

RESOLUTION 90-41

SUMMER BEACH CONSOLIDATED DEVELOPMENT ORDER

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING RESOLUTION 85-11 WHICH APPROVED THE APPLICATION FOR DEVELOPMENT APPROVAL OF SUMMER BEACH, SUBJECT TO CERTAIN CONDITIONS, AND CONSOLIDATING AMENDMENTS TO 85-11 MADE BY RESOLUTIONS 85-15, 85-60, 86-8, 86-29, 86.62, 87-11, and 89-30.

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

WHEREAS, The Nassau County Board of County Commissioners on December 19, 1984 approved Resolution 85-11; and

WHEREAS, Resolution 85-11 approved the application for development approval of SUMMER BEACH, subject to certain conditions; and

WHEREAS, Resolution 85-11 incorporated the rezoning of the parcels of land known as SUMMER BEACH to that of a PUD; and

WHEREAS, Resolution 85-15 amended 85-11 to correct errors; and

WHEREAS, Resolution 85-60 amended 85-11 and found that such amendments were not a substantial deviation; and

WHEREAS, Resolution 86-29 further amended 85-11 to correct errors; and

WHEREAS, Resolution 86-62 further amended 85-11 as a substantial deviation and consolidated all of the preceding

amendments on the "Summer Beach Consolidated Development Order;" and

WHEREAS, Resolution 87-11 amended 86-62 and found that such amendments were not a substantial deviation; and

WHEREAS, Resolution 89-30 further amended 86-62 and found that such amendments were not a substantial deviation.

WHEREAS, SUMMER BEACH, as proposed in the ADA and PUD amendments, is a planned residential development on approximately 459 acres of approximately 1,679 dwelling units and related uses, as defined on revised Maps H-1 R(3) and H-2 R(3) and Tables 12A-2 and 12A-3 (revised November 1, 1988) of the DRI application, as amended, upon real property located in Nassau County, Florida; and owned by SUMMER BEACH, LTD. , as further described in the attached exhibits as listed herein 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 amendments thereto; and

WHEREAS, pursuant to Section 380.06 (7), Florida Statutes, due Notice of Public Hearing of all application and amendment proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings were properly held on the applications and amendments; 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 amendments, 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 amendments; 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 SUMMER BEACH, NEFRPC, as well as the Nassau County staff, and the public in attendance at said public hearings; and

WHEREAS, the said Board desires to consolidate Resolutions 86-62, 87-11 and 89-30; and

WHEREAS, in Resolution 86-62, as amended, the Board of County Commissioners of Nassau County, Florida has made the following consolidated 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 will currently meet the current beach access and parking demand, pursuant to Chapter 161.091, Florida Statutes, the newly adopted Special Act regarding beach driving, the Corps of Engineer guidelines, as well as the Board of County Commissioners policy for greater public access by conveying to the County a 12.3 acre parcel for a park, (Parcel B-10 on Summer Beach Land Use Plan, Map H-1R(4), as well as the completion, by the

applicant, of the paving of the relocated Scott Road with a minimum of one hundred (100) parking spaces (on Parcel A-11 on Summer Beach Land Use Plan, Map H-1R(4), the dedication to Nassau County of the existing easement (recorded in OR Book 222, Page 371-72, and OR Book 222, Page 383-85) for public beach access, and with the construction of appropriate dune walkovers and parking areas; and

WHEREAS, in Resolution 85-11 as amended, the Board entered the following consolidated 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 16, 1984.
- g.) Revised Maps H-1R and H-2R.
- h.) Revised Tables 12A-2 and 12A-3.
- i.) (R-85-60) An Application to Amend Development Order submitted to Nassau County by letter dated July 8, 1985.
- j.) (R-85-60) Revised Maps H-1R(1) and H-2R(1) dated September 9, 1985.
- k.) (R-85-60) Revised Tables 12-A-2 and 12-A-3 dated September 9, 1985.
- l.) (R-86-62) Application to Amend Development Order submitted to Nassau County by letter dated July 1, 1986.
- m.) (R-86-62) Revised Maps H-1R(2) and H-2R(2) dated July 1, 1986.
- n.) (R-86-62) Revised Tables 12-A-2 and 12-A-3 dated July 1, 1986.
- o.) Application to Amend Development Order submitted to Nassau County by letter dated November 1, 1988.

