

RESOLUTION 85-11

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, APPROVING THE APPLICATION FOR DEVELOPMENT APPROVAL OF SUMMER BEACH, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, on April 4, 1984, Summer Beach, LTD., hereinafter referred to as "Applicant", submitted in Nassau County, an application for development approval (ADA) for Development of Regional Impact (DRI) known as "Summer Beach", in accordance with Section 380.06, Florida Statutes; and

WHEREAS, Summer Beach proposes to develop approximately 2,415 dwelling units and related uses as defined on revised maps H-1 and H-2 and tables 12A-2 and 12A-3 of the DRI application upon real property located in Nassau County, Florida and owned by Summer Beach, LTD., as further described in the attached Exhibit "A" and made a part hereof; and

WHEREAS, The Board of County Commissioners, as the governing body of the local government having jurisdiction, pursuant to Section 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider applications for development approval; and

WHEREAS, pursuant to Section 380.06 (7), Florida Statutes, a Notice of Public Hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, a public hearing was commenced in these proceedings on August 3, 1984 and said hearing was continued and further hearings have been held on September 13, 1984, October 16, 1984, October 22, 1984, and November 19, 1984, before the Board of County Commissioners of Nassau County, Florida; and

WHEREAS, the Nassau County Planning Commission has had the opportunity to review the application for development

approval and the Planned Unit Development Application and has recommended approval to the Board of County Commissioners; and

WHEREAS, pursuant to Section 380.06 (11) Florida Statutes, The Northeast Florida Regional Planning Council (NEFRPC), the appropriate regional planning agency, prepared and submitted to Nassau County its report and recommendations on the regional impact of the development; and

WHEREAS, the Board of County Commissioners and said Planning Commission have considered the testimony, reports and other documentary evidence submitted at said public hearings by said Summer Beach, NEFRPC, as well as Nassau County staff, and the public in attendance at said public hearings; and

WHEREAS, said Board of County Commissioners, having considered all the foregoing and being fully advised and informed in the premises;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, that said Board makes the following findings of fact:

1. A Notice of Public Hearing in these proceedings was duly published in the Fernandina Beach News Leader, a newspaper of general circulation in Nassau County, Florida, pursuant to Section 380.06 (10), Florida Statutes, and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this development and owned by Summer Beach, LTD., is located in Nassau County, Florida and is described on attached Exhibit "A" and made a part hereof.

3. Upon consideration of all matters prescribed in Sections 380.06 (12) and 380.06 (13), Florida Statutes, The Nassau County Comprehensive Zoning Code, and other applicable provisions of local and state law, the Commission has determined that as conditioned by the approval hereby granted the Summer Beach Development described in the application:

a. Is not located in an area of critical State concern;

b. Does not interfere with the achievement of the objectives of any adopted State land development plan applicable to the area;

c. Is consistent with local land development land regulations;

d. Adequately addresses the concerns of regional impact stated in the report and recommendations of the Northeast Florida Regional Planning Council dated July 12, 1984 on file in these proceedings and is consistent with that report.

e. The granting of the Development Order will not adversely affect the public safety and welfare.

4. The Applicant has met the requirements for beach access and parking, pursuant to Florida Statutes, Section 161.091 and the Corps of Engineers guidelines as well as the Board of County Commissioners policy for greater public access, by conveying to the County, a 12 acre parcel to be used for a park as well as the reconditioning of the existing Scott Road access and the dedication of an existing easement for public use with the construction of appropriate dune walkover and parking areas.

BE IT FURTHER RESOLVED that the Board enters the following conclusions of law:

1. The proceedings herein have been conducted in compliance with the provisions of Chapter 380, Florida Statutes; and all conditions precedent to the granting of development approval as required by Chapter 380, Florida Statutes, have occurred.

2. This Resolution constitutes a Development Order pursuant to Section 380.06, Florida Statutes, for the Summer Beach DRI. The following documents filed by the Applicant are

incorporated herein by reference, and the proposed development shall be carried out substantially in conformance with the ADA, incorporating the following documents:

a. Planned Unit Development Application and Development of Regional Impact Application for Development Approval submitted to Nassau County, by letter dated April 4, 1984.

b. Large scale atlas of maps B, C, D, E, F, G, H-1, H-2, and Maps J-1 through J-7 as described on page 11 of Exhibit "A".

c. Response to Sufficiency Review and Addendum, dated May 14, 1984.

d. Supplemental Data: Dune System and Hammock Area dated June 15, 1984.

e. Summary of Exhibit A, dated June 18, 1984.

f. Alternative Concept Plan for Beach Parks Access Plan dated November 16th, 1984.

g. Revised Maps H-1R and H-2R.

h. Revised Tables 12A-2 and 12A-3

3. The Zoning Director is designated as the local official responsible for receiving and monitoring the annual reports. The provisions of Florida Statutes, Section 380.06 (15) shall apply to this development order and the local official designated to monitor the annual reports.

