



ORDINANCE NO 85- 14

AN ORDINANCE AMENDING ORDINANCE NO. 83-19. THIS ORDINANCE RE-ZONES AND RE-CLASSIFIES THE PROPERTY HEREIN AFTER DESCRIBED, IN NASSAU COUNTY, FLORIDA, ON THE SOUTH END OF AMELIA ISLAND, FROM PRESENT ZONING CLASSIFICATION OF RESIDENTIAL GENERAL - 2 (RG-2) AND RESIDENTIAL GENERAL - 1 (RG-1) TO THAT OF A PLANNED UNIT DEVELOPMENT KNOWN AND PLM EAST AND PLM WEST.

WHEREAS, on the 28th day of September, 1983, the Board of County Commissioners did adopt Ordinance 83-19, an Ordinance enacting and establishing a comprehensive zoning code for the unincorporated portion of Nassau County, Florida; and

WHEREAS, the "Owners" of that certain property described in the attached Exhibit "A" intend to develop the described property in accordance with a master plan; and

WHEREAS, the "Owners" of that certain property described in the attached Exhibit "A" have applied for a re-zoning and re-classification of that property from Residential General-2 (RG-2) and Residential General-2 (RG-2) to a Planned Unit Development (PUD).

WHEREAS, The Planning Board of Nassau County has considered said application and held public hearings on the same after due notice, and made its findings and recommendations thereof; and

WHEREAS, PLM East and PLM West are a part of the Amelia Island South DRI in which a development order has been approved; and

WHEREAS, The County Commission of Nassau County has considered the findings and recommendations of the Planning Board and held its own public hearings on the application after due notice and also considered the Comprehensive Land use Plan, the DRI application and finds that the property described in the attached Exhibit "A" is suitable in location and character for the uses proposed in said application according to the criterion

as set forth in Article 24 of Ordinance 83-19 of the County of Nassau;

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County that the application for the Planned Unit Development to be known as "PLM West and PLM East" is hereby approved and the land shall be re-zoned as a Planned Unit Development (PUD) in accordance with and subject to the provisions of Article 24 of Ordinance 83-19 of the County of Nassau and further subject to the Additional conditions and requirements:

Section I: The Planned Unit Development concept shall be as indicated on the land use plan attached hereto as Exhibit "B" and made a part hereof.

Section II: The preliminary development plan is approved as indicated on the land use plan attached hereto to exhibit "B". Said preliminary development plan is approved subject to the stipulations contained in Exhibit "C" with attachments attached hereto and made a part hereof.

Section III: This Ordinance shall take effect upon adoption by the Board of County Commissioners and filing in the Secretary of State's office.

ADOPTED this 11th day of June, 1985, by the Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA

BY: John F. Claxton
JOHN F. CLAXTON
Its: Chairman

ATTEST:

T.J. Greeson
T.J. GREESON
Its: Ex-Officio Clerk

RESOLUTION 85- 30

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, APPROVING THE APPLICATION FOR DEVELOPMENT APPROVAL OF PLM EAST, AMELIA ISLAND SOUTH, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, On July 12, 1985, PLM Associates, hereinafter referred to as "Applicant", submitted to Nassau County, an application for development approval (ADA) for a development of regional impact (DRI) known as "Amelia Island South", in accordance with Section 380.06, Florida Statutes; and

WHEREAS, the Amelia Island South DRI contains three separate developments (PLM West, PLM East and the Dunes Club at Amelia Island South) for which separate development orders are being issued; and

WHEREAS, PLM East as proposed in the ADA is a planned community located on approximately 50 acres in the unincorporated area of Nassau County consisting of 325 residential units and related commercial/recreational and other uses; and

WHEREAS, pursuant to Section 380.031 and 380.06, Florida Statutes, the Board of County Commissioners of Nassau County, (hereinafter referred to as either the Board or the county), as the local government having jurisdiction, is authorized and required by law to consider the Amelia Island South DRI ADA including the PLM East development; and

WHEREAS, the Board has received and reviewed the report and recommendations of the RPC and the Nassau County Planning Board, which recommends approval of the ADA subject to certain conditions; and

WHEREAS, the Board on January 3, 1985 commenced a public hearing on the ADA and said hearing was continued and further hearings have been held on February 19, 1985, March 19, 1985, and May 14, 1985, at which all parties were afforded the

A CERTIFIED TRUE COPY

J. G. Greeson, Clerk (ma)

EX-OFFICIO, Clerk to the Board of County Comm.
Nassau County, Florida

opportunity to present evidence and argument on all issues, and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, a Notice of Public Hearing of these proceedings was duly published and was duly provided to the Florida Department of Community Affairs (DCA), the RPC, and other persons designated by DCA rules; and notice was otherwise given according to local zoning procedures; and

WHEREAS, the Board has fully considered the ADA, the report of the RPC, the report of the Planning Board and the evidence of record presented at the public hearing, and was otherwise fully advised 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 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 legal description of the property comprising the proposed PLM East development is set forth in Appendix 5-1 of the Amelia Island south ADA, which is incorporated herein by reference as applicable to PLM East.

3. Upon consideration of all matters prescribed in Section 380.06(12), 380.06(13) and 380.06(20)(b), 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 PLM East

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 December 13, 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, provided the conditions contained herein are adhered to.

4. The ADA is being coordinated by the Amelia Island Plantation Company. Each of the developers involved will be developing different areas within the Amelis Island South Development. Specifically:

a. Dunes Club Company: Sixty Six (66) acres east of First Coast Highway known as Dunes Club Site.

b. PLM Associates: Fifty (50) acres east of First Coast Highway known as PLM East and 325 acres west of First Coast Highway known as PLM West.

c. A.I.P.Co.: Development of 14 golf course fairways, a clubhouse and ancillary facilities on PLM West and four (4) golf course fairways and supporting facilities on the Dunes Club site. A.I.P.Co. has an option to purchase the entire PLM West tract.

5. When developed in accordance with the conditions imposed by these recommendations, the development:

(1) will not have a significant negative impact on the

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environment and natural resources of the region;

(2) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;

(3) will efficiently use water, sewer, solid waste disposal, and other necessary public facilities;

(4) may efficiently use public transportation facilities;

(5) will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

(6) will not create an unreasonable additional demand for, or additional use of, energy.

BE IT FURTHER RESOLVED THAT THE COUNTY 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 required by Chapter 380, Florida Statutes, have occurred.

2. The proposed PLM East development is not located in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

3. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to the area.

4. The proposed PLM East development, when developed in accordance with the conditions imposed by this development order, is consistent with the Nassau County Comprehensive Plan, subdivision regulations, and other local land development regulations.

5. The proposed PLM East development is in all material aspects consistent with the report and recommendations of the RPC

submitted pursuant to Section 380.06[11], Florida Statutes.

6. The ADA for Amelia Island South is hereby approved for the PLM East development, subject to the general and special conditions of development contained in Attachment A which is made a part hereof by reference.

7. This resolution constitutes the development order pursuant to Section 380.06, Florida Statutes, for the PLM East development at Amelia Island South. The ADA and supplemental information filed by the Applicant are incorporated herein by reference as they apply to PLM East, and the proposed PLM East development shall be carried out substantially in conformance with the ADA as applicable to it. The ADA as it applies to PLM East is amended by any inconsistent terms of this resolution and the attachment(s) incorporated by reference.

