

RESOLUTION NO. 2007- 105

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, CONSTITUTING THE SEVENTEENTH AMENDMENT TO THE SUMMER BEACH DRIPUD CONSOLIDATED DEVELOPMENT ORDER; AMENDING RESOLUTION NO. 90-41, AS AMENDED, TO PROVIDE FOR MIXED USE DEVELOPMENT WITHIN PARCEL D-1; PROVIDING FOR RECORDATION IN THE PUBLIC RECORDS OF NASSAU COUNTY AND TRANSMITTAL TO STATE AND REGIONAL AGENCIES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioner of Nassau County, Florida, had previously approved Resolution Nos. 85-11, 85-15, 85-60, 86-8, 86-29, 86-62, 87-11, 89-30, 90-41, 99-82, 2000-31, 2001-25, 2001-96, 2001-183, 2003-76A, 2004-32 and 2005-75; and

WHEREAS, on August 14, 2006, the Developer of Summer Beach filed a request for a further amendment to said Planned Unit Development (PUD) and a Notification of a Proposed Change to the Development Order as amended on April 25, 2005 (Resolution 2005-75); and

WHEREAS, pursuant to Section 380.06(11), Florida Statutes, the Northeast Florida Regional Council (NEFRC), the appropriate regional planning agency, has prepared and submitted to Nassau County its report and recommendation on the amendment; and

WHEREAS, the Florida Department of Community Affairs finds that the proposed change to the Development Order does not constitute a substantial deviation; and

WHEREAS, the Nassau County Planning and Zoning Board has reviewed the said amendment, conducted a public hearing on December 5, 2006, and has made a finding that the amendments do not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, the Nassau County Planning and Zoning Board has recommended approval of the requested amendment; and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on May 14, 2007, and has made a finding that the amendments do not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, due notice of the public hearings on the application and amendment procedures was duly published; and

WHEREAS, the Board of County Commissioners and the Planning and Zoning Board considered the competent substantial testimony, reports, and other evidence submitted at the public hearings by Summer Beach, NEFRPC, as well as county staff and the public in attendance at said public hearing.

NOW, THEREFORE, BE IT RESOLVED this 14th day of May, 2007, by the Board of County Commissioners of Nassau County, Florida, that:

1. The Planned Unit Development (PUD) and Development Order shall be amended to include the following:
 - a. Convert the permitted use on Parcel D-1 from Commercial to "Mixed-Use (Commercial/Office/Residential)": Parcel D-1 shall be developed with no more than 25,000 square feet of commercial and office space, and 16 residential units which are reallocated from Parcel A-6.

- b. Revise Table 12A-2 as dated February 21, 2007.
- c. Revise Map H-1 R (6) as dated February 21, 2007.
- d. The following Site Development Standards shall apply to Parcels D-1:
 - 1) Minimum setback of buildings from all property lines: Twenty (20) feet except twenty five (25) feet from A1A.
 - 2) Minimum separation between buildings: Ten (10) feet.
 - 3) Maximum Building Height: The lesser of three stories of forty-five (45) feet. All building heights are as measured from existing grade to the mid-point between the eave and peak of roof.
 - 4) Maximum building lot coverage shall not exceed forty percent (40%).
 - 5) Two stories of residential use may be developed over one story of commercial and/or office uses.
 - 6) Commercial and office uses permitted in Parcel D-1 shall be as defined in *The Nassau County Zoning Code, Section 15.01 Commercial Neighborhood: CN Permitted Uses and Structures* (Attached as Exhibit C) of the Nassau County Zoning Code, except that the uses in sub-sections (D) Churches and (F) Nursing Homes, etc., shall not be permitted, and restaurants that have full service kitchens shall not be permitted (i.e. limited food service establishments such as coffee shops shall be permitted).

2. Map H 1 R (6) dated November 8, 2004, is hereby replaced with Map H 1 R (6), February 21, 2007, and Table 12A-2 dated November 8, 2004, is hereby replaced with Table 12A-2 dated February 21, 2007.

3. The proposed changes to the PUD and Development Order do not constitute a substantial deviation and full review has been provided in accordance with Florida Statutes Section 380.06(19).

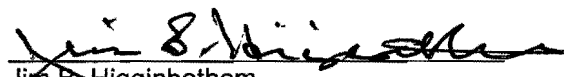
5. Map H-1-R (6), revised February 21, 2007, is attached hereto as Exhibit A and made a part hereof, and Table 12A-2, revised February 21, 2007, is attached hereto as Exhibit B and made a part hereof.

6. 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(15)(f), Florida Statutes.

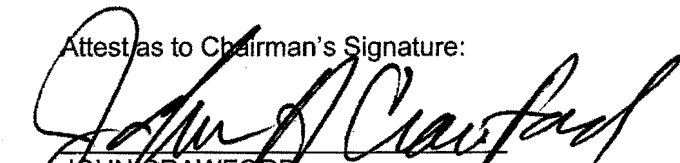
7. The County Clerk shall transmit a certified copy of the Development Order amendment by certified mail to the Department of Community Affairs, the Northeast Florida Regional Council, and the Applicant.

8. This Resolution shall be effective as provided by law.

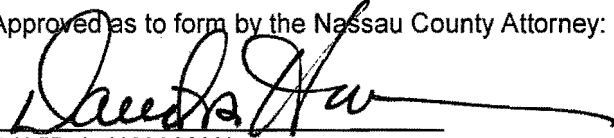
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


Jim B. Higginbotham
Its: Chairman

Attest as to Chairman's Signature:


JOHN CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



DAVID A. HALLMAN

Exhibits Attached hereto:

- A. Map H-1-R (6), revised February 21, 2007.
- B. Table 12A-2, revised February 21, 2007.
- C. Section 15.01 Commercial Neighborhood: CN Permitted Uses and Structures of The Nassau County Zoning Code.

EXHIBIT A

EXHIBIT B

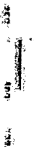
SUMMER BEACH

SUMMER BEACH AMENITIES VENTURE, LTD.

Harold M. Landers, Chairman, 117
Upper Richmond Drive

MAP H-1 R (6)

DATE OF PRELIMINARY PLAN: 1982
DATE OF THIS PLAN: 1982
SCALE: 1" = 100'
PROJECT: SUMMER BEACH AMENITIES VENTURE, LTD.
PREPARED BY: HAROLD M. LANDERS & ASSOCIATES, INC.
1000 BROADWAY, SUITE 1200
NEW YORK, N.Y. 10018
TELEPHONE: 212-512-1200
FAX: 212-512-1201

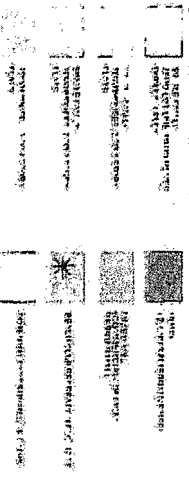


LAND USE PLAN

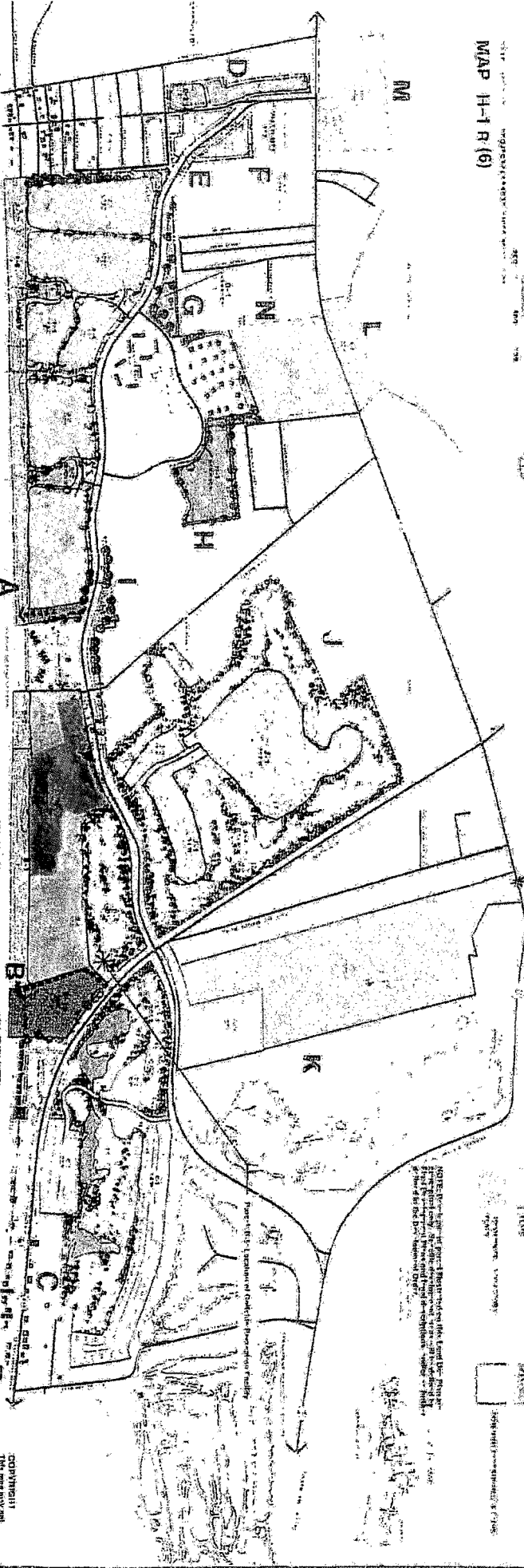
PLUD PRELIMINARY DEVELOPMENT PLAN

KEY

1' = 100'



NOTE: The information on this plan is based on the information provided by the owner and is not to be used as a basis for any legal action. The information on this plan is not to be used as a basis for any legal action. The information on this plan is not to be used as a basis for any legal action.



ATLANTIC OCEAN

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Table 12A-2 Revised February 21, 2007
LAND USE SUMMARY

Sub-Parcel	Residential - Assigned to Parcel			Commercial		Recreation/Open Space (1)		Roadways	Totals
	Class	Units	Acres	Types	Acres	Type	Acres	Acres	Acres
PARCEL A (3)									
A-1	Z	105	19.75						19.75
A-2	Z	100	15.05						15.05
A-3	Z	132	7.10						7.10
A-4	Y	90	8.10						8.10
A-5	Z	120	17.31						17.31
A-6	Z	74	19.00						19.00
A-7						Beach Club (3)	2.75		2.75
A-8						Beach Club (3)	2.02		2.02
A-9						CCCL (4)	27.88		27.88
A-10						Pond	0.72		0.72
A-11						Beach Acc	1.63		1.63
Roads								1.32	1.32
Sub-Totals		621	86.31		0.0		35	1.32	122.63
PARCEL B (3)									
B-1						CCCL (4)	12.73		12.73
B-2	Z	145	5.00						5.00
B-3						CCCL (4)	2.81		2.81
B-4	Z	98	11.73						11.73
B-5						Golfside Rec	1.00		1.00
B-6						Golf	18.65		18.65
B-8				Hotel (2)	15.88				15.88
B-10						Park	12.3		12.30
Sub-Totals		243	16.73		15.88		47.49		80.10
PARCEL C									
C-1	W	64	21.55						21.55
C-2	W	6	3.80						3.80
C-3	W	20	8.36						8.36
C-4						Golf	16.35		16.35
C-5						Golf	25.16		25.16
C-6						Wetlands	12.00		12.00
Sub-Totals		90	33.71				53.51		87.22
PARCEL D									
D-1 (5)	Mixed-Use	16		Comm/Off	3.57				3.57
D-2						Beach Pkng	2.00		2.00
Sub-Totals		16			3.57		2.00		5.57
E-1	Y	20	3.57						3.57
F-1	Y	24	3.35						3.35
G-1						Hammock	4.26		4.26
H-1						Hammock	13.31		13.31
I-1						Hammock	4.80		4.80

Continued...

HML

...Continued

~~Exhibit C~~

SUMMER BEACH

Planned Unit Development and Development of Regional Impact

Table 12A-2 Revised February 21, 2007

LAND USE SUMMARY

Sub-Parcel	Residential - Assigned to Parcel			Commercial		Recreation/Open Space*		Roadways	Totals
	Class	Units	Acres	Types	Acres	Type	Acres	Acres	Acres

PARCEL J

J-1	W	31	9.5						9.50
J-2	W	10	3.7						3.70
J-3	W	102	31.92						31.92
J-4						Golf	82.58		82.58
J-5				Maintenance	1.35				1.35
Sub-Totals		143	45.12		1.35		82.58		129.05

PARCEL K

K-1	W	36	11.00						11.00
K-2	Y	159	62.13						62.13
Sub-Totals		195	73.13						73.13

PARCEL L

L-1	Z	22	4.40						4.40
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PARCEL M

M-1 (7)	W	36	16.28						16.28
M-2 (7)	Z	33	3.10						3.10
Sub-Totals		69	19.38						19.38

PARCEL N

N-1	Z	200	20.21						20.21
Sub-Totals		200	20.21						20.21

TOTALS		1643	306		17.23		240.95	1.32	571
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(6)

- (1) Residential includes land area for buffers, open space, and recreational uses associated with each parcel.
- (2) Hotel of 500 units. If the hotel option is not achieved, add 314 residential units.
- (3) Two "Beach Clubs" are located within Parcel A; One in Parcel B. See Development Order for uses.
- (4) CCCL indicates open space area located seaward of the Coastal Construction Control Line.
- (5) Parcel D-1 = Mixed use development including Residential, Commercial and/or Office integrated vertically or horizontally.
- (6) Total land area may exceed 560.77 as a result of transfers of existing rights-of-way in Parcel B.
- (7) 36 Existing platted lots were added to the development order with the purchase of the Harrison Cove Property

Source: Landers-Atkins Planners, Inc., 1984. Revised December 1984; July 1985; September 1985; July 1986; November 1988.
 HDR Engineering, Inc. of the Carolinas. Revised June 12, 2000; Revised November 10, 2000; Revised December 8, 2000;
 Revised March 12, 2001; Revised October 1, 2001; Revised March 3, 2003; Revised March 24, 2003.
 Howard M. Landers, AICP. Revised December 23, 2003; Revised January 23, 2004.
 Howard M. Landers, AICP. Revised November 8, 2004.
 Howard M. Landers Consulting, LLC. Revised August 14, 2006; Revised November 17, 2006, Revised November 22, 2006;
 Revised December 4, 2006; Revised February 21, 2007.

ARTICLE 15

COMMERCIAL, NEIGHBORHOOD: CN

INTENT: This district is intended to apply to areas where small groups of selected establishments may be appropriately located to serve within convenient traveling distance from one or several neighborhoods. The Commercial Neighborhood District is not intended for use by major commercial or service establishments. However, professional and business offices and similar uses are encouraged.

Section 15.01. Permitted Uses and Structures.

- A. Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshop), art supplies, camera repair, sporting goods, hobby shops and pet shops (but not animal kennels), musical instruments, television and radio shops (including repairs), florist or gift shops, delicatessens, bake shops (but not wholesale bakeries), drugs and similar products.
- B. Service establishments such as barber or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), interior decorators, photographic studios, dance or music studios, reducing salons or gymnasiums, self-service laundries or dry cleaners, tailors or dressmakers, dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene and with no odor, fumes, or steam detectable to normal senses from off the premises, and similar activities.
- C. Medical and dental offices and clinics; animal hospitals or veterinary clinics, provided that no animals are permitted to be kept except in a completely enclosed and soundproofed structure.
- D. Churches (except temporary revival establishments).
- E. Libraries.
- F. Nursing homes, convalescent homes, rest homes, or homes for the aged or orphans, provided no such facility shall have a lot area of less than one (1) acre, no such facility shall be located in a mobile home and all other federal (i.e. Americans with Disabilities Act), state and County regulations in regard to such establishments are met.
- G. All uses permitted in the Commercial, Professional and Office (CPO) District.

Section 15.02. Special Restrictions.

- A. Sale, display, preparation and storage shall be conducted within a completely enclosed building and no more than twenty (20) percent of