III-B of the Villages of Vilano Planned Unit Development has been fully considered after a public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning Ordinance; and
- (b) the request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 85-26; and
- (c) the request received favorable review and recommendation by the Planning and Zoning Agency at its meeting on November 4, 1993; and
- (d) the request is both consistent with the Comprehensive Plan and compatible with development patterns in the surrounding area;

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

Section 1. Pursuant to a request for approval of the Final Development Plan for Phase III-B made by Vilano Venture, Inc. 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 relating to that portion of the PUD, the legal description of which is set forth on Exhibit B attached hereto, and which is known as Villages of Vilano Phase III-B is hereby approved in reliance upon, and in accordance with the representation and statements made therein and in the Final Development Plan Narrative attached hereto as Exhibits C and D.

Section 2. All building code, zoning ordinance, and other land use and development regulations of St. Johns County are 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 of PUD Ordinance 85-26. Modification to approved development plans by variance or special exception shall be prohibited. All such modifications shall follow the PUD amendment procedures provided for in the St. Johns County Zoning Ordinance.

In Ret - A. Berutt BCC Secty Section 3. The developer may not commence land clearing, site preparation or construction of any improvements shown on the Final Development Plan attached as Exhibits A, C and D until:

- evidence that all required state and federal permits have been obtained, including, but not limited to United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Wetlands Resource Permit, St. Johns River Water Water Water Water Management District Management and Storage of Surface Waters Permit and Florida Department of Environmental Regulation Water and Sever Connection Permits;
- Issuance of a land clearing permit pursuant to St. Johns County Ordinance Number 90-11;
- c. Review and approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and
- d. Compliance with all other applicable land use and development regulations of St. Johns County.

Section 4. No dwelling units shall be conveyed within the development areas depicted on the Final Development Plan attached as Exhibits A, C and D until the Declaration of Covenants and Restrictions for Villages of Vilano is recorded in the Public Records of St. Johns County, Florida.

Section 5. All attachments included herein are incorporated herein and made a part of Ordinance 85-26.

OF ST. JOHNS COUNTY, FLORIDA

By: Helen Florida

Chair

CHAIR

CARL BUD MARKEL, CLERK

BOARD OF COUNTY COMMISSIONERS

Adopted at a regular meeting: December 14 1993.

FINAL DEVELOPMENT PLAN PHASE III-B - VILLAGES OF VILANO PLANNED UNIT DEVELOPMENT

ATTACHMENTS:

Development Review Application BOOK F PAGE 215

A - Written T

Exhibit A - Written Text/Narrative (11 copies)

Exhibit B - Legal Description (11 copies)

Exhibit C - Tract M Site Plan Map (11 copies) Large scale (8 copies) attached

Exhibit D - Tract P Site Plan Map (11 copies) Large Scale (8 copies) attached

Exhibit E - FEMA Map

Exhibit F - Letter from North Beach Utilities

Exhibit G - Concurrency Exemption

Resolution for the Board of County Commissioners

SUBMITTAL DATE:

September 9, 1993

APPLICANT:

Ronald Schmitz, President Vilano Venture, Inc. 3655 North Coastal Highway St. Augustine. Florida 32095 (904) 829-9606

AGENT:

Karen M. Taylor Land Planner 3070 Harbor Drive St. Augustine, Florida 32095 (904) 826-0600

EXHIBIT A (To the Resolution) PHASE III-B FINAL DEVELOPMENT PLAN NARRATIVE VILLAGES OF VILANO PLANNED UNIT DEVELOPMENT

Submitted on behalf of: Vilano Venture, Inc. P.U.D. OFF. REC.

September 9, 1993

ROOK F___ PAGE 36

Submitted herewith, on behalf of Vilano Venture, Inc. for approval by the St. Johns County Board of County Commissioners, are the development maps which depict the Final Development Plan (hereinafter referred to as the "maps" and attached to the Resolution approving the Final Development Plan for this Phase as Exhibits "C" and "D") for a portion of Phase III of Villages of Vilano Planned Unit Development (hereinafter referred to as Phase III-B of Villages of Vilano PUD). The property is located wholly within the Villages of Vilano PUD, as approved by Ordinance 85-26. Phase III-B contains a total of forty-four (44) condominium units; twenty (20) units as indicated on Exhibit "C" and twenty-four (24) units as indicated on Exhibit "D", which will complete the development.