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

9. This development order shall take effect upon adoption and shall remain in effect until the date of the 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 or other permit application pending affecting the property within the PLM East boundary imposed by Nassau County or other governmental agency having authority to do so.

10. Unless otherwise specifically provided in Attachment A, any changes proposed by the Applicant to the ADA, as amended herein, shall be submitted to the Board for a determination if such change constitutes a substantial deviation pursuant to Section 380.06(17)(b) Florida Statutes. In addition, a copy of any proposed changes shall be provided by the applicant to the RPC.

11. Pursuant to Section 380.06(16), Florida Statutes, Applicant shall provide an annual report relating to its activities to the Zoning Director, the RPC, and DCA, no later than January 15 of each year during the term of this development order, commencing January 15, 1986. Nassau County in preparing a development order for the Amelia Island South DRI has chosen to issue separate development orders for the three development sites (PLM East, PLM East and the Dunes Club). Each property owner is responsible for providing an annual report relating to its activities. The entire annual report and/or selected items of the annual report may be submitted jointly by various Amelia Island South property owners or as individual reports. The annual report pertaining to the PLM East site shall contain the following information:

a. Total amount of square footage by land use type constructed during the preceding 12 months and estimated for the ensuing 12 month period.

b. Total amount of square footage by land use type approved in construction contracts during the preceding 12 months and estimated for the ensuing 12 month period.

c. Summary of public utility(s) improvement completed within the project boundaries during the preceding 12 months and estimated for the ensuing 12 month period.

d. Results of periodic water quality monitoring data [if required by the Department of Environmental Regulation (DER)].

e. Total number and size of housing units required to equal the demonstrated unmet need for affordable units by persons employed on the Amelia Island South PLM East site, as concluded from annual survey data.

f. Number of employees of Amelia Island South, PLM East and golf course who regularly commute in car or van pools.

g. The energy conservation measures, as stated in the energy-related commitments in the ADA, which have been implemented in the preceding 12 months.

h. Total number of school children from the development enrolled in County schools, by grade.

i. Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) District office in Lake City, as well as to the County, RPC, and DCA. Traffic reports may be submitted separately by development (PLM West, PLM East and the Dunes Club) or jointly for some or all of the Amelia Island South Community. The first traffic report shall be due one year after after the commencement of development, and shall be provided annually for 14 years or until project buildout, whichever is later, unless otherwise specified by the RPC. The timing of recommended traffic improvements will be based on the information contained in the monitoring reports. The following information shall be included:

1. A description of current development by land use type, location, number of housing units and commercial 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 past 12 months and projected for ensuing 12 months on major roads in the primary impact area, as depicted on Map J in the ADA, including: Sadler Road, 14th Street (Amelia Island Parkway to Atlantic Avenue), and South Fletcher Avenue (Sadler Road to Atlantic Avenue). 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 to collect the necessary counts. The traffic engineering firm must be acceptable to Nassau County and FDOT. At least one traffic count shall be

taken during peak project occupancy. FDOT seasonal adjustment factors shall be used when adjusting traffic counts.

3. A discussion of actual and projected traffic volumes, in terms of the percentage relationship of Amelia Island South PLM West's traffic with non-project traffic using public roads and intersections of the internal road system with 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 of 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 above.

12. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order.

13. The obligations of this development order shall run with the land. 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 the development order.

14. 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.

15. 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), Florida Statutes.

16. 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 11th day of June, 1985.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA

BY: John L. Chastain

ATTEST:

BY: T.J. Greeson
T.J. GREESON
Its: Ex-Officio Clerk

ATTACHMENT A

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GENERAL AND SPECIFIC CONDITIONS OF DEVELOPMENT

The following are the General Conditions for development of PLM East at Amelia Island South.

1.0 GENERAL CONDITIONS

1.1 Use of the word "applicant" herein shall mean any person undertaking any development within the PLM East site.

1.2 The Amelia Island South Application for Development Approval (ADA) and the commitments therein, plus additional information, submitted by the Applicant or consultants during the review (July 12, to November 13, 1984) to the RPC and County are made a part of the development order as they apply to PLM East.

1.3 Any Subsequent owner/developer or assignee shall be subject to the provisions contained in the PLM East development order.

1.4 This development shall be subject to further review in the event significant physical development has not commenced within three years. The three year time period shall be tolled during any period of time that the Applicant is prevented from commencing significant physical development due to state or federal licensure or judicial delays beyond the control of the Applicant. (Significant physical development can include land preparation, streets, and infrastructure.)

In addition to the general conditions, the following are the specific conditions for development of the PLM East site at Amelia Island South

2.0 HOUSING

2.1 The applicant shall prepare, as part of the annual report, an anyalysis of moderate cost housing availability for employees working within the Amelia Island South PLM East Site and golf course site. This shall be accomplished by surveying all employees on a confidential basis to determine the relationship of worker expenditures for housing to household

income, their daily commuting distance, and whether lack of available affordable housing is related to that distance. The Applicant may consult with the RPC regarding an effective survey design. Collection of annual data shall be the responsibility of the Applicant.

2.2 A car or van-pooling program for employees shall be actively pursued in a cooperative fashion among PLM East, PLM East, the Dunes Club and the Amelia Island South Golf Course to reduce commuting costs as well as energy use. The number of employees commuting in car or van pools shall be included in the annual report.

3.0 LAND RESOURCES/DUNES

3.1 In development of the PLM East site, excavation in the dune system shall be confined to building pads, drainage, utilities, parking with a minimum of access roadways, and recreation facilities, with no net removal of dune material.

3.2 Final development plans for each development phase of PLM East shall be submitted to the RPC simultaneously with submission to the County. The plans shall include the following information and maps specifying actions to protect dunes and other natural resources:

- a. Location of proposed dune walkovers and any man made breaches in the primary dune, mapped at a scale of 1":200";
- b. Filling primary dunes where breached or disturbed by pedestrian or vehicular traffic;
- c. Erosion control plans for the construction period, incorporating the use of straight, slat-typed sand fences prior to any construction activity;
- d. Identification of and stabilization with appropriate native species those dunes areas seaward of the Coastal Conservation Control Line

(CCCL) that are devoid of vegetation; and

- e. Building footprints and designs, lot grading and layout including parking areas and their access driveways.

3.3 To maintain the integrity of the dune system, no development other than dune walkovers, shall take place seaward of the CCCL.

3.4 Excavation in the existing secondary dunes of 26 feet MSL shall be permitted only where an elevation of 26 feet MSL or greater is present in the dune system seaward of landward of the excavation point, to provide an adequate barrier to storm surge.

4.0 WATER RESOURCES - SURFACE WATER QUALITY

4.1 The Applicant shall provide the RPC with a copy of the data obtained from the four season assessment of the ambient conditions of Nassau County, if required by DER as part of the permitting process for surface water management prior to construction.

4.2 The Applicant shall provide a copy, in the annual report, of data resulting from periodic monitoring of runoff from the site during the construction phases and until one year after buildout, if such monitoring is required by DER.

4.3 The Applicant shall ensure that only biodegradable fertilizers and EPA/DER approved pesticides and fungicides are used within the PLM East Development. The Applicant shall ensure that buyers/managers or residential sites adhere to this conditions through deed restrictions and covenants.

