

RESOLUTION NO. 95-204

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR OCEAN PARK**

WHEREAS, the Final Development Plan for Ocean Park 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 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 Ocean Park made by Powers & Merritt, Inc., 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 "B" relating to that portion of the PUD, the legal description of which is set forth on Exhibit attached hereto, and which is known as Exhibit "C" 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 Exhibit "A", and the applicable Covenants and Restrictions attached as Exhibit "D".

SAVINGS CLAUSE

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. Particularly, no private land use covenant or restriction that may be incorporated into this Ordinance which is more strict than a particular Federal, State or County Statute, Ordinance, Regulation, Rule, or Resolution shall be enforced by the County under this ordinance except as is specifically provided for and described in the Ordinance or the incorporated PSD/PUD/PRD narrative.

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 Florida or United State 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 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 and Fill Permit, St. Johns River Water Management District Wetlands Resource Permit, St. Johns River Water Management District Management 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.

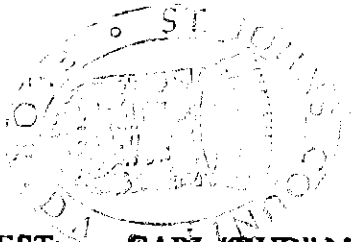
"Providing for modification in response to a Bert J. Harris Private Property Rights Judgment or Order". This grant of (rezoning, exception, or variance, etc.) is subject to the following condition subsequent and possible modification: In the event a request for relief under the Bert J. Harris, Jr. Private Property Protection Act (Florida 1995) is timely filed against St. Johns County based in whole or in part on the County's

enactment of the (Resolution) and such a request for relief ultimately proceeds to or results in a final (all available appeals having been taken or waived) court order, opinion or judgment that adversely affects the County or that modifies this (Resolution), this (Resolution) may be further modified by the St. Johns County Board of County Commissioners to the minimum extent necessary to alleviate or remedy the inordinate burden to real property that the final judgment, order or opinion determines was created by the (Resolution). Such modifications if made, shall comply with or mirror the court order, opinion or judgment to the extent such modifications are set out, described, or implied in or by such court order, opinion or judgment. The (Owner) reliance or use of this (Resolution) to the benefit of the (Owner) shall constitute the (Owner) waiver of all claims of the (Owner) against St. Johns County that may be based in whole or in part on such modifications.

Section 5. All attachments included herein are incorporated herein and made part of Resolution

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Donald Jordan
Chair



ATTEST: CARL "BUD" MARKEL, CLERK

By: Rosemary Lewis
Deputy Clerk

Passed and adopted this 28th day of November, 1995.

NOVEMBER 20, 1995

P.U.D. OFF. REC.
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EXHIBIT "A"

WRITTEN TEXT

OCEAN PARK APARTMENTS

FINAL DEVELOPMENT PLAN

WITHIN PUD # 75-15 MARSH LANDING

Applicant: Paul Basham

Submitted: September 29, 1995

Revised: October 27, 1995

EXHIBIT "A"

OCEAN PARK

P. U. D. OFF. REC.
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Developer 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 (Exhibit "B") for multi-family rental community to be known as Ocean Park Apartments. Condominiums with common areas shall not be a permitted use. The Final Development Plan consists of a 1-page map identified as Exhibit "B" to the Resolution (the "Map"), * the legal description identified as Exhibit "C", this text identified as Exhibit "A" to the Resolution (the "Text"), copies of the applicable sections of the covenants and restrictions identified as Exhibit "D". 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 north end of the P.U.D. It occurs near the county line.

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 of 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.

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 177.071 of 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 not be amended without approval 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.

8-4-1 Density of Development - *not applicable*

8-4-2 Open Space - 41% Green Space

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

All development which is to occur within the community will comply with the spirit and intent of the Zoning Ordinance. Furthermore; the setback from the county line shall be (1') since it is adjacent to our project in Jacksonville Beach. All setbacks shall be measured from the exterior wall of the dwelling to the applicable parcel boundary.

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

8-4-4 Project Size

The PUD consists of approximately 1,700 acres. This Final Development Plan consists of 1.85 acres.

8-4-5 Support Legal Documents for Open Space - *not applicable*

8-4-6 Access

As graphically depicted on the Map, vehicular access within the Property via the parking lot from Jacksonville Beach.

8-4-7 Privacy - *not applicable*

8-4-8 Community Facilities - *not applicable*

9-1-1 Drainage

A preliminary drainage plan for the Property so as to prevent damage to the 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.