- p.) Revised Maps H-1R(3) and H-2R(3) dated November 1, 1988.
- q.) Revised Tables 12A-2 and 12A-3 dated November 1, 1988.
- r.) Application to Amend Development Order submitted to Nassau County on July 5, 1989.
- s.) Revised Maps H-1R(4) and H-2R(4) dated July 5, 1989.
- t.) Revised Tables 12A-2 and 12A-3 dated July 5, 1989.
- u.) The Special Act relating to Beach Driving Access dated June 1, 1989.
- v.) Site Plan for Relocation of Scott Road, a site plan showing beach ramp, the relocated Scott Road, and a minimum of 100 parking spaces.
- w.) Recorded dedication of the easement for the public beach access located on the southern boundary of Parcel A-2.

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 Regulation, 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 twelve (12) months and estimated for the ensuing twelve (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 twenty (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 twelve (12) month period, and appropriate maps.

- (2) Traffic counts, turning movements and levels of service, actual for the past twelve (12) months, on major roads in the primary impact area as depicted on Map J in Exhibit "A" attached hereto. 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.

j.) (R-85-60) The annual water quality report on the lake system of the golf course and the discharge from Parcels C and J.

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's 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; and,

WHEREAS, the developer of SUMMER BEACH has filed an amendment to said PUD and Development Order; and

WHEREAS, the Planning Commission has reviewed said amendment and conducted public hearings, and made a finding that the amendments do not constitute a substantial deviation, pursuant to Section 380.06(17), Florida Statutes; and

WHEREAS, the Planning Commission has recommended approval of changes and amendments with specific provisions;

NOW, THEREFORE, BE IT RESOLVED THAT:

1.) The changes proposed to the PUD and Development Order constitute a substantial deviation and full review has been provided in accordance with Florida Statutes, Section 380.06(19).

2.) The PUD and Development Order shall be amended as noted by the following paragraphs: General and Special Conditions of Development, Paragraphs 1.1, 4.1(a)(5), 4.6(b), 4.6(c), 6.1, 11.6, and 12.2.

3.) Prior amendments to this Development Order are consolidated herein by notations as follows:

Resolution 85-15 -- (R-85-15)

Resolution 85-60 -- (R-85-60)

Resolution 86-29 -- (R-86-29)

Resolution 87-11 -- (R-87-11)

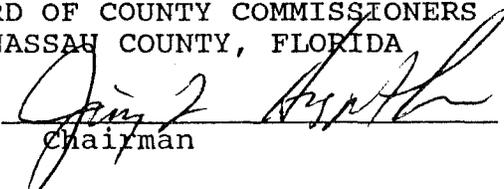
Resolution 89-30 -- (R-89-30)

4.) 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.

5.) 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 28th day of November, 1989

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA

By: 
Its: Chairman

ATTEST

By: 

Its: Ex-Officio Clerk
(Official Seal)

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 K (R-85-60) - W, 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 (3) 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 of 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 residents 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 setoffs 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 thirty (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 One 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 Two, 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 A-1, A-2 and A-7.

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 105-A extending from the State Road 105-A/Amelia Island Parkway intersection to 105-A/14th Street intersection. The Applicant shall also be required to share the cost of signalization at the intersections of State Road 105-A 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 105-A (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 A-I-A (near Thomas J. Shave Bridge) intersection.

b.) Signalization of the Amelia Island Parkway/State Road A-I-A (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 improvement 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 105-A extending from State Road 105-A/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 (R-85-15) 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 a state, regional or 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. In addition, should the FDOT determine that traffic generated by SUMMER BEACH is impacting roadway or intersections of the state or regional road system not addressed by the Development Order, the Applicant shall be required to pay his proportionate share of the cost of improving such roadways. The Applicant's proportionate share of improvement cost shall be based on a percentage of SUMMER BEACH traffic using such improvements. The Applicant shall pay his share of the improvement Cost with the agency having jurisdiction over the road(s) warranting improvements. This stipulation applies only to those state, regional and 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 the 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 A-I-A near the Thomas J. Shave Bridge to 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.