5.0 VEGETATION/WILDLIFE

5.1 Of the existing 331.5 acre hammock within Amelia Island South, consisting of Live Oak hammock and Mixed Broadleaf and Mixed Broadleaf with Pine forest and Live Oak, Red Cedar, Cabbage Palm woodland, 5.5 acres of live oak/scrub on the PLM East site will be preserved for upland vegetative/wildlife habitat.

6.0 WASTEWATER MANAGEMENT

6.1 In the event that sewage treatment capacity is not available to meet the projected demands from the PLM East site consistent with the phasing schedule provided in the ADA, a revised phasing schedule shall be submitted to the RPC, DER, DCA and Nassau County before any building permits are issued for PLM East. The revised schedule shall be in conformance with the ability of Amelia Island Waterworks, Inc. or other utility to provide treatment capacity.

6.2 The use of septic tanks in any phase shall not be permitted for any permanent structure unless otherwise approved by the Nassau County Planning Board.

7.0 WATER SUPPLY

7.1 To maximize water conservation on the PLM East site the Applicant shall install or cause to 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 storm water for irrigation and indigenous plants for landscaping.

8.0 RECREATION AND OPEN SPACE

8.1 A multi-purpose path shall be constructed within the total development. The multi-purpose path shall link residential and hotel development with recreational and commercial facilities in all three sites; bike racks shall be installed at commercial, recreational and hotel facilities and at dune walkovers. Applicant shall be responsible for only that portion of the multi-purpose path within its property.

9.0 PUBLIC SAFETY - HURRICANE EVACUATION

9.1 Transfers of title to any property in the project shall be accompanied by a hazard disclosure, stating that the PLM East site at Amelia Island South is within a hurricane hazard area, in which property is subject to damage and residents may be

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evacuated in the event of any hurricane landfalling within 50 miles of Amelia Island.

10.0 TRANSPORTATION

10.1 The Northeast Florida Regional Planning Council will contract directly with a transportation firm chosen by the County Engineer to perform a detailed Island wide transportation study and the applicant shall be bound by the findings of the transportation study if adopted by the Board of County Commissioners.

10.2 The applicant shall construct left turn and acceleration/deceleration lanes on SR AIA (105) at all major intersections with PLM East's internal road system at the time such intersections or points of access are created. The Applicant shall provide signalization when deemed warranted by the FDOT or Nassau County.

10.3 Upon determination by the FDOT or Nassau County that level of service "C" has been exceeded on SR AIA (105) from Burney Road north to Fletcher Avenue, and from Burney Road south to the projects' southern boundary, based on the annual traffic reports, or Island Wide traffic study, the Applicant shall participate on a proportionate share basis in funding the cost of widening these road segments to four lanes. The above shall include improvements to major intersections, i.e., left turn and acceleration/deceleration lanes, etc. and signalization when warranted as determined by the Florida Department of Transportation or Nassau County.

10.4 Upon determination by Nassau County that level of service "C" as been exceeded, the Applicant shall participate on a proportionate share basis in funding the following road improvements. (Nassau County's determination shall be based n FDOT criteria or County standards.)

- a. Widen to four lanes, that segment of Amelia Island Parkway from SR AIA (200) near the Intracoastal

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Waterway to CR 105A (Amelia Road at the Chrysler dealership)

- b. Widen to four lanes, CR 105A (Amelia Road at the Chrysler dealership) from the Amelia Island Parkway Intersection to Fletcher Avenue (SR AIA/105).
- c. The above shall include improvements to major intersections, i.e., left turn and acceleration/deceleration lanes, etc. and signalization when warranted.

10.4 Upon determination by Nassau County or the FDOT (whichever has jurisdiction) that traffic generated by the development at PLM East is impacting any of the following roads and their major intersections, the applicant shall be required to pay its proportionate share of the costs of improving such roads and intersections.

- Amelia Island Parkway [from SR AIA(105) to South Fletcher Avenue]
- 14th Street (Amelia Island Parkway to Atlantic Avenue)
- Sadler Road (CR108)
- Fletcher Avenue (SR AIA/105)
- SR AIA/200 (Intracoastal Waterway to 5 points)

Nassau County and the FDOT may utilize the annual traffic reports as well as the Island wide transportation study in making their determinations. No further permits shall be issued until the proportionate share of the road improvement costs have been escrowed, or an acceptable letter of credit filed, with the appropriate government agency.

10.5 The Applicant's proportionate share of road improvement costs shall be escrowed with the appropriate governmental agency when it is determined by the appropriate governmental agency that such improvements are warranted. No further permits shall be issued until the proportionate share of the road improvement

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costs have been escrowed, or an acceptable letter of credit filed, with the appropriate government agency.

10.6 The applicant's proportionate share of road improvement costs shall be based on the percentage of applicant generated traffic using such improvements.

11.0 BEACH ACCESS

11.1 The applicant has committed to provide a minimum of four (4) acres for the public with a minimum of three (3) of these acres being used for vehicular parking. Said parking shall be consistent with other parking on the site. The four (4) acre parcel shall be located on the northern boundary of the PLM East parcel with 100 foot frontage on the Atlantic Ocean. The applicant shall also construct a 6 foot wide walkway and a dune walkover to the Atlantic Beach which shall be within the 100 foot of frontage. The applicant shall be responsible for constructing and maintaining the dune walkover; walkway; parking area and access road. The four (4) acres shall be reserved or conveyed to Nassau County, as the Board determines, upon the request of the Board. The parking area, walkway, access road and walkover shall be in place and available for the public, within a reasonable time, upon request of the Board of County Commissioners. The exact location and configuration of the parking area; walkway; walkover and access road shall be as determined by the Board of County Commissioners based upon the applicant submitting a detailed site plan for their review and approval. The applicant has committed to obtaining, from the State of Florida, a lease to the County of Nassau, for the property on the southern end of Amelia Island that was purchased by the State of Florida pursuant to the "Save our Coast" program. The lease shall be for a minimum of 50 years. The developer shall, at his expense, in cooperation with the County, seek and obtain cabinet approval for the County to lease the property so as to provide public parking and beach access, on that property, to the Atlantic

Beach. In addition, the applicant shall tender to the County the sum of \$80,000.00, within 12 months, to be used by the County for recreational needs on Amelia Island. The applicant has committed that he will obtain final Cabinet approval within 60 days from the date of the final approval of the park plan by the Board of County Commissioners.

11.2 No final development plans shall be approved or permits issued until the Board has approved the exact site plans for the utilization of the four (4) acre parcel. In addition, no final development plans shall be approved or permits issued until the property has been reserved or conveyed, at the Board's option, to the County of Nassau and the four acre parcel is available for the public's use or until an agreement is executed by applicant and the Board setting forth a schedule for the construction of the amenities, reservation or conveyance, contribution of funds and a time within which the public may begin utilizing the property.