You will note that portions of the maps are designated as "NOT A PART OF THIS FINAL DEVELOPMENT PLAN". While these portions of the parcel are included within the legal description of the Villages of Vilano PUD and the legal description for the entire Phase III area, they were included in the Phase III-A Final Development Plan submittal and subsequent subdivision plat filed with St. Johns County in 1992. Although these two remaining parcels were "reserved" for the development of thirty (30) dwelling units each (as outlined in the Concurrency Exemption Request), this Final Development Plan represents a reduction to a total of forty-four (44) units which will complete the project.

In accordance with Section 8-4-5 of Article 8 of the St. Johns County Zoning Ordinance, the following legal documents have been provided:

Declaration of Covenants and Restrictions for Villages of Vilano Phase III-B, including as exhibits the Articles of Incorporation and Bylaws of Villages of Vilano.

Notwithstanding that the support legal documents may be recorded in their entirety, only those sections of the support legal documents which are specifically referenced herein shall be considered to be a part of the Final

Development Plan. Nothing contained within the support legal documents 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). Those sections of the support legal documents which are specifically referenced herein are incorporated by reference in the Final Development Plan, and may not be amended or altered in any way without the approval of the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners. The developer reserves the right to alter, amend or allow to be amended all other sections of the support legal documents, 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 St. Johns County Board of County Commissioners, in the exercise of its reasonable discretion, determines that there is a substantial likelihood that the spirit and intent of Article 8 of the St. Johns County Zoning Ordinance will be undermined, then the Board of County Commissioners may require that further alterations and amendments be submitted for approval prior to the recordation of such alterations or amendments.

SECTION 8-4 STANDARDS AND CRITERIA

8-4-1 Density of Development

The development contains 51 acres of property with a total of 294 approved units. Density for the development was therefore 5.76 units per acre. However, this Final Development Plan represents the final units to be constructed, and reduces the total number for the development to 238 units. This equates to an overall density of 4.80 units per acre. The total ground area occupied by the buildings and structures for residential use will not exceed 35% of the total ground area for that portion of the PUD devoted to residential use.

8-4-2 Open Space

The "maps" depict one area within this property to be used as open space for the common use of residents of the development. This common use area has been provided for within the previously filed Final Development Plan for Phase III-A, but is again described within this Final Development Plan and shown on Exhibit "C" in order to delineate the layout for the site. Every homeowner within Phase III-B of

P.U.D. OFF. REC. BOOK F PAGE 218

the development is guarenteed the right to the use of and an easement of enjoyment in and to the Common Areas for the overall Planned Unit Development, which are owned, operated, and maintained by the Homeowners Association.

Tract L - Recreation Complex, to be used for a recreational building with restrooms, a swimming pool, and parking, which will be constructed within one and one half (1-1/2) years of approval of this Final development Plan. Maintenance of the common areas is provided by the Villages of Vilano Homeowners Association.

Maintenance of these aforementioned structures, parking lots, and general open space shall be by the Villages of Vilano Homeowners Association. No residential, commercial or industrial use, primary or secondary, shall be allowed to encroach upon the open space areas.

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

development which is to occur will comply with the spirit and intent of the Zoning Ordinance. condominium units may be built to within thirty-five (35) feet of the North project boundary and one single story detached garage building may be built within twenty-five (25) feet of this North project boundary. A minimum fifteen be maintained between the shall foot setback residential structures as measured from wall to wall. Residential units shall also be provided a twenty (20) foot setback from the edge of the roadway pavement as measured from the edge of pavement, when a garage apron is required, however, garage buildings along the roadway, whose doors do not face the roadway, may be allowed to be constructed within fifteen (15) feet of the edge of the pavement as measured from the wall of the garage. There will be no more than forty-four (44) residences in Phase III-B of Villages of Vilano PUD. The developer reserves the right to control the location of all structures and to establish more stringent setback lines, subject to compllance with other applicable fire and building codes. HVAC condenser units and other similar accessory uses shall be allowed within the sideyards, provided they have received approval of the Homeowner's Association.

Residential units shall be located in condominium buildings containing four (4) or six (6) units. Each unit will have a minlmum of nine hundred (900) square feet of heated/cooled space, shall be a maximum of thirty-five (35) feet in height

P.U.D. OFF. REC.

and shall be used exclusively for residential purposes, including decks, walls, patios and fencing [consisting of a maximum six (6) foot high opaque wooden shadowbox fence] in accordance with the requirements of the Villages of Vilano Homeowners Association. Any changes desired to the exterior of the units, shall be approved by the Homeowners Association.