3.12 (R-85-60) The Applicant shall construct a grade separated crossing on A-1-A for golf carts and pedestrians, connecting Parcels B and C, prior to opening the course and another grade crossing of the parking connecting Parcels B and J with traffic signals in conjunction with the roadway entrances to Parcels B and

J (push button pedestrian type).

4.0 LAND RESOURCES/DUNES

4.1 The Applicant shall preserve a minimum of forty percent (40%) of the dune interface area and be required to preserve not less than seventeen percent (17%) of the 225, plus or minus, acre hammock. A minimum of ten percent (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 eight (8) acres or more; at least 25% shall be preserved if a majority are in parcels

of three (3) to seven (7) acres. Such areas can contain nature walks and bike trails in the periphery of the parcels, but shall exclude use by motorized vehicles.

(R-85-60) The Applicant agrees to preserve, as a part of this commitment, the following specific hammock parcels.

(1) All of Parcel G - 4.16 acres.

(2) All of Parcels H - 13.31 acres.

(3) All of Parcel I - 4.87 acres - excluding one 60 foot wide roadway crossing of the parcel to provide access to the property lying to the west of the parcel and north of Scott Road.

(R-87-11)

(4) In Parcel A, a continuous buffer, a minimum of two hundred (200) feet in width along the Southern property boundary and along the Amelia Island Parkway frontage of Parcels A-5 and A-6. A minimum seventy-five (75) foot buffer along the rest of the Parkway frontage with the exception of the sub-phase known as SAILMAKER, which has been approved with a 47-foot buffer. This buffer can be crossed for two (2) roadway entrances for the Summer Beach Development entrance roads, one (1) public beach vehicular access (relocated Scott Road), the existing beach access easement (as recorded in Official Records 222, Page 371-72 and Official Records 222, Page 383-85) and one (1) multi-purpose trail (R-89-89).

(5) The developer shall retain natural buffers along the roadway frontage of Parcels B, C and J with final approval reserved to the Planning Commission for each final development plan of each parcel.

(R-86-29) The Developer will retain natural buffers along the roadway frontages of Parcels B, C and J, a minimum of 50 feet in depth, with final approval reserved to the Planning Commission for each final development plan of each parcel. These buffers may be penetrated by entrance roads, pedestrian/bicycle trails and golf cart trails as determined in final development plans and for construction of the well and pump house in the buffer of Parcel B. The encroachment into the buffer in Parcel B is to be mitigated by providing adequate buffering and landscaping between Amelia Surf and Racquet Club and the parking areas in Parcel A-11 (newly relocated Scott Road/beach access), as shown on attached Exhibit "V".

(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) Deleted (Oct 89).

(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 twelve (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 thirty (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 of the Coastal Construction Control Line (CCCL) with the exception of a new beach access drive (relocated Scott Road) at the north end of Parcel A and the closing of the existing Scott Road access in Parcel B. Construction seaward of

the CCCL on the existing Scott Road access in Parcel B will be for the sole purpose of repairing the dune system.

c.) Any excavation in the secondary dune system shall not reduce existing crest elevations below twenty-six (26) feet above mean sea level except for the construction of the relocated Scott Road beach access which may be reduced to no less than twenty-three (23) feet msl as long as appropriate transitional side slopes are maintained.

d.) Each final development plan for Parcels A and B shall include a map indicting 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 twenty (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;

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.

4.9 (R-85-60) The Applicant shall retain a professional biologist as a consultant to the golf course architect. The course shall be designated to minimize and mitigate the negative impacts of the course on the various habitats of the site and/or create features which enhance habitat diversity.

4.10 (R-85-60) Each final development plan is to show the existing and proposed grading of the parcel as well as a construction pad (area) requirements for the development of the structures, roadways and parking on each parcel. This is to insure that there shall be a maximum amount of preservation of natural vegetation.

