AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting

1/19/2016

BCC MEETING DATE

TO: Michael D. Wanchick, County Administrator
DATE: December 21, 2015

FROM: Rebecca Dennis, Planner
PHONE: 904 209-0591

SUBJECT OR TITLE: PUD 2015-07 Tomoka Pines

AGENDA TYPE: Ex Parte Communications, Ordinance, Public Hearing

BACKGROUND INFORMATION:

This is a request to rezone approximately 22 acres from Open Rural (OR) to Planned Unit Development (PUD) to allow a 44 lot, single-family residential subdivision. The subject property is located on State Road 16, west of I-95. The Planning and Zoning Agency recommended approval at its December 17, 2015 regular meeting with a 6-0 vote. Please refer to the attached Growth Management Department staff report for project details and summary of the Planning and Zoning Agency meeting.

1. IS FUNDING REQUIRED? No

2. IF YES, INDICATE IF BUDGETED. No

IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:

INDICATE FUNDING SOURCE:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to enact Ordinance 2016-_____ PUD 2015-07 Tomoka Pines adopting findings of fact 1-9 to support the motion.
Motion to deny PUD 2015-07 Tomoka Pines adopting findings of fact 1-9 to support the motion.

For Administration Use Only:
Growth Management Department
PLANNING DIVISION REPORT
Application for Planned Unit Development
File Number: PUD 2015-07 Tomoka Pines

To: 
Board of County Commissioners

Through: 
Planning and Zoning Agency

From: 
Rebecca Dennis, Planner
Growth Management Department

Date: 
December 21, 2015

Subject: 
PUD 2015-07, a request to rezone from Open Rural (OR) to Planned Unit Development (PUD) to allow for a 44-unit single-family residential development.

Applicant: 
Douglas N. Burnett, St. Johns Law Group

Hearing date(s): 
Planning and Zoning Agency – December 17, 2015
Board of County Commissioners – January 19, 2016

Commissioner District: 
District 5

SUGGESTED MOTION/RECOMMENDATION/ACTION

APPROVE: Motion to enact Ordinance 2016-____ PUD 2015-07 Tomoka Pines based upon nine (9) findings of fact.

DENY: Motion to deny PUD 2015-07 Tomoka Pines based upon nine (9) findings of fact.
MAP SERIES

Location Map: The subject property is located on the north side of State Road 16 in between Intersate-95 and International Golf Parkway.
**Future Land Use:** The subject property is currently designated Rural Silviculture (R/S). The companion Comprehensive Plan Amendment (COMPAMD 2015-04) is proposing a Residential-C Future Land Use Map classification with a text amendment to limit the number of units to 44. Lands surrounding the property are designated R/S. Residential-B Land Use is located approximately 1/3 of a mile to the south.
**Zoning District:** The subject property is zoned Open Rural (OR). Lands immediately surrounding the property are zoned OR. One parcel to the north is zoned Residential Single-Family (RS-2). PUDs to the south include Tomoka Forest, Encanta and Whisper Ridge.
**Aerial Imagery:** The subject property contains approximately 22.17 acres of undeveloped land. Properties to the north include a single-family residence and undeveloped land. Properties to the south include a church and more undeveloped land. Property located across State Road 16 appears to be used for pasture and is described as a grazing use by the property appraiser. Properties further south include approved residential subdivisions on both sides of SR 16.
**APPLICATION SUMMARY**

The applicant is requesting to rezone approximately 22.17 acres of undeveloped land from Open Rural (OR) to Planned Unit Development (PUD) to allow a 44-unit single-family residential development located in the Northwest Sector of the County. This application has a companion Comprehensive Plan Amendment to change the Future Land Use from Rural/Silviculture (R/S) to Residential-C (Res-C) with a text amendment limiting the number of units to 44. The net density will be 2.7 dwelling units per acre.

**Lot Size:**

The applicant is proposing the following lot dimension standards:

- Minimum Lot size: 6,930 square feet
- Minimum Lot width: 63 feet

**Waivers**

The applicant is requesting the following waivers:

1. **LDC 6.01.03.E.3, Corner Lot Setback Reduction**

   **Request:** To allow the second front yard setback to be reduced by 50% on corner lots. This reduction is only allowed if site distance and visibility is not impacted.

   **Provided Justification:** Corner lots would otherwise be subject to having two front yards. The requested setback reduction will allow corner lots to be treated like the others in the neighborhood, thus allowing for houses of similar widths. Without the waiver, the houses would have to be narrower in width. The corner lots are entirely within the project and the setback reduction will not be visible outside of the project boundary and, therefore, not impact surrounding properties.

2. **Comprehensive Plan Policy A.2.1.3, Development Edge**

   **Request:** To allow the Development Edge to be a minimum of twenty (20) feet but maintain a thirty-five (35) foot average.

   **Provided Justification:** This waiver does not impact any adjoining uses and the intent of the Development Edge as there is no existing or future development contemplated next to this site being that it is adjacent to the Lower St. Johns Mitigation Bank.
3. **LDC 5.03.03.B.6.A, Fifty (50) foot setback from ROW of Arterials and Major Collectors for any Residential Lot**

   **Request:** To allow Lots 34-40 to have a reduced setback to Arterials and Major Collectors as shown on the MDP map.

   **Provided Justification:** Additional screening of a six (6) foot fence will be provided along Lots 34-40. Also, the property has unique wetland features and an irregular shape making it difficult to meet the strict technical requirements of the code in this small, defined area.

**TECHNICAL REVIEW**

This application was routed to all appropriate reviewing departments. All future site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the development has met all applicable local regulations and permitting requirements. No permits will be issued prior to compliance with all applicable regulations.

**PLANNING AND ZONING DIVISION COMMENTS**

The proposed rezoning is consistent with the companion Comprehensive Plan Amendment.

**RECOMMENDED ACTION**

Staff does not object to the application pending the resolution of the remaining open comments and the adoption of the companion Comprehensive Plan Amendment.

Staff finds the request substantially meets the requirements of the Comprehensive Plan and Land Development Code. These findings may be subject to other competent substantial evidence received at the quasi-judicial hearing.

**PLANNING AND ZONING AGENCY RECOMMENDATION**

The Planning and Zoning Agency heard this item at the December 17, 2015 regular meeting. The Agency voted unanimously to recommend approval of the application.

**ATTACHMENTS**

1. Proposed Findings of Fact
2. Recorded Documents Section
3. Application and Supporting Documents
4. NW Sector Community Meeting Summary
ATTACHMENT 1

PROPOSED FINDINGS OF FACT
## PROPOSED FINDINGS OF FACT
### PUD 2015-07 Tomoka Pines

<table>
<thead>
<tr>
<th>APPROVE</th>
<th>DENY</th>
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<tbody>
<tr>
<td>1. The request for a Rezoning has been fully considered after public hearing pursuant to the legal notice as required by Florida law and the St. Johns County Land Development Code.</td>
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<td>2. The PUD is not consistent with the goals, objectives and policies of the 2025 St. Johns County Comprehensive Plan.</td>
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<td>3. The PUD is consistent with the Future Land Use Designation Residential-C.</td>
<td>3. The PUD is not consistent with the Future Land Use Designation Residential-C.</td>
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<td>4. The PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.</td>
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<td>5. The PUD is consistent with the St. Johns County Comprehensive Plan specifically Policy A.1.3.11 as it relates to compatibility of the project to the surrounding area.</td>
<td>5. The PUD is not consistent with the St. Johns County Comprehensive Plan specifically Policy A.1.3.11 as it relates to compatibility of the project to the surrounding area.</td>
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<td>6. The PUD meets the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.</td>
<td>6. The PUD does not meet the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.</td>
</tr>
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<td>7. The PUD meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02(G) 1.t and 5.03.02.(F).of the Land Development Code.</td>
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<td>8. The PUD would not adversely affect the orderly development of St. Johns County.</td>
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<td>9. The PUD as proposed is consistent with Objective A.1.11 of the St. Johns County Comprehensive Plan as it relates to an efficient compact land use pattern.</td>
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ATTACHMENT 2
RECORDED DOCUMENTS SECTION
ORDINANCE NUMBER: 2016-

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the development of the lands within this Planned Unit Development shall proceed in accordance with the PUD application, dated May 11, 2015 in addition to supporting documents and statements from the applicant which are a part of Planning and Zoning File PUD 2015-07 Tomoka Pines, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, the Board of County Commissioners, finds as follows:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.