8-4-4 Project Size

The PUD consists of 51 acres. Phase [11-B contains a total of 3.56 acres in Tract M and Tract P.

8-4-5 Support Legal Documents for Open Space

The Covenants and Restrictions, Articles of Incorporation and Bylaws of the Villages of Vilano Homeowners Association, as recorded in the public records of St. Johns County at OR 731, pages 1986 through 2031 and an Amendment to the Covenants and Restrictions recorded at OR 740, pages 77 through 90, assure adequate management and maintenance of all open space areas within the overall Planned Unit Development.

- (a) Article II, Section 2.1: Provides the developer shall convey the roads and other common areas to the Association, and further grants to every lot owner a non-exclusive right and easement in the enjoyment in said common areas which shall be appurtenant to and pass with the title to every lot. The aforesaid conveyance of said common areas shall be subject to the Association's right to charge reasonable fees for the use of any recreational facility situated upon the common areas.
- (b) Article V, Section 5.1: Provides that the Association shall have the exclusive management and control of the common areas and all improvements, fixtures and equipment locted thereon, and shall maintain and keep said Common areas and all improvements thereon in good order and repair.
- (c) Article II, Section 3.13 and Article V, Section 5.5: Grants the Association the right to promulgate rules and regulations and impose limitations concerning the use of the common areas throughout the development.
- (d) Article VI, Section 6.1: Grants the Association the right to levy annual and special assessments against the lots situated within the Villages of Vilano PUD.

(e) Article XIII, Section 13.1: Gives the Developer, the Association, and every lot owner, the right to enforce all restrictions, rules, regulations, conditions and easements imposed by the Declaration of Restrictive Covenants, Articles of Incorporation and Bylaws.

8-4-6 Access

Access is to be provided to each dwelling units via a private vehicular way, to be owned and maintained by the Villages of Vilano Homeowners Association (These vehicular ways were platted within the Phase III-A Plat).

8-4-7 Privacy

Each dwelling unit will be assured visual and acoustical privacy. All necessary walkways and commmon area landscaping, including along the roads, will be provided by the developer. The Declarations restrict alteration of the landscaping and establish standards for landscaping of properties within the development.

8-4-8 Community Facilities

- (a) None of the utility facilities are proposed for dedication to St. Johns County.
- (b) All requirements for off-street parking and loading, as set forth in Article 9 for the St. Johns County Zoning Ordinance are specifically addressed as follows:

9-1-1 Drainage

All roads and off-street parking and loading areas shall be drained so as to prevent damage to abutting parcels. The drainage plan including all inlets and storm sewer lines are shown on the approved Construction Plans (on file with the County) and are located within the right-of ways.

9-1-2 Separation from Walkway and Street

Each unit will have a two (2) car garage to provide the required off-street parking. The two (2) parking spaces per unit will exceed the PUD requirement for one and one-half (1-1/2) parking spaces per unit. No combined off-street parking and loading facilities will be constructed.

9-1-3 Entrances and Exits

The location and design of entrances and exits to all streets will comply with County specifications.

9-1-4 Interior Drives

Interior parking lot drives for both parcels will meet the standards for two-way traffic for ninety (90) degree parking stalls (garage spaces) and the drive width between the garage openings shall be a minimum of twenty-four (24) feet, allowing for two-way traffic through the parking lots.

9-1-5 Marking of Parking Spaces

As shown on the Maps, there will be paved parking provided in Tract L and P for the Recreation Complex and to provide overflow parking. The parking lots shall be paved to County standards and marked to indicate the individual parking spaces.

9-1-6 Lighting

Lighting throughout the property will be provided by street lights. In addition, post lamps and pedestrian scale low level lighting will be provided at the Recreation Complex. All lighting for off-street parking areas will be designed and installed to minimize glare on adjacent properties.

9-1-7 Screening

Residential areas may be screened from the north and south property boundary by a maximum six (6) foot high continuous opaque wooden shadowbox fence, wall, border shrubbery and/or a combination thereof. In addition, the Recreation Complex shall also be fenced and/or screened in accordance with those options so listed above.

9-2 Location

The required off-street parking facilities will be located upon the same parcel of land as the facility which they are intended to serve, except for the parking at the Recreation Complex and within Tract P

P.U.D. OFF. REC.