4.11 (R-86-62) On all single family lots, no trees larger than eight (8) inches may be removed outside of the building zone of ten

feet from the main dwelling and accessory uses without written approval of the Architectural Review Board.

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 on-going management plan to maintain these retention/drainage systems in working condition.

5.2 The twelve (12) acre fresh water marsh in Parcel C shall be retained in its natural function with only pre-development level flows directed into the marsh, after pre-treatment through swales for removal of surge load pollutants.

5.3 (R-85-60) The Applicant shall work with Amelia Island Waterworks to make all possible efforts to dispose of treated sewage effluent on the golf course and other open spaces within SUMMER BEACH by means of a spray irrigation system. The Applicant shall provide for the disposal of the maximum amount of effluent commensurate with state regulations and maintenance of a healthy golf course. All plans and agreements developed for the disposal of effluent shall be submitted to the County and all applicable state agencies 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.

5.6 (R-85-60) The Applicant shall prepare an annual monitoring of the water quality of the golf course lake system and the drainage discharge from Parcels C and J to assure that fertilizers and pesticide levels do not exceed standards established by DER and SJRWMD. The report shall meet the standards and format established by the DER and SJRWMD. The Applicant shall ensure that only biodegradable fertilizers and EPA and DER approved pesticides and fungicides are used. This report shall be included in the Annual Monitoring Report and submitted to DER and SJRWMD and shall be prepared annually for five (5) years after completion of the golf course.

5.7 (R-85-60) The golf course shall be designed so that sheet flow from grassed areas into any pond or wetland area does not occur during the first one-half inch of rainfall in a storm event. This shall be accomplished by the design of slopes and use of berms.

5.8 (R-85-60) In all manmade ponds, provided in the golf course, including the existing borrow pits in Parcel J, bottom slopes of the pond area shall be designed to support a freshwater wetlands vegetation association in areas adjacent to hammock preserves, buffers and other appropriate areas. The design of these slopes and vegetation shall be approved by the DER, SJRWMD and Florida Game and Fresh Water Fish Commission.

(R-86-29) The side slopes within the lakes of greater than one acre shall be 7:1 or shallower from the control elevation to three

feet below the control elevation along a minimum of 50% of the shore, excluding any effluent holding ponds. The Applicant shall prepare a planting and management plan for the littoral zone that surrounds the constructed water bodies. The plan shall include the recommendations of a professional biologist on types, extent, and timing of planting that will be provided in the littoral zone. The plan shall also indentify the management activities which will ensure the continuance and health of the littoral zone and the prevention of mosquito production. The plan shall be subject to the approval of the NEFRPC in consultation with SJRWMD, DER, and FGFWFC and shall be submitted with the final development plans for the first phase of development containing such ponds and with subsequent phase.

(A8/86) The preceeding modification to the bottom slopes of the borrow pits in Parcel J may be omitted, if the developer provides covenants in the deeds on lots facing on these water bodies to prohibit the removal of all live oak trees, within twenty-five (25) feet of the shoreline.

5.9 (R-85-60) The Applicant shall prepare and distribute educational literature on the design of the golf course and its features that are specifically related to enhancement of environmental diversity.

5.10 (R-85-60) If the Applicant elects to utilize the existing well located in the land area added to Parcel J, all regulations of the St. Johns River Water Management District and DER shall be complied with.

5.11 (R-85-60) The Applicant shall amend the SJRWMD Conceptual Stormwater Management Permit issued on the site to include the land

added to Parcel J.

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 thirty (30) days prior to the submission of any subparcel's final development plan. The applicant shall provide funds for the purchase of an equivalent viable Gopher Tortoise habitat. These funds shall be in the amount of \$54,775 and shall be submitted to the Trust for Public Lands to be deposited in the Northeast Wildlife Mitigation Trust Fund (the Trust) within 60 days of issuance of the Summer Beach Amended Development Order by Nassau County. Such Trust is to accumulate funds for the purpose of purchasing a viable habitat area. The fund amount shall be based on a per acre cost of \$2,191 and the Florida Game and Fresh Water Fish Commission recommendation of a minimum viable Gopher Tortoise habitat size of 25 acres. Failure to comply with all provisions of this recommendation shall constitute a substantial deviation, subject to further Regional Impact review, as stipulated in Chapter 380.06 (19), Florida Statutes.