2. The PUD is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan, specifically Goal A.1 of the Land Use Element related to effectively managed growth, the provision of diverse living opportunities and the creation of a sound economic base.

3. The PUD is consistent with the Future Land Use Designation of Residential-C.

4. The PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.

5. The PUD is consistent with the St. Johns County Comprehensive Plan specifically Policy A.1.3.11 as it relates to compatibility of the project to the surrounding area.

6. The PUD meets the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.

7. The PUD meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02(G)1.t and 5.03.02.(F).of the Land Development Code.
8. The PUD would not adversely affect the orderly development of St. Johns County.

9. The PUD as proposed is consistent with Objective A.1.11 of the St. Johns County Comprehensive Plan as it relates to an efficient compact land use pattern.

SECTION 2. Pursuant to this application File Number **PUD 2015-07 Tomoka Pines**, the zoning classification of the lands described within the legal description, Exhibit “A”,

is hereby changed to PUD.

SECTION 3. The development of lands within the PUD shall proceed in accordance with the Master Development Plan Text, Exhibit “B” and the Master Development Plan Map, Exhibit “C”.

SECTION 4. To the extent they do not conflict with the specific provisions of this PUD Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to this development; except (a) that modification to this PUD by variance or special use shall be prohibited except where allowed by the Land Development Code; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, Comprehensive Plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein. Notwithstanding any provision of this ordinance, no portion of any use restriction, title conditions, restriction or covenants shall be deemed waived or varied by any provision herein.

SECTION 5. This Ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of the Court of St. Johns County in accordance with Section 125.68, Florida Statutes.

SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS _______________DAY OF ___________________________2016.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: ________________________________

JEB S. SMITH, Chair

ATTEST: HUNTER S. CONRAD, CLERK

BY: ________________________________

Deputy Clerk

EFFECTIVE DATE: __________________________
LEGAL DESCRIPTION:

TOMOKA PINES

A tract of land being the same property as described in that First American Title Insurance Company, Commitment for Title Insurance; File Number 2080-3255089, having an effective date of November 12, 2014, to wit: Government Lot 3, lying easterly of State Road No. 16 (formerly Mill Creek Road), in Section 36, Township 6 South, Range 28 East, St. Johns County, Florida. Less and except any portion lying within the lands described in deeds recorded in Official Records Book 3761, page 1138 and Official Records Book 877, page 271, Public Records of St. Johns County, Florida and being more particularly described as follows:

Commence at the Northwest corner of said Section 36; thence N89°44'11"E, along the North line of said Section 36, for 1440.38 feet to the point of intersection with the northeasterly right-of-way line of State Road No. 16 (a 200 foot right-of-way, as it is now established), per State of Florida, State Road Department right-of-way map, Section 78060-2509, said point also being the southwesterly corner of that certain property as recorded in Official Records Book 877, page 271 of the Public Records of St. Johns County, Florida, said point also being the POINT OF BEGINNING of the parcel described herein;

Thence continue N89°44'11"E, along the South line of said certain property and continuing along said North line of said Section 36, for 394.68 feet to the Southwest corner of the G.W. Perpall Grant, Section 42, Township 6 South, Range 28 East, St. Johns County, Florida, said point also being the most westerly corner of that certain property described as Parcel "E", as recorded in Official Records Book 3761, page 1138 of the Public Records of St. Johns County, Florida; thence along the westerly lines of said certain property, the following three (3) courses; (1) thence N79°20'19"E, continuing along said North line of said Section 36 and along the South line of said G.W. Perpall Grant, Section 42, for 871.08 feet to the point of intersection with the East line of aforesaid Government Lot 3; (2) thence S00°41'44"E, along said East line, for 1136.65 feet; (3) thence S79°20'44"W, for 480.16 feet to the point of intersection with aforesaid northeasterly right-of-way line of State Road No. 16; thence along said northeasterly right-of-way line, the following two (2) courses; (1) thence N36°40'11"W, for 1252.04 feet to the point of curvature of a curve concave to the Southwest; (2) thence northwesterly along the arc of said curve, having a radius of 2036.76 feet, a central angle of 02°03'59", an arc length of 73.46 feet and a chord bearing N37°42'11"W, for 73.46 feet to the POINT OF BEGINNING of the parcel herein described.

Containing 22.17 acres, more or less.

Said lands situated, lying and being in St. Johns County, Florida.
TOMOKA PINES PUD

MASTER DEVELOPMENT PLAN TEXT

This Master Development Plan Text is part of an application for rezoning to Planned Unit Development ("PUD") as required by the St. Johns County Land Development Code ("LDC").

A. **Project Description**: The Tomoka Pines PUD proposed by this Development Plan is a residential development that is located in the Northwest Sector of St. Johns County off of State Road 16, west of I-95. The project is also east of an existing residential development known as Whisper Ridge and in the area west of the St. Augustine Outlets. This development will fill demand for housing in this portion of the County where the urban infrastructure is already in place. Primary access to the property will be directly from State Road 16. Because of its proximity to existing development, infrastructure, and its infill location, the project is not urban sprawl. In fact, there is significant retail, office and industrial in the surrounding area.

B. **Development Size**: There is a total of approximately 22.17 acres of property within the PUD that are located within the Residential C Comprehensive Plan Designation as depicted on the Master Development Plan ("MDP") Map.

C. **Wetlands**: There is a total of approximately 6.99 acres of wetlands within the PUD.

D. **Development Area**: 22.17 total acres less 5.88 acres of preserved wetlands yields 16.29 developable acres.

E. **Dwelling Units and Density**: Residential development shall be limited to 44 residential units as shown on the MDP Map. This unit number is consistent with the Comprehensive Plan based upon a maximum base density within the Residential C category would be six (6) units per acre on 16.29 acres of uplands (6 x 16.29 = 97.14 units) not utilizing any wetland density bonus or optional density bonus; however, there is a site specific Comprehensive Plan Text limitation on the property, limiting total density to 44 units.

The density of the project is 2.70 units per acre based upon 44 residential units on a total of 16.29 developable acres. The projected population within the project is 107.36 persons based upon 2.44 persons per household, the St. Johns County concurrency standard. The estimated number of school age children within the project is 29.92 based upon the County standard of .68 school age children per household in the Bartram Trail High School Concurrency Service Area. Any builder selling homes in the Project will provide disclosure documents announcing the potential for children to be rezoned to different schools within the sales literature.

It should be noted that this residential density is consistent with the density allowed under the Residential C designation indicated on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan.
F. Non-Residential Development: None.