4. This Development Order shall take effect upon adoption and shall remain in effect until the date of buildout. The period of effectiveness of this development order shall be tolled during any period of time during which there is any building permit moratorium affecting the property within the Summer Beach DRI boundary imposed by Nassau County or other governmental agencies having authority to do so.

5. The ADA for Summer Beach is hereby approved subject to the general and special conditions of development contained in

attachment "B" which is made a part hereof by reference.

6. Pursuant to Section 380.06 (16), Florida Statutes, and Section 9B-16.25, Florida Administrative Code, Applicant shall provide an annual monitoring report relating to its activities to the Zoning Director, the NEFRPC, the DCA, the Florida Department of Environmental Regulations, and the St. Johns River Water Management District commencing one year from the effective date of this development order and continuing until project buildout. The annual report shall contain the following information:

a. Total amount of square footage of buildings by land use type and number and type of housing units constructed during the preceding 12 months and estimated for the ensuing 12 month period, with appropriate maps.

b. Total number of school children from Summer Beach enrolled in Nassau County Schools, by grade, based on school Board records.

c. The energy conservation measures, as stated in the energy related conditions to the development order, which have been implemented during the preceding 12 months.

d. Measures taken to safeguard the Gopher Tortoise and Eastern Indigo Snake, including relocation sites.

e. Measures taken to protect or relocate the other rare, threatened or endangered vegetative or wildlife species, or species of special concern.

f. Results of water quality monitoring.

g. Measures taken to protect the Coastal Hammock community and the Dune/Hammock interface areas.

h. A copy of any subsequent modification of this adopted development order.

i. Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) district office in

Lake City as well as to the County the NEFRPC and the DCA. The first traffic report shall be due two years after the effective date of this development order and shall be provided annually for 20 years or until project buildout, whichever is later, unless otherwise specified by the NEFRPC. The following information shall be included:

(1) A description of current development by land use type, location, number of housing units and commercial and office square footage, along with the proposed construction schedule for the ensuing 12 month period, and appropriate maps.

(2) Traffic counts, turning movements and levels of service, actual for the past 12 months, on major roads in the primary impact area as depicted on Map J in Exhibit "A" attached. Actual FDOT traffic counts shall be used where possible. If actual FDOT counts are not available for a particular road, the Applicant shall retain, at his expense, a traffic engineering firm, acceptable to Nassau County and FDOT, to collect the necessary counts.

(3) A discussion of actual and projected traffic volumes in terms of the percentage relationship of Summer Beach traffic, non-project traffic using public roads and intersections of the internal road system with external public roads. The methodology used to project future traffic and to determine traffic percentages shall be described.

(4) A description of new and/or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by the Applicant or governmental entity to adequately accommodate the total existing and anticipated traffic demands.

(5) A schedule for implementing the traffic improvements described in 4 above.

7. Definitions contained in Chapter 380, Florida

Statutes, shall control in the construction of this development order.

8. The obligations of this development order shall run with the land. The present owner of the property which is the subject of this ADA, shall be bound by the terms of this development order so long as it owns such property. This development order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this development order. If the County is a party in any judicial or administrative proceeding to enforce this development order, the Applicant or its successors shall pay the County, if the County prevails and the action is determined not to be frivolous, its reasonable attorney fees and costs of such action. Nothing contained herein shall preclude the Applicant from recovering its or the County's attorneys fees and costs from other parties when authorized by law or contract.

9. In the event that any portion or section of this development order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this development order shall remain in full force and effect.

10. Any changes to the final development order shall contain a finding of whether the matter considered constitutes a substantial deviation from the development pursuant to the requirements of Section 380.06 (17), Florida Statutes. The Northeast Florida Regional Planning Council shall be given notice of the date and time which any such given change shall be considered.

11. Notice of the adoption of this resolution and a certified copy of this resolution shall be recorded by the Applicant in accordance with Section 380.06 (14) (d), Florida Statutes.