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 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 One, the Applicant shall contribute to the County of Nassau, or other appropriate entity designated by the County, one 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 evacuation 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 four hundred 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 B-8 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 One.

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

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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 twelve (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 thirty (30) days of the approval of this Development Order. The Board of County Commissioners shall use the twelve (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 thirteen (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: Deleted (A8/86).
- d.) Parcel J: Deleted (A8/86).

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 multipurpose trail a minimum of six feet (6') in width, along Amelia Island Parkway from the Peters Point Road public beach access to Scott Road and extend southerly along Amelia Island Parkway to the relocated Scott Road public beach access. 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 twelve (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 feet in Parcel B along A-1-A between Amelia Island Parkway and the twelve (12) acre park parcel.

11.9 (R-85-60) The Applicant shall prepare deed restrictions that provide for the perpetual use of the golf course as open space/recreational use.

11.10 (R-85-60) Parcel C-7 should be dedicated to the City of Fernandina Beach.

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 No more than six hundred (600) of the dwelling units within the Summer Beach Development are to be converted to timeshare units without approval of the County.

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 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 deeded by warranty deed subject to existing covenants and restriction of record for public access to the beach and Applicant shall reconstruct a dune walkway to the beach. The walkway shall be completed prior to construction of Phase One. The property shall be conveyed within sixty (60) days of November 28, 1989.

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, G, H, and J shall be as follows:

Parcel B - Residential structures built within 50 feet 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 (5) 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 (3) stories.

Parcel G - Deleted (R-85-60).

Parcel H - Deleted (R-85-60).

Parcel J - A landscaped buffer of at least twenty (20) feet in width shall be installed and maintained along the property boundaries of subparcel J. Residential structures built, within fifty (50) feet 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 (3) stories.

(R-85-60) "Emergency Only" entrances may be provided to Scott Road and/or S.R. A-1-A, if required by the Director of Emergency Services of Nassau County.

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. (R-85-60)...unless altered in the final development planned review process.

12.13 The relocation of Peters Point Road intersection, as indicated on Exhibit "F", and the relocated Scott Road beach access, as indicated on Exhibit "V" of the Development Order, shall be performed with the following conditions:

- a. The new entrance way to Peters Point (Parcel B-10) and the beach access facility at the relocated Scott Road (Parcel A-11) shall be completed prior to vacating the existing entrance ways/roads at their present locations. In addition, the new entrance ways/roads shall be constructed to the County Engineer's standards. The site plans for the new facilities shall be reviewed by the Planning Commission and approved by the County Commission through the usual site plan review process.
- b. The relocated Scott Road beach access park shall, within Parcel A-11, as shown on Exhibit "V", provide as a minimum a natural buffer within the oak hammock area along the property line common to Amelia Surf and Racquet Club; provide a minimum of one hundred (100) paved vehicular parking spaces oriented for beach goers with no parking spaces to be located within seventy-five feet (75') of Building C in Amelia Surf and Racquet Club; provide a vehicular access road onto the public beach; and provide a fence and landscaped buffer from the edge of the oak hammock seaward to the Coastal Construction

Control Line (CCCL). Design, engineering, construction and paving of the entrance, roadway, drainage and parking will be the responsibility of the Applicant. Natural topography and hardwood species will be retained to the maximum extent possible.

- c. Upon completion of the relocated Scott Road beach access facility, the existing Scott Road (Parcel B) will be abandoned and the dune will be reconstructed and revegetated.

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.

12.15 This Resolution becomes effective pursuant to law.

ADOPTED this 28th day of November, 1989.

BOARD OF COUNTY COMMISSIONERS


By: Jimmy L. Higginbotham
Its: Chairman


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

(Official Seal)