G. Site Development Criteria:

1. Residential Development. The residential areas may be developed with detached single-family homes with fee-simple form of ownership. Lot development criteria shall feature a minimum lot width of 63 feet (as calculated pursuant to Section 6.01.03A of the Land Development Code) with a minimum lot area of 6,930 square feet. Maximum Impervious Surface Ratio per lot shall not exceed 70%. Maximum lot coverage for all residential buildings is limited by Comprehensive Plan Policy A.1.11.3, Note 6, to a maximum of 65% within Residential C Land Use. The maximum building height for all structures shall be 35 feet except as permitted by LDC Section 6.07.02.

2. Setbacks. The following setback requirements shall apply to all residential structures. The setbacks shall be measured in accordance with the definition of "Yard" contained in Article XII of the Land Development Code and set forth below and in accordance with the following subsections of Section 6.01.03 of the Land Development Code as set forth in Section G.2.g below:

   a. Side Yard. The minimum side yards setback shall be 5 feet, with no projections, providing for a minimum clearance of 10 feet between any structures subject to LDC Section 6.03.01.

   b. Front Yard. The minimum front yard setback shall be 20 feet to the nearer of the face of the garage or home. Driveways may be located within the front yard setbacks.

   c. Rear Yard. Minimum rear yard setbacks shall be 10 feet.

   d. Corner Lot. Corner Lots have 2 Front Yards. The setbacks for corner lots shall be a minimum of 20 feet for one Front Yard and a minimum of 10 feet for the other Front Yard. The reduction of the second front yard to 10 feet shall only be allowed provided site distance and visibility is not impacted.

   e. Accessory Structures. Accessory Structures shall be allowed as per Section 2.02.04 of the Land Development Code. Detached Accessory Structures (other than guest houses and pools) that are separated from the main Structure by not less than 10 feet may be located in a required Side or Rear Yard but not less than 5 feet from any Lot line. Air conditioning, heating units and pads, and emergency electrical generators and fuel systems designed to serve the main structure may be located in any required side or rear yard but not less than 5 feet from any Lot line. There shall be no eave, air conditioning equipment, electrical equipment, or masonry wall/fence located within the boundaries of any underground utility or drainage easement. Pools shall
meet the setback requirements of the main use structure and shall not encroach into drainage and underground utility easements. Street lighting shall be allowed and be constructed in accordance with the Land Development Code.


Definition of Yard

A required open space other than a court unoccupied and unobstructed by a Structure or portion of a Structure from thirty (30) inches above the general ground level of the graded Lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any Yard subject to height limitations and requirements limiting obstruction of visibility.

Lot Width Area and Yard Requirements

A. Lots, Measurement of Width

The width of a Lot shall be measured at the most direct angle across the front of the required minimum Front Yard setback line. Provided, however, the width between the side Lots at their foremost points where they intersect with the Street Line shall not be less than eighty percent (80%) of the required lot width except when a Lot fronts on a cul-de-sac or curve, the Lot width shall be a minimum of twenty-five (25) feet.

B. Lot Frontage

1. On Interior Lots, the Front of a Lot shall be construed as the portion nearest the Street.

2. On Corner Lots, the frontage of a Lot shall be construed as the shortest boundary to a Street. If the Lot has equal frontage on two (2) or more Streets, frontage shall be determined by the County Administrator in accordance with the prevailing Building pattern, or the prevailing lot pattern, if a Building pattern has not been established.

3. On Through Lots, all portions adjacent to Streets shall be considered as a Front Yard for regulatory purposes.

C. One Dwelling Unit Per Lot
Only one (1) Single Family Dwelling Unit shall be permitted per platted Lot.

D. Lot Yards; Methods of Measurement; Special Requirements

The following rules shall apply with regard to determinations of Yards on Lots:

1. Yards Adjacent to Streets

   Required Yards adjacent to Streets shall be a minimum depth as prescribed in district regulations with the depth measured as perpendicular to the Street Line and the rear line of the required Yard parallel to the Street Lot line.

2. Front Yards on Interior Lots

   Front Yards on Interior Lots shall be constructed as extending between side Lot lines across the frontage of the Lot.

3. Front Yards on Corner Lots

   Front Yards on Corner Lots shall be construed as extending across the Lot from each interior side Lot line to the opposite Street Line. Corner Lots are considered to have two (2) Front Yards.

4. Front Yards on Corner Through Lots

   Front Yards on Corner Through Lots shall be construed as extending across the Lot from the interior side Lot line to a point at which the Front Yards meet. Corner through Lots are considered to have two (2) or more Front Yards, and one Side yard. At least one of the Front Yards must meet minimum setback requirements. The required Front Yard of one or more of the other of the frontages may be reduced by up to twenty percent (20%).

5. Interior Side Yards

   Interior Side Yards shall be construed as running from the rear line of the required Front Yard to the front line of the Rear Yard, if required or, if no Rear Yard
is required, to the opposite Lot line. The width of a required Side Yard shall be measured perpendicular to the side Lot line and the inner line of the required Yard shall be parallel to such outer line, at the minimum distance therefrom prescribed in district regulations.

6. **Interior Side Yards on Through Lots With More Than One (1) Front Yard**

Interior Side Yards on Through Lots With More Than One (1) Front Yard shall be construed as running to the rear lines of the Front Yards involved.

7. **Interior Side Yards on Corner Lots**

On Corner Lots, the Side Yard is the Yard along any Interior Lot line which intersects with a Street Lot line. When a Corner Lot has four (4) sides, the two (2) sides not adjacent to the Streets are both Side Yards and the Lot has no Rear Yard. If the Corner Lot has more than four (4) sides, the Yards along Interior Lot lines which do not intersect with a Street Lot line shall be considered Rear Yards and must meet the district regulations for such Yards. In all cases the restrictions on maximum Lot coverage and maximum impervious area must be met.

8. **Rear Yards**

Rear Yards shall be construed as extending across the full width of the Lot at its rear. Required depth of Rear Yards shall be determined in the same manner as required width of interior Side Yards.

9. **No Rear Yard Required on Corner Lots or Lots Providing Two (2) Front Yards**

On Through Lots Providing Two (2) Front Yards, and on Corner Lots, there will be no required Rear Yard, and Yards other than those adjacent to Streets shall be construed as Side Yards.

10. **Administrative Waivers for Errors in Yard Measurements**

If an error is discovered in the location of a Building or Structure relative to the minimum Yard
requirements, the Property Owner, or their authorized representative, may file a request for an Administrative Waiver. The review of the request and the final decision shall be made by the County Administrator, and shall be made in conformance with the following criteria:

a. Approval of the waiver shall not allow the Structure to exceed the required Yard setback more than ten percent (10%).

b. The corresponding opposite Yard must be larger than required by the same distance as the waiver request (to insure that the waiver is not just an attempt to place a larger Building on the Lot) or the waiver request concerns an intrusion of only a small corner of the Building (such as a house too close to the front of a cul-de-sac Lot such that it violates the Side Yard requirements at the front corner but nowhere else.)

c. Any waiver request which does not meet paragraphs a. and b. above shall be denied an Administrative Waiver and must comply with the Yard requirements or seek a minor modification pursuant to Section 5.03.05.B.

d. LDC Section 6.03.01 has requirements when structures are closer than 10 feet as measured from furthest projection to furthest projection. Either all structures must be protected with a fire system designed and installed in accordance with NFPA 13 or the required fire hydrants shall be capable of providing an additional 1000 gpm for 2 hours. Such flow shall be in addition to the required fire flow.