12. The County Clerk shall transmit a certified copy of this development order by certified mail to the DCA, the RPC, and the Applicant.

PASSED AND ADOPTED this 19th day of December

1984.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA

By John F. Clayton
Its Chairman

ATTEST:

By T. J. Greeson

T. J. Greeson
Its: Ex-Officio Clerk

ATTACHMENT B

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GENERAL AND SPECIAL CONDITIONS OF DEVELOPMENT

The following are the general conditions for development of the Summer Beach Development of Regional Impact:

1.0 GENERAL CONDITIONS

1.1 The Summer Beach ADA and subsequent documents identified as Exhibits A through H, are made a part of the development order.

1.2 This Development shall be subject to further Section 380.06 review in the event physical development, as defined in Section 380.04, Florida Statutes, has not commenced within three years of when this Development Order becomes final; provided this time period shall be tolled during the pendency of any judicial or administrative review of this development order or permit necessary thereto.

1.3 The subparcel final development plans shall address the cumulative impacts of all previously approved phases and shall be altered, if necessary, to mitigate any unanticipated adverse cumulative impacts that have resulted from the approved development or prior subparcels.

2.0 SCHOOL COMMITMENT

2.1 The annual monitoring program for the project shall include a census of school age children (k-12) who are resident of Summer Beach and shall identify attendance by public and private school. The Nassau County School Board shall be provided a copy of the census.

2.2 Applicant shall cooperate with the County and School Board in the preparation of the studies regarding an "Impact Fee" Program to support improvement to schools. Applicant shall be subject to any county wide impact fee that may be imposed by the County and/or the School Board for such public facilities; however, the fees shall be subject to the set offs as stated herein.

3.0 TRANSPORTATION

3.1 The Applicant shall fund a detailed Island wide transportation survey of Amelia Island to determine relative impact and transportation needs. The Northeast Florida Regional Planning Council (NEFRPC) shall contract directly with a transportation firm chosen jointly by Nassau County through the County Engineer and the NEFRPC. The Applicant will be solely responsible for the funding of the study and shall be bound by the findings of the transportation study. Upon the selection of the firm, the Applicant shall be notified and the funds shall be placed on deposit with the Northeast Florida Regional Planning Council within 30 days of the notification date for distribution to said firm. The Northeast Florida Regional Planning Council shall, as part of their contractual relationship with the transportation firm, require that the study be performed and completed in a timely manner.

3.2 If warranted by the Island-wide traffic study to be conducted by the County of Nassau, the Applicant shall pay his proportionate share of the cost for widening to four lanes that segment of Amelia Island Parkway extending from the Amelia Island Parkway-South Fletcher Avenue intersection to the main entrance to Parcel B. After reviewing the analysis and monitoring reports, Nassau County may designate a date in phase 1 that road

construction shall begin, as well as require the Applicant to pay his proportionate share to widen the Amelia Island Parkway to a point beyond the main entrance to parcel B, if warranted. The Applicant shall be required to fund his share of the improvement costs and the Board of County Commissioners shall negotiate with the Applicant the most appropriate method of obtaining those costs. The applicant's share of road improvement costs shall be based on the percentage of Summer Beach generated traffic using such improvements.

3.3 Prior to the commencement of phase 2, the Applicant shall be required to fund the cost of constructing right and left turn lanes on Amelia Island Parkway at the entrance to Parcels A1, A2, and A7.

3.4 If warranted by the Island-wide transportation study and monitoring reports, the Applicant shall be required to pay his proportionate share of improvement costs with the appropriate governmental agency for signalization and improvements at the intersections of Amelia Island Parkway with Fletcher Avenue and Julia Street. The Applicant's share of improvement costs shall be based upon the percentage of Summer Beach generated traffic using such improvements.

3.5 If warranted by the Amelia Island traffic study and monitoring reports, the Applicant shall be required to pay his proportionate share of the cost of widening to four lanes that segment of State Road 105A extending from the State Road 105A/Amelia Island Parkway intersection to 105A/14th Street intersection. The Applicant shall also be required to share the cost of signalization at the intersections of State Road 105A with Amelia Island Parkway and 14th Street when warranted. The Applicant's proportionate share of improvement costs shall be based on the percentage of Summer Beach generated traffic using such improvements. The Board of County

Commissioners shall negotiate with the Applicant the most effective method of obtaining the cost for the hereinbefore mentioned work.