BOOK F PAGE 222

along Village Drive which will serve the recreation area, the marina, and as overflow parking for the condominiums.

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

The property to be used for condominiums will provide two (2) off-street parking spaces per dwelling unit. Parking will be provided upon the same parcel as the dwelling unit by the two (2) car garage (and the apron in front of the garage in some cases) with additional spaces provided within the garage parking areas.

9-4-1 Off-Street Loading Requirements

No off-street loading spaces will be provided.

(c) The "maps", Exhibits C and D, illustrate the anticipated traffic flow pattern. Sufficient space has been allowed for equipment and trucks such as fire fighting equipment, moving vans, garbage trucks, etc.

Fire hydrant locations are not within this Final Development Plan area, but are provided in accordance with all County standards and are shown on the Final Development Plan Map for Phase III-A and the Construction Plans on file with the Engineering Department.

- (d) All utilities serving the property, including telephone, power, cable television, sewer lines and water lines shall be installed underground. Capacity has been verified by the supplier. Water and sewer lines shall be located within the right-of-way of the roads. Drainage facilities are provided for off-site, within the Phase III-A area and includes the "lake" in Tract N. A storm sewer system has been approved and will also be installed in accordance with all applicable State and local requirements.
- (e) All driveways constructed on the property shall meet or exceed County standards for minimum pavement width and construction standards as outlined in the St. Johns County Paving and Drainage Ordinance.

8-4-9 Temporary Uses

The living units within the buildings in Phase III-B may be used for models, sales offices, and/or construction coordination offices, provided that no more than four (4) units are used at any one time for any or all of these uses.

Page 7 of 7 Revised 10-20-93

Prepared by: Karen M. Taylor, Land Planner 3070 Harbor Drive, St. Augustine, FL 32095

EXHIBIT B

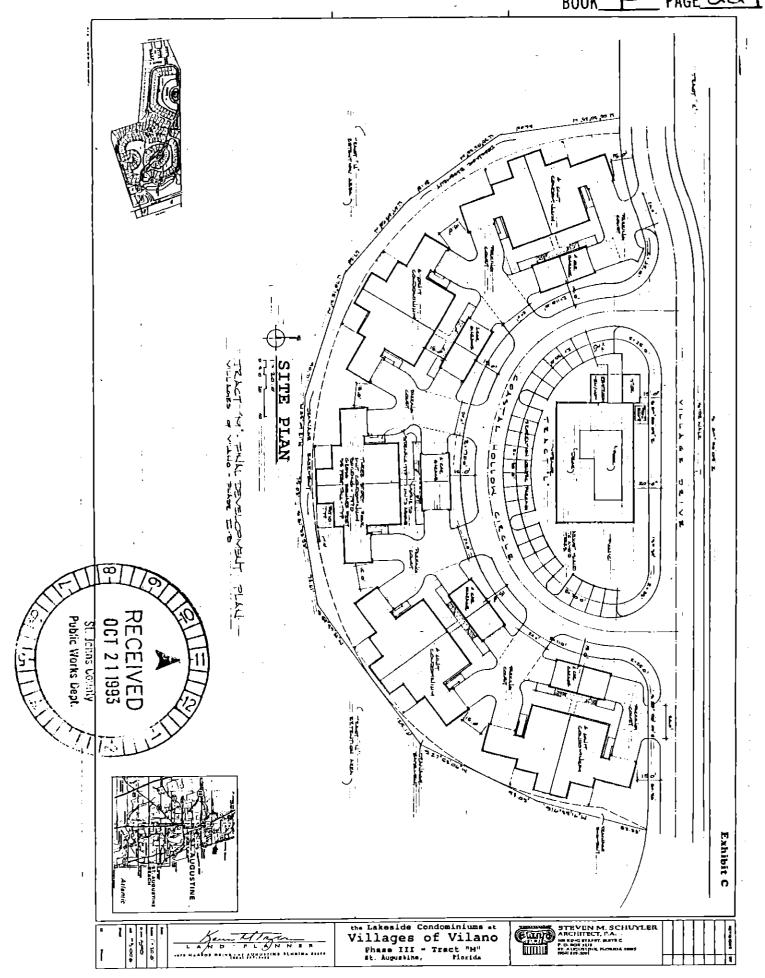
PLU D. OFF. REC.