E. [Intentionally Omitted]

F. Permitted Projections Into Required Yards

1. Certain architectural features, such as eaves, bay windows and projecting fireplaces, which may occupy a portion of a Building footprint, may project not more than three (3) feet into required Front and Rear Yards but not Side Yards.
2. Mechanical equipment, such as air conditioning units, pumps, heating equipment, solar panels, and similar installations, and screening and housing for such equipment, may project into the required Side Yard(s) or Rear Yard(s) but shall be not located within five (5) feet of any lot line, and may not project into the required Front Yards. No permanent improvements including eaves, mechanical equipment, pools, pool enclosures and fencing with a foundation are permitted to encroach into any drainage easements.

3. Covered Patios and Covered Pools. For zoning districts requiring a Rear Yard setback twenty (20) feet or less, Covered Patios, Covered Pools, and similar Structures, as defined in the LDC, may intrude within five (5) feet of the rear property line (LDC Section 6.01.03.H.3) and shall not intrude into the required Side or Front Yards except as listed below. In no case shall the permitted intrusion of the Covered Patio, Covered Pool, or similar Structure reduce the Yard provided to less than five (5) feet, except where a drainage or underground utility easement exists. In such case, the reduction in setback shall not intrude into the easement but can match the said easement's boundary.

4. For Through Lots, a Covered Patio may intrude five (5) feet into the required Front Yard which functions as a Rear Yard and has no access to a Street. In no case shall the permitted intrusion of the Covered Patio reduce the Yard provided to less than ten (10) feet.

3. **Parking.** Parking for two vehicles shall be provided outside of the right-of-way within the parking area or a garage for each residential unit. Sufficient parking to serve any model homes will be located outside of the right-of-way within the driveway of the model homes; on adjacent lots/stabilized areas capable of accommodating more than two vehicles.

4. **Fencing.** Rear and side yards may be fenced with a maximum 6-foot high wood, vinyl, or similar type fence and front yards may be fenced with a maximum 4-foot high wood, vinyl, or similar type fence. No portion of any upland buffer, development edge or perimeter buffer as depicted on the MDP map shall be encroached upon by fencing. This restriction will not prohibit the Developer from installing perimeter fencing around the project’s boundary.
5. **Signage and Lighting.**
   
   a. *Project Identification Signage.* Project identification signs will be located at or near the entrance to the PUD off of SR 16 within the project boundary and shall be limited to a total of two (2) such signs. The project identification signs may be monument or ground signs and may be incorporated into a wall, fence, or other structure, and shall be no more than 15 feet in height with a maximum ADA of 32 square feet.

   The project identification signage may be lighted or externally illuminated and shall be landscaped. All permanent signs permitted within the PUD may be either monument type or ground signs, and may be incorporated into a wall, fence, or other structure and shall not obstruct visibility for vehicular traffic in accordance with LDC Section 7.02.03.A.

   b. *Internal Signage.* Various locational, directional, model home, and traffic control signs shall be allowed in accordance with the requirements of the Land Development Code to direct traffic and for identification of a sales office, recreation areas, sales centers, etc. Such signs may be lighted or externally illuminated and incorporated into a wall, fence, or other structure. Temporary signage shall be allowed within the Project in accordance with the requirements of the LDC.

   c. *Signage - Miscellaneous.* All signage ADA within the PUD shall not include the base structure or any decorative edging. Signage may not be located within the Development Edge. Signage may be within the scenic edge when designed as part of entrance feature. All of the signs within the PUD shall comply with Article VII of the Land Development Code except as stated herein. All signs proposed within the County’s right-of-way shall be subject to permit by the County.

   d. *Street Lighting:* Street lighting shall comply with the minimum requirements of the St. Johns County Land Development Code.

   e. *Maximum illumination will be limited to .20 foot candles at the zoning lot line.*

H. **Infrastructure:**

1. **Stormwater.** Stormwater will be handled on site with a series of ponds or lakes throughout the site and conveyed via the roadways and/or piping within appropriate easements. The drainage structures and facilities will be designed and constructed in compliance with the Land Development Code and other requirements in effect at the time of permitting, subject to the permitting requirements of the St. Johns River Water Management District. The drainage easements for the stormwater lakes and ponds depicted on the MDP Map will be dedicated to an approved property owners association on future plats for maintenance, drainage and access.
purposes. The stormwater ponds and lakes may have fountains. Native vegetation, including grasses, trees, and understory plantings, will be installed on portions of the pond banks to promote natural features.

2. **Vehicular Access/Interconnectivity.** All roads, streets, and parking areas shall conform to the design standards specified in the St. Johns County Land Development Code. Any modification to the roadways will comply with the requirements of the Land Development Code in effect as of the date of approval.
   
   a. **Internal Roads.** The internal roadways may be publicly owned and maintained, at the County’s sole discretion. The MDP Map depicts a preliminary vehicular circulation system that shows all proposed points of connection with public rights-of-way. The exact location and configuration of the internal roads shall be depicted on construction plans submitted for approval and shall be designed in accordance with the LDC.
   
   b. **Interconnectivity.** The Lower St. Johns Mitigation Bank is adjacent to the project so no opportunity for interconnectivity is possible. SR 16’s right-of-way will serve as the point of interconnectivity for vehicular traffic and pedestrian flow.
   
   c. **Access.** Access to the property will be by one (1) entrance off of SR 16, which will include a westbound right-turn lane. Any additional site access improvements or related connection improvements shall be constructed at Developer’s expense, including a right turn lane as depicted on the MDP Map.
   
   d. Bikeway and pedestrian interconnectivity will be accommodated as depicted on the MDP Map.

3. **Sidewalks.** A 4-foot wide sidewalk shall be provided on one side of each internal road as depicted on the MDP Map. Additionally, a 5-foot sidewalk will be provided along SR 16 as depicted on the MDP Map.

   All pedestrian accessible routes shall meet the requirements of the Florida Accessibility Code for Building Construction (FACBC), adopted pursuant to Section 553.503, Florida Statues and based on the 2010 ADA Standards for Accessible Design.

4. **Parks/Recreation.**

   Active based recreational parks containing a minimum of 1.0 acres of active based recreation will be provided, such as a tot lot, consistent with LDC Section 5.03.03.E.1. Additional passive and active recreation may be provided through pedestrian connections between residential parcels and other residential and recreation areas and through any open space or preservation areas, subject to compliance with applicable permitting requirements and construction plan approval.
The Developer shall be responsible for the construction of the park improvements described in this Subsection, and an approved property owners association or community development district shall be responsible for the maintenance of the improvements. To the extent the Florida Accessibility Code for Building Construction applies to the project, such Code Requirements shall be met.

The active recreation with acreage commensurate with the population projected for the number of lots will be constructed prior to as-built approval of infrastructure.

5. **Potable Water/Sanitary Sewer/Reuse.** Central water and sewer service shall be provided by the ST. JOHNS COUNTY UTILITY DEPARTMENT. The exact location of any required lift station will be determined upon construction plan approval. The MDP Map depicts the approximate location of the planned lift station.

6. **Fire/EMS Protection.** This development shall be in compliance with Section 6.03 of the Land Development Code.

7. **Solid Waste.** Solid waste collection shall be provided by the County-contracted waste collection company. Based upon an estimated generation of 5.71 pounds times 2.44 persons per dwelling unit, solid waste generation for 44 residential units results in an estimated 631.03 pounds per day.

8. **Utilities.** All electrical and telephone lines will be installed underground on the site. Electrical power will be provided by Florida Power and Light.