9-1-2 Separation from Walkway and Street - *not applicable*

9-1-3 Entrance and Exits

The location and design of the entrance and/or exits to all parking areas shall be through Jacksonville Beach.

9-1-4 Interior Drives

As shown on the Map, there will be interior drives on the property.

9-1-5 Marking of Parking Spaces

As shown on the Map, there will be street parking spaces and garages.

9-1-6 Lighting

Lighting shall be provided for night security.

9-1-7 Screening - project will comply with Section IV.2.a of the Landscape Ordinance No. 79-19, as amended.

9-2 Location

The required off-street parking facilities will be located upon parcel of land intended to serve apartment in Jacksonville Beach.

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

The property will be used for parking to serve multi-family units in Jacksonville Beach. Therefore, this project will meet Jacksonville Beach parking requirements relating to quantity and size in order to have consistent parking areas throughout the project, most of which is located in Jacksonville Beach.

9-4-1 Off-Street Loading Requirements

This section does not apply to residential developments.

APPLICANT

By: 

EXHIBIT "B"

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P.U.D. OFF. REC.
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DUVAL CO.

ST. JOHNS CO.

OCEAN PARK

1" = 20'

PROVIDE S.T.S. SCREENING

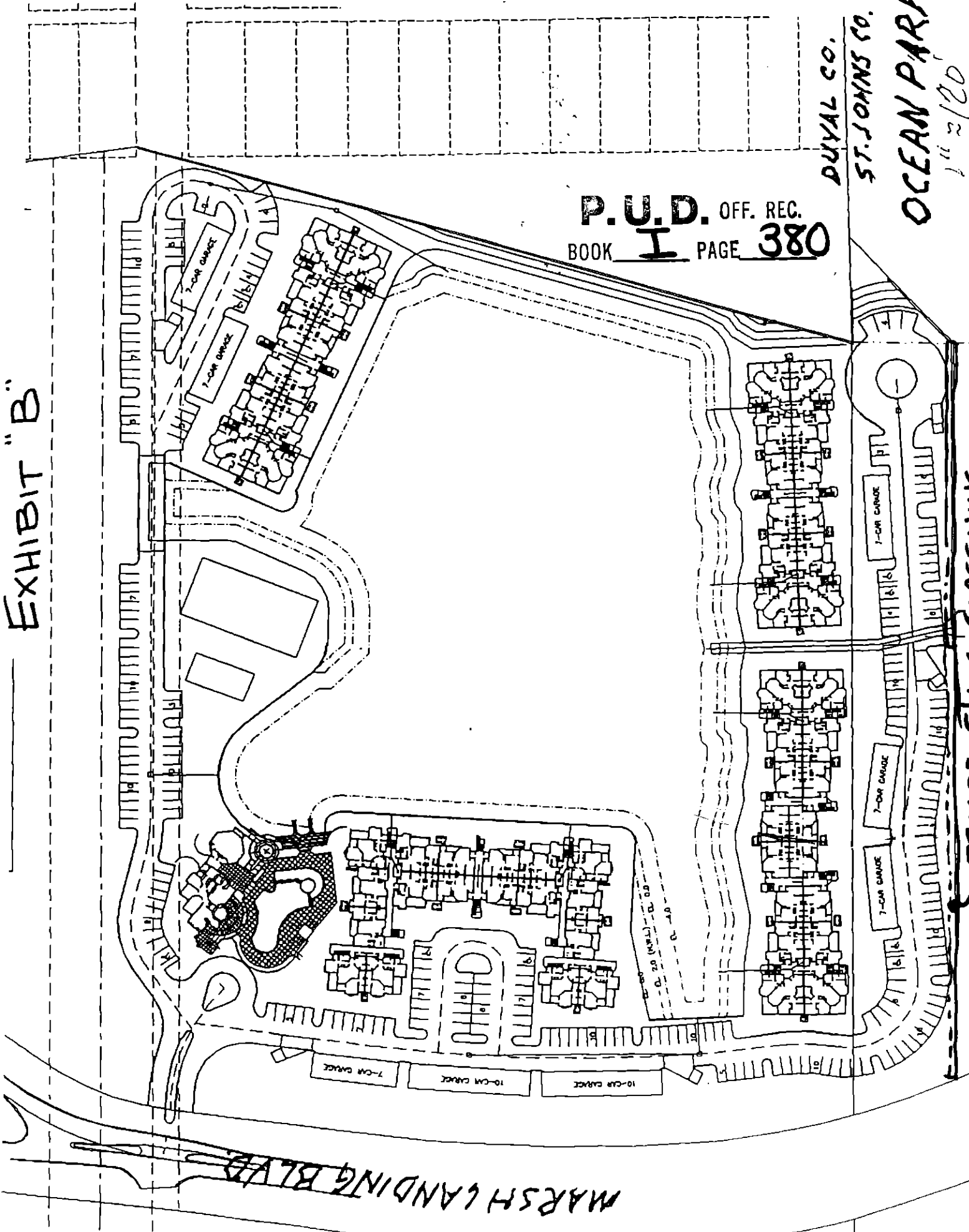
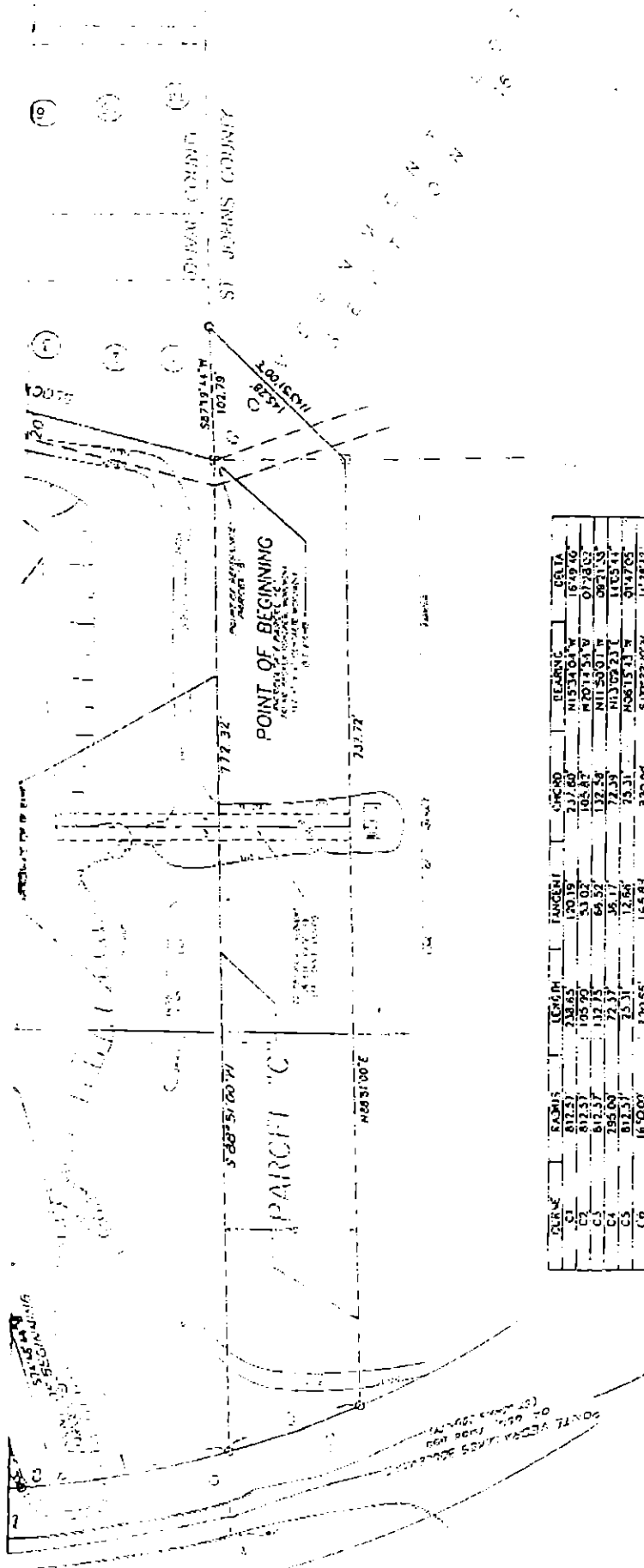


EXHIBIT "C"



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PARCEL "C"

A PART OF GOVERNMENT LOT 3, SECTION 16; TOGETHER WITH A PART OF THE WILLIAM HART GRANT, SECTION 55; TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE EASTERLY LINE OF SAID SECTION 55 INTERSECTS THE LINE DIVIDING DUVAL COUNTY FROM ST. JOHNS COUNTY; THENCE S. 88° 51' 00\"/>

EXHIBIT "D"

P. U. D. OFF. REC.
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THE FOLLOWING SECTIONS
APPLY TO OCEAN PARK APTS.

7. Parking; Driveways:

(a) On-site paved parking areas shall be provided meeting the requirements of all GOVERNMENTAL REGULATIONS. The plans applicable to parking areas (including, without limitation, the size of parking spaces, the width and configuration of driving lanes within parking areas, the materials to be used in the paving of parking areas, the curbing to be provided within parking areas, the pedestrian walkways and the landscaping to be included within parking areas) shall be submitted to the DEVELOPER in accordance with paragraph 4 above.

