

ORDINANCE NO. 2023 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, RELATING TO ARTICLE II OF THE CLAY COUNTY LAND DEVELOPMENT CODE, BEING THE CODIFICATION OF ORDINANCE NO. 1996-8, AS AMENDED, AND COMPRISING THE PROCEDURES FOR DEVELOPMENT REVIEW, BY AMENDING THE FOLLOWING SECTIONS: SECTION 2-3 TO CLARIFY THE TITLE; SECTION 2-3(2)(b)2. TO REVISE REQUIREMENTS FOR BUILDING PLAN REVIEW; SECTION 2-5(3)(d) AND (e) TO REVISE REQUIREMENTS FOR MINOR DEVELOPMENT PLAN REVIEW AND EFFECT OF PLAN APPROVAL; SECTION 2-5(3)(h) TO STRIKE SUBSECTION (h) RELATED TO RENEWAL OF MINOR DEVELOPMENT PLAN APPROVAL; SECTION 2-6(3) TO REVISE REQUIREMENTS FOR MAJOR DEVELOPMENT CONCEPT PLANS; SECTION 2-6(4)(b) TO REVISE REQUIREMENTS FOR MAJOR DEVELOPMENT PRELIMINARY PLAN SUBMISSION; SECTION 2-6(4)(f) TO REVISE REQUIREMENTS FOR MAJOR DEVELOPMENT PRELIMINARY PLAN REVIEW; SECTION 2-6(5)(b) AND (c) TO REVISE REQUIREMENTS FOR MAJOR DEVELOPMENT FINAL PLAN REVIEW AND EFFECT OF PLAN APPROVAL; SECTION 2-6(5)(e) TO REVISE REQUIREMENTS FOR MAJOR DEVELOPMENT FINAL PLAN APPROVAL EXPIRATION; SECTION 2-6(5)(f) TO STRIKE SUBSECTION (f) RELATED TO RENEWAL OF MAJOR DEVELOPMENT FINAL PLAN APPROVAL; SECTION 2-7(2) TO REVISE REQUIREMENTS FOR MINOR SUBDIVISION PLATS; SECTION 2-8(3) TO REVISE REQUIREMENTS FOR MAJOR SUBDIVISION CONCEPT PLANS; SECTION 2-8(4) TO REVISE REQUIREMENTS FOR MAJOR SUBDIVISION PRELIMINARY PLATS; SECTION 2-8(5)(b) TO REVISE REQUIREMENTS FOR MAJOR SUBDIVISION PRELIMINARY PLAN SUBMISSION; SECTION 2-8(5)(f) TO REVISE REQUIREMENTS FOR MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW; SECTION 2-8(6)(b) AND (c) TO REVISE REQUIREMENTS FOR MAJOR SUBDIVISION FINAL PLAN REVIEW AND EFFECT OF PLAN APPROVAL; SECTION 2-8(6)(e) TO STRIKE SUBSECTION (e) RELATED TO RENEWAL OF MAJOR SUBDIVISION FINAL PLAN APPROVAL; SECTION 2-9(3) AND (4) TO REVISE REQUIREMENTS FOR PLANNED DEVELOPMENT REZONING REQUEST SUBMISSION AND CONCEPT PLAN REVIEW; SECTION 2-10 TO REVISE THE REQUIREMENTS FOR THE DEVELOPMENT OF REGIONAL IMPACT REVIEW PROCESS IN ITS ENTIRETY; SECTION 2-11 TO REVISE THE REQUIREMENTS FOR THE PLATTING PROCESS IN ITS ENTIRETY; AND SECTION 2-13 TO REVISE THE REQUIREMENTS FOR DEVELOPMENT PERMITS IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Article II of the Clay County Land Development Code, *Procedures for Development Review*, is hereby amended as provided in Sections 2 to 22 below:

Section 2. The title of Section 2-3. is hereby amended as follows:

Sec. 2-3. No Site Impact Development Review Process

Section 3. Sub-section (2)(b)2. of Section 2-3, No Site Impact Review Process, is hereby amended as follows:

2. Building Plan Review – Prior to the issuance of a building permit for a renovation, the applicant shall submit electronically one ~~two~~ sets of drawings of the proposed renovation and the Change in Occupant Application to the Building Division. The drawings shall be of sufficient detail to illustrate the proposed renovation and shall be in accordance with building codes.