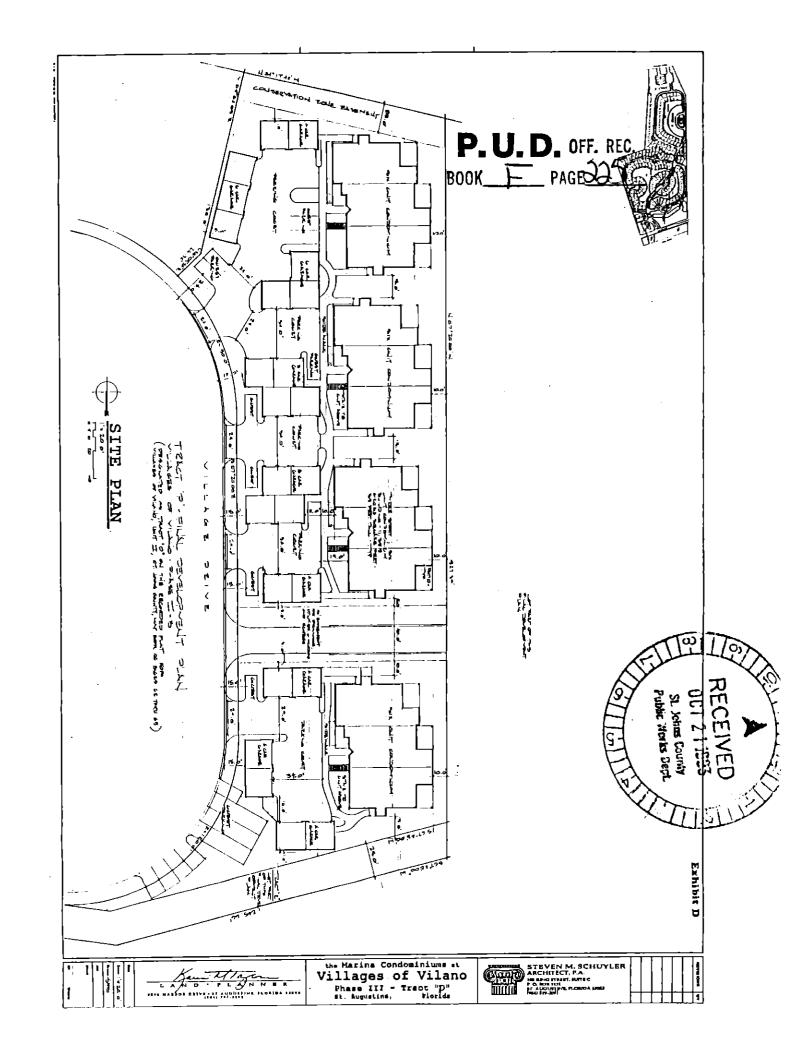
PHASE III-B FINAL DEVELOPMENT PLANOOK F PAGE 22

Tracts M and O of Villages of Vilano, Unit III, as recorded in Map Book 26, pages 62 thru 65 of the public records of St. Johns County, Florida.