(b) No use shall be made of any BUILDING SITE or any building constructed thereon which requires or is reasonably

expected to require or attract parking in excess of the parking capacity of the parking facilities provided on that BUILDING SITE. Parking shall not be permitted on streets or on any BUILDING SITE except in paved parking areas designed for parking.

(c) The DEVELOPER may stipulate provisions which shall govern the requirements applicable to entrance driveways to provide the means of entrance into and exit from BUILDING SITES. Such provisions may include, without limitation, the following: (i) under what circumstances a driveway may be divided; (ii) under what circumstances a driveway may serve more than one BUILDING SITE and the requirements governing such dual service driveways; (iii) the maximum and minimum widths of driveways; (iv) the curbing requirements; (v) the radius of the paved surface at the junction with street requirements; (vi) minimum spacing from the nearest boundary of adjoining BUILDING SITES; and (vii) minimum spacing from the nearest intersecting street.

(d) All paving required or permitted under these Protective Covenants shall have an asphalt wearing surface or other surface approved by the DEVELOPER, provided the use of concrete for drives and parking areas is prohibited.

8. Landscaping:

(a) All parts of the BUILDING SITE shall be landscaped and grassed as provided in these Protective Covenants.

(b) A landscaping plan prepared by a licensed landscape architect (which shall include complete specifications and plant list) shall be submitted to DEVELOPER by the OWNER for each BUILDING SITE before any building on that BUILDING SITE is occupied. Said plan shall be complied with by the OWNER in installing the OWNER'S landscaping and, therefore, shall be enforceable against and binding upon the OWNER in the same manner as the provisions of these Protective Covenants.

(c) Where an on-site parking area is provided between a street and the facade of a building or the prolongation of such facade, the OWNER of the BUILDING SITE shall berm up and/or plant between the parking area and the street right-of-way, where natural screening is inadequate, shrubbery and/or berming which will provide a visual screen of plants and/or berming to a height of approximately 40 inches in order to partially screen from the street the view of the parked vehicles. All screens and fences shall be landscaped with shrubbery in order to block the view of the screen or fence from the view of adjacent property owners or from the street.

(d) The OWNER of each BUILDING SITE shall install, maintain and operate an underground, automatic sprinkler system adequate to water all landscaping and grassed areas on the BUILDING SITE except to the limited extent such watering may be provided by the DEVELOPER under paragraph 15 as an area maintenance expense. Each OWNER shall use such sprinklers as reasonably necessary for watering all such areas subject to the requirements of subparagraph 2.10.

(e) The OWNER shall deliver to DEVELOPER no later than thirty (30) days after occupancy of the first building on the BUILDING SITE, a copy of the OWNER'S landscape maintenance contract. Should this agreement be terminated or expire, the new or revised agreement should be promptly provided to the DEVELOPER. If the OWNER provides its own landscape maintenance, the OWNER shall furnish to the DEVELOPER a description of the OWNER'S maintenance program including detailed specifications.

9. Signs: The appearance, lettering style and lighting of signs located within Marsh Landing Business Park are deemed to be

OFFICIAL RECORDS

equally as important as the architectural design of the buildings within the Property. All signs to be located on a BUILDING SITE shall be designed, constructed and used subject to the approval of the DEVELOPER in accordance with paragraph 4 above. A signage plan (which shall include complete drawings and specifications) shall be submitted to DEVELOPER by the OWNER for each BUILDING SITE before any building on that BUILDING SITE is occupied. The DEVELOPER may require that signs be illuminated at the expense of the OWNER of the BUILDING SITE. Prohibited signs shall include, but not be limited to, neon, flashing, moving or oscillating signs, portable or movable signs, animated signs, roof signs, changeable copy signs, signs on trucks or other vehicles, window signs, and signs which consists of wholly or in part banners, ribbons, streamers and the like. No sign shall exceed fifty (50) square feet on any one side, nor shall any sign be more than six (6) feet in height (as measured from the ground at its base).