3.6 If warranted by the Island-wide transportation study and annual traffic monitoring reports, the Applicant shall pay a proportionate share of the cost for widening to four lanes the segment of Amelia Island Parkway from Fletcher Avenue to State Road 105A (Amelia Road). The applicant's proportionate share of road improvement costs shall be based on the percentage of Summer Beach generated traffic using such improvements. The Board of County Commissioners shall negotiate with the Applicant the most effective method of obtaining the cost for the hereinbefore mentioned work.

3.7 If, based upon the Island-wide transportation study and annual traffic monitoring reports, the Nassau County Engineer determines that the following improvements are warranted, the Applicant shall be required to pay his proportionate share of the cost of such improvements. These improvements shall include:

a. Widening to four lanes that segment of Amelia Island Parkway extending from South 14th Street to State Road AIA (near Thomas J. Shave Bridge) intersection.

b. Signalization of the Amelia Island Parkway/State Road AIA (Near Thomas J. Shave Bridge) intersection.

c. Widening of South 14th Street to four lanes. Nassau County, through the County Engineer, shall review the annual traffic monitoring reports prior to making the determination of needed improvements. The applicant's proportionate share of improvement cost should be based upon the percentage of Summer Beach generated traffic using the improvements mentioned above.

3.8 If warranted by the Island-wide transportation

study and annual traffic monitoring reports, the Applicant shall pay a proportionate share of the cost of widening the six lanes, that segment of State Road 105A extending from State Road 105A/Amelia Island Parkway intersection to its intersection with South 14th Street. The proportionate share of improvement cost shall be based upon the percentage of Summer Beach generated traffic using such improvement. The Board of County Commissioners shall negotiate with the Applicant the most effective method of obtaining the cost for the hereinbefore mentioned work.

3.9 If, based upon the Island-wide transportation study and monitoring report, Nassau County, through its engineer, determines that traffic generated by Summer Beach is impacting a roadway or intersection in the County road system within the project's primary impact area on Amelia Island not addressed by the Summer Beach development order, the Applicant shall be required to pay his proportionate share of the cost of improving such roadways. Nassau County, through its engineer, shall review the annual traffic reports prior to making its determination. The applicant's proportionate share of improvement cost shall be based on the percentage of Summer Beach Traffic using such improvements. The Applicant shall pay his share of improvement cost to the County. This stipulation applies only to those county maintained roads that are within the primary impact area as established in the Summer Beach ADA.

3.10 The Applicant shall dedicate to Nassau County additional right of way which he owns along the road frontage of parcels A, B, and C and out of the parcels along the roadway leading to AIA near the Thomas J. Shave Bridge. accommodate the required widenings of the Amelia Island Parkway.

3.11 The Applicant shall pay a proportionate share of the impact, if any, that the development will have on the City

golf cart grade crossing that may be recommended in the Island Wide Transportation Study.

4.0 LAND RESOURCES/DUNES

4.1 The Applicant shall preserve a minimum of 40% of the dune interface area and be required to preserve not less than 17% of the 225 plus or minus acre hammock. A minimum of 10% of hammock canopy trees (22 acres) shall be preserved within the developed areas and shall be aligned in a North/South direction to the extent possible. The Applicant shall submit specific plans to the Board of County Commissioners and Planning Commission, for their approval, as regards the preservation of the Oak Hammock area and dune interface area and the Applicant shall be required to gain approval of all plans from the Game and Fresh Water Fish Commission and comments from the NEFRPC prior to submitting it to the County. The County Commission and Planning Commission shall review and approve any final development plans to insure that the environmentally sensitive parts as determined by Game and Fresh Water Fish Commission of the site are preserved and protected and that the vegetation/wildlife habitat are protected where possible. The Applicant shall retain a biologist who shall submit a report with each proposed plan or a master plan of the project that would be submitted to the above mentioned boards. The Applicant shall submit maps showing cumulative area preserved for hammock and dune interface with the submission of each final development plan. Preserve areas shall meet the following criteria:

(a) At least 17% of the hammock areas shall be preserved if a majority of the preserve is in parcels of 8 acres or more; at least 25% shall be preserved if a majority are in parcels of 3 to 7 acres. Such areas can contain nature walks and

bike trails in the periphery of the parcels, but shall exclude use by motorized vehicles.

(b) Where possible preserved parcels shall be connected by preserve corridors of 50 to 100 feet in width. One quarter of the parcels and corridors to be preserved shall be set aside prior to the commencement of development in each of the four phases.