12.0 MISCELLANEOUS

12.1 - Land Use: The Commercial designation within PLM East shall be as follows:

a. There may be a maximum of 10,000 square feet of commercial use. Said commercial use shall be on the southern portion of the property and shall be set back a minimum of 300 feet east of the First Coast Highway (AIA).

b. The buildings constructed, to be utilized for the commercial uses shall not breach the integrity of the dune system located west of the hotel site.

c. The uses permitted in the commercial area shall be those as indicated in the present CN district of the Nassau County Zoning Ordinance (September 1983).

d. All requests for commercial buildings shall be addressed after the completion of the construction of the hotel.

e. Commercial use, up to the maximum, may be permitted in future PLM East phases based on a demonstrated and

3. The applicant shall provide its proportionate share of funds necessary to expand the current fire station, known as station #3, so as to provide a minimum of 600 square feet of space for a bay to house the ladder truck as stated in paragraph 11.2-1. The Board of County Commissioners shall establish the funds necessary for the expansion and the date required for the funds to be received. No final development plans shall be approved or permits issued for PLM East should the County not receive the established funds. The exact share for each applicant shall be established by mutual agreement between the applicants and submitted to the Board of County commissioners within 30 days.

4. The applicants shall receive credit for fire related contributions against any future impact fees to be levied or negotiated.

12.3 - Police Protection: The applicants shall contribute their proportionate share to the County for:

1. One (1) patrol unit; One (1) patrol unit will include four (4) automobiles at a 1985 price of \$42,875.00. In addition, the developer shall contribute approximately \$12,300.00 for additional capital improvement for the additional patrol unit. Said amount shall be contributed by September 1, 1985. The developer shall receive credit toward any final contribution for said police protection. Said credit shall be against any imposed or negotiated impact fees. The exact share for each applicant shall be established by mutual agreement between the applicant and submitted to the Board of County Commissioners within 30 days. No final development plan shall be approved or permits issued for the applicant should the County not receive the established funds.

12.4 - Applicant Commitments: The development order and PUD ordinance shall incorporate, where applicable to PLM East, the

commitments and plan characteristics as set forth in pages F-3 through and including F-8 of the DRI assessment report.

12.5 - Building Heights: The maximum building height allowed within PLM East is eight (8) stories over one story of parking.

12.6 - Parking: The required number of parking spaces for the development shall be one and one-half (1 1/2) spaces per condominium unit. The required number of parking spaces for other than condominium units shall be according to the Nassau County Zoning Ordinance 83-19.

12.7 - Consultation with Local Officials: The applicant shall regularly and routinely consult with the Public Safety Director, Sheriff, County Engineer, and planning and Zoning Director regarding final development plans and wherever practical and consistent with the development orders and PUD's, include the suggestions of the aforementioned officials in any final development plans. All applications for final development plans submitted to the County shall contain the written comments of the aforementioned officials.

12.8 - County Ordinance: The following provisions of Article 24 of Ordinance 83-19 shall be applicable and shall be adhered to: 24.04; 24.05(e) and(f); 24.06; 24.07; 24.08.

12.9 - SET BACK REQUIREMENTS

1. The setback requirement shall be as specified in the Nassau County Zoning Ordinance 83-19, however, there shall be a 140' setback from the PLM East northern property line within which no building shall be allowed.

12.10 - County Flood Plain Ordinance: All building within PLM East shall conform to the Nassau County Flood Plain Ordinance.

12.11 - Impact Fees: Based upon data presented by the applicants, the RPC concluded that "There should be an indiscernible impact upon capital outlay demand by the Nassau

County School Board" from the project as a result of the small number of school aged children expected within the project. To confirm or reject the validity of the developer's projections, the number of projected children attending county public schools shall be included in the annual report and each annual report should re-evaluate projections based on changes in the product mix within the development. If the data provided in such annual reports indicate a deviation from the projections concerning project children set forth in the Amelia South applicant, then the project should be reviewed to consider any additional commitments by the developers necessary to mitigate the additional impacts.

12.12 additional impacts created by applicant are addressed within the development order and the applicant shall be subject to any county wide impact fee ordinance.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA.

BY: John F. Clayton

ATTEST:

BY: T.J. Greeson
T.J. GREESON
Its: Ex-Officio Clerk

justified need to be provided by the developer and reviewed and approved by the Planning Board and Board of County Commissioners at the appropriate final development plan review.

f. The Board of County Commissioners has made a finding that the land located within PLM East is environmentally sensitive due to the trees and natural vegetation and that the trees and natural vegetation need to be preserved. Therefore, the Planning Board and Board of County commissioners shall review, at the appropriate final development plan review, as stated in paragraph "e", the request for commercial buildings based upon the need to preserve the trees and natural vegetation where possible.

12.2 - Fire Protection:

1. The applicant, with the Plm West applicant and Dunes Club applicant, shall pay its proportionate share to purchase one new 1,500 gallon capacity fire pumper combination 100' ladder truck. The terms and conditions of this purchase shall be negotiated by the applicant and the Board of County Commissioners within 30 days of the date of this order. No Final development plans or building permits issued until the Board has approved the terms and conditions of applicant's purchase of the fire truck.

2. The applicant shall provide its proportionate share of the funds to expand the current fire station, known as Station #3, so as to provide space for sleeping and living accommodations for six additional personnel. The Board of County Commissioners shall establish the fund necessary for the expansion and the date required for the funds to be received. No final development plans shall be approved or permits issued for PLM East should the County not receive the established funds. The exact share for each applicant shall be established by mutual agreement between the applicants and submitted to the Board of County Commissioners within 30 days.

RESOLUTION 85-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, APPROVING THE APPLICATION FOR DEVELOPMENT APPROVAL OF PLM WEST, AMELIA ISLAND SOUTH, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, On July 12, 1985, PLM Associates, hereinafter referred to as "Applicant", submitted to Nassau County, an application for development approval (ADA) for a development of regional impact (DRI) known as "Amelia Island South", in accordance with Section 380.06, Florida Statutes; and

WHEREAS, the Amelia Island South DRI contains three separate developments (PLM West, PLM East and the Dunes Club at Amelia Island South) for which separate development orders are being issued; and

WHEREAS, PLM West as proposed in the ADA is a planned community located on approximately 325 acres in the unincorporated area of Nassau County consisting of 800 residential units and related other uses plus fourteen (14) holes of golf and an associates club house; and

WHEREAS, pursuant to Section 380.031 and 380.06, Florida Statutes, the Board of County Commissioners of Nassau County, (hereinafter referred to as either the Board or the county), as the local government having jurisdiction, is authorized and required by law to consider the Amelia Island South DRI ADA including the PLM West development; and

WHEREAS, the Board has received and reviewed the report and recommendations of the RPC and the Nassau County Planning Board, which recommend approval of the ADA subject to certain conditions; and

WHEREAS, the Board on January 3, 1985 commenced a public hearing on the ADA and said hearing was continued and further hearings have been held on February 19, 1985, March 19, 1985, and May 14, 1985, at which all parties were afforded the

A CERTIFIED TRUE COPY

J. J. Gresson, Clerk
EX-OFFICIO, Clerk to the Board of County Comm.
Nassau County, Florida

opportunity to present evidence and argument on all issues, and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, a Notice of Public Hearing of these proceedings was duly published and was duly provided to the Florida Department of Community Affairs (DCA), the RPC, and other persons designated by DCA rules; and notice was otherwise given according to local zoning procedures; and

WHEREAS, the Board has fully considered the ADA, the report of the RPC, the report of the Planning Board and the evidence of record presented at the public hearing, and was otherwise fully advised 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 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 legal description of the property comprising the proposed PLM West development, including the Golf Course, is set forth in Appendix 5-1 of the Amelia Island south ADA, which is incorporated herein by reference as applicable to PLM West.