BOOK F PAGE 224





NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP

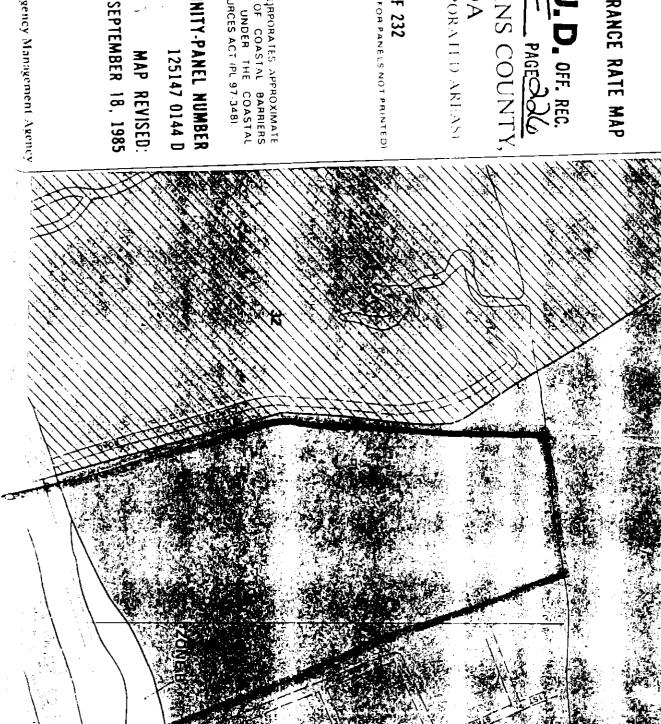
ST. JOHNS COUNTY,

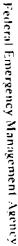
(UNINCORPORATED AREAS) FLORIDA

PANEL 144 OF 232

ESTABLISHED UNDER THE COASTAL BOUNDARIES OF COASTAL BARRIER RESOURCES ACT (PL 97-348) THIS MAP INCORPORATES APPROXIMATE

COMMUNITY-PANEL NUMBER





Exhibit' F

NORTH BEACH UTILITIES, INC.

4125 Coastal Highway

St. Augustine, Florida 32095
(904) 824-1806 • Fax (904) 826-0897

March 24, 1992

P.U.D. OFF. REC.

BOOK PAGE 227

St Johns County Building Dept. St Augustine, FL 32084

RE: Water and Sewer service-Villages of Vilano, Phase Three

Gentlemen:

This will confirm that North Beach Utilities, Inc. will furnish water to and accept sewage for treatment from the above described property.

Sincerely

Frank D. Usina, President North Beach Utilities, Inc.

Exhibit G

St. Johns County, Florida Concurrency Review Committee

TO: Jerry Napier, Director St. Johns County Planning and Zoning Department No. <u>92-CE-10</u>

RE: VILLAGES OF VILANO
Mr. Ronald Schmitz, President
Vilano Ventures, Inc.
3655 Coastal Highway
St. Augustine, FL 32095

P.U.D. OFF. REC.

BOOK F PAGE 228

Decision Granting Application for Concurrency Exemption

On April 8, 1992, the Concurrency Review Committee ("Committee") reviewed the application of Vilano Ventures, Inc. for a concurrency exemption pursuant to Section 6 and Section 8, Concurrency Exemption Ordinance, St. Johns County Ordinance No. 91-6 ("Ord. No. 91-6"), for the property known as VILLAGES OF VILANO and legally described on Exhibit A, which is attached hereto, incorporated and made a part hereof.

Upon review of the application, and supporting documents, and reports of the evaluating departments, the Committee decides as follows:

(1) The application for a concurrency exemption is granted for the property described on Exhibit A and shown on Exhibits B



(Tax Assessors Map) and C (Site Plan), which are attached hereto, incorporated and made a part hereof, as follows:

- a.) A categorical concurrency exemption is granted for Phases I and II, pursuant to Section 6.3, Ord. No. 91-6.
- b.) A concurrency exemption is granted for Phase III, limited to 16 acres, 107 dwelling units and a 16 slip marina, pursuant to Section 8.1, Ordinance No. 91-6, subject, however, to compliance with all applicable federal, state, regional, and local land development regulations in effect at the time of permitting.

The project is exempt from review under the Concurrency Hanagement Ordinance, St. Johns County Ordinance No. 91-7.

- (2) The exempt project remains subject to all governmental requirements relating to availability and adequacy of public facilities which were in effect prior to March 4, 1991, the effective date of Ord. No. 91-6. See Section 9.1, Ord. No. 91-6.
- shall have no effect on other governmental requirements applicable to the above-described property. See Section 9.2, Ord. No. 91-6. The concurrency exemption granted herein does not relieve the applicant from applying for other applicable permits, nor does the concurrency exemption guarantee the granting of other applicable permits, rezonings, variances, or exceptions.

- (4) The concurrency exemption determination granted herein shall remain in effect until March 4, 1994, at which time it shall terminate, unless extended by the St. Johns County Board of County Commissioners pursuant to Section 9.3, Ord. No. 91-6. See Section 9.4.2, Ord. No. 91-6.
- Board of County Commissioners. Any appeal must be filed with the Planning and Zoning Department within 15 days of receipt of this decision. The notice of appeal must include the information required in Section 7.3.2, Ord. No. 91-6. See Section 7.6, Ord. No. 91-6.

Dated this 24th day of April . 1992.