(c) A section of dune/hammock interface at least 200 feet in length shall be preserved in the area of higher gopher tortoise concentration in Parcel B.

(d) A majority of the dune/hammock interface preserve shall be in parcels at least 200 feet in length with a 100 foot minimum length.

(e) The preserved parcels shall be retained in a north/south alignment within the limits of natural site conditions to complement the north/south interface slope area.

4.2 The canopy and understory vegetation shall be retained, to the greatest extent possible, as natural landscape.

4.3 The Applicant shall, to the maximum extent possible, preserve trees for the migratory bird population. The County Commission shall review and approve said plans.

4.4 The Applicant shall preserve to the maximum extent possible a buffer zone of existing vegetation around the perimeter of the 12 acre marsh in parcel C. The amount of buffer shall be 25 square feet per linear foot of marsh perimeter. The buffer shall be located such that not less than 35% of the marsh perimeter has a minimum 25 foot wide buffer of existing vegetation. The location of the buffer shall be identified on a map at a scale of 1:200 and submitted simultaneously to the FGFFC for review and approval and to the NEFRPC for comment 30 days prior to the submission of the subparcel's final development plans.

4.5 All the areas to be preserved shall be roped off prior to the commencement of development in each phase

4.6 The development of parcels A and B shall be subject to the following:

a. Excavation shall be confined to development zones, containing building pads, drainage, parking and access driveways, and recreational facilities, with maximum efforts made to minimize damage in all areas of the dune system and with no net removal of material.

b. Construction seaward of the Coastal Construction Control Line shall be prohibited with the exception of dune walkover structures and dune stabilization measures as approved by DNR. The Applicant has agreed to waive his right to seek a permit to build seaward to the coastal setback control line.

c. Any excavation in the secondary dune system shall not reduce existing crest elevations below 26 feet above mean sea level.

d. Each final development plan for parcels A and B shall include a map indicating any breach in the primary dune and shall be submitted to the DNR for its review and approval. All breaches shall be filled and revegetated at the commencement of each phase.

e. In Parcels A and B, construction seaward of the secondary dune system and landward of the coastal construction control line shall occur only at a habitable floor elevation of at least 20 feet above mean sea level.

f. Vegetation plans for beachfront parcels A and B shall be submitted to the DNR for its review and approval, with a copy to the NEFRPC. Plans shall identify any areas presently devoid of vegetation and specific plans for their vegetation by phase. Vegetation shall be completed in accordance to timing as shown in the plan, either before or during development of the applicable phase, as approved by the DNR.

4.7 Final development plans for each phase of the Summer Beach PUD shall be submitted to the NEFRPC simultaneously with submission to the County. The plans shall include the following information specifying protection of the dunes and other natural resources as generally committed by the Applicant.

a. Measures to be taken to enhance and preserve the integrity of the dune system, such as revegetation and filling of breaches;

b. Building footprints and designs, lot grading and layout, and heights of buildings above MSL;

c. Location of dune walkovers;

d. Location of "V" zone flood plain;

e. Location of parking;

f. Erosion control plans for the construction period; and

g. Location of retention and detention basins.

4.8 Canopy and understory species native to the site shall be utilized in the landscaping of the site to the greatest extent possible.

5.0 WATER RESOURCES

5.1 Plans for all storm water containment areas shall be approved by the Board of the Amelia Island Mosquito Control District before construction permits shall be issued. The Applicant shall submit to the Mosquito Control Board, the County and SJRWMD for review and approval an ongoing management plan to maintain these retention/drainage systems in working condition.

5.2 The 12 acre fresh water marsh in Parcel C shall be retained in its natural function with only predevelopment level flows directed into the marsh, after pretreatment through swales for removal of surge load pollutants.

5.3 The Applicant shall work with Amelia Island Waterworks to provide a report on the feasibility of the use of an effluent spray irrigation system for irrigation purposes in Summer Beach, and submit it to the NEFRPC, the County and the SJRWMD for review and recommendations prior to initial development.

5.4 To maximize water conservation in Summer Beach, the Applicant shall install or have installed water conserving (low volume) water closets, and faucet and shower flow restrictors in all structures, and, to the maximum extent feasible, shall retain and use indigenous plants for landscaping.

5.5 The Applicant shall be responsible for preparing and executing a water quality monitoring plan that shall meet specifications set forth by DER.