3. Upon consideration of all matters prescribed in Section 380.06(12), 380.06(13) and 380.06(20)(b), 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 PLM West 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 December 13, 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, provided the conditions contained herein are adhered to.

4. The ADA is being coordinated by the Amelia Island Plantation Company. Each of the developers involved will be developing different areas within the Amelia Island south Development. Specifically:

a. Dunes Club Company: Sixty Six (66) acres east of First Coast Highway known as the Dunes Club Site.

b. PLM Associates: Fifty (50) acres east of First Coast Highway known as PLM East and 325 acres west of First Coast Highway known as PLM West.

c. A.I.P.Co.: Development of 14 golf course fairways, a clubhouse and ancillary facilities on PLM West and four (4) golf course fairways and supporting facilities on the Dunes Club site. A.I.P.Co. has an option to purchase the entire PLM West tract.

5. When developed in accordance with the conditions imposed by these recommendations, the development:

(1) will not have a significant negative impact on the environment and natural resources of the region;

(2) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;

(3) will efficiently use water, sewer, solid waste disposal, and other necessary public facilities;

(4) may efficiently use public transportation facilities;

(5) will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

(6) will not create an unreasonable additional demand for, or additional use of, energy.

BE IT FURTHER RESOLVED THAT THE COUNTY 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 required by Chapter 380, Florida Statutes, have occurred.

2. The proposed PLM West development is not located in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

3. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to the area.

4. The proposed PLM West development, when developed in accordance with the conditions imposed by this development order, is consistent with the Nassau County Comprehensive Plan, subdivision regulations, and other local land development regulations.

5. The proposed PLM West development is in all material aspects consistent with the report and recommendations of the RPC submitted pursuant to Section 380.06[11], Florida Statutes.

6. The ADA for Amelia Island South is hereby approved for the PLM West development, which includes the golf course subject to the general and special conditions of development contained in

Attachment A which is made a part hereof by reference.

7. This resolution constitutes the development order pursuant to Section 380.06, Florida Statutes, for the PLM West development at Amelia Island South. The ADA and supplemental information filed by the Applicant are incorporated herein by reference as they apply to PLM West, and the proposed PLM West development shall be carried out substantially in conformance with the ADA as applicable to it. The ADA as it applies to PLM West is amended by any inconsistent terms of this resolution and the attachment(s) incorporated by reference.

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

9. This development order shall take effect upon adoption and shall remain in effect until the date of the 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 or other permit application pending affecting the property within the PLM West boundary imposed by Nassau County or other governmental agency having authority to do so.

10. Unless otherwise specifically provided in Attachment A, any changes proposed by the Applicant to the ADA, as amended herein, shall be submitted to the Board for a determination if such change constitutes a substantial deviation pursuant to Section 380.06(17) (b) Florida Statutes.

11. Pursuant to Section 380.06(16), Florida Statutes, Applicant shall provide an annual report relating to its activities to the Zoning Director, the RPC, and DCA, no later than January 15 of each year during the term of this development order, commencing January 15, 1986. Nassau County in preparing a development order for the Amelia Island South DRI has chosen to

issue separate development orders for the three development sites (PLM East, PLM West and the Dunes Club). Each property owner is responsible for providing an annual report relating to its activities. The entire annual report and/or selected items of the annual report may be submitted jointly by various Amelia Island South property owners or as individual reports. The annual report pertaining to the PLM West site shall contain the following information:

a. Total amount of square footage by land use type constructed during the preceding 12 months and estimated for the ensuing 12 month period.

b. Total amount of square footage by land use type approved in construction contracts during the preceding 12 months and estimated for the ensuing 12 month period.

c. Summary of public utility(s) improvement completed within the project boundaries during the preceding 12 months and estimated for the ensuing 12 month period.

d. Results of periodic water quality monitoring data [if required by the Department of Environmental Regulation (DER)].

e. Total number and size of housing units required to equal the demonstrated unmet need for affordable units by persons employed on the Amelia Island South PLM West site, as concluded from annual survey data.

f. Number of employees of Amelia Island South, PLM West and golf course who regularly commute in car or van pools.

g. The energy conservation measures, as stated in the energy-related commitments in the ADA, which have been implemented in the preceding 12 months.

h. Total number of school children from the development enrolled in County schools, by grade.

i. Traffic reports shall be submitted to the Florida

Department of Transportation (FDOT) District office in Lake City, as well as to the County, RPC, and DCA. Traffic reports may be submitted separately by development (PLM West, PLM East and the Dunes Club) or jointly for some or all of the Amelia Island South Community. The first traffic report shall be due one year after after the commencement of development, and shall be provided annually for 14 years or until project buildout, whichever is later, unless otherwise specified by the RPC. The timing of recommended traffic improvements will be based on the information contained in the monitoring reports. The following information shall be included:

1. A description of current development by land use type, location, number of housing units and commercial 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 past 12 months and projected for ensuing 12 months on major roads in the primary impact area, as depicted on Map J in the ADA, including: Sadler Road, 14th Street (Amelia Island Parkway to Atlantic Avenue), and South Fletcher Avenue (Sadler Road to Atlantic Avenue).

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 to collect the necessary counts. The traffic engineering firm must be acceptable to Nassau County and FDOT. At least one traffic count shall be taken during peak project occupancy. FDOT seasonal adjustment factors shall be used when adjusting traffic counts.

3. A discussion of actual and projected traffic volumes, in terms of the percentage relationship of Amelia Island

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South PLM West's traffic with non-project traffic using public roads and intersections of the internal road system with 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 of 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 above.

12. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order.

13. The obligations of this development order shall run with the land. 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.

14. 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.

15. 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), Florida Statutes.

16. 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 11th day of June, 1985

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA

BY: John F. Claxton

ATTEST:

BY: T.J. Greeson
T.J. GREESON
Its: Ex-Officio Clerk

ATTACHMENT A

TABLE OF CONTENTS

- 1.0 General Conditions
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- 8.0 Public Safety
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- 11.0 Miscellaneous

GENERAL AND SPECIFIC CONDITIONS OF DEVELOPMENT

The following are the General Conditions for development of PLM West at Amelia Island South.

1.0 GENERAL CONDITIONS

1.1 Use of the word "Applicant" herein shall mean any person undertaking any development within the PLM West site. Development shall be as provided in 380.06.

1.2 The Amelia Island South Application for Development Approval (ADA) and the commitments therein, plus additional information, submitted by the Applicant or consultants during the review (July 12, to November 13, 1984) to the RPC and County are made a part of the development order as they apply to PLM West.

1.3 Any Subsequent owner/developer or assignee shall be subject to the provisions contained in the PLM West development order.

1.4 This development shall be subject to further review in the event significant physical development has not commenced within three years. The three year time period shall be tolled during any period of time that the Applicant is prevented from commencing significant physical development due to state or federal licensure or judicial delays beyond the control of the Applicant. (Significant physical development can include land preparation, streets, and infrastructure.)