10. Lighting:

(a) All light sources used to illuminate the streets and parking areas throughout Marsh Landing Business Park shall utilize only high pressure sodium lamps. Light sources used to illuminate signs, facades, buildings, parking and loading areas shall be shaded and shall be so arranged as to eliminate glare on streets and shall be directed away from other BUILDING SITES and from properties lying outside of Marsh Landing Business Park. Shaded light sources are lighting elements shielded with an opaque shade to direct the light. No neon, intermittent, or flashing lights shall be allowed anywhere on the land. All above described lighting is subject to the approval of the DEVELOPER in accordance with paragraph 4 above.

(b) Street lights shall be installed by the DEVELOPER and operated as an area maintenance expense or by the City of Jacksonville Beach or some other governmental agency, as provided in paragraph 15. Pedestrian walkway lights shall be installed and operated as provided in subparagraph 13(a).

11. Screening of Roof Areas: Standfans, skylights, air conditioning units, cooling towers, elevator penthouses, vents, solar panels and all other structures or equipment which rise above the roof line of a building shall be architecturally compatible with the building and shall be effectively shielded from view by architecturally sound methods which shall be shown on the plans and specifications submitted to the DEVELOPER and subject to approval by the DEVELOPER. The DEVELOPER may establish design criteria for roof areas of buildings of up to five (5) stories in height which differ from those for buildings in excess of five (5) stories.

12. Screening of Loading Docks, Trash Receptacles and Transmission Facilities: No truck loading dock or "receiving/shipping" doors shall face toward the public street in front of the building which contains the loading dock or doors. Where such dock or doors would be visible from a public street the same shall be visually screened to a height of not less than eight (8) feet by landscaped berms or by appropriate walls or panels. In the event walls or panels are used for such screening, they shall be softened by dense landscaping. Trash receptacles shall be similarly screened. Antennas, satellite dishes and other transmission facilities installed on the ground or on the roof of a building shall be entirely screened from view from public streets and at ground level from all other parts of Marsh Landing Business Park.

Wherever these Covenants require or contemplate such screening, the same shall be fully detailed on the plans and specification required under paragraph 4 and constructed of such materials and design as approved by the DEVELOPER using reasonable judgment. Screening walls shall be constructed only

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of materials which are substantially structure located on the BUILDING SITE or other materials which are compatible with the exterior of the main structure and which are approved by the DEVELOPER.

No storage of any articles, goods, or materials shall be permitted outside any completed building except of a temporary nature, and then only with the prior written approval of DEVELOPER who shall have the right, as a condition to any such approval, to impose such limitations and screening requirements as the DEVELOPER deems appropriate. Any such approval may be revoked by DEVELOPER if at any time any of such limitations or screening requirements are not met.

Each loading dock which contains three (3) or more loading bays or doors, or which has a width of forty-five (45) feet or more, shall be designed and constructed to comply with the following requirements: (i) landscaped islands having a width of not less than five (5) feet shall be constructed parallel to and alongside the driveway serving each loading dock extending for a distance of not less than thirty (30) feet from the loading dock into the loading apron; (ii) such landscaped islands shall be planted with landscape materials which will grow within three (3) years to a height equal to or greater than the top of the bay or door opening.

13. Pedestrian Walkways.

~~(a) At the time of construction of a building the OWNER of each BUILDING SITE shall construct, maintain and illuminate pedestrian walkways within the affected portion of its BUILDING SITE in accordance with the following standards:~~

(1) The width of all pedestrian walkways shall be four (4) feet.

(2) The pedestrian walkways shall be constructed of concrete with a decorative finish. Natural colored concrete is not permitted. Decorative finishes which are permitted include, but are not limited to: (i) tinted concrete; (ii) rock salt finish; (iii) decorative pavers; and (iv) washed aggregate finish.

(3) The OWNER of the BUILDING SITE shall, in addition to the foregoing requirements, install and operate at the OWNER'S expense lights to illuminate the pedestrian walkways for his BUILDING SITE at locations required for safety and shall maintain such pedestrian walkways in a safe condition.

(b) In addition to the requirements of subparagraph 13(a), the DEVELOPER may, in the process of reviewing building plans and specifications, require the BUILDING SITE OWNER to construct and maintain interior connecting pedestrian walkways inside the Landscape Buffer Zone to provide pedestrian access to buildings located on the BUILDING SITE.

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CLERK OF CIRCUIT COURT