6.0 WILDLIFE

6.1 To the maximum extent possible, the habitat of any rare, endangered or threatened species or species of special concern as noted by the Game and Fresh Water Fish Commission shall be preserved. The dune interface slope preserve areas shall be selected to enhance and preserve habitats of the gopher tortoise. This habitat shall be mapped and so designated as a preserve on the subparcel final development plan and the location and size of the habitat shall be reviewed and approved by the Game and Fresh Water Fish and Management Commission 30 days prior to the submission of any subparcel's final development plan.

6.2 A detailed beachfront lighting plan designed to protect the Loggerhead Turtle, a threatened species, shall be submitted to the FGFFC for review and approval and to the NEFRPC for comment prior to commencement of development

6.3 Educational material on the natural habitat and

protection objectives for the project shall be included in marketing and management materials.

7.0 HISTORICAL AND ARCHEOLOGICAL SITES

7.1 If, in the process of development, any archeological sites are discovered, the Applicant shall immediately notify the State Division of Archives, History and Records Management. No disruption of the findings shall be permitted for thirty (30) days after notification of DAHRM or until the DAHRM officials can make an investigation, whichever occurs sooner. The Applicant shall abide by the recommendations of DAHRM as to the treatment of any site discovered.

8.0 WATER SUPPLY

8.1 The use of septic tanks in any phase shall not be permitted for any permanent structure.

8.2 In the event potable water and/or sewage treatment facilities are not available from the Amelia Island Waterworks to meet the proposed phases, then the Applicant shall present a revised phase schedule to the Regional Planning Council and the Board of County Commissioners for review and approval. In any event development shall not go forward until capacity is available.

9.0 PUBLIC SAFETY

9.1 All buildings in excess of three (3) stories shall be equipped with internal fire suppression/protection equipment such as stand pipes, sprinkler systems and pressurized stair wells based upon recommendations of the County Public Safety Director and Fire Chief for the particular fire district. In

addition, streets leading to all buildings should be wide enough and have sufficient support to accommodate heavy fire suppression apparatus up to the size for a ladder truck.

9.2 On or before commencement of construction of Phase I, the Applicant shall contribute to the County of Nassau, or other appropriate entity designated by the County, one (1) 1,250 gallon capacity fire pumper/tanker. The Applicant shall receive credit for the fire pumper against any future impact fees to be levied or negotiated to mitigate impacts for the project.

9.3 The Applicant should be required to place the appropriate fire hydrants and water mains on the vicinity prior to building materials being placed on the site. Said fire hydrants shall be located and provide water pressure as specified by the Public Safety Director.

9.4 Transfers of title to any property in the project shall be accompanied by a hazard disclosure stating that Amelia Island is within a hurricane hazard area in which property is subject to damage and residents may be subject to an evaluation order in the event of any hurricane land falling within 50 miles of Amelia Island.

10.0 ENERGY

10.1 All outdoor lighting shall use energy efficient systems such as high pressure sodium or low pressure sodium, which use less energy than other less efficient systems. The Applicant shall evaluate the cost effectiveness of a solar hot water system for the 400 room hotel. Heat recovery units shall also be addressed in the hotel evaluation. This study shall also include the cost effectiveness of a solar system or heat recovery unit in the tennis/racquetball court recreational center in

Parcel B8 which is adjacent to the hotel. The cost effective methodology shall be an acceptable method. The report shall be submitted to the County and RPC for review and comment prior to the construction of these facilities in Phase I.

10.2 All permanent utilities shall be placed underground.

10.3 To evaluate the success of the energy conservation measures listed in the ADA, the Applicant shall provide the NEFRPC with information as to the status of implementation of these measures in its annual report required by Florida Statutes, Chapter 380.06 (16).

10.4 The Applicant shall insure that all contractors and builders on the project shall incorporate, where possible, the energy conservation measures as listed in the ADA.

11.0 RECREATION AND OPEN SPACE

11.1 The Applicant shall be required to construct a multi purpose trail system according to the following NEFRPC standards:

a. All residential areas shall be linked to recreational facilities, dune walkovers and commercial areas.

b. Bike racks shall be placed at the dune walkovers and the shopping area(s).

c. A multi purpose trail system map at the 1:400 scale depicting the location shall be submitted to the County and the RPC for their approval at the time of submission of the final Development plans.