9. **Open Space.** Wetlands conserved consist of approximately 5.88 acres, upland preservation 0.51 acres, parks 1.0 acres, and scenic and development edges 2.74 acres, yielding 10.13 acres of open space or approximately 45.69% of the Project, which exceeds the required 25% open space.

10. **Low Impact Development.** It is the developer’s intent to implement Low Impact Development principles, that may include but not be limited to reducing overall irrigation usage, using retention ponds for irrigation water, reducing the size of stormwater management systems, proposing native plant material for planting areas, using pervious concrete in parking areas, reducing cleared and filled areas and leaving existing vegetated areas, and using bio-retention areas and swales to reduce sheet flows. The specific Low Impact Development Principles will be determined in the developer’s discretion at the time of construction plan approval.

   Irrigation shall be by reuse water if available. If reuse is unavailable, stormwater or the lowest quality water available shall be used until reuse becomes available. Any stormwater ponds with a surface area greater than one-half (0.5) acre shall be designed to utilize stormwater runoff for irrigation. (Policy D.3.2.6, E.2.1.6.g Comprehensive Plan, Section 6.06.02.E.3, Land Development Code)

11. **Excavation Activities.** Excavation activities shall be shown on construction plans and shall be allowed within approved Development Areas (as defined by approval
of construction plans) within the Project for the construction of stormwater management systems and ponds, wetland creation and/or wetland enhancement, lots and other similar uses and structures in conjunction with the development of the project, subject to all applicable permitting requirements. Additionally, fill dirt may be brought onto the project as needed to develop the project. This PUD shall allow early land clearing subject to permitting requirements of St. Johns County and the St. Johns River Water Management District appropriate for the stage of development. Prior to any such early clearing activity, the Developer shall provide to the County a tree inventory of protected trees as defined in Chapter XII of the LDC within the limits of the clearing for the road rights-of-way and the master drainage system. The Developer shall mitigate for any protected trees to be removed by such early clearing activity as required under Chapter IV of the LDC. No excavation activities will be permissible in areas utilized for density bonuses.

All off-site dirt removal from excavation activities shall be completed prior to approval and acceptance of the as-built drawings

12. **Upland Vegetation.** A minimum of 5% of upland natural vegetation will be conserved on-site within the upland buffers adjacent to contiguous and isolated wetlands, the natural/landscape buffers along the project boundaries, and the Development Edge.

13. **Existing Wells and Septic.** All existing wells and septic systems on the site will be properly abandoned consistent with the Florida Administrative Code and Environmental Health procedures prior to construction plan approval for any vertical construction. The only exception is for wells that may be used post-development if they are properly permitted. All wells and septic systems shall be located and abandoned prior to horizontal construction plan approval (clearing and grading).

14. **Wildlife Crossing.** A wildlife crossing will be provided that complies with standards of the St. Johns County Development Code. Signage identifying an at-grade wildlife crossing will be provided with the size and location to be determined at construction plan approval. The at-grade crossing will incorporate signage, speed limit of 35 mph, along with shrub and evergreen landscaping to direct wildlife to the crossing. The crossing shall allow room for wildlife to pass over the road without being interfered with, injured or threatened by vehicular and pedestrian traffic.

1. **Potable Water/Sanitary Sewer/Reuse:** Central water and sewer service will be provided by the ST. JOHNS COUNTY UTILITY DEPARTMENT, connecting to lines along SR 16. Water distribution, wastewater collection/transmission facilities and reuse facilities will be dedicated to St. Johns County. Based upon an estimated use of 350 gallons per day per residence, water and sewer use for 44 residential units results in an estimated 15,400 gallons per day for potable water and an estimated 15,400 gallons per day for sanitary sewer. The source for irrigation onsite shall be reclaimed water if onsite stormwater retention is not sufficient for irrigation. If reclaimed water is unavailable, stormwater
management facilities larger than one acre shall be used as a source of irrigation, when not
impracticable, until such time as reuse becomes available consistent with Comprehensive
Plan Policy D.5.3.1, E.2.1.6.g.

1. All utility construction projects are subject to the current
construction standards within the Manual of Water, Wastewater, and Reuse
Design Standards & Specifications at the time of review.

2. Utility connection points shall be installed as listed in the
availability letter or as directed otherwise by the St. Johns County Utility
Department to minimize impact to the existing infrastructure or to the
existing level of service.

3. Water, Sewer and Reuse lines that are to be dedicated to the St.
Johns County Utility Department for ownership that are not in public right-
of-way shall require an easement/restoration agreement.

4. No improvements such as pavement, sidewalks, and/or concrete
walks are to be placed on top of water, sewer, or reuse pressurized mains
unless otherwise approved by SJCUD. Landscaping trees and landscaping
buffers shall be placed at a minimum of 7.5 feet away from centerline of
utility pipelines.

J. Soils: A copy of the Soils Map reflecting the soils within the PUD is attached to the
Application.

The Soil Survey of St. Johns County, Florida (U.S. Department of Agriculture, Soil
Conservation Service) identifies three different soil types within the project boundaries.
The soils map appears to be generally accurate based upon field observations although the
historic land alterations have altered soil properties to some degree. A description of each
soil type can be found below:

Pomona Fine Sand (09). Pomona fine sand is a poorly drained, nearly level soil is
in broad areas in the flatwoods. The seasonal high water table is within 10 inches
of the surface for one to three months and is at a depth of 10 to 40 inches for six
months or more. During extended dry periods, the water table recedes to a depth
of more than 40 inches. Typically, the surface layer is black to very dark gray fine
sand about six inches thick. The subsurface layer, which is about 15 inches thick,
is gray and light gray fine sand

Holopaw Fine Sand (46). Holopaw fine sand is a poorly drained, nearly level soil
in low, broad areas in the flatwoods. The seasonal high water table is at a depth of
less than 10 inches for one to three months, but may recede to a depth of 10 to 40
inches for three to four months in most years. Typically, the surface layer is
covered with partly decomposed litter and organic matter about one inch thick. It
is mixed very dark gray and grayish brown fine sand in the upper seven inches, and
it is dark gray fine sand in the lower six inches. The subsurface layer, which extends to a depth of about 53 inches, is light gray to gray fine sand.

EauGallie Fine Sand (58). EauGallie fine sand is a poorly drained, nearly level soil on low knolls and ridges, adjacent to depressions and drainageways in the flatwoods. The water table is within 10 inches of the surface for a period of one to four months and within 40 inches for more than six months. Typically, the surface layer is black fine sand about six inches thick that contains many uncoated sand grains. The subsurface layer, about 11 inches thick, consists of gray and light gray fine sand.

K. Site Vegetation: The Level III classification of the Florida Land Use Cover and Classification System Map (FLUCCS) is attached to the Application.

This site consists of a total of four generalized community types or land uses. A breakdown of each community found on-site, as defined by the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (1999), characterize the project area. These communities are described below.

Pine Plantation (FLUCFCS 441). The majority of uplands can be classified as pine plantation. The canopy is dominated by slash pine (Pinus elliottii), longleaf pine (Pinus palustris) or loblolly pine (Pinus taeda). Understory is a mix of saw palmetto (Serenoa repens), wax myrtle (Myrica cerifera), and bitter gallberry (Ilex glabra).

Live Oak (FLUCFCS 427). These areas are defined by the live oak dominated canopy present. Understory is generally sparse, with a mix of saw palmetto, and wiregrass (Aristida stricta).

