

RESOLUTION NO. 94-138

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**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, STATE OF FLORIDA  
APPROVING A FINAL DEVELOPMENT PLAN  
FOR MARSH LANDING UNIT 30**

**WHEREAS**, the Final Development Plan for Marsh Landing Unit 30 has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning Ordinance; and

**WHEREAS**, the request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 75-15; and

**WHEREAS**, it is found that:

- A. The request received favorable review and recommendation by the Planning and Zoning Agency as its meeting on July 21, 1994 and
- B. 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 dated April 22, 1994, submitted by Prosser, Hallock & Kristoff, Inc. on behalf of M.L. Partnership for approval of a Final Development Plan for Marsh Landing Unit 30, in accordance with Section 8-3 of St. Johns County 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 a part of Exhibit A, and which is known as Marsh Landing Unit 30 is hereby approved in reliance upon, and in accordance with the representation and statements made therein and in the Final Development Plan Text dated April 22, 1994, and as revised, attached hereto as Exhibit B.

*Inset - BCC Secty  
P. DeGrande*

Section 2.a. Except to the extent that they conflict with specific provisions of the approved development plan or PUD (PSD) Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, any Concurrency Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or exception shall be prohibited.

Section 2.b. Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitutions.

Section 3. The developer may not commence land clearing, site preparation or construction of any improvements shown on the Final Development Plan attached as Exhibit A until:

- a. Submission to the Engineering Department of satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to United States Army Corps of Engineers Dredge Fill Permit, St. Johns River Water Management District and Storage of Surface Waters Permit and Florida Department of Environmental Regulation Water and Sewer Connection Permits;
- b. Issuance of a land clearing permit pursuant to St. Johns County Ordinance No. 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 lots shall be conveyed within the subdivision depicted on the Final Development Plan attached as Exhibit A until a final plat has been approved by the Board of County Commissioners of St. Johns County and recorded in the Public Records of St. Johns County, and the Declaration of Covenants and Restrictions for Marsh Landing Unit 30 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 Resolution 94-138.

Passed and adopted on August 9, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts  
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: 

Deputy Clerk

**FINAL DEVELOPMENT PLAN  
MARSH LANDING AT SAWGRASS  
PUD ORDINANCE 75-15**

**MARSH LANDING UNIT 30  
EXHIBIT B**

**TO THE RESOLUTION  
April 22, 1994  
Revised June 28, 1994**

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**Applicant: M.L. Partnership  
Agent: Prosser, Hallock & Kristoff, Inc.**

On behalf of M.L. Partnership, Prosser, Hallock & Kristoff, Inc. 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 Marsh Landing Unit 30 (the "Property"). The Final Development Plan consists of a 1-page map identified as Exhibit A to the Resolution (the "Map") and this text identified as Exhibit B to the Resolution (the "Text"). Attached Exhibit C contains specific sections of the covenants and restrictions which are referenced in Exhibit B. The Property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance 75-15. The area encompassed by this Final Development Plan is located at the extension of Lantern Wick Place (Unit 17). (This extension may in the future also serve several other single family lots located north of Lantern Wick Place, subject to St. Johns County review and approval). The area of Marsh Landing Unit 30 is designated for multi-family on the approved Master Plan however, concurrent with this application we have submitted a request for a minor modification to the PUD to allow modification of the land use from multi-family to single-family homes. Marsh Landing Unit 30 will contain 5 single-family lots on approximately 4.19 acres.

Prior to commencement of land clearing, site preparation, or construction of any improvements depicted on the Map, the developer shall submit to the Engineering Department satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to: (a) United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Management and Storage of Surface Water Permit and Florida Department of Environmental Protection Water and Sewer Connection Permits; (b) Obtain a land clearing permit pursuant to St. Johns County Ordinance No. 90-11; (c) Obtain approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and (d) Comply with all other applicable land use and development regulations of St. Johns County. Once the foregoing conditions to construction have been met, the developer may proceed to construction of horizontal improvements prior to approval and recording of a final plat.

No lot within the Property shall be conveyed until a final plat has been approved by the Board of County Commissioners of St. Johns County, Florida and recorded in the Public Records of

St. Johns County, and the Declaration of Covenants and Restrictions for Marsh Landing Unit 30 have been recorded in the Public Records of St. Johns County.

Nothing contained in the covenants shall be interpreted to limit or restrict in any way the regulatory powers of St. Johns County (including its power to review and approve plats and replats under Section 177.01 of the Florida Statutes).

**ADDITIONAL INFORMATION:**

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- A. No sidewalks are proposed in Marsh Landing Unit 30 since there are no connecting walks on existing Lantern Wick Place. Additionally, sidewalks are not necessary due to the few number of lots and the absence of thorough traffic.
- B. Even though the 100 year flood elevation is 6.0 per FEMA Panel 183, minimum road elevations are proposed at 5.0± to be consistent with existing road elevations of (±) 5.0 throughout Marsh Landing which were initially built when the flood elevation was 5.0. This is consistent with recent, previously approved units at Marsh Landing.

In accordance with the procedure established in Section 8-3, "Implementation of a PUD", the attached Final Development Plan prepared by Prosser, Hallock & Kristoff, 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 occupied by residential buildings and structures on the Property shall not exceed 35 percent of the total ground area committed to residential use. There will be .8 residential units per acre.