11.2 The Applicant shall: Convey, by warranty deed, land to the County, north of the property now known as Peters Point Road and further shown on the attached map as Exhibit "F". Said land shall be conveyed to the County after the appeal period

for a development order, per Florida Statutes, Section 380.57, has run and no appeal having been filed, simultaneously with the passage of a County Resolution vacating a portion of the existing County rights of way at Peters Point and Scott Road. The portion of the rights of way to be conveyed shall be mutually agreed upon by the County and the Applicant but in no event shall the rights of way to be vacated include the existing access points to the Atlantic Ocean. Said land to be conveyed by the Applicant totals approximately 12 acres and shall be conveyed free and clear to the County of Nassau for use by the public. The Applicant shall provide the County with a certified survey and legal description of the property within 30 days of the approval of this development order. The Board of County Commissioner shall use the 12 acres for a public park area.

11.3 The Applicant has agreed and shall be required to construct the following recreational facilities within the project:

a. Parcel A: Beach Club, Swimming Pool, four tennis courts, pavilion, beach pedestrian walkway and parking.

b. Parcel B: Beach club. swimming pool, pavilion, beach pedestrian walkway and parking. Tennis club with four tennis courts, club house and parking.

c. There shall be a minimum of 13 pedestrian dune walkovers within the project.

11.4 The following facilities should be required to be available with the respective parcel with mandatory membership in the owners association.

a. Parcel A: Two swimming pools.

b. Parcel B: Two swimming pools.

c. Parcel C: Pool and tennis club with a swimming pool, two tennis courts and pavilion.

d. Parcel J: Pool and tennis club with a swimming pool, two tennis courts and pavilion.

These recreational facilities shall be developed so as to provide adequate service at the beginning of occupancy and throughout the development process.

11.5 The Applicant shall dedicate and convey two (2) acres of land at the intersection of Mary and Julia Streets to the County for public use.

11.6 The Applicant shall construct a multi purpose trail along Amelia Island Parkway from Scott Road to Peters Point Road. Said multi-purpose trail shall be completed and in place at the time of the relocation of the Peters Point and Scott Road entrance ways. The plans for the trail shall be reviewed and approved by the Board of County Commissioners.

11.7 The Applicant, at his own expense, shall provide the County with a "Grant Ready" design for a 12 acre park located north of Peters Point Road. Said plans shall be provided within at the request of the County.

11.8 The Applicant shall preserve a natural buffer of 50' in Parcel B along AIA between Amelia Island Parkway and the 12 acre park parcel.

12.0 DENSITY, BUILDING SPACING, LAND USE CLASSIFICATION AND OTHER DEVELOPMENT REQUIREMENTS

12.1 Summer Beach is a Planned Unit Development pursuant to Article 24 of Nassau County Zoning Ordinance 83-19. The preliminary development plan is hereby approved subject to the conditions as set forth in this attachment. The provisions of Article 24 shall be applicable and binding on this Applicant and shall be binding on any successor in interest or subsequent owner. Final development plans shall be

submitted to the County and NEFRPC. The County shall review the plans pursuant to this resolution and Article 24 of Nassau County Ordinance 83-19.

12.2 None of the dwelling units shall be converted to time sharing without the prior written consent of the Planning Board and the County Commissioners.

12.3 The Applicant shall enter into negotiations with the Board of County Commissioners regarding impact fees as the project will impact the fire, schools, police and rescue capabilities as well as the park and recreation services and the road systems of Nassau County. The negotiations shall commence prior to the approval of any final development plan and the impact fees shall be determined prior to the approval of any final development plan, however, negotiations may be continued based upon the mutual agreement of the parties and final development plans may be approved if there are good faith negotiations underway. Applicant shall receive credit in an amount equal to the cost of the 1,250 gallon pumper towards any later imposed impact fees and shall receive a credit for any negotiated impact fees. The negotiated impact fee shall represent the Applicant's proportionate share as stated in Section 3.0 above. The impact fees shall cover all other public impacts resulting from the impacts of Summer Beach Development.

12.4 Based upon the corps of Engineers requirements for beach access and parking at one half (1/2) mile intervals, Florida Statutes, Section 161.091 and the County policy to provide greater public access, including parking, to the Atlantic beaches, the Applicant's shall comply with the Federal, State and Local requirements regarding said public beach access and parking utilizing part of the developer's existing property. The Board of County Commissioners may, upon good cause, vary the hereinbefore stated requirements. The Applicant shall commence

negotiations with the Board of County Commissioners regarding said public beach access and parking utilizing part of the developer's existing property. Said negotiations shall commence prior to the approval of any final development plans and issuance of any permits by the Board of County Commissioners prior to the approval of any final development plans and issuance of any permits. The County may grant approval of any final development plans and issue permits prior to the establishment and approval of said public beach access and parking areas provided the Applicant and the County are involved in good faith negotiations. The approval of final development plans or issuance of permits shall be based upon a specific request by the Applicant to the respective County official and the Board shall consider said request at one of its regularly scheduled public meetings.