Cypress – Pine – Cabbage Palm (FLUCFCS 624). This community includes cypress (Taxodium spp.), pine (Pinus spp.), and/or cabbage palm (Sabal palmetto) in combinations in which no species achieves dominance. Understory can either be shrubby or dominated by hydrophytic grasses.

Wet Coniferous Plantation (Wet Pine Plantation) (FLUCFCS 441w). The canopy of this wetland community is dominated by planted slash pine (Pinus elliottii) at various densities and stand ages. Typical species found in the subcanopy include loblolly-bay (Gordonia lasianthus), yaupon holly (Ilex vomitoria), dahoon holly (I. cassine), and red maple (Acer rubrum). Understory and groundcover contains some fetterbush (Lyonia lucida), bitter gallberry (Ilex glabra), sweet gallberry (I. coriacea), hatpin (Eriocaulon spp.), bog button (Lachnocaulon spp.), broomsedge (Andropogon spp.), cinnamon fern (Osmunda cinnamomea), sundew (Drosera spp.), yellow-eyed grass (Xyris spp.), and club moss (Licopodium spp.).

L. Significant Natural Communities Habitat:

As confirmed by Environmental Services, Inc., no significant natural communities, as defined by St. Johns County, were noted within the boundaries of Tomoka Pines.

Listed Species:
The study by Environmental Services, Inc., was initiated with a literature search of the listed species known to occur in this portion of St. Johns County, Florida. The literature consulted included lists supplied by the Florida Fish and Wildlife Conservation Commission (FWC), the U.S. Fish and Wildlife Service (FWS), and the Florida Natural Areas Inventory (FNAI) along with technical publications and field guides. Based on this information, and knowledge of the specific habitat requirements for the individual listed species, the probability of each species occurrence on the site was considered.

Of the listed species with the potential to occur on-site, the FWC lists the wood stork (Mycteria americana) as endangered species. The FWS recognizes the wood stork as threatened. Furthermore, bald eagles (Haliaeetus leucocephalus) remain protected by both the state and federal regulations despite being removed from the endangered species list. None of the potential species were confirmed to be present during the wildlife investigations.

Bald Eagle (Haliaeetus leucocephalus). The bald eagle has been de-listed from the federal Endangered Species Act but is still protected through the Bald and Golden Eagle Protection Act. Under the Act, no “taking” of bald eagles, their nests, and/or their eggs is allowed without a permit from FWS. Bald eagles can utilize a variety of habitats ranging from salt marshes to hardwood swamps. They prefer to nest near large water bodies in large living pine trees. Based on this description, there is not suitable habitat on-site. Furthermore, according to the FWC Bald Eagle Nest Location Map, no documented nests are located within the project boundaries. A nest was located within five miles of the site to the west; however, this nest was last documented as active in 2010.

Wood Stork (Mycteria americana). FWS has not designated critical habitat for the wood stork but does designate Core Foraging Areas (CFA) for the species. In northern Florida, the CFA includes any suitable foraging habitat within a 13-mile radius of a colony. Suitable foraging habitat is described as a wetland or open water areas that are relatively calm, uncluttered by dense thickets of aquatic vegetation, and has a water depth between two and fifteen inches. Based on published colony maps, the property falls inside the core foraging areas associated with a known wood stork rookery approximately 9.8 miles southeast of the project site. There is no known suitable foraging habitat located within the project limits.

No known rookeries occur on-site or in the immediate surrounding areas. Development of this parcel will potentially create additional marginal foraging habitat through the construction of additional stormwater ponds.

Based on the results of the wildlife study and the review of existing site conditions, Tomoka Pines contained no direct evidence of any protected wildlife utilizing the site. Although the property is located within a Core Foraging Area for wood storks, there is no suitable wood stork foraging habitat on-site. Therefore, the development of the property will not have a potential adverse impact on wildlife.

M. Historic Resources:

See attached report.
The survey performed by Environmental Services, Inc., confirmed no archaeological sites or historic structures were encountered within the proposed project boundary and, therefore, no direct impacts to cultural resource will occur as a result of this development.

N. **Scenic Edge, Development Edge and Buffers:** A thirty-five foot (35’) Development Edge shall be provided around the Property Boundary as depicted on the MDP Map. An average Scenic Edge with an average width of seventy-five feet (75’) shall be provided along SR 16, as depicted on the MDP Map. The Development Edge and Scenic Edge shall be depicted on all construction plans submitted for review and shall be recorded on the Plat. The Scenic Edge and Development Edge are not a buffer as such term is used herein and signage as described herein and landscaping and other permitted items may be placed within the Scenic Edge and the Development Edge in accordance with the Northwest Sector requirements of the Comprehensive Plan. Consistent with Comprehensive Plan Policy A.2.1.3, retention ponds within the Development Edge or the Scenic Edge will incorporate and be designed as recreation amenities through the use of fountains, benches, gazebos and similar features. Buffer areas and buffer area calculations shall be included on all construction plans submitted for review and shall be recorded on the plat. Land clearing plans will be submitted for the roads, recreation areas and drainage facilities with the construction plans. The development will conform to all land clearing and tree replacement requirements outlined within the Land Development Code effective at the time of permitting. The project shall have a ten (10) foot natural/landscape buffer along the project boundaries, which buffer may be located within the Development Edge. Perimeter fencing to provide a minimum of eighty-five (85) percent opacity may be provided along portions of the project boundary to provide screening in those areas where there is limited existing natural vegetation.

**Screening:** The project shall meet the 20/B screening standard for residential development along SR 16, as per LDC Section 6.06.04.B.6. Additional screening will be provided by a 6-foot high wood, vinyl, or similar type fence to provide additional screening and separation from the right-of-way along the area where the setback is reduced to 40 feet for Lots 34-40.

**Natural Vegetative Upland Buffers:** A natural vegetative upland buffer with average width of twenty-five (25) feet or greater shall be provided around preserved, contiguous wetlands as shown on the MDP Map. This buffer shall be established to provide a greater overall acreage of buffer than a uniform minimum twenty-five (25) foot buffer. The minimum width of the buffer shall be ten (10) feet. Upland buffers and building setbacks shall be included on all construction plans submitted for review. The application of this natural vegetative upland buffer requirement shall be consistent with the LDC. The lot layout may be changed in accordance with LDC Section 5.03.05. Any building with a permanent foundation shall be set back twenty-five (25) feet from the average width natural vegetative upland buffer adjacent to contiguous wetlands.

**Landscaping and Irrigation:** The development shall be subject to LDC Section 6.06.00 regarding landscaping and irrigation.
Continued Silvicultural Practices: There is no non-residential development within this PUD. However, there will be allowed continued Silvicultural Practices in the non-wetland areas. The Property shall be allowed to continue all silvicultural uses of the Property (except within areas designated as conservation or undisturbed upland buffers on the MDP Map) limited to planting and harvesting of timber, on or upon the Property (“Silvicultural Uses”), provided that in no event shall such Silvicultural Uses occur within 35 feet of the Property’s boundary. The Owner’s rights to continue Silvicultural Uses and Management, as described herein, shall continue up to such time as construction plans have been approved, at which time such Silvicultural Uses and Management, excepting ingress and egress in furtherance of Silvicultural Uses and Management on portions of the Property not subject to construction plans, shall no longer be allowed upon the portions of the Property subject to construction plan approval. If silvicultural activities continue, the property will maintain at least 80 tree inches per acre after the silvicultural activities have ceased and that no specimen trees shall be impacted pursuant to LDC Section 4.01.05.C.6, 5.03.02.G.1.n. No such activity may occur without proper permitting and approval.