**8-4-2 Open Space**

Every homeowner shall have a right of use and an easement in the open space area, except where its use is limited by the applicable sections of the Declaration of Covenants and Restrictions. The open space in Marsh Landing will be owned and maintained by Marsh Landing Homeowner's Association, Inc. whose membership will include all lots within the Property. Tract B is an open space tract to be used for drainage, utilities, landscaping or left natural. Some of Tract B is jurisdictional wetlands. All wetlands have been established by survey and will be depicted on the construction plans and final plat.

The areas designated as open space will be used for natural areas, utilities, landscaping, retention, and passive recreation.

The stormwater retention ponds shown on the Final Development Plan will be maintained by the Marsh Landing Homeowners Association, Inc. The lot lines extend into the ponds and the entire stormwater pond is within a platted drainage easement to insure proper access and maintenance.

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

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 5 residences on the Property. Specific setback lines are as follows: A 20-foot front yard setback line; a 20-foot rear yard with setback line; and a 5-foot side yard setback with two (2) sides totalling a minimum of 15 feet. Each setback line is measured to the wall of the building. The preceding setbacks may be waived by the architectural review board (ARB) to preserve trees and improve overall aesthetics as set forth in the covenants. A residence may be located wholly within a single platted lot or a combination of portions of platted lots. Approval by the ARB is required before issuance of a building construction permit by St. Johns County for all new construction, additions and remodeling.

The maximum height of the structures within the Subdivision shall be 35 feet.

There will be a minimum 20' buffer from the wetland line. This area shall consist of existing vegetation and/or a low landscape berm to filter any runoff from the lots. Decks, boardwalks and accessways are permitted through this area.

**8-4-4 Project Size**

The Marsh Landing PUD consists of approximately 1,700 acres. Marsh Landing Unit 30 consists of 4.19 acres.

**8-4-5 Support Legal Documents for Open Space**

The Covenants and Restrictions of Marsh Landing Homeowner's Association, Inc., which apply to the road right-of-ways, street lighting, security system and lakes, assure adequate management and maintenance of the common property. Specific sections of the Covenants and Restrictions are referenced herein and are part of the Final Development Plan. These sections are attached as Exhibit C.

- 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. **(Article II, Paragraph 2.5)**
- b. The Covenants and Restrictions appropriately limit the use of the common property. **(Article II, Paragraph 2.2)**
- c. The Covenants and Restrictions assign responsibility for management and maintenance of the common property to the Homeowner's Association. **(Article II, Paragraph 2.1)**
- d. The Covenants and Restrictions place responsibility for enforcement of the covenants contained therein upon the Homeowner's Association. **(Article II, Paragraph 2.1)**

- e. The Covenants and Restrictions permit the subjection of each lot to assessment for its proportionate share of maintenance costs. (Article II, Paragraph 2.1)

**8-4-6 Access**

As graphically depicted on the Final development Plan, each lot is provided vehicular access within the Property via proposed private right-of-ways to be owned by the Homeowner's Association.

**8-4-7 Privacy**

Under Sections of the Covenants and Restrictions, each dwelling unit will be provided visual and acoustical privacy. Landscaping shall be required, as stated in the Covenants and Restrictions, for the protection and aesthetic enhancement of the property.

**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:

**9-1-1 Drainage**

A preliminary drainage plan for the Property so as to prevent damage to abutting parcels and public streets and alleys is graphically depicted on the Map. Detailed drainage plans demonstrating compliance with all requirements of Ordinance 86-4 and the St. Johns County Comprehensive Plan shall be included within the signed and sealed construction plans. The construction plans must be reviewed and approved by the St. Johns County Engineering Department prior to commencement of land clearing, site preparation or construction. All necessary easements for drainage shall comply with the requirements of Ordinance 86-4 and shall be depicted on the final plat.

**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 the County Specifications.

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

Street 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.

9-2 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 (1) single-family per lot, or one (1) single-family per a combination of portions of platted lots. Therefore, in accordance with subsection "a." of Section 9-3, at least one off-street parking space will be provided per dwelling on the same parcel in which it intends to serve. This space, located within the driveway for the residence, is in addition to the two (2) parking spaces allowed for in the two-car garage. A garage is required.



9-4-1 Off-Street Loading Requirement

Section 9-4-1 is inapplicable since there are no non-residential uses.

- c. The Map 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. Locations of the fire hydrants serving the Property shall be depicted on the signed and sealed construction plans. 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, and sewer and water lines, will be installed underground. The signed and sealed construction plans shall show the location and design of the storm sewer facilities serving the Property and the grading and topography of the site. The storm sewer facilities shall comply with all applicable requirements of law including, but not limited to the requirements of Ordinance 86-4 and shall facilitate the proper drainage of storm waters and prevent erosion and the formation of dust.
- e. Specifications for all streets and roadways depicted on the Map shall conform to the rules and regulations adopted by the St. Johns County Board of County Commissioners in Ordinance Number 86-4, as amended.
- f. The water and wastewater system shall be constructed to St. Johns Service Company standards and will be dedicated to St. Johns Service Company for ownership and maintenance. Tract A on the Final Development Plan is a proposed sewer lift station site.

**PROSSER, HALLOCK & KRISTOFF, INC.**



Donald V. Fullerton

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

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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. 94-138**

adopted by the Board of County Commissioners  
of St. Johns County, Florida at a regular  
meeting of said Board held August 9, 1994

FILED AND RECORDED IN  
ST. JOHNS COUNTY CLERK'S  
OFFICE  
94 AUG 17 PM 4:46  
Carl "Bud" Markel  
CLERK OF THE CIRCUIT COURT

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 15th day of August, 1994.

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

By: Patricia DeGrande  
Patricia DeGrande, Deputy Clerk

(seal)