In addition to the general conditions, the following are the specific conditions for development of the PLM West site at Amelia Island South

2.0 HOUSING

2.1 The applicant shall prepare, as part of the annual report, an anyalysis of moderate cost housing availability for employees working within the Amelia Island South PLM West Site and golf course site. This shall be accomplished by surveying all employees on a confidential basis to determine the relationship of worker expenditures for housing to household

income, their daily commuting distance, and whether lack of available affordable housing is related to that distance. The Applicant may consult with the RPC regarding an effective survey design. Collection of annual data shall be the responsibility of the Applicant.

2.2 A car or van-pooling program for employees shall be actively pursued in a cooperative fashion among PLM East, PLM West, the Dunes Club and the Amelia Island South Golf Course to reduce commuting costs as well as energy use. The number of employees commuting in car or van pools shall be included in the annual report.

3.0 WATER RESOURCES - SURFACE WATER QUALITY

3.1 The Applicant shall provide the RPC with a copy of the data obtained from the four season assessment of the ambient conditions of Nassau County, if required by DER as part of the permitting process for surface water management prior to construction.

3.2 The Applicant shall provide a copy, in the annual report, of data resulting from periodic monitoring of runoff from the site during the construction phases and until one year after buildout, if such monitoring is required by DER.

3.3 The Applicant shall ensure that only biodegradable fertilizers and EPA/DER approved pesticides and fungicides are used within the PLM West Development. The Applicant shall ensure that buyers/managers or residential sites adhere to this conditions through deed restrictions and covenants.

4.0 VEGETATION/WILDLIFE

4.1 To protect the marsh edge buffer on PLM West the following standards shall be enforced through deed restrictions and covenants:

- 1. 100 percent of the canopy of the trees within the buffer shall be retained.
- 2. Not more than 30 percent of the shrub layer shall

be trimmed for view easements.

- 3. No ground cover or shrubs shall be removed except those needed for paths leading to viewing docks.
- 4. Those lots without vegetation in the buffer zone shall be planted with native vegetation in consultation with a professional biologist to be retained by the Homeowner's Association or the developer.

4.2 Of the existing 331.5 acre hammock within Amelia Island South, consisting of Live Oak hammock and mixed Broadleaf and Mixed Broadleaf with Pine forest and Live Oak, Red Cedar, Cabbage Palm woodland, 38.0 acres of upland hammock on the PLM West site shall be preserved for upland vegetative/wildlife habitat. An additional five (5) acres shall be preserved as a golf course buffer (see 4.4 below)

Fourteen acres of property offered by PLM West to be preserved as wildlife habitat, located offsite the project property in a 54 acre parcel south of and adjacent to the PLM West site, shall be preserved in perpetuity. In the event of transfer of title to any entity other than the State of Florida, the Applicant shall place appropriate deed restrictions to ensure that the 14 acres are preserved in perpetuity as wildlife habitat. In the event of transfer to the State of Florida, appropriate assurances shall be given by the State that the upland acreage will be maintained as wildlife habitat in perpetuity.

4.3 Any area not occupied by utility and maintenance facilities on the 7.7 acre Parcel B PLM West, shall be retained in its natural state as habitat for wildlife.

4.4 The PLM West applicant shall submit to the RPC, prior to final development plan approval, a site plan at a scale of 1:200, showing the location of the additional 5 acres of forest to be preserved in the golf course buffer for wildlife habitat in

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perpetuity. This marginal habitat location is allowed as an exception to RPC policy because of additional commitments made by the applicant.

5.0 WASTEWATER MANAGEMENT

5.1 In the event that sewage treatment capacity is not available to meet the projected demands from the PLM West site and golf course site at Amelia Island South consistent with the phasing schedule provided in the ADA, a revised phasing schedule shall be submitted to the RPC, DER, DCA and Nassau County before any building permits are issued for PLM West. The revised schedule shall be in conformance with the ability of Amelia Island Waterworks, Inc. or other utility to provide treatment capacity.

5.2 The use of septic tanks in any phase shall not be permitted for any permanent structure unless otherwise approved by the Nassau County Planning Board.

6.0 WATER SUPPLY

6.1 To maximize water conservation on the PLM West site and golf course site at Amelia Island South, the Applicant shall install or cause to 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 storm water for irrigation and indigenous plants for landscaping.

7.0 RECREATION AND OPEN SPACE

7.1 A multi-purpose path shall be constructed within the development. Bike racks shall be installed at commercial, recreational and at dune walkovers. The Applicant shall be responsible for only that portion of the path on the subject property.

8.0 PUBLIC SAFETY

8.1 Transfers of title to any property in the project shall be accompanied by a hazard disclosure, stating that the PLM West

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site at Amelia Island South is within a hurricane hazard area, in which property is subject to damage and residents may be evacuated in the event of any hurricane landfalling within 50 miles of Amelia Island.

8.2 The applicant shall have all buildings in excess of three (3) stories equipped with internal fire suppressions/protection equipment such as stand pipes, sprinkler systems, pressurized stair wells based upon consultation with the Fire and Public Safety Director. In addition, streets leading to all buildings should be wide enough to have sufficient support to accommodate heavy fire suppression apparatus up to the size of a ladder truck. Said plans for the buildings and roads shall be considered by the respective boards at the appropriate final development review.

9.0 TRANSPORTATION

9.1 The Northeast Florida Regional Planning Council will contract directly with a transportation firm chosen by the County Engineer to perform a detailed Island wide transportation study and the applicant shall be bound by the findings of the transportation study if adopted by the Board of County Commissioners.

9.2 The applicant shall construct left turn and acceleration/deceleration lanes on SR AIA (105) at all major intersections with PLM West's internal road system at the time such intersections or points of access are created. The Applicant shall provide signalization when deemed warranted by the FDOT or Nassau County.

9.3 Upon determination by the FDOT or Nassau County that level of service "C" has been exceeded on SR AIA (105) from Burney Road north to Fletcher Avenue, and from Burney Road south to the project's southern boundary, based on the annual traffic reports, or Island wide traffic study, the Applicant shall participate on a proportionate share basis in funding the cost of

widening these road segments to four lanes. The above shall include improvements to major intersections, i.e., left turn and acceleration/deceleration lanes, etc. and signalization when warranted as determined by the Florida Department of Transportation or Nassau County.

9.4 Upon determination by Nassau County that level of service "C" has been exceeded, the Applicant shall participate on a proportionate share basis in funding the following road improvements. (Nassau County's determination shall be based on FDOT criteria or County standards.)

- a. Widen to four lanes, that segment of Amelia Island Parkway from SR AIA (200) near the Intracoastal Waterway to CR 105A (Amelia Road at the Chrysler dealership)
- b. Widen to four lanes, CR 105A (Amelia Road at the Chrysler dealership) from the Amelia Island Parkway Intersection to Fletcher Avenue (SR AIA/105).
- c. The above shall include improvements to major intersections, i.e., left turn and acceleration/deceleration lanes, etc. and signalization when warranted.

9.5 Upon determination by Nassau County or the FDOT (whichever has jurisdiction) that traffic generated by the development at PLM West is impacting any of the following roads and their major intersections, the applicant shall be required to pay its proportionate share of the costs of improving such roads and intersections.