O. Special Districts: This PUD is not located in a Special District as defined by Article III of the St. Johns County Land Development Code.

P. Temporary Uses: All temporary uses allowed within the PUD will comply with the requirements of the Land Development Code. Development of this site and construction of the improvements may require temporary uses such as construction trailers, sales offices, or other trailers, temporary signage or temporary access, which uses shall meet all requirements of the Florida Accessibility Code for Building Construction (FACBC), including but not limited to an accessible route, accessible parking and signage. Temporary sales and construction trailers and other temporary improvements shall be removed from a lot or parcel before any improvements on such lot or parcel receive a certificate of occupancy from the County. Approximate locations of temporary construction trailers will be shown on engineering and construction plans. Model homes may be used as temporary sales centers and construction offices after as-built approval. Parking for the model homes and sales offices will be located within the driveway or on adjacent stabilized areas until roadway improvements have been approved by the County. Model homes may have one sign each, located on the lot. As allowed by the Land Development Code, model homes may be constructed prior to Final Plat approval. Model homes must be located on a residential lot shown on the Construction Plans. Model homes shall not equal more than 10% of the total number of lots allowed under an approved development permit. No certificates of occupancy shall be released until a final plat has been recorded and As-Builts have been approved by the County.

Q. Accessory Uses: All accessory uses and structures as provided in the Land Development Code are allowed within the project, provided such uses are of a nature customarily incidental and clearly subordinate to the permitted or principal use of the structure. The setbacks for accessory uses for residential development are addressed in subparagraph G. above. Accessory uses, such as home offices, pets, etc. will be allowed as per the requirements for residential districts stipulated within the Land Development Code.

R. Timing and Phasing: The development will be developed in one 10-year phase, which shall commence within 10-years of the approval of this PUD.
"Commencement" for purposes of this Section R is defined as the date of recording of the ordinance that approves this PUD. The project will be completed within ten years of commencement. "Completion" of development shall be defined as the installation of all infrastructure and the County approval of the as-builds for all improvements.

The Developer will dedicate the Recreation Amenity Area to an approved property owners association and will clear, grade, and construct the improvements within the Recreation Amenity Area described in Section H.4 above. The Recreation Amenity Area will be shown on the construction plans.

S. **Project Impact:** The project will provide on-site stormwater drainage facilities. The overall design incorporates green space, open space and varied active on-site recreational opportunities. ST. JOHNS COUNTY UTILITY DEPARTMENT has capacity and will provide all of the water and sewer facilities for the project. The project will therefore have minimal impact on the facilities and infrastructure of St. Johns County. The project is located within an area designated for residential development in the St. Johns County Comprehensive Plan. The project is also located within an area which is experiencing strong demand for housing in northern St. Johns County. The project will meet the demand for housing by residents of St. Johns County. The existing zoning district would not permit the property to meet the housing demand. The PUD zoning, rather than conventional residential zoning, allows the developer and the County greater control over development within this project. The developer has a present need and demand for residential units.

T. **Waivers:**

Corner Lots. Waiver to Land Development Code Section 6.01.03.E.3 to allow second front yard setback to be reduced by 50% on corner lots. Corner lots and would otherwise be subject to having two front yards. The requested setback reduction will allow corner lots to be treated like the others in the neighborhood, thus allowing for houses of similar widths. Without the waiver, some of the houses would have to be narrower in width. The corner lots are entirely within the project and the setback reduction will not be visible outside of the project boundary and, therefore, not impact surrounding properties.

Development Edge. Waiver per comprehensive plan policy A.2.1.3., to allow the Development Edge to be a minimum of 20 ft but maintain a 35 ft average. This waiver does not impact any adjoining uses and the intent of the Development Edge is maintain as there is no existing or future development contemplated next to this site being that it is adjacent to the Lower St. Johns Mitigation Bank.

50 ft Setback. Waiver to Land Development Code Section 5.03.03.B.6.A., to allow a reduction to the 50 ft setback requirement to allow for a 40 ft setback for Lots 34-40 as depicted on the MDP Map. To compensate for the setback reduction, additional screening will be provided by a 6-foot high wood, vinyl, or similar type fence to provide additional screening and separation from the right-of-way along the area where the setback is reduced to 40 feet for Lots 34-40. Additionally, the site has unique wetland features and an irregular shape that make it difficult to meet the strict technical requirements of the LDC in this small, defined area.

U. **Ownership/Agreement:** All successors in title to the Property shall be bound to and agree to comply with the commitments and conditions of the approved PUD.
V. **Future Land Use Designation:** The project lies within the Residential C Future Land Use designation. The total upland and wetland acreage for the project is addressed in subparagraphs B. and C. above and within the Development Summary contained in the MDP Map.

The project is located within the Northwest Sector Plan as identified by the Comprehensive Plan. As such, this PUD meets the Goals, Objectives and Policies of the Plan outlined above and more specifically Goal A.2 and Objective A.2.1 Northwest Sector Overlay, which provides for the basis for the plan of development. The PUD is also consistent with the Policies of the Plan, including Policy A.2.1.3 regarding the provision of a Development Edge, Policy A.2.1.7 Community Participation, Policy A.2.1.4 regarding the provision of a Scenic Edge and Policy A.2.1.9 regarding the general pattern of development (specifically items a., b., and d.). The PUD reflects the vision for the area, in that it is designed to ensure a safe transition into and out of the area and to be complementary to the development already in place. Development within the project is oriented away from the highway with extensive buffering.

Consistency with Comprehensive Plan: The project is located within the Residential C category of the 2025 St. Johns County Comprehensive Plan, with a net residential density for the project of within the allowable density for this land use designation and consistent with the overall area.

Development of the project is consistent with the St. Johns County Comprehensive Plan as it is located within a Residential C on the FLUM, which allows the type of development envisioned within the PUD.

The project is consistent with Objective A.1.2 Control of Urban Sprawl, in that the project does not constitute leapfrog development. It is consistent with Objective A.1.3 Surrounding Land Use and it is compatible with the adjacent existing residential development to the west and north per Policy A.1.3.11 Compatibility, whereas the property provides buffers to adjacent land uses and along the major roadways. It is also consistent with Policy A.1.9.5 regarding application by the provisions of the Planned Unit Development land development regulations, Policy A.1.9.5 by providing a Master Development Plan, and Policy A.1.9.5 by being served by central utilities. The project additionally satisfies Objective A.1.13 Community and Neighborhood Creation and Preservation. The development portion of the project is located within the Residential C Area category of the St. Johns County Comprehensive Plan making the proposed rezoning consistent with the Comprehensive Plan as defined within the Textual Appendix to the Future Land Use Element, Section 1 (a)(I) Residential Uses - Variable and Optional Density Systems for the "B" Zone and (iii) Residential Permitted Uses and is not incompatible with present or future land uses. The project also conforms to the requirements contained within the Northwest Sector Plan as detailed in this PUD Text and companion MDP Map.

Location: The project is located within Residential C designations on the 2025 FLUM, which allows for the type of development envisioned within the PUD. Therefore, the
project conforms to the requirements for location as stipulated within the Land Development Code.

Minimum Size: The area encompassed by this project is greater than the minimum size criteria for development under the criteria established within Article V of the Land Development Code.