12.5 The beach access easement in Parcel A shall be dedicated to the public for access to the beach and Applicant shall reconstruct a dune walkway to the beach. The dedication and walkway shall be completed prior to construction of phase I.

12.6 The project shall be constructed in four phases as set forth in Exhibits "A", "C" and "H".

12.7 The Development Order and PUD are subject to the County Flood Plain Ordinance.

12.8 The uses of the parcels shall be as designated in the attached maps and Exhibit "C", however, parcels B,C,D,E F,H, and J shall be as follows:

Parcel B - Residential structures built within 50' of the north property line shall not exceed the height of the adjacent Sandpiper Condominium.

Parcel C - Zero lot lines; patio homes; duplex; town homes; two to three story flats, none to exceed three stories; none of which are to exceed five dwelling units per acre.

Parcel D - CN uses - all requirements of CN District of the County Zoning Ordinance shall apply as to minimum lot requirement, minimum yard requirements and area restrictions.

Parcel E - CPO uses - All requirements of CPO District of the County Zoning Ordinance shall apply as to minimum lot requirements, minimum yard requirements and area restrictions.

Parcel F - CPO uses - All requirements of CPO District of the County Zoning Ordinance shall apply as to minimum lot requirements, minimum yard requirements and area restrictions. Structures shall not exceed three stories.

Parcel G - Convenience Commercial uses shall be replaced by residential uses of type "W" with development not to exceed a total of 30 dwelling units with a maximum height of 35'.

Parcel H - No structures shall exceed two stories. No building in the entire project shall be higher than 85 feet from the average grade elevation or seven stories.

Parcel J - A landscaped buffer of at least 20 feet in width shall be installed and maintained along the property boundaries of subparcel J. Residential structures built within 50' of the property line of parcel J shall not exceed the height of adjacent existing residential units and in no event shall building height exceed three stories.

12.9 The Applicant shall obtain other requisite development or environmental permits from other agencies as required by law. Any other agency which has permitting jurisdiction and authority over the development shall review all permit applications submitted by the Applicant in terms of the commitments and conditions contained in the ADA and this development order and shall apply those commitments and conditions as well as the agency's own specific permitting requirements.

12.10 There shall be no access from Scott Road to the maintenance area in parcel J with the exception of emergency vehicles which shall be provided access to the maintenance area from Scott Road.

12.11 To the extent possible, parking within the building envelope shall be considered as the first alternative as a means of further reducing impact on the vegetative area.

12.12 The number and design of vehicular parking spaces and loading areas shall be based on the requirement as set forth in Article 28 of Nassau County Zoning Code.

12.13 The relocation of Peters Point and Scott Road intersections, which are indicated on Exhibit "F", shall be performed with the following conditions:

a. The new entrance way to Peters Point and Scott Road shall be completed prior to vacating the existing entrance ways of Peters Point and Scott Road and, in addition, the new entrance ways shall conform to the County Engineer's standards and shall be reviewed and accepted by the Board of County Commissioners.

b. The Scott Road parcel shall be 100 feet wide and properly stabilized to provide for automobile parking and the new road shall be approved by the Board of County Commissioners.

c. The Beach ends and ramps of the existing roads shall remain in an "as is" condition which shall be determined by the Board of County Commissioners and the Applicant.

d. The Applicant shall provide, within the 12 acre Peters Point tract, dune walkovers to the beach and a stabilized parking area for a minimum of 100 cars to be approved by the Board of County Commissioners through its County Engineer.

e. Applicant shall be required to run water and sewerlines or septic tanks, whichever is deemed appropriate by the Board of County Commissioners, to the Peters Point Park area.

f. All of the above shall be completed during phase I.

12.14 The Applicant should be required to work closely with the County Engineer, SJRWMD and the City of Fernandina Beach Public Works Director to insure that the drainage north from Parcel C is adequately addressed. The County Engineer shall retain final approval of any drainage plans presented as the Applicant applies for final approval on the various stages of the development.