- Amelia Island Parkway [from SR AIA(105) to South Fletcher Avenue]
- 14th Street (Amelia Island Parkway to Atlantic Avenue)
- Sadler Road (CR108)
- Fletcher Avenue (SR AIA/105)
- SR AIA/200 (Intracoastal Waterway to 5 points)

Nassau County and the FDOT may utilize the annual traffic reports as well as the Island wide transportation study in making their determinations. No further permits shall be issued until the Applicant's proportionate share of the road improvement costs has been escrowed, or an acceptable letter of credit filed, with the appropriate government agency.

9.6 The Applicant's proportionate share of road improvement costs shall be escrowed with the appropriate governmental agency when it is determined by the appropriate governmental agency, that such improvements are warranted. No further permits shall be issued until the proportionate share of the road improvement costs have been escrowed, or an acceptable letter of credit filed, with the appropriate government agency.

9.7 The Applicant's proportionate share of road improvement costs shall be based on the percentage of applicant generated traffic using such improvements.

10.0 BEACH ACCESS

10.1 Applicant has committed to provide a minimum area suitable for public parking for fifty (50) expandable to sixty (60) cars and to construct and maintain said public parking area. The Applicant shall place the fifty (50) expandable to sixty (60) car parking area across from the property known as "The Residence" and as close as possible to the 10 foot public beach access easement located within "The Residence". The exact location and configuration of the parking area shall be indicated on a site plan and submitted to the Board of County Commissioners for their review and approval. No final development plans shall be approved or permits issued until such time as the site plan has been reviewed and approved.

10.2 Final development plans shall not be approved or permits issued until the property has been reserved or conveyed, at the Board's option, to the County of Nassau and the area is available for the public's use or until an agreement is executed

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setting forth a schedule for the construction of the parking area, reservation or conveyance and time within which the public may begin utilizing the property.

11.0 MISCELLANEOUS

11.1 - Land Use: The uses requested in the ADA/PUD applications for PLM West shall be approved as presented and approved by the Planning Board.

11.2 - Fire Protection:

1. The applicant, with the PLM East Applicant and Dunes Club Applicant, shall pay its proportionate share to purchase one new 1,500 gallon capacity fire pumper combination 100' ladder truck. The terms and conditions of this purchase shall be negotiated by the Applicant and the Board of County Commissioners within 30 days of the date of this order. No final development plans shall be approved or building permits issued until the Board has approved the terms and conditions of Applicant's purchase of the fire truck.

2. The applicant shall provide its proportionate share of the funds to expand the current fire station, known as Station #3, so as to provide space for sleeping and living accommodations for six personnel. The Board of County Commissioners shall establish the funds necessary for the expansion and the date required for the funds to be received. No final development plans shall be approved or permits issued for PLM West should the County not receive the established funds. The exact share for each Applicant shall be established by mutual agreement between the Applicants and submitted to the Board of County Commissioners within 30 days of the date of this resolution.

3. The applicant shall provide its proportionate share of funds necessary to expand the current fire station, known as station #3, so as to provide a minimum of 600 square feet of space for a bay to house the ladder truck as stated in

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paragraph 11.2-1. The Board of County Commissioners shall establish the funds necessary for the expansion and the date required for the funds to be received. No final development plans shall be approved or permits issued for PLM West should the County not receive the established funds. The exact share for each applicant shall be established by mutual agreement between the applicants and submitted to the Board of County Commissioners within 30 days.

4. The applicant shall receive credit for fire related contributions against any future impact fees to be levied or negotiated.

11.3 - Police Protection: The applicant shall contribute its proportionate share to the County for:

1. One (1) patrol unit; One (1) patrol unit shall include four (4) automobiles at a 1985 price of \$42,875.00 and \$12,300.00 for additional capital improvements for the additional patrol unit. Said amount totals \$55,175.00 and shall be contributed on or before September 1, 1985. The applicant shall receive credit toward any final contribution for said police protection. Said credit shall be against any imposed or negotiated impact fees. The exact share for each applicant shall be established by a mutual agreement between the applicant and submitted to the Board of County Commissioners within 30 days. No final development plan shall be approved or permits issued for the applicant should the County not receive the established funds.

11.4 - Applicant Commitments: This development order shall incorporate, where applicable to PLM West, the commitments and plan characteristics as set forth in pages F-3 through and including F-8 of the DRI assessment report.

11.5 - Building Heights: The maximum building height allowed within PLM West shall be six (6) stories above parking.

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11.6 - Parking: The required number of parking spaces for PLM West shall be one and one-half (1 1/2) spaces per condominium unit. The required number of parking spaces for other than condominium units shall be according to the Nassau County Zoning Ordinance 83-19.

11.7 - Consultation with Local Officials: The applicant shall regularly and routinely consult with the Public Safety Director, Sheriff, County Engineer, and planning and Zoning Director regarding final development plans and wherever practical and consistent with the development orders and PUD's, include the suggestions of the aforementioned officials in any final development plans. All applications for final development plans submitted to the County shall contain the written comments of the aforementioned officials.

11.8 - County Ordinance: The following provisions of Article 24 of Ordinance 83-19 shall be applicable and shall be adhered to: 24.04; 24.05(e) and (f); 24.06; 24.07; 24.08.

11.9 - County Flood Plain Ordinance: All building within PLM West shall conform to the Nassau County Flood Plain Ordinance.

11.10 - Access Roads : The roads leading into PLM West shall not interchange at or near the same location at which any roads from PLM East interchange with AIA. There shall be no direct access roads from PLM West to PLM East.

11.11 - Shuttle Service : The applicant shall encourage, to the maximum extent possible, and provide appropriate plans to the Planning Board for their review and approval:

a. Shuttle service for residents of PLM West with said service transporting them to the Dunes Club or Amelia Island Plantation property.

11.12 - Setback Requirement : The setback requirement shall be as specified in the Nassau County Zoning Ordinance 83-19.

11.13 - Impact Fees: Based upon data presented by the applicants, the RPC concluded that "there should be an indiscernible impact upon capital outlay demand by the Nassau County School Board" from the project as a result of the small number of school aged children expected within the project. To confirm or reject the validity of the developer's projections, the number of project children attending county public schools shall be included in the annual report and each annual report should re-evaluate projections based on changes in the product mix within the development. If the data provided in such annual reports indicate a deviation from the projections concerning project children set forth in the Amelia South application, then the project should be reviewed to consider any additional commitments by the developers necessary to mitigate the additional impacts.

11.14 Additional impacts created by applicant are addressed within the development order and the applicant shall be subject to any county wide impact fee ordinance.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA.

BY: John F. Clayton

ATTEST:

BY: T.J. Greeson
T.J. GREESON

Its: Ex-Officio Clerk

EXHIBIT "A"

PLM WEST

215 Century 21 Drive
Jacksonville, Florida 32216
Phone (904) 724-9433

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bassett

December 19, 1983

Work Order Number 12-83-53

File S-1837-T

Description for A. J. Land, Inc.

A part of Sections 38 and 39. Township 1 North, Range 29 East and part of Sections 1 and 42 and all of Sections 43 and 44, Township 1 North, Range 28 East, all in Nassau County, Florida, being more particularly described as follows:

For a point of reference, commence at the intersection of the Westerly Right of Way line of Florida State Road No. 105 (S.R. AIA) as now established as a 200 foot right of way with the Northerly line of Unsurveyed Section 1, Township 1 North, Range 28 East of said county; thence South 19° 33' 10" East, along said Westerly Right of Way line, a distance of 323.72 feet to the point of beginning.

