

FLAGLER COUNTY RESOLUTION NO. 84-7

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COUNTY ENGINEER
FLAGLER COUNTY, FLA

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, APPROVING THE APPLICATION FOR DEVELOPMENT APPROVAL OF ADMIRAL CORPORATION FOR HAMMOCK DUNES, SUBJECT TO CERTAIN CONDITIONS

WHEREAS, on April 22, 1983, Admiral Corporation, hereinafter referred to as "Applicant", submitted to Flagler County an application for development approval (ADA) for a development of regional impact (DRI) known as "Hammock Dunes", in accordance with Section 380.06, Florida Statutes; and

WHEREAS, on August 3, 1983, Applicant responded to a request from the Northeast Florida Regional Planning Council (RPC) for additional information by filing a supplement to said ADA; and

WHEREAS, Hammock Dunes as proposed in the ADA is a planned community located on approximately 2,258 acres in the unincorporated area of Flagler County, consisting of 6,670 residential units and related commercial, institutional, recreational and other uses; and

WHEREAS, pursuant to Sections 380.031 and 380.06, Florida Statutes, the Board of County Commissioners of Flagler 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 Hammock Dunes DRI ADA; and

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

WHEREAS, the Board on January 16, 1984, held a public hearing on the ADA at which all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence, and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, all persons and parties present at the hearing were given fourteen (14) days after the January 16, 1984, public hearing to file written comments and submit further written evidence and no person or group chose to do so; and

WHEREAS, pursuant to Section 380.06, Florida Statutes, public notice of said hearing was duly published in the Flagler/Palm Coast News/Tribune on November 16, 1983, December 14, 1983, and December 28, 1983, and was duly provided to the Florida Department of Community Affairs (DCA), the RPC, and other persons designated by DCA rules; and

WHEREAS, the Board conducted a further public meeting on March 30, 1984 where it fully considered the ADA, the report of the RPC, 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 FLAGLER COUNTY, FLORIDA, THAT SAID BOARD MAKES THE FOLLOWING FINDINGS OF FACT:

1. The legal description of the property comprising the proposed Hammock Dunes DRI is set forth on pages 2-6 of the ADA, which is incorporated herein by reference.

2. When developed in accordance with the conditions imposed by this development order, the Hammock Dunes DRI:

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

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

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

(d) will efficiently use public transportation facilities;

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

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

BE IT FURTHER RESOLVED THAT THE BOARD ENTERS THE FOLLOWING CONCLUSIONS OF LAW:

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

2. The proposed Hammock Dunes DRI 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 Hammock Dunes DRI, subject to the conditions imposed by this development order, is consistent with the Flagler County Comprehensive Plan, subdivision regulations, and other local land development regulations.

5. The proposed 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 the Hammock Dunes DRI is hereby approved, 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 Hammock Dunes DRI. The ADA and supplemental information filed by the Applicant are incorporated herein by reference and the proposed

development shall be carried out substantially in conformance with the ADA, as amended by the revised maps dated January 14, 1984, and filed as Exhibits 9-12 at the January 16, 1984, hearing, except to the extent that the ADA as revised is inconsistent with the other terms and conditions of this development order. The ADA is amended by any inconsistent terms of this resolution and the attachments incorporated by reference.

8. The County Engineer is designated as the local official responsible for receiving and monitoring the annual reports. The procedures for review of Planned Unit Developments under Article X of the Flagler County Development and Subdivision Regulations incorporated by reference in Section 17 of Attachment A to this development order shall be followed to facilitate such compliance monitoring by the County Engineer. The provisions of Section 380.06(15), Florida Statutes as amended, shall apply to this development order. Section 380.06(15), Florida Statutes currently provides:

"The local government issuing the development order is primarily responsible for monitoring the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order."

9. This development order shall take effect upon adoption and shall remain in effect for the duration of the development as described in the ADA. The effectiveness of this development order may be extended by the Board upon a showing by Applicant or excusable delay and a showing that the completed portions of the development substantially comply with the conditions of this development order. 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 Hammock Dunes DRI boundary imposed by Flagler 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, which exceed the limits established in Section 380.06

(17)(b), Florida Statutes, which limits are presumed not to be substantial deviations, shall be submitted to the Board for a determination if such change constitutes a substantial deviation and, therefore, requiring further review pursuant to Section 380.06, Florida Statutes.

11. Pursuant to Section 380.06(16), Florida Statutes, Applicant shall provide an annual report relating to its activities to the County Engineer, the RPC, the DCA, the Florida Department of Environmental Regulation, and the St. Johns River Water Management District on July 31 of each year during the term of this development order, commencing on July 31, 1985. The annual report shall contain the following information:

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

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

(c) Summary of Applicant's public facility improvements completed within the project boundaries during the preceding 12 months and estimated for the ensuing 12 month period.

(d) Beginning with completion of the Intracoastal Bridge, traffic counts, direction splits, turning movement counts and measurements counts and measurements of carbon monoxide concentration during the summer months of June through September for the Intracoastal Bridge/A1A Interchange.

(e) Total number of school children from Hammock Dunes enrolled in Flagler County schools, by grade, based on School Board records.

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

(g) Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) district office in Deland as well as to the County and the RPC. The first traffic report shall be due two years after the commencement of the development and shall be provided annually for 20 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, for:

- SR A1A and Malacompra Road
- All Hammock Dunes internal road system intersections with external public roadways
- Intracoastal Waterway Bridge
- Intersection of the Intracoastal Waterway Bridge ramp system with SR A1A
- Palm Harbor Parkway and Palm Coast Parkway/St. Joe Grade

A map displaying the above information shall be provided.

NOTE: Actual traffic counts shall be used where possible. If actual FDOT counts are not available for a particular road, the Applicant shall retain, at its expense, an FDOT-approved traffic engineering firm to collect the necessary counts based on FDOT standards.

(3) A discussion of actual and projected traffic volumes in terms of the percentage relationship of Hammock Dunes 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.

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

(i) Measures taken to safeguard the Manatee, both during the construction and operation phases of the marina.

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

(k) Measurement of dissolved organic nitrogen and phosphate within the drainage (lake) system.

(l) Measurement of dissolved organic nitrogen and phosphate in ground water as sampled near the site perimeter.

(m) Measurements from shallow monitoring wells using the criteria for Class G-I and Class G-II Ground Water as set forth in F.A.C. Chapter 17-3.404; the primary and secondary drinking water standards for public water systems as listed in Section 17-22.104, F.A.C., nutrients, oil and grease, and EDBs.

(n) A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Applicant pursuant to Section 380.06(14)(d), Florida Statutes, and Paragraph 15 of this development order.

12. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order. The developer Admiral corporation is referred to as the Applicant throughout this development order.

13. The obligations of this development order shall run with the land. Admiral Corporation, ITT Land and CDC are the present owners of the property which is the subject of this ADA.

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

Notwithstanding any other provisions of paragraph 13, the Applicant shall have an ongoing responsibility as provided in Attachment A for the capital facility construction set forth in Section 3, and for the requirements set forth in Sections 9 and 11. The Applicant shall provide financial assurances to the County in the amount of \$3 million in the form of sureties, letters of credit, compensating balances, or other financial guarantees acceptable to the County guaranteeing compliance with this development order. The amount of the financial assurances provided herein shall be increased bi-annually to recognize any increases in the Federal Cost of Living Index. The form of the financial assurances shall be approved by the County.

The Applicant's obligation to provide financial assurances as set forth in this sub-paragraph shall be terminated as follows:

(a) the financial assurances shall be reduced by 1/3 in the event a central potable water supply becomes available to residents of the Hammock area;

(b) the financial assurances shall be reduced by 1/3 when the second bridge is completed as provided for in Section 4.1.b and 4.1.c of this development order; and

(c) all remaining financial assurances shall be terminated at the completion of all other obligations of the Applicant as described in 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)(d), 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 30 day of MARCH 1984,
1984.

BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA

BY Thomas W. Ruzance

ATTEST:

BY Cheryl Dukes

APPROVED AS TO FORM:

By _____

ATTACHMENT A

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GENERAL AND SPECIAL CONDITIONS OF DEVELOPMENT

The following are the General Conditions for development of the Hammock Dunes Development of Regional Impact:

1.0 GENERAL CONDITIONS

- 1.1 The Hammock Dunes ADA as accepted June 7, 1983, and Sufficiency Response submitted August 3, 1983, and the commitments therein plus letters and information submitted by the Applicant on May 26 and 27; September 13; October 5; November 7 and 9 are made a part of the development order.

- 1.2 This development shall be subject to further Chapter 380 review in the event significant physical development, as determined by the County Engineer, has not commenced within three years of when this development order becomes final; provided this time period shall be tolled during the pendency of any judicial or administrative review of this development order or permits necessary thereto.

2.0 SCHOOL COMMITMENTS

- 2.1 To mitigate capital outlay expenditures required of the Flagler County School Board and to aid in providing convenient additional facilities and unique educational opportunities for the school age residents of Flagler County, including those of Hammock Dunes, the Applicant shall convey to the School Board at no charge:
- a. A fifteen (15) acre school site to be located at the Transportation Distribution Services (the TDS site);
 - b. A twenty (20) acre school and Intracoastal Waterway experience site to be located at the north end of Bon Terra/Harbor Village (the Bon Terra site); and
 - c. A five (5) acre oceanfront natural experience site to be located immediately south of the end of Malacompra Road (the oceanfront site). This unimproved site shall include 450 feet of ocean frontage.
- 2.2 The Applicant shall prepare the Bon Terra site for construction of a school facility including appropriate clearing, removal of unsuitable soils, filling, grading, and drainage as required

by the applicable codes, and the Applicant shall obtain any permits to satisfy the above requirements. The Applicant shall prepare the site and extend water and sewer lines at no cost to the School Board to the property lines of the TDS and Bon Terra sites within six months of the date the School Board receives approval of the particular school site from the Florida Department of Education. The Applicant shall have no other construction or service obligations with regard to the three sites described in paragraphs 2.1.a. - 2.1.c. above.

The Applicant has the right to fill and otherwise prepare the Bon Terra site for a school facility at any time prior to when the School Board commences construction of a school facility on this site.

- 2.3 The Applicant shall convey the three sites described in paragraphs 2.1.a. - 2.1.c. above by an unrestricted general warranty deed within sixty (60) days after the development order becomes final. Appropriate agreements separate from the deed shall give the Applicant a right of first refusal in the event of the sale of any of the sites to a non-governmental person or entity. Any such sale and the right of first refusal shall be subject to and exercisable only upon compliance with the valuation

and appraisal principles of Rule 6A-2.28, as amended, of the Florida Administrative Code. Applicant shall furnish the School Board with appropriate surveys of the sites prior to the delivery of the deeds. None of these sites described in paragraphs 2.1.a - 2.1.c above shall be offered for sale by the School Board to any non-governmental person or entity prior to completion of 3,000 dwelling units or 12 years from the date the development order becomes final, whichever is sooner.

- 2.4 Appropriate agreements shall allow the Applicant to continue to use the TDS buildings and parking areas at no cost for no more than 36 months after the date the Flagler County Commission issues the development order, unless such usage is otherwise extended by the School Board and the Applicant. The Applicant shall be responsible for maintenance and repairs to the buildings and property being used. The Applicant shall execute a hold harmless and indemnity agreement in favor of the School Board against any and all claims, actions, suits, judgments, damages, injuries, attorneys fees, and costs arising out of the Applicant's use of the TDS property. The Applicant shall carry and pay for insurance policies to cover general liability,

property damage, fire, flood, windstorm, and insurance covering any other peril that is normally carried on School Board property. The Applicant shall name the School Board as a co-insured on all of the policies and provide the School Board a certificate of insurance as co-insured in amounts and policy limits approved by the School Board. The agreement shall provide for allocation of insurance proceeds which is acceptable to the School Board and shall relieve the School Board of any obligation to rebuild or repair in the event of substantial destruction of any portion of the TDS site. The agreement shall provide that in the event of substantial destruction preventing use of the TDS building and property the School Board shall receive the proceeds of any insurance covering damage to property owned by the School Board.

3.0 ECONOMY AND INFRASTRUCTURE

3.1 The approval by the County of this development order is based on the fact that the project will be served by certain capital facilities. These capital facilities are:

- surface water management system
- internal potable water distribution and fire hydrant system
- wastewater collection, treatment and disposal systems
- major north/south arterial roads (main road network)
- an on-site public safety complex including a fire and police station
- on-site fire, police, emergency medical and secondary security equipment including vehicles and apparatus
- Intracoastal Waterway Bridge

3.2 The County has determined that it would prefer that the ownership, operation and maintenance of the above-listed capital facilities be provided through an independent special district. The County has further determined that, as presently authorized by Chapter 190, Florida Statutes, a Community Development District (CDD) is not such

an appropriate independent special district because of the overbroad powers granted to CDDs by state law.

It is the County's preference that Chapter 190 be amended so as to narrow the statutory powers granted to CDDs so that the County may support the creation of such an independent special district for this project. The Applicant is willing to seek such statutory amendments during the 1984 and subsequent regular legislative sessions.

3.3 In order to avoid unduly delaying the approval of this project and to assure that its approval is consistent with the Flagler County Comprehensive Plan and the Regional Planning Council's report and recommendations, the County finds that this project's capital facility needs will be satisfied by the following:

- a. The Applicant shall construct or convey at its own financial responsibility the following capital facilities, at no cost to the County:
 - a surface water management system
 - major north/south arterial roads

- the public safety complex as described in Condition 12.3
 - the on-site fire, police, emergency medical and security equipment, including vehicles and apparatus, as described in Condition 12.4
- b. It shall be the Applicant's own financial responsibility to construct, or cause to be constructed through a governmental entity, acceptable to the County, the following capital facilities to serve the dwelling units as they are constructed within a phase:
- internal potable water distribution and fire hydrant system
 - wastewater collection, treatment, and disposal system.

In the event the Applicant constructs the capital facilities in paragraph 3.3.b, the Applicant may recover its capital costs through user contributions in aid of construction and/or user rates. If, after construction of the capital facilities listed in this subsection, there is created an appropriate governmental entity approved by the Flagler County Commission for the maintenance and

operation of these facilities, the Applicant shall transfer its ownership, operation, and maintenance responsibilities to that entity. The selling price would be the original cost of the system less net contributions-in-aid-of-construction (CIAC) (after accumulated amortization), less accumulated depreciation, less debt which is assumed by the purchaser.

- c. The Intracoastal Waterway Bridge (first two lanes) shall be constructed by the Applicant or the Applicant shall cause it to be constructed by a governmental entity acceptable to the County. The Applicant proposes that one-half of the Intracoastal Waterway Bridge shall be financed through Applicant-imposed impact fees levied against each dwelling unit equivalent at the time of the unit's construction and the other one-half of the bridge costs be financed through user tolls. The County does not object to the Applicant using this proposed financing as a method of satisfying its financial responsibility for this bridge. The Applicant, in cooperation with the County, shall make a good faith effort to seek acceptance of the responsibility to own, operate, and maintain the Intracoastal Waterway Bridge or bridges by the Florida Department of Transportation.

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3.4 In each instance where the Applicant is responsible for the ongoing maintenance of the capital facilities described in this section, the Applicant may transfer any and all of its responsibilities to improve and maintain such capital facilities to an appropriate private or governmental entity, acceptable to the County, which has been created to perform such responsibilities. If an appropriate governmental entity is created by the County or by other authorized means, the Applicant shall transfer the responsibility for operation and maintenance to that governmental entity, subject to the financial arrangements described in Section 3.3.b. and to the repayment of any outstanding indebtedness for the bridge for which user tolls are pledged to guarantee such repayment.

4.0 TRANSPORTATION

4.1 Intracoastal Waterway Bridge (ICWW)

- a. During Phase I, the Applicant shall construct, or cause to be constructed at no expense to Flagler County, the proposed two-lane Intracoastal Waterway Bridge and its ramp system as approved by the Florida Department of Transportation. Bridge construction shall begin no later than the commencement of dwelling unit construction and shall be completed not later than two years after the commencement of dwelling unit construction.

- b. When the Florida Department of Transportation and Flagler County determine that Level of Service "C" as that term is defined in the Federal Highway Capacity Manual of the Federal Highway Administration, as amended from time to time, has been met on the Intracoastal Waterway Bridge, the Applicant shall construct, or cause to be constructed at no expense to Flagler County, two additional through lanes of the bridge along with the necessary improvements to its ramp system. All improvements shall be approved by and constructed within the time frame established by the Florida Department of Transportation and Flagler County. Three years before Level of Service "C" is predicted to be reached on the first bridge, the Applicant shall commence necessary design activities and shall apply for the necessary construction permits for the second bridge. In the event the bridge is owned and operated by a district or the Florida Department of Transportation, the Applicant's duties to seek such permits may be performed by the district or the Department.
- c. The Applicant proposes that all or part of the cost of the bridge construction referred to in 4.1.b. above and all of the maintenance costs of both

bridges may be paid for through user tolls. The County does not object to the Applicant using this proposed financing as a method of satisfying its financial responsibility for this bridge. If the tolls from the first bridge exceed the cost of operation and maintenance, the operating entity of the bridge shall accumulate such excess funds and the interest thereon and apply them towards the construction costs of the second bridge.

If the second Intracoastal Waterway Bridge is not constructed within a reasonable time as provided by Section 4.1.b., such failure to construct shall be presumed to be a substantial deviation from this development order.

4.2 State Road 1A

- a. The Applicant shall construct concurrently with the first Intracoastal Waterway bridge:
 - an acceleration/deceleration lane on the east side of SR 1A at its intersection with the Intracoastal Waterway Bridge on and off ramp;
 - a left turn lane for southbound traffic on SR 1A at its intersection with the Intracoastal Waterway Bridge on and off ramp; and
 - a left turn lane on the Intracoastal Waterway Bridge on and off ramp at its intersection with SR 1A.
- b. The Applicant shall construct acceleration/deceleration and left turn lanes on SR 1A at all

intersections with the project's internal road system. Signalization shall be provided when warranted as determined by the Florida Department of Transportation's review of annual traffic reports. Capital cost of signalization shall be at the Applicant's expense.

- c. Upon determination by the Florida Department of Transportation that improvements are warranted on SR A1A, the Applicant shall be required to pay its proportionate share of the road improvement costs. The Florida Department of Transportation will review the annual traffic reports prior to making its determination. The Applicant shall escrow its share of the road improvement costs with the appropriate agency prior to proceeding to the next development phase. The Applicant's proportionate share (as determined by Florida Department of Transportation) shall be based on the percentage of Hammock Dunes' generated traffic using SR A1A. Flagler County will not pay any portion of these improvement costs.

4.3 Malacompra Road

Upon determination by Flagler County that improvements are warranted on Malacompra Road from A1A to its eastern terminus at the park entrance, the

Applicant shall be required to pay its proportionate share of the road improvement costs. The County will review the annual traffic reports prior to making its determination. The Applicant shall escrow its share of the road improvement costs with the appropriate agency prior to proceeding to the next development phase. The Applicant's proportionate share shall be based on the percentage of Hammock Dunes' generated traffic using Malacompra Road.

4.4 16th and Jungle Hut Roads

The Applicant shall upgrade these two facilities from SR A1A to their eastern termini at the entrance to the parks to meet current County road standards per Flagler County Development and Subdivision Regulations and shall construct the necessary improvements at the roads' intersections with SR A1A upon the completion of the Intracoastal Waterway Bridge. Once these roads have been improved to County road standards, the County shall be responsible for maintaining them.

4.5 In the event that carbon monoxide levels exceed the EPA/DER eight (8) low standard for carbon monoxide pollution, the Applicant shall be required

to improve the bridge interchange at AlA
(construct the next phase improvement) within
one year from the time of the filing of the
annual monitoring report.

4.6 St. Joe Grade/Palm Coast Parkway

- a. The concerns raised by the RPC relating to the construction of the appropriate additions to the I-95 overpass area are adequately provided for in an agreement between Flagler County and ITT Community Development Corporation dated March 30, 1984.

Except as provided in the March 30, 1984 agreement, the funds for this improvement will be from federal or state funds other than those which would be allocated to Flagler County for road and bridge improvements within the County.

No County funds or funds due to be expended by other agencies on projects within the County will be expended for this improvement.

- b. Upon determination by Flagler County that improvements are warranted at the following intersections, the County should require the Applicant to escrow the proportionate share of the Applicant's and CDC's improvement costs with the appropriate agency. These intersections are:

- St. Joe Grade/Palm Coast Parkway at Belle Terre Boulevard
- St. Joe Grade/Palm Coast Parkway at Old Kings Road
- St. Joe Grade/Palm Coast Parkway at Proposed Bifurcated Road; and
- Belle Terre Boulevard at Proposed Bifurcated Road

NOTE: See ADA maps on pages 31.25, 31.28, and 31.30.

4.7 The Applicant shall four-lane all or any part of the road and bridges located on Palm Harbor Parkway (formerly known as Norman Young Parkway) between Clubhouse Drive and Florida Park Drive when traffic count on these road segments exceeds 10,000 ADT. The Applicant shall commence design and other pre-construction activities for such improvements when traffic count on these road segments reaches 8,000 ADT.

4.8 Internal Road Systems

The Applicant shall construct all internal roadway improvements during the Phase identified in the ADA. These roads may be privately owned and, if so, shall be maintained at no expense to the County.

4.9 Whenever this development order requires the Applicant to construct facilities, the Applicant shall have the right to contract for the construction of these facilities through other

appropriate contractors or agents, including governmental entities. The purpose of this section is to allow the Applicant the convenience of contracting with various agents to do the actual work related to the capital items it is responsible to construct. This section is not intended to relieve the Applicant of any financial responsibility specifically imposed on it by this development order.

5.0 MARINA

- 5.1 At the same time marina permit applications are submitted to DER and the Corps of Engineers, the permit applications shall be sent by the Applicant to the RPC for review and comment to the agencies.
- 5.2 If DER denies the Applicant's request for a marina permit, the County shall determine whether any resulting changes in the development plan constitute a substantial deviation pursuant to F.S. 380.06(17)(a)(b) for the Harbor Village Community. If future review of the marina is determined to be required, such review shall be limited to the regional or local impacts of the Harbor Village Community, and shall not extend to the rest of the development.

- 5.3 The Applicant shall provide boat holding tank pump out facilities, the number and location to be approved by DER.
- 5.4 Final marina development site plans, by phase, shall be submitted to the RPC concurrently with the submission of the site plans to the County. The RPC will review the plans for conformance with the intentions and commitments presented in the ADA and Sufficiency Response.
- 5.5 The Applicant shall institute preventive measures to prevent Manatee mortality associated with construction and operation of the marina.
- 5.6 The excavation to be performed in the marina area shall be done in a manner to maintain the same water level, in the marina excavation, as is in the Intracoastal Waterway.

6.0 LAND RESOURCES/DUNES

- 6.1 The landward toe of the primary dune shall be determined by DNR in consultation with the Applicant and RPC; no excavation or other development shall be allowed on the landward toe of the primary dune that could destroy the integrity of the dune.
- 6.2 The primary dune breaches existing on Hammock Dune property, specifically #4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 (see page D-44 RPC DRI Assessment Report) shall be filled and stabilized with vegetation by the Applicant at the beginning of development, to be completed prior to the end of Phase I. The Applicant shall also restore primary dune breaches located within park sites being donated by it to the County. At the County's request, the Applicant shall pay to the County \$60,000 for the County to use in constructing appropriate motor vehicular dune crossovers at the end of Malacompra Road and at the south beach park site and \$17,000 for pedestrian walkovers at the end of 16th Road and Jungle Hut Road, or other beachfront park-related services. In order to ensure that these funds, which are currently adequate to pay the cost of such crossovers, remain adequate, the \$77,000 shall be increased on January 1 of each year

starting with January 1, 1985 by an amount equal to the one year Certificate of Deposit interest rate being paid by Barnett Bank of Flagler County on the principal and any accumulated interest. The inflation protection provision of this paragraph shall also apply to the \$50,000 provision of paragraph 14.1.f.

- 6.3 Preliminary development plans for areas adjacent to the dunes submitted to the County shall simultaneously be provided to the RPC and shall include the following information regarding protection of the dunes:

3/30/84

A-19a

The following paragraphs address the conditions recommended to be included in the development order by the Northeast Florida Regional Planning Council in its report dated December 1, 1983. These conditions address the regional issues identified by the council.

A. Flagler County Resolution

8, 11 and 13

B. Flagler County Resolution Attachment "A"

1.1, 1.2, 2.1, 2.2, 2.3, 2.4, 3.1, 3.3, 4.1,
4.2, 4.3, 4.4, 4.5, 5.1, 5.2, 5.3, 5.4, 5.5,
6.1, 6.2, 6.3, 6.4, 6.5, 7.1, 7.2, 7.3, 8.1,
8.2, 8.3, 9.1, 9.2, 9.3, 9.4, 9.5, 10.0,
11.1, 11.2, 11.3, 11.4, 12.1, 13.1, 13.2,
13.3, 13.4, 13.5, 13.6, 14.1, 14.2, 14.3,
14.5, 15.0 and 16.2

- a. All dunes to be preserved in the buffer area shall be mapped;
 - b. Measures to be taken to preserve the integrity of the dune system, e.g. filling and revegetation of blowouts, shall be specified.
- 6.4 Final development plans for areas adjacent to the dunes submitted to the County shall simultaneously be submitted to the RPC to demonstrate that the type, density and design of development proposed adjacent to the primary dune will not substantially alter the existing integrity of the dune system.
- 6.5 The Applicant shall submit to DER, St. Johns River Water Management District (District), and the RPC, an erosion control plan, by phase. No land shall be left ungraded without groundcover for more than 30 days, except that which is necessary for construction of the water management system, golf courses, and roadways. The erosion control plan shall address the steps to mitigate erosion for the construction of the water management system, golf courses and roadways in sufficient detail to justify the exclusion of these from this condition.

7.0 WETLANDS

- 7.1 The Applicant shall prepare a planting and management plan for the littoral zone that surrounds any created lake system. The plan shall include the

types, extent and timing of planting that will be provided in the littoral zone. Also included in the plan shall be the identification of any management activities that are intended to ensure the continuance and health of the littoral zone. The plan shall be subject to the approval of the County and the St. Johns River Water Management District, in consultation with the Florida Game and Freshwater Fish Commission, East Flagler Mosquito Control District, and the RPC, prior to beginning excavation of the lake system.

- 7.2 The Applicant shall preserve, to the maximum extent possible, a buffer zone of upland edge vegetation around all wetland habitats and lakes. The amount of preserved habitat that shall occur beyond the high water limit of the wetland or lake shall be 10 square feet of edge habitat per linear foot of wetland perimeter occurring on the property. This upland edge habitat to be preserved shall be located such that not less than 35 per cent of all wetlands or lake perimeter has at least a 10 foot wide buffer of natural "ecotone" or edge consisting of native upland vegetation surrounding it. Where it is impossible or impractical to preserve natural edge vegetation, the

- minimum requirements may be met by planting or landscaping with native plant materials.
- 7.3 A littoral zone of 10:1 slope ratio out to a three foot depth shall be created on the golf course sides of the lake system, provided that the value of the water management storage system for the design storm is not decreased. In locations of existing wetlands, the wetlands shall be retained to the maximum extent possible.
- 7.4 In order to reduce insect pests through natural means, the Applicant shall initially stock and maintain the created lake system with freshwater forage and game fish. The fish maintenance program shall be the responsibility of the entity responsible for the maintenance of the water management system.
- 7.5 The Applicant, in consultation with the East Flagler Mosquito Control District, shall maintain the open lake system and littoral zone to help reduce the incidence of mosquito production. The Applicant shall control aquatic weeds associated with mosquito production to the satisfaction of the East Flagler Mosquito Control District. Corrective action shall be taken by the Applicant within thirty (30) days after notification by the East Flagler Mosquito Control District.

8.0 WATER RESOURCES (SURFACE/GROUND)

8.1 In the event that the surficial aquifer on the project site is designated a single source aquifer (G-I) by the ERC, the County shall determine whether the resulting changes in the development's design, if any, constitute a substantial deviation.

8.2 A periodic monitoring program approved by the County Engineer shall be devised by the Applicant for the lake system that:

- a. Measures dissolved organic nitrogen and phosphate levels in the runoff entering the lake system and being discharged into the Intracoastal Waterway, and
- b. Measures dissolved organic nitrogen and phosphate levels in ground water at selected points near the perimeter of the site, and
- c. Measures results from shallow monitoring wells using the criteria for Class G-I and G-II Ground Water as set forth in F.A.C. Chapter 17-3.404; the primary and secondary drinking water standards for public water systems as listed in Section 17-22.104, F.A.C., nutrients, oil and grease, and EDBs.
- d. To protect against saltwater intrusion, all excavation of surface water management system, lakes, etc.

shall be performed by holding the ground water level at 4.0 m.s.l. or at the existing ground water level, whichever is less, within 300 feet of existing domestic and commercial wells.

8.3 A one year background ambient condition study of the Intracoastal Waterway shall be conducted by the Applicant prior to the commencement of any construction which would impact the Intracoastal Waterway. In addition, an Intracoastal water quality monitoring program shall be instituted to monitor changes. Details of the program shall be worked out with DER.

8.4 The Applicant shall take steps to ensure that biodegradable fertilizers and EPA/DER approved pesticides and fungicides are the only materials used within the development. The Applicant shall take all reasonable steps to ensure that persons to whom it sells individual building sites also adhere to this condition through restrictions and covenants. The Applicant or its successors shall not use EDB or dioxin within the development boundaries.

8.5 If at the end of Phase III the existing culverts under State Road A1A as shown on page 22.5 of the Application for Development Approval are not

adequate to handle the run-off from the Hammock Dunes development, they shall be replaced with appropriate structures capable of handling the increased flow at the expense of the Applicant.

9.0 VEGETATION AND WILDLIFE

9.1 The Applicant shall prepare and submit to the Game and Fresh Water Fish Commission for review and recommendations a plan to relocate any rare or endangered plant species or plant species of special concern found in areas to be developed, to be implemented prior to development in each phase.

9.2.a. The development in the Hammock area (hardwood forest area adjacent to Ala) located between 16th and Malacompra Roads shall be in compliance with and consistent with the provisions of Public Hearing Exhibit 7, which is a report entitled "Development Suitability Analysis of the Hammock Forest, 16th Road to Malacompra Road", revised January 14, 1984 and as amended March 30, 1984. During the construction within the area described in the Analysis, the Applicant shall pay the County for daily on-site inspections as required by the staff of the County Engineer's office to guarantee its compliance with this provision and to maximize the tree protection required by Section 9.3.

b. After it conveys the property to the School Board and it vacates the TDS site, the Applicant shall have no responsibility for the property conveyed to the School Board located adjacent to the TDS site in the Special Development Zone.

9.3 The Applicant shall take special care during any construction activity not to injure or destroy trees or tree root systems of trees identified as conservation or preservation on the PCD map on page 12.13 of the ADA as modified by Section 9.2.a. The Applicant shall by appropriate restrictions, obligate purchasers to comply with this standard during any construction undertaken by them. The areas covered by this provision include the Hammock area described in Section 9.2.a. and hardwood trees adjacent to the functional wetlands identified on the Preservation, Conservation, and Development Map, ADA p. 12.13.

The Applicant shall devise a system of financial penalties and inducements to encourage its contractors to comply with the terms of this section.

9.4 Prior to initial development in each phase, the Applicant shall relocate any existing Gopher Tortoises and Eastern Indigo Snakes from areas to be developed to suitable habitats as defined by the Game and Fresh Water Fish Commission.

9.5 A detailed restrictive beachfront lighting plan designed to protect the Loggerhead Turtle, a threatened specie, shall be submitted to the Florida Game and Freshwater Fish Commission for review and approval prior to initiation of development. The Applicant shall cause other developers, if any, to conform to the approved lighting plan.

9.6 In its landscaping program, Applicant shall use native trees which will mature into canopy trees.

10.0 HISTORICAL AND ARCHEOLOGICAL SITES

If, in the process of development, any additional archeological sites are discovered, the Applicant shall immediately notify the County and the State Division of Archives. No disruption of the findings shall be permitted after notification until the appropriate officials can make an investigation and thereafter only with County approval. If no County action is taken within six months, the Applicant may proceed.

11.0 WATER SUPPLY

11.1 The Applicant shall annually provide test results from potable water monitoring wells located west of the Intracoastal Waterway to the County and the St. Johns River Water Management District. The

Applicant shall also provide the County with any data it gathers from its on-site groundwater monitoring wells.

- 11.2 The Applicant shall provide a report on the feasibility of the use of a graywater system for irrigation purposes in Hammock Dunes, and submit it to the RPC, the County, and the District for review and recommendations prior to initial development.
- 11.3 To maximize water conservation in Hammock Dunes, the Applicant shall install or cause to have installed water conserving (low volume) water closets, and faucet and shower flow restrictors in all structures; retained storm water for irrigation and the use of indigenous plants for landscaping shall be used to the maximum extent feasible.
- 11.4 A Mitigation Plan shall be prepared by the Applicant and submitted to DER, the District, the RPC, and Flagler County for their review in a time period of not less than 60 days prior to the filing of application for initial surface water management permit. (The Mitigation Plan refers to the protection of the Surficial Aquifer.)
- 11.5 In the event that it is found that the Applicant's development activities adversely impact the

surficial aquifer to the extent it becomes unusable by existing owners or their successors, the Applicant shall commit to providing such owners with potable domestic water from the appropriate utility. The cost of any required extension of water mains and laterals or plant expansion to serve such owners shall not be charged to them in the form of hookup or other charges; however, such owners shall be required to pay the reasonable cost of the quantities of water they use, based upon the utility's prevailing rates.

The determination of adverse impacts and causes of such impacts will be determined on the basis of actual monitoring data. This data will be obtained from a monitoring program/plan devised in conjunction with the St. Johns River Water Management District and the Department of Environmental Regulation, which will document existing baseline conditions, monitor changes during and after development and assess impacts as to cause and effect.

Disputes as to impacts, causes and costs shall be subject to judicial review by the Circuit Court of Flagler County, Florida.

The extra monitoring required in order to determine impacts on the off-site surficial aquifer shall be discontinued if potable domestic water is provided to the existing users of the surficial aquifer pursuant to this section.

11.6 An adequate buffer around the perimeter of the wastewater treatment plant between the plant and the out-parcel shall be provided by the Applicant. The buffer area shall consist of an area of at least 150 feet measured from the plant oxidation ditch and/or grit chamber to the boundary line. A vegetation screen shall also be provided along the out-parcel boundary.

11.7 The Applicant shall install a standby electric generator for the wastewater treatment plant.

12.0 PUBLIC SAFETY

12.1 Hurricane Evacuation

Transfers of title to any property in the project shall be accompanied by a separate hazard disclosure document, stating that Hammock Dunes 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 landfalling within 50 miles of Hammock Dunes.

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Stairs

12.2 The Applicant shall require that all buildings in excess of three stories be equipped with internal fire suppression/protection equipment including standpipes and sprinkler systems and a minimum of two pressurized stairwells per each high rise building. In addition, streets leading to such buildings shall be wide enough and have a sufficient support to accommodate heavy fire suppression apparatus up to the size of a ladder truck.

12.3 The Applicant shall construct, or cause to be constructed, a public safety complex consisting of a two-bay facility of approximately 5,000 square feet within the convenience/commercial site located at the easterly end of the Intracoastal Waterway bridge. The facility shall be constructed before 1,000 dwelling units are built on site.

12.4 On or before the completion of the public safety complex described in 12.3 above, the applicant shall contribute the following new public safety equipment to the County or other appropriate entity:

- one emergency service line unit (advance life support);
- one 1,250 gallon capacity fire pumper/tanker;
- two patrol units for use by the Sheriff's Office.

The Applicant may contribute the equivalent value

of the patrol units to the Sheriff's Office for its use for public safety purposes in lieu of donating the two patrol units.

13.0 ENERGY

- 13.1 The Applicant has committed to construct all residential, multi-family, commercial and recreational facilities to the standards of the Florida Power & Light Company's Watt-Wise program or an equivalent standard. These units shall be certified by the utility as having merited the Watt-Wise designation or its equivalent.
- 13.2 The Applicant shall construct or cause to be constructed the bike path as shown on the Bikeway and Pedestrian System Plan (bike map, ADA, p. 31.33), residents' path, and residents' trail as depicted on such map. The bike and residents' paths shall link residential areas to the commercial and recreational areas and school if located on the Hammock Dunes property. The paths shall be constructed to concur with the phasing of the development.
- 13.3 The Applicant shall install or cause to be installed bike racks/devices at the commercial and recreational facilities.
- 13.4 All outdoor lighting systems in areas such as parking and recreation, shall use energy efficient lighting

such as high pressure sodium or low pressure sodium.

- 13.5 If swimming pools for the condo units and beach clubs are to be heated, the equipment shall meet the following standards: for fossil fuel systems, a steady state efficiency rating of 85% or greater; for electrical systems, a C.O.P. of 2 or greater.
- 13.6 To evaluate the success of including such conservation measures in the development, the Applicant shall provide the RPC with information as to the status of the implementation of these measures in the annual report required by F.S. 380.06(16).

14.0 RECREATION AND OPEN SPACE

- 14.1 The Applicant shall convey and the County shall accept and maintain the 67 acres of four oceanfront sites and 10 acres of Intracoastal park to the County on the following schedule:
- a. The Applicant shall convey two acres of land at the end of Jungle Hut Road for beach access and parking purposes upon completion of the ICWW bridge.
 - b. The Applicant shall convey eight acres of park land at the south end of the Hammock Dunes site (Beach Community) for park purposes upon approval

of the first site development plan for Hammock Dunes.

- c. The Applicant shall convey 19 acres of park land out of the total 24 acre Malacompra site shown in green on the Hammock Dunes ADA Master Development Map south of the Applicant's north Johnson Beach property line upon approval of the first site development plan for Hammock Dunes.
- d. The Applicant shall convey the balance of the Malacompra Road site shown in green on the Hammock Dunes ADA Master Development Plan map north of the Applicant's northern Johnson Beach property line upon request from the County any time after approval of the first site development plan for Hammock Dunes.
- e. The Applicant shall convey the 33 acres of park land at the end of 16th Road on the following schedule:
 - 1/3 of land and oceanfrontage upon completion of the ICWW bridge;
 - 1/3 of land and oceanfrontage upon completion of Phase I;
 - 1/3 of land and oceanfrontage upon completion of Phase II.

- f. The Applicant shall convey a 1.1 acre Intracoastal park as shown on the Master Development Plan at the conclusion of the Intracoastal Waterway bridge construction. Concurrent with the conveyance of the park site, the Applicant shall construct and convey to the County a two-bay boat ramp to be located in the vicinity of the Intracoastal Waterway bridge. This boat ramp shall comply with DNR and DER requirements. The Applicant may give the County \$50,000 in lieu of this obligation.
- g. In addition to the 77 acre park conveyances, the Applicant shall also convey to the County and the County shall accept and maintain for park purposes 13.9 acres designated on the original Master Development Plan Map as the Johnson Beach school site. This conveyance shall be made upon approval of the first Site Development Plan for Hammock Dunes.
- 14.2. The Applicant shall grade the park sites, except dune areas, in a reasonable manner suitable for recreational development under a schedule agreed upon with the County. The Applicant will assist the County in the design of the parks. All park conveyances referred to herein shall restrict the property's use to park or other governmental purposes, except for the conveyance described in 14.1.d.
- 14.3 The Applicant shall provide dune walkovers along the beachfront on the Applicant's property as submitted in the Sufficiency Response, p. S.27.13.

14.4 The Applicant shall contribute \$20,000 to the County for purposes of Malacompra park improvements such as the construction of picnic tables and other park facilities. These funds shall be contributed when the 19 acres of Malacompra park site are conveyed to the County.

14.5 Land identified for golf course usage on the Master Development Plan map (ADA, p. 12.5) shall be deed and plat restricted to ensure that the usage of this land is limited to golf courses (including appropriate associated golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational usages. Since it is recognized that the final configurations of the proposed golf courses are not now available, the Applicant at the time of platting shall identify the specific acreage for golf course use. The plat shall show the boundaries and configurations of the golf courses. The plat and all deeds of land within the area so identified as golf course usage on the plat shall contain restrictions limiting the usage of the property platted to golf courses (including appropriate associated golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational or governmental usages.

15.0 RESIDENTIAL RECREATION

The Applicant shall reserve two acres for Hammock Dunes resident recreational purposes in each of the following eight communities in Hammock Dunes: Ocean Estates, Racquet Club, Ocean Recreation, Destination Resort, Varn Lake, Fish Island, Fairways Community and Harbor Village. There are no acres reserved in Johnson Beach or the Beach Community.

16.0 OCEAN ESTATES COMMUNITY AND JOHNSON BEACH SUBDIVISION

Because of the land use requirements of Section 9.2.a. relating to the Hammock forest located along A1A between 16th and Malacompra Road, it was necessary for the Applicant to adjust the land use and cluster plan for the adjacent Ocean Estates Community. The Ocean Estates Insert Map dated February 10, 1984, revises the land plan for Ocean Estates previously shown on the January 14, 1984, Master Development Plan Map. The adjusted plan is consistent with the provisions of Section 9.2.a. and provisions of Section 17.5.

16.1 Because of the County's concern that during the later phases of this development there be adequate public beach park and/or governmental facilities in the beachfront area the remaining portions of the Johnson Beach acres shall not be sold or conveyed by the Applicant until the Applicant and County have conducted a joint study of the

need for additional park or governmental facilities in the beachfront area. This study shall be completed by the end of Phase II of the development. If the study shows that all or a part of the remaining Johnson Beach acreage is or will be needed for park or governmental purposes, the Applicant shall convey the needed property it now owns in the Johnson Beach area as shown on the Johnson Beach Site Study Map to the County for such purposes within sixty (60) days of such post-study determination of public need.

16.2 The Applicant will construct or provide for the construction of 120 moderate priced (\$40,000 in 1983 dollars) dwelling units on an area of approximately 35 acres (75 dwelling units to be constructed during Phase II and 45 dwelling units during Phase III) as designated on the Master Development Plan Map, or within a seven-mile radius of the resort core boundary, in a range of sizes which reflect typical employee housing.

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

17.1 The Applicant shall perform site development work so as to minimize the impact of such work on existing housing and facilities. The Applicant shall perform its required infrastructure construction and site clearing in a contiguous manner whenever possible so that site construction will not be required in areas where there are existing houses and facilities. The phasing map, which is attached to the final development order and made a part thereof as composite Exhibit 2, shall be followed by the Applicant in its construction activities unless modifications are approved in advance by the County. Modifications of the timing of clusters within a phase shall not be a substantial deviation. Site development work including construction of the water management system, water and sewer facilities, drainage, grading, roads and dwelling units shall be at least 50% complete in Phase I prior to the start of site development work and dwelling units in Phase II. The following table sets forth the percentage of completion in the various phases which must be accomplished before construction may take place in a subsequent phase:

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<u>Percent Completed Phase I</u>	<u>% Permitted In Phase II</u>	<u>% Permitted In Phase III</u>
50%	Begin Construction in Phase II	0
60%	15%	0
70%	30%	0
80% (*)	Unlimited in Phase II	0
	50%	Begin Construction in Phase III
	60%	15%
	70%	30%
	80% (*)	Unlimited in Phase III

(*) - For the purpose of this Table, construction is considered complete in a phase when 80% of the authorized dwelling units in that phase have been completed.

The percentage of completion of dwelling units as defined above is to be determined by dividing the number of dwelling units completed by the number of dwelling units authorized within a given phase and multiplying by 100.

17.2 Combustible materials which are created as a result of construction or land clearing activities shall be burned completely on site or transported off site to an appropriate County authorized trash facility provided by the Applicant. Non-combustible construction or demolition debris shall be transported off site to an

appropriate County authorized trash facility provided by the Applicant.

- 17.3 Soil materials which are unsuitable for construction may be used by the Applicant for landscaping after building construction, but may not be otherwise used on buildable areas.
- 17.4 Coquina formation mining operations shall be prohibited within the project boundaries. This does not preclude the on-site use of coquina removed as part of other construction activities.
- 17.5 The Hammock Dunes DRI is a Planned Unit Development under Article X of the Flagler County Development and Subdivision Regulations because it provides adequate open space, vehicular circulation and parking, recreation, park and school sites, innovative housing designs, and the service needs for the tract when fully developed and populated, and because this development order provides adequate covenants or other legal provisions which will help assure conformity to and achievement of the purposes of Article X. For purposes of compliance with Article X and other County development ordinances, this project, during the life of this development order, shall be treated as a Planned Unit Development subject to the following substantive conditions:

a. Density

The Hammock Dunes ADA Master Development Plan Map identifies 893 acres for residential development out of 2,258 acres. Even without credit for lands which the Applicant will convey or dedicate to parks, open space, schools (See Section 2) and other uses under this development order, based upon a comparison of the project to the Flagler County Comprehensive Plan which allows for up to eight (8) dwelling units per acre, the Applicant is entitled to 7,144 units. Regardless of future density changes in the Flagler County Comprehensive Land Use Plan or other County regulations, this order limits the Applicant to a total of 6,670 dwelling units, which is equivalent to 7.47 dwelling units per acre on the designated 893 residential acres.

b. Residential Clusters

The maximum number of dwelling units allowed for this project are those set forth in Section 17.5.a. Residential clusters are identified in Exhibit 17.5.1. attached. Data about individual clusters including community location, density category, acreage and number of dwelling units is shown on Table 17.5.2. Cluster Data. Site development plans,

cluster diagrams, and any plats submitted for approval by the County shall comply with Table 17.5.2.

Individual clusters may vary 15% plus or minus from the cluster data identified in Table 17.5.2. In the event of such a change, the data of other clusters shall also be changed so that the overall dwelling units remain in balance. At the time of each site development plan and cluster diagram review, the Applicant shall also submit a revised Table 17.5.2 and revised Map 17.5.1, which reflects the data redistribution and clearly indicates those residential clusters affected.

c. Allowable Building Height

Within each cluster density category, there is a maximum allowable building height. Dwelling unit density and heights which are granted to the Applicant are regulated by the information below and Exhibits 17.5.1. (Residential Clusters) and 17.5.2.

Allowable Building Height

Cluster Data Density Category	Maximum Building Height in Stories
Low (L)	3
Low-Medium (L-M)	7
Medium-High (M-H)	20

d. Building Spacing

The spacing for buildings shall be determined by the County at the time of site development plan submittal giving due consideration to the need for variety and innovation in housing types within this project.

e. Impact of Development Requirements

The density units, building spacing, and height provisions granted by this development order are not precedent setting, but are based upon particular factual circumstances and conditions relating to this development of regional impact, including the Applicant's extensive park and school site contributions; transportation improvements; open space and preservation area commitments; and commitments of equipment, facilities, and other financial resources to mitigate the impacts of the project, as well as other conditions and obligations imposed by this development order.

f. Signage and Lighting

Prior to the construction of the first dwelling units, the Applicant shall prepare signage and lighting guidelines to be used throughout the

Hammock Dunes development. These guidelines shall deal with the type, location, dimensions and materials used for signage and lighting.

g. Flexibility Considerations

As a Planned Unit Development, this project is expected to seek flexibility within the County Development and Subdivision Ordinances, but any changes must first be approved through the site development plan review procedures of Section 17.6. Regulations which may be affected include, but are not limited to:

1. Yard, lot width and size, depth and building orientation requirements;
2. Minimum road rights-of-way widths, typical sections and paving sections;
3. Road swales and rights-of-way clearing requirements, particularly where trees and natural vegetation systems are to be preserved or protected;
4. Cul-de-sac length, right-of-way and turn around width provisions;
5. Block length and width provisions;
6. Bridge and other pedestrian walk requirements;
7. Off-street parking space requirements;
8. Drainage maintenance easements;
9. Waterway minimum depth and width.

HAMMOCK DUNES
RESIDENTIAL CLUSTER DATA

CALCULATED NET RESIDENTIAL DENSITY: 7.47 UNITS PER ACRE

Cluster Number	Cluster Community	Density Category	Acreage	Dwelling Units
1	D. Resort	M-H	22	545
2	D. Resort	L-M	8	80
3	D. Resort	L-M	16	118
4	D. Resort	L-M	6	35
5	D. Resort	L-M	7	72
6	Fairway	L	24	48
7	Fairway	L	9	18
8	Fairway	L	9	18
9	Fairway	L	29	65
10	Fairway	L	63	154
11	Fairway	L	19	38
12	Fairway	L	4	16
13	Fairway	L	15	81
14	Fairway	L	13	52
15	Varn Lake	L-M	26	156
16	Varn Lake	M-H	25	444
17	Fish Island	L-M	55	752
18	Fish Island	L	145	145
19	Beach	L-M	17	168
20	Beach	L-M	7	43
21	Harbor	L-M	11	94
22	Harbor	M-H	16	310
23	Harbor	L-M	17	190
24	Ocean Rec.	L	6	28
25	Ocean Rec.	M-H	10	204
26	Ocean Rec.	L-M	3	46
27	Ocean Rec.	M-H	17	288
28	Ocean Rec.	L	22	110
29	Ocean Rec.	L	68	342
30	Ocean Rec.	L	4	16
31	Ocean Rec.	L-M	7	105
32	Racq. Club	L-M	36	409
33	Racq. Club	M-H	23	357
34	Racq. Club	L-M	19	269
35	D. Estate	L-M	8	72
36	D. Estate	L	22	100
37	D. Estate	M-H	20	437
38	D. Estate	L-M	4	48
39	D. Estate	L	3	12
40	D. Estate	L	8	32
41	D. Estate	L	16	32
42	Johnson Beach	L	34	121
TOTAL			893	6670

17.6 For purposes of compliance with the Flagler County Development and Subdivision Regulations and other development ordinances, this project for procedural purposes shall be treated as a "Planned Unit Development" under Article X of those regulations. This project shall be subject only to the following review provisions which are an elaboration of the review provisions of Article X.

a. Preliminary Planning Conference

The Applicant shall meet with appropriate County staff to review the preliminary design prior to the submittal of the site development plan. The preliminary design shall include a sufficient level of information to allow the conference participants to identify issues, coordinate requirements and otherwise promote proper and efficient review of the proposed development.

b. Site Development Plan

A site development plan which complies with this development order shall be submitted to the Flagler County Commission for approval prior to the start of construction. Where a residential cluster is to be phased, and a site development plan is submitted for only a portion of the cluster, a

cluster diagram must be included along with the site development plan.

c. Submittal Requirements

The site development plan and any necessary supporting documents or exhibits shall contain the following information:

(1) Site Development Plan

- (a) application form and fees;
- (b) lot area in acres or square feet;
- (c) existing site conditions including contours, water course, flood plains, coastal zone setback lines, unique natural features and wooded areas;
- (d) proposed lot lines, plot designs, easements, and public rights-of-way;
- (e) the location, height, and floor area of all existing and proposed buildings, structures and other improvements and the use and type of all structures shall be indicated;
- (f) if residential use, the total number and number of each type of dwelling units, plus:
 - gross residential density;
 - percentage and square feet of building coverage;

- percentage and square feet of driveway and parking;
 - percentage and square feet of street right-of-way.
- (g) the location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open space, public parks, recreational areas, bicycle paths, schools and other public and semi-public uses;
- (h) the existing and proposed circulation system or arterial, collector, and local streets, including the number of off-street parking spaces, loading areas, service areas, and points of access to the circulation system;
- (i) the existing and proposed utility systems including sanitary sewers and water, electric, gas and telephone lines;
- (j) the existing and proposed water drainage pattern and any natural or man-made facilities to manage storm water, including their capacities and specifications;
- (k) general landscape plan including existing and proposed vegetation, statement of Applicant's landscape plans and commitments,

proposed treatment of perimeter of development with notes concerning signage and lighting;

- (l) such engineering plans and drawings as may be required by the County Engineer for review including street layout and design, street cross sections and profiles, sanitary sewer design, storm drainage facilities and other utility lines and facilities;
- (m) indication of the public or private ownership of all major facilities and amenities.

(2) Cluster Diagram

A cluster diagram is required along with a site development plan for residential developments which do not encompass an entire residential cluster. The cluster diagram shall contain the following information:

- (a) the boundary and number of the cluster identified on Exhibit 17.8.2.;
- (b) the location, acreage, and density of the proposed site development plan, any existing development, and the undeveloped portion of the cluster;

(c) a diagrammatic land use plan showing overall utilities, vehicular and pedestrian circulation, water management, and all other appropriate project features.

(3) Approval of the Site Development Plan

The County shall review the Site Development Plan (and cluster diagram, if required) for conformance with the development order. Within sixty (60) days of submittal, the site development plan shall be approved, approved with conditions, or denied. If the site development plan is determined to be in compliance with the development order, it shall be approved. Written notice of action to deny the site development plan shall be given to the Applicant within ten (10) days after the action.

(4) Recording

Upon approval of the Site Development Plan and receipt of notification of such action from the County Commission, the Applicant may present such copies as are required to the Clerk of the Circuit Court of Flagler County for recording. A copy of the Site

Development Plan shall also be sent to
the Development Administrator.

17.7 The County and the Applicant recognize that
this development order will form the basis upon
which the Applicant or its successors will plan
and conduct its phased development activities.
Nothing contained herein shall be considered an
endorsement or approval by the County of any
trade practices, method of sale, construction or
sales activities conducted by the Applicant or
its successors.

OCEAN ESTATES INSERT MAP
Revised 2/10/84



16TH ROAD

10

COMPOSITE EXHIBIT 2 PHASING MAP

HAMMOCK DUNES
FLAGLER CO., FLORIDA

REVISED 10 FEB 84
SCALE IN FEET
0 1000 2000

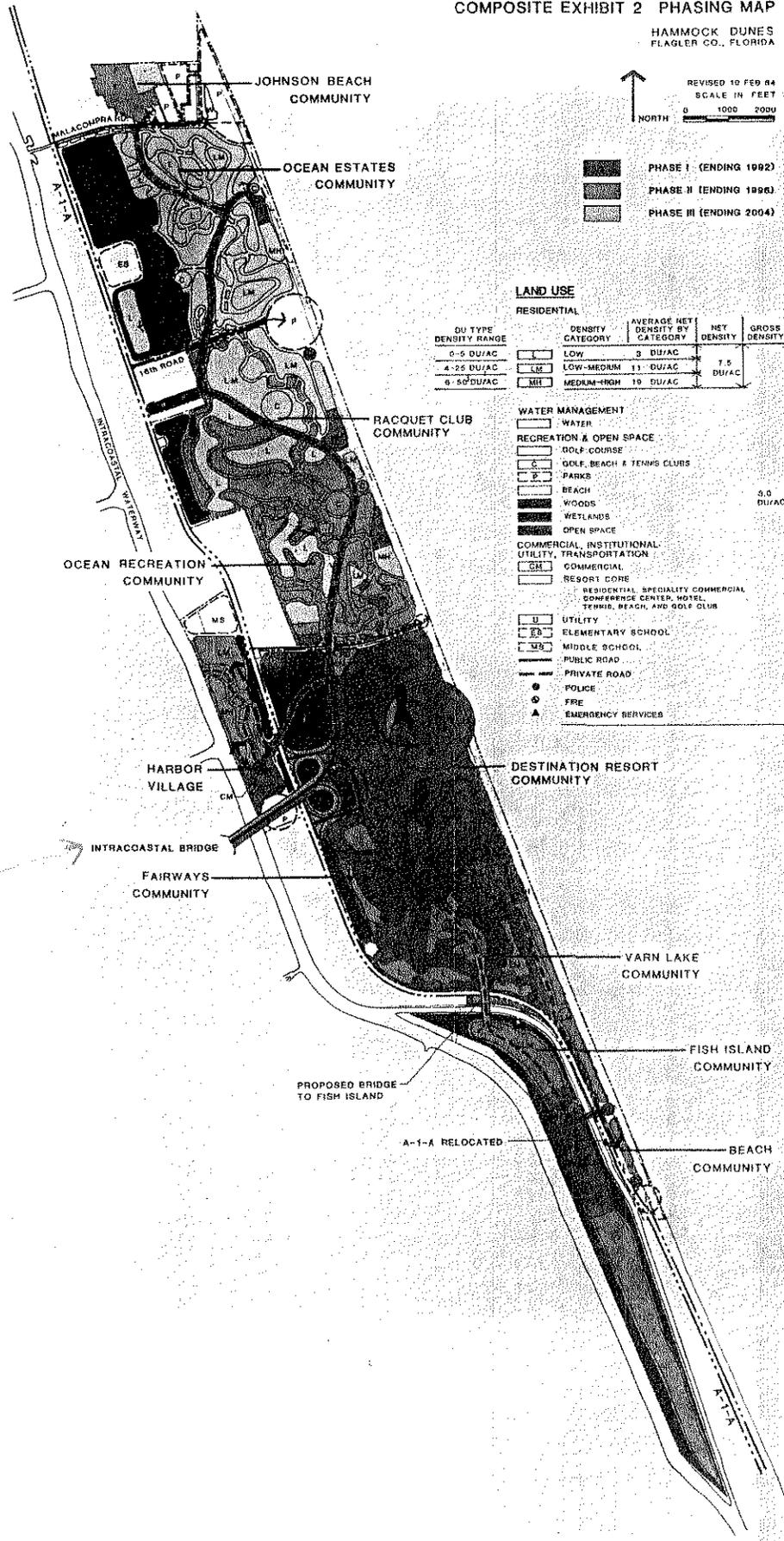


- PHASE I (ENDING 1982)
- PHASE II (ENDING 1986)
- PHASE III (ENDING 2004)

LAND USE

RESIDENTIAL		AVERAGE NET DENSITY BY CATEGORY		NET DENSITY		GROSS DENSITY	
DU TYPE	DENSITY RANGE	DENSITY CATEGORY					
	0-5 DU/AC	L	LOW	3 DU/AC			
	4-25 DU/AC	LM	LOW-MEDIUM	11 DU/AC		7.5 DU/AC	
	6-50 DU/AC	MH	MEDIUM-HIGH	16 DU/AC			

WATER MANAGEMENT		RECREATION & OPEN SPACE		COMMERCIAL, INSTITUTIONAL, UTILITY, TRANSPORTATION	
	WATER		GOLF COURSE		COMMERCIAL
	PARKS		GOLF, BEACH & TENNIS CLUBS		RESORT CORE
	BEACH		WOODS		RESIDENTIAL SPECIALITY COMMERCIAL
	WETLANDS		OPEN SPACE		CONFERENCE CENTER, HOTEL, TENNIS, BEACH, AND GOLF CLUB
	UTILITY		ELEMENTARY SCHOOL		MIDDLE SCHOOL
	PUBLIC ROAD		PRIVATE ROAD		POLICE
	FIRE		EMERGENCY SERVICES		



Bridge