Compatibility: The proposed use is compatible with the area and the overall community and meet the criteria established within Objective A.1.3 Surrounding Land Use, which provides that "When a rezoning is considered, the County shall ensure compatibility of adjacent and surrounding land uses. Land uses, as defined in Chapter 163, Part II, Florida Statutes (Growth Management Act), include but are not limited to permitted uses, structures and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses can co-exist over time such that no use is unduly negatively impacted by another use." Since, the County must determine whether the request is compatible, it is important to note that the surrounding uses do meet the criteria within the previous Objective, within Policy A.1.3.11, which states that "A rezoning request may be approved only upon determination that the application and evidence presented establish that all the proposed permitted uses are compatible with conforming land uses located on adjacent properties." The proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan whereby: the permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area; the proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway; the proposed permitted uses will not cause a public nuisance; and the proposed permitted uses, structures and activities within the PUD are allowable within the Residential C Future Land Use designations respectively. The proposed rezoning will not change the existing and allowable land uses, their impact to the surrounding area, the traffic flow for the site, or provide for any activities constituting a public nuisance.

Adequacy of Public Facilities: The subject property and future project is served by a major transportation system, central water and sewer and will provide on-site stormwater and drainage facilities that mitigate any off-site drainage impacts. The PUD will proceed under a Certificate of Concurrency consistent with Objective A.1.2 Control of Urban Sprawl, specifically Policy A.1.2.1 which states “The County shall only issue development orders or development permits consistent with the provision of the County’s Concurrency Management System, as provided in the Land Development Code.

Relation to PUD Regulations: The subject project meets all applicable requirements of Section 5.03.00 Planned Unit Development districts, as well as general zoning, subdivision and other regulations except as may be waived pursuant to Subsection 5.03.02 (F) of the Land Development Code.

Master Development Plan: The Master Development Plan Text and Map for this project meet all requirements of Section 5.03.02 (G) of the Land Development Code.
END DOCUMENTS TO BE RECORDED
ATTACHMENT 3
APPLICATION AND SUPPORTING DOCUMENTS
St. Johns County Development Review

Application for: Rezoning

Date: May 11, 2015

Property Tax ID No: 027440-0000

Project Name: Tomoka Pines PUD

Property Owner(s): Tomoka Pines, LLC

Phone Number: 904-495-0400

Address: c/o Douglas N. Burnett

Fax Number: 904-495-0506

City: St. Augustine

State: FL

Zip Code: 32080

e-mail: dburnett@sjlawgroup.com

Are there any owners not listed?  [X] No  [ ] Yes

If yes please provide information on separate sheet.

Applicant/Representative: Douglas N. Burnett

Phone Number: 904-495-0400

Address: St. Johns Law Group, 509 Anastasia Blvd

Fax Number: 904-495-0506

City: St. Augustine

State: FL

Zip Code: 32080

e-mail: dburnett@sjlawgroup.com

Property Location: SR 16 west of I-95 and west of the Tomoka Forest PUD

Major Access: State Road 16

Size of Property: 22.17

Cleared Acres (if applicable): 

Zoning Class: OR

No. of lots (if applicable): 44

Overlay District (if applicable): 

Water & Sewer Provider: SJCUD

Future Land Use Designation: C-RES

Present Use of Property: Vacant

Proposed Bldg. S.F.: 

Project Description (use separate sheet if necessary):

The Tomoka Pines PUD will be a 44 unit single family residential community in an area surrounded by residential development of similar density with major retail, commercial and industrial uses in the nearby area.

Please list any applications currently under review or recently approved which may assist in the review of this application including the name of the PUD/PRD:

COMPAMD 2015-04; PUD/PRD PA 2015-02

I understand that reasonable inspections of the subject property may be made as part of the application review process. I understand that any material misrepresentations or errors contained in this application or supporting documents may void an approved application, at the reasonable determination of the County considering the Land Development Code, Comprehensive Plan, and other applicable regulations.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

Signature of owner or person authorized to represent this application:

Signed By

Printed or typed name(s): Douglas N. Burnett, Esq.

Revised June 25, 2013
On Monday, July 27, 2015, at 6:00 pm, a Community Planning Participation Meeting was held for the Tomoka Pines Comprehensive Plan Amendment (CPA 2015-04) and Planned Unit Development (PUD 2015-07). The following summary is provided of the meeting pursuant to 2025 Comprehensive Plan Policy 1.2.7.

Notes from the meeting:

Jack Cubbedge expressed a desire for acceleration and deceleration lanes because of the speed limit on SR 16 and that the church up the street that doesn’t have them. Would prefer drought tolerant vegetation.

Wendy Zamecnik questioned the removal of trees which leads to noise from I-95 and that reducing the buffer her community already has will increase noise from I-95. She also stated that her community school division is split. Also commented that Tomoka Pines appeared to have smaller lot sizes than the other communities around her.

Patty Buechel questioned how will the community impact water and stormwater impacts to SR 16.

Alex Huckins (member of Board at Whisper Ridge) requested an email follow-up showing him where he could access map/location images of the property so that he could have that information when members of his community ask. Applicant forwarded the requested information to Mr. Huckins on July 28, 2015 via email.
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<td>Alex Buckins</td>
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<td>Charles Wester</td>
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<td>Dane E Corel</td>
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<td>Jack Cabage</td>
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<td>Patty Bueche</td>
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NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that the Planning and Zoning Agency - Thursday, 11/28/2019, at 1:15 p.m., and the St. Johns County Board of Commissions on Tuesday, 12/3/2019, at 4:00 p.m., will each hold public heaiiines in the County Auditorium, located in the County Administration Building at 601 San Sebastian View, St. Augustine, Florida 32084, to request rezones from Open Rural to Planned Unit Development (PUD), provide findings of fact, providing a savings clause, requiring recordation, and providing an effective date.

The subject property located on SR 16, west of I-95 and northwest of Tomoka Forest PUD.

This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Department located at the St. Johns County Permit Center, 601 Lewis Speedway, St. Augustine, Florida 32084, and may be inspected by interested parties prior to the public hearing. Items not heard by 4:00 p.m. shall automatically be continued until 5 p.m. the following day, unless otherwise directed by the board.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a video recording of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.

This matter is subject to court imposed equid-judicial rules of procedure. Interested parties shall have access to the Planning and Zoning Agency members on this topic, except compliance with Rule 55.10, to properly notice public hearing or utilize communication, at the Planning and Zoning Section, 4 Lewis Speedway, St. Augustine, Florida, 32084.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's Coordinator at (904) 561-5616 or the County Administration Building, Building 1, St. Augustine, Florida, 32084, at least three days prior to the meeting.

PLANNING AND ZONING AGENCY BOARD OF COUNTY COMMISSIONERS

ST. JOHNS COUNTY, FLORIDA ST. JOHNS COUNTY, FLORIDA

FILE NUMBER: PUD-2015-07 Tomoka Pines PUD 5-24-15 Dec 2

All hearings are public.

Published in the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida.

The attached copy of advertisement being a NOTICE OF REZONING matter of PUD 2015-07 - TOMOKA PINES PUD - 2 HGS is published in said newspaper on 12/02/2015.

further says that the St. Augustine Record is a newspaper published at Augustine, in said St. Johns County, Florida, and that the said newspaper has been continuously published in said St. Johns County, Florida, h day and has been entered as second class mail matter at the post office in the y of St. Augustine, in said St. Johns County, for a period of one year preceding first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, ate, commission or refund for the purpose of securing the advertisement for location in the said newspaper.

Who has produced as identification

[Signature]

Nature of Notary Public)

(Seal)

who is personally known to me

Day of DECEMBER 02, 2019

[Signature]

Name: [Signature]

Title: [Title]

Address: [Address]

City: [City]

County: [County]

State: [State]

ZIP: [ZIP Code]