From the point of beginning thus described, continue South 19° 33' 10" East, along said Westerly Right of Way line, a distance of 4799.97 feet to a point of curve of a curve concave Northwesterly having a radius of 3337.75 feet; thence Southwesterly, along the arc of said curve an arc distance of 2400 feet, more or less, to its intersection with the division line of the Uplands and Marshlands, said division line also being the same as the Mean High Water line of Nassau Sound and South Amelia River; thence Northerly, Northeasterly, Easterly, Southeasterly, Southerly, Southwesterly, Westerly and Northwesterly, along said Mean High Water line, a distance of 31,200 feet, more or less, to its intersection with a line bearing South 89° 59' 50" West from the point of beginning; thence North 89° 59' 50" East, a distance of 124 feet, more or less, to the point of beginning.

Lands thus described contain 311 acres, more or less.

EXHIBIT "A"
PLM EAST

CHARLES BASSETT & ASSOCIATES, INC.
Surveyors, Engineers & Land Planners
215 Century 21 Drive
Jacksonville, Florida 32216
Phone (904) 724-9433

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bassett

File Number S-1837-T

October 12, 1982

Work Order Number 10-82-1

Description for A. J. Land

PARCEL 7

A portion of Sections 38 and 39, Township 1 North, Range 29 East and a portion of Section 42, Township 1 North, Range 28 East, Nassau County, Florida, being more particularly described as follows:

For a point of reference, commence at the intersection of the Westerly Right of Way line of Florida State Road No. 105 (S.R. A-1-A, a 200 foot right of way, as now established) and the Northerly boundary of Unsurveyed Section 1, Township 1 North, Range 28 East; run thence South 19° 33' 10" East, along said Westerly Right of Way line, a distance of 323.72 feet; run thence North 89° 59' 50" East, a distance of 212.24 feet to a point in the Easterly Right of Way line of said Florida State Road No. 105; run thence South 19° 33' 10" East, along said Easterly Right of Way line, a distance of 436.0 feet; thence continue South 19° 33' 10" East, along said Easterly Right of Way line, a distance of 4292.95 feet to the point of curvature of a curve to the right, said curve defining the Easterly Right of Way line of said Florida State Road No. 105, being concave to the Northwest and having a radius of 3537.75 feet; run thence Southeasterly around said curve, an arc distance of 1355.22 feet to the point of beginning for this description (said arc being subtended by a chord which bears South 08° 34' 43" East, 1346.94 feet).

From the point of beginning thus described, continue Southwesterly, along said Easterly Right of Way line and around said 3537.75 foot radius curve, an arc distance of 2076.25 feet (said arc being subtended by a chord which bears South 19° 12' 31" West, 2046.58 feet); departing from said Easterly Right of Way line, run thence North 82° 42' 00" East, a distance of 1875 feet, more or

EXHIBIT "A" 431

PLM EAST

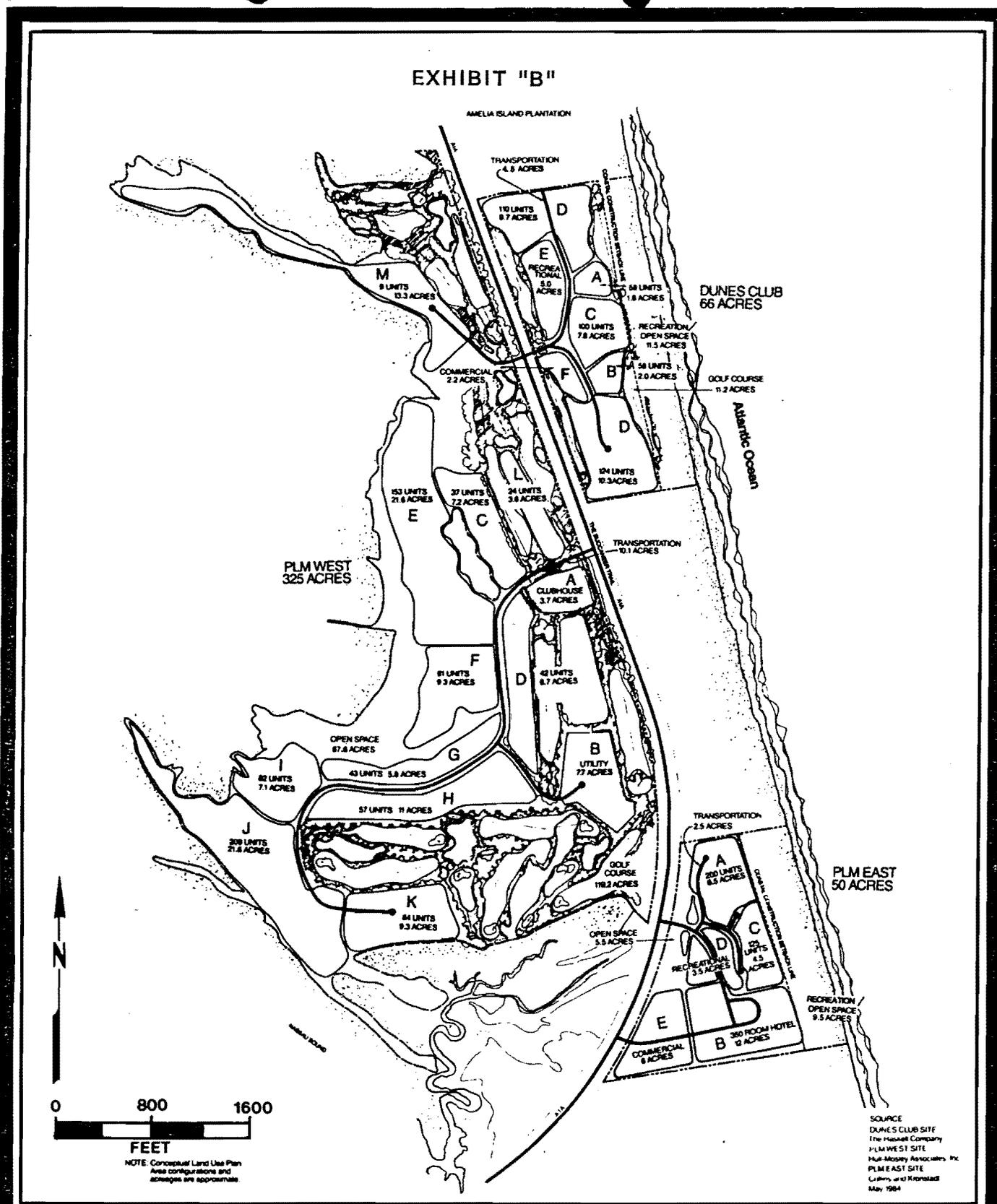
Description for A. J. Land
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Parcel 7 (continued)

less, to the apparent Mean High Water Line of the Atlantic Ocean; run thence Northerly, along said apparent Mean High Water Line, a distance of 1845 feet, more or less, to its intersection with a line bearing North 82° 42' 00" East from the point of beginning; run thence South 82° 42' 00" West along said line, a distance of 700 feet, more or less, to the point of beginning.

Lands thus described contain 50.00 acres, more or less.



MAP H
MASTER DEVELOPMENT PLAN
COMPOSITE

AMELIA ISLAND
SOUTH