Andrew D. Campbell, Chairman Concurrency Review Committee

janet I. Transham

Certificate of Service

A copy of the foregoing has been provided to Mr. Ronald Schmitz, President, Vilano Ventures, Inc., 3655 Coastal Highway, St. Augustine, FL 32095, by U.S. Mail, certified with return receipt requested; and to Karen Taylor, Land Planner, 3070 Harbor Drive, St. Augustine, FL 32095 by U.S. Mail, this 34th day of April , 1992.

crc disk 2: A:VVDEC.WPF

Exhibit &

LEGAL DESCRIPTION

PARCEL "A":

P.U.D. OFF. REC. BOOK F PAGE 231

A portion of Government Lot 1, Section 32, Township 6 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows: Begin at the intersection of the Northerly line of said Government Lot 1, with the Easterly right-of-way line of State Road No. A-1-A (a 66.00' right-of-way as now established); thence S. 16° 30' 00" E., along said Easterly right-of-way line, 813.19' to the Southerly line of those lands described and recorded in Deed Book 204, Page 87 of the Public Records of said County; thence N. 73°, 30' 60" E., along last said line, 170', more or less, to the mean high water line of the Atlantic Ocean; thence Northwesterly along said mean high water line, 757', more or less, to an intersection with the Northerly line of said Government Lot 1; thence N. 89° 00' 05" N., along last said line, 187', more or less, to the Point of Beginning; Lands thus described contain 3.14 acres, more or less.

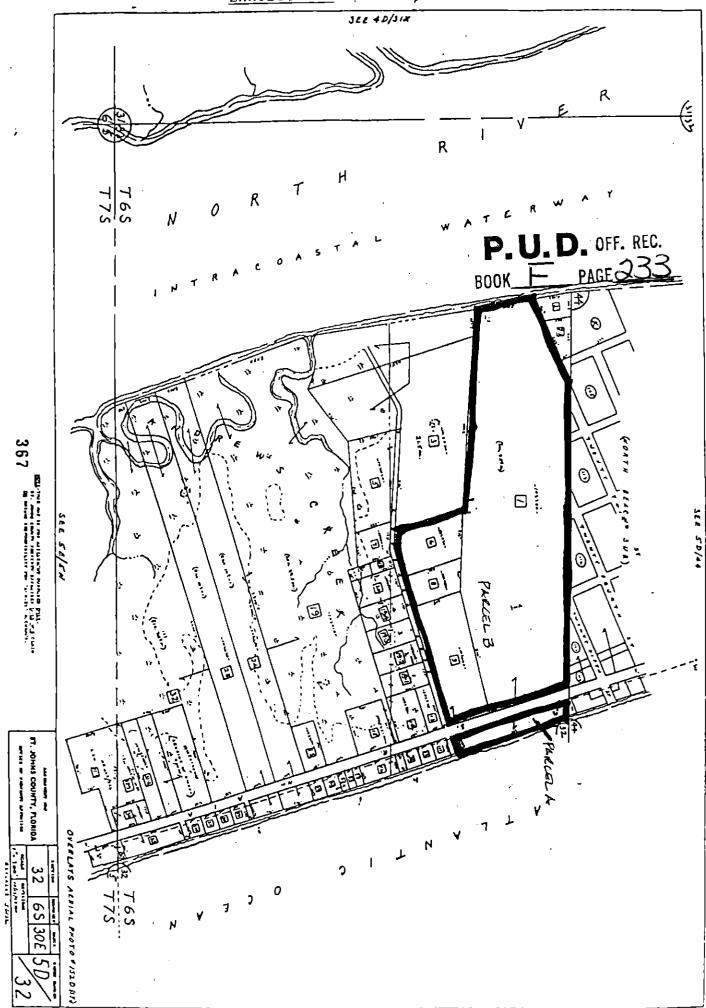
PARCEL "B":

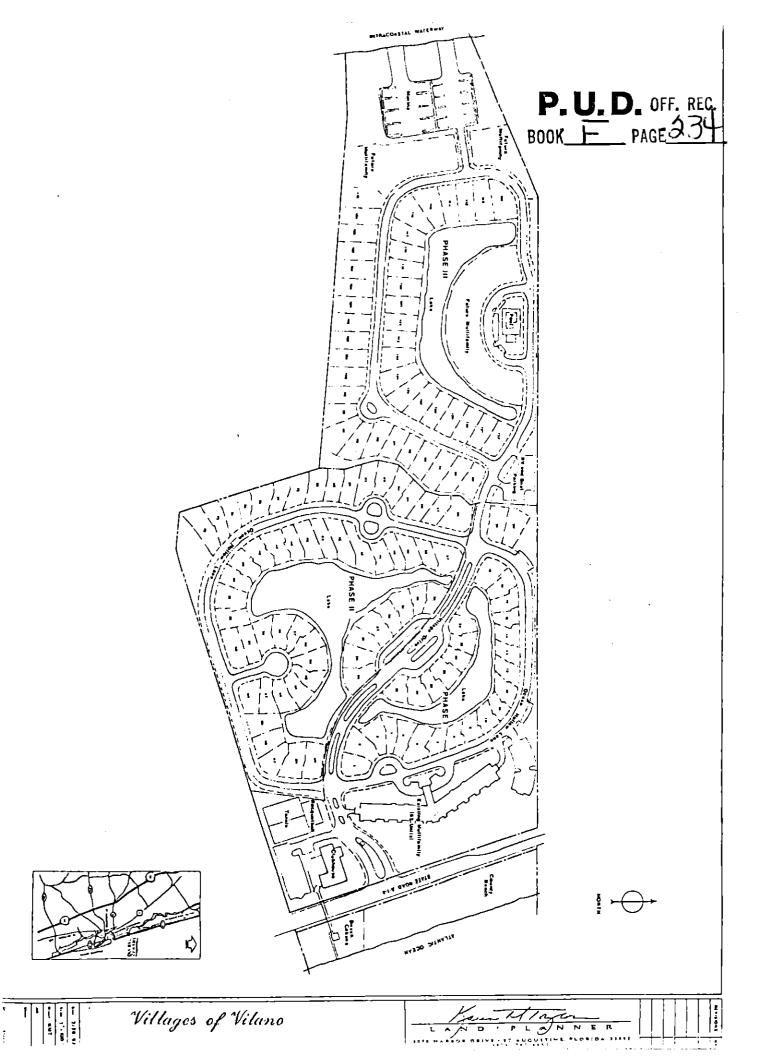
A portion of Government Lot 1, Section 32, Township 6 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows: Begin at the intersection of the Westerly right-of-way line of State Road No. A-1-A (a 66.00' right-of-way as now established) with the Northerly line of said Government Lot 1; thence N. 89° 00' 05" W., along said Northerly line, said Northerly line also being the Southerly line of North Beach Subdivision, as recorded in Map Book 3, Page 28 of the Public Records of said County, 1998.02' to a point hereinafter referred to as Reference Point "A"; thence return to the Point of Beginning; thence S. 16° 30' 00" E., along aforesaid Westerly right-of-way line of State Road No. A-1-A, 834.00' to the Northerly right-of-way line of Carcaba Road (a 30.00' County Road

P.U.D. OFF. REC. BOOK F PAGE 332

as described and recorded in Deed Book 155, Page 572 of the Public Records of said County; thence S. 73° 30' 00" W., along said Northerly right-of-way line, 1205.53' to an angle point in said right-of-way; thence N. 84° 20' 40" W., along said Northerly right-of-way line, 101.99' to the Westerly line of those lands described and recorded in Deed Book 155, Page 564 of the Public Records of said County; thence N. 16° 30' 00" W., along last said line, 468.00'; thence N. 84° 20' 40" W., 1107.62'; thence S. 39° 28' 00" W., 180', more or less, to the waters of North River; thence Northwesterly along said waters, 413', more or less, to an intersection with the Westerly extension of the Northerly right-of-way line of 23rd Street; thence N. 67° 48' 00" E., along last said line, 536', more or less, to Reference Point "A" and to close.

Lands thus described contain 47.83 acres, more or less.





STATE OF FLORIDA
COUNTY OF ST. JOHNS

P. U. D. OFF. REC. BOOK F PAGE 235

I, CARL "BUD" MARKEL, CLERK OF THE CIRCUIT COURT, Ex-officio, Clerk of the Board of County Commissioners of St. Johns County, Florida,

DO HEREBY CERTIFY that the foregoing is a true and correct copy of the following:

RESOLUTION NO. 93-189

adopted by the Board of County Commissioners of St. Johns County, Florida at a regular meeting of said Board held December 14, 1993.

as the same appears of record in the office of the Clerk of the Circuit Court of St. Johns County, Florida, of the public records of St. Johns County, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 25th day of February, 1994.

CARL "BUD" MARKEL, CLERK OF THE CIRCUIT COURT Ex-officio Clerk of the Board of County Commissioners of St. Johns County, Florida

EL AME BY THE COMMENT OF THE COMMENT

(seal)

THE BLU MUE.