Section 4. Sub-sections (3)(d) and (e) of Section 2-5, Minor Development Review Process, are hereby amended as follows:

- (d) Plan Review - Within ~~five~~ ten working days after receipt of the plan by the County, each department shall review the plan and note any non-compliant code regulations. ~~If any county agency does not provide written comments within five working days of receipt of the plan, the agency will be deemed to have no comments regarding the submitted plan. This time period may be extended by the County Manager due to extenuating circumstances.~~ If the plan is approved or disapproved the Department of Development Services shall notify the applicant as to the status of the plans. If the plans are approved, a pre- construction meeting may or may not be required. Once a preconstruction determination has been made the applicant will proceed to obtain a building permit consistent with the applicable building code and local code requirements. If the plans are disapproved, the applicant will submit revised plans demonstrating compliance with County regulations and eliminating inconsistent provisions. Staff will have ~~three~~ five working days to review and ensure compliance. ~~If comments are not forwarded to the applicant/agent within three working days, the plan shall be considered approved. This time period may be extended by the County Manager due to extenuating circumstances.~~
- (e) Effect of Plan Approval – The approval of a minor development ~~shall constitute all site plan approval requirements for a minor development~~

signifies review of the requirements in relevant County ordinances, Land Development Regulations, and the Comprehensive Plan. Plan approval does not relieve the applicant from: 1) compliance with County ordinances, Land Development Regulations, and the Comprehensive Plan; and 2) from obtaining approval from any Federal, State, or other local agency as may be required.

Section 5. Sub-section (3)(h) of Section 2-5, Minor Development Review Process, is hereby stricken:

(h) ~~Renewal of Plan Approval~~ Renewal of a minor development plan approval shall not be permitted.

Section 6. Sub-section (3) of Section 2-6., Major Development Review Process, is hereby amended as follows:

- (3) Concept Plan – Prior to submitting a preliminary plan, the applicant shall submit to the Department of Development Services a concept plan for review by the Development Review Committee (DRC). The purpose of the concept plan is to minimize costs associated with the conversion of raw land into a development through the early identification and resolution of concerns the DRC may have with the development. The applicant shall submit electronically ~~the required number and type of~~ plans for review to the Department of Development Services to be scheduled for the next available DRC meeting. ~~Times, dates, copies and d~~Deadlines for submittals ~~of for~~ the meetings shall be provided by the Department of Development Services. After attendance at the DRC meeting, the applicant will proceed with preliminary plan review unless further DRC review is necessary based on submittal of insufficient plans or demonstration of code compliance.

Section 7. Sub-section (4)(b) of Section 2-6., Major Development Review Process, is hereby amended as follows:

- (b) Plan Submission – The preliminary plan shall be submitted to the Department of Development Services along with the required items for review as determined by the Department of Development Services. The plan shall be signed and sealed by State of Florida Registered Professionals authorized by Florida Statute to prepare such plan.

Section 8. Sub-section (4)(f) of Section 2-6., Major Development Review Process, is hereby amended as follows:

- (f) Plan Review - Once a preliminary plan has been distributed for review, the development review staff shall have ~~fifteen~~ twenty working days to review

and identify any issues and discrepancies. ~~If any county agency does not provide written comments within fifteen working days of receipt of the plan, the agency will be deemed to have no comments regarding the submitted plan. This time period may be extended by the County Manager due to extenuating circumstances.~~ Each plans reviewer shall prepare a written review of the plan and submit such review to the Department of Development Services who in turn will forward the comments to the design professional to incorporate into the site plans. If a plan is disapproved during the preliminary review, the plan reviewer who disapproved the plan shall cite the applicable code section where the plans are found to be non-compliant.

Section 9. Sub-sections (5)(b) and (c) of Section 2-6., Major Development Review Process, are hereby amended as follows:

(b) Plan Review

1. Within ~~five-ten~~ working days of receipt of the plan, each department shall review the plan, note any issues or discrepancies on the plan, or recommend the plan for approval. On the basis of the department comments, the Department of Development Services shall determine whether the plan shall be approved or disapproved. If a plan is approved or approved with conditions, the Department of Development Services shall notify the applicant to submit appropriate documents for issuance of a permit. ~~If a response is not forwarded to the applicant/agent within five working days, the plan shall be considered approved. This time period may be extended by the County Manager due to extenuating circumstances.~~
2. If the plan is disapproved, the Department of Development Services shall notify the applicant in writing of the deficiencies. The applicant shall then have ninety days to submit a revised plan without being required to pay an additional fee. If more than ninety days elapses between notification and re-submittal, the applicant shall be required to submit a new plan with all of the appropriate fees.

- (c) Effect of Plan Approval – The approval of a final plan ~~shall constitute all plan approval requirements for a major development~~ signifies review of the requirements in relevant County ordinances, Land Development Regulations, and the Comprehensive Plan. Plan approval does not relieve the applicant from: 1) compliance with County ordinances, Land Development Regulations, and the Comprehensive Plan; and 2) from obtaining approval from any Federal, State, or other local agency as may be required.

Section 10. Sub-section (5)(e) of Section 2-6., Major Development Review Process, is hereby amended as follows:

- (e) Expiration of Plan Approval – Approval of a final plan shall lapse if building permits for all buildings have not been issued within one year of approval and the applicant shall be required to submit a new plan.

Section 11. Sub-section (5)(f) of Section 2-6., Major Development Review Process, is hereby stricken:

- ~~(f) — Renewal of Approval — Renewal of an approved final plan shall not be permitted for any development.~~

Section 12. Sub-section (2) of Section 2-7., Minor Subdivision Review Process, is hereby amended as follows:

- (2) Minor Subdivision Plat – All minor subdivisions or re-subdivisions of land shall adhere to the ~~preliminary and or~~ final plat submission, review, and content requirements established in Sec. 2-~~12-11~~ 11 of this article and Chapter 177, Florida Statutes.

Section 13. Sub-section (3) of Section 2-8., Major Subdivision Review Process, is hereby amended as follows:

- (3) Concept Plan – Prior to submitting a preliminary plan ~~or plat~~, the applicant shall submit to the Department of Development Services a concept plan for review by the Development Review Committee (DRC). The purpose of the concept plan is to minimize costs associated with the conversion of raw land into a development through the early identification and resolution of concerns the DRC may have with the development. The applicant shall submit electronically the ~~required number and type of~~ plans for review to the Department of Development Services to be scheduled for the next available DRC meeting. ~~Times, dates, copies and deadlines for submittals of for~~ the meetings shall be provided by the Department of Development Services. After the attendance at the DRC meeting, the applicant will proceed with preliminary plan review unless further DRC review is necessary based on submittal of insufficient plans or demonstration of code compliance.

Section 14. Sub-section (4) of Section 2-8., Major Subdivision Review Process, is hereby amended as follows:

- (4) Major Subdivision ~~Preliminary~~ Plat – All major subdivisions of land

shall adhere to the ~~preliminary and final~~ plat submission, review, and content requirements established in Sec. 2-~~12-11~~ of this article and Chapter 177, Florida Statutes. ~~Major subdivision preliminary plats must be submitted and reviewed concurrent with the preliminary plan.~~

Section 15. Sub-section (5)(b) of Section 2-8., Major Subdivision Review Process, is hereby amended as follows:

- (b) Plan Submission – The preliminary plan shall be submitted to the Department of Development Services along with the required items for review as determined by the Department of Development Services. The plan shall be signed and sealed by State of Florida Registered Professionals authorized by Florida Statute to prepare such plan.

Section 16. Sub-section (5)(f) of Section 2-8., Major Subdivision Review Process, is hereby amended as follows:

- (f) Plan Review - Once a preliminary plan has been distributed for review, the development review staff shall have ~~fifteen~~ twenty working days to review and identify any non-compliant code regulations. Each plans reviewer shall prepare a written review of the plan and submit such review to the Department of Development Services who will forward the comments to the design professional to incorporate into the site plans. ~~If any county agency does not provide written comments within fifteen working days of receipt of the plan, the agency will be deemed to have no comments regarding the submitted plan. This time period may be extended by the County Manager due to extenuating circumstances.~~ If a plan is disapproved during the preliminary review the plan reviewer who disapproved the plan shall cite the applicable code section where the plans are found to be non-compliant.

Section 17. Sub-sections (6)(b) and (c) of Section 2-8., Major Subdivision Review Process, are hereby amended as follows:

- (b) Plan Review
 - 1. Within ~~five~~ ten working days after receipt of the plan by the County, each department shall review the plan, note any non-compliant code regulations on the plan or recommend the plan for approval. On the basis of the department comments, the Department of Development Services shall determine whether the plan shall be approved or disapproved. If a plan is approved or approved with conditions, the Department of Development

Services shall notify the applicant to submit appropriate documents for issuance of a permit. ~~If a response is not forwarded to the applicant/agent within five working days, the plan shall be considered approved. This time period may be extended by the County Manager due to extenuating circumstances.~~

2. If the plan is disapproved, the Department of Development Services shall notify the applicant in writing of the issues of non-compliance. The applicant shall then have ninety calendar days to submit a revised plan without being required to pay an additional fee. If more than ninety days elapses between notification and re-submittal, the applicant shall be required to submit a new plan with all of the appropriate fees.
- (c) Effect of Plan Approval – Approval of a final plan ~~shall constitute approval of a preliminary plat and site development plans for a major subdivision~~ signifies review of the requirements in relevant County ordinances, Land Development Regulations, and the Comprehensive Plan. Plan approval does not relieve the applicant from: 1) compliance with County ordinances, Land Development Regulations, and the Comprehensive Plan; and 2) from obtaining approval from any Federal, State, or other local agency as may be required.

Section 18. Sub-section (6)(e) of Section 2-8., Major Development Review Process, is hereby stricken:

- ~~(e) — Renewal of Plan Approval — Renewal of an approved final plan shall not be permitted for any development.~~

Section 19. Sub-sections (3) and (4) of Section 2-9., Planned Development Review Process, are hereby amended as follows:

- (3) ~~Rezoning Request Submission — The applicant shall submit all applicable fees and documents for rezoning to a planned development zoning district. The application materials must be submitted no less than sixty calendar days prior to the Planning Commission hearing at which the preliminary master development plan and the rezoning request are to be considered. This time will allow for DRC review of the proposed rezoning and site plan and for the provision of required public notices.~~ Concept Plan Review – Prior to the Rezoning application submittal, the applicant shall submit electronically a concept plan and written summary to the Department of Development Services for review by the DRC to identify any issues or discrepancies that the committee may have. Deadlines and meeting dates shall be determined based upon the complexity of the proposed project’s design as well as the off-site impacts of the project and provided by the Department of Development

Services.

- (4) ~~Concept Plan Review – Prior to the Planning Commission hearing at which the rezoning will be considered, the applicant shall submit a concept plan and written summary and attend a DRC meeting to identify any issues or discrepancies that the committee may have. The number of plans, written summaries deadlines, and meeting dates shall be determined based upon the complexity of the proposed project's design as well as the off site impacts of the project.~~ Rezoning Request Submission – The applicant shall submit electronically all applicable fees and documents for rezoning to a planned development zoning district. The application materials must be submitted no less than 60 calendar days prior to the Planning Commission hearing at which the preliminary master development plan and the rezoning request are to be considered.

Section 20. Section 2-10., Development of Regional Impact Review Process, is hereby amended in its entirety as follows:

Sec. 2-10. Development of Regional Impact Review Process

- (1) Intent – The intent of this section is to establish uniform requirements for reviewing amendments to previously approved Developments of Regional Impact (DRI).
- (2) Applicability – The requirements set forth in this section shall apply to all DRIs that are partially or completely located in the county. The requirements established herein do not supersede nor take away from the requirements established in Chapter 380, Florida Statutes, which governs DRIs.
- (3) Pre-Application Conference – Prior to the submission of an application to amend a DRI, the applicant shall contact the county to schedule a pre-application conference to identify issues and coordinate appropriate state and county requirements.
- (4) Application Submission – Applications to amend a DRI shall be submitted in accordance with Chapter 380, Florida Statutes. The Director of Planning and Zoning shall ensure adherence to all requirements of the local government review process, as identified in Chapter 380, Florida Statutes.
- (5) Application Content – The application to amend a DRI shall be consistent with Chapter 380, Florida Statutes, and shall comply with any additional requirements specified herein by the county.
- (6) Comprehensive Plan Amendment – The applicant may submit a request for comprehensive plan amendments related to the DRI amendment simultaneously.

In no event can the DRI amendment be approved prior to the adoption of the requisite comprehensive plan amendments.

(7) Application Review

- (a) Application Submission and Sufficiency Review – The application shall be submitted electronically and reviewed for sufficiency consistent with the requirements of Chapter 380, Florida Statutes and any county land development regulations.
- (b) Final Sufficiency and DRI Consideration – Once the county has received the application and deemed it sufficient, the county shall schedule the DRI amendment for public hearing. Public hearings shall be noticed in accordance with Chapter 380, Florida Statutes.
- (c) Comprehensive Plan Amendment Consideration - Public hearings to consider comprehensive plan amendments in conjunction with a DRI amendment shall be heard at the same public hearing at which the DRI is being considered.
- (d) Planned Development Rezoning Review –The applicant may submit an application to amend the PUD rezoning concurrent with the DRI application. The application for rezoning shall be in accordance with Sec. 2-9 for a planned development rezoning. The final master plan for the planned development rezoning shall be consistent with Master Plan Map H of the DRI.

- (8) Effect of Approval of Application – The issuance of a development order or the approval of a planned development rezoning master plan submitted in conjunction with an application for DRI amendment shall not grant or imply approval of any site- specific development plans. Further, such approval shall not permit any type of earthmoving operations, other than those specifically identified in the approved DRI Development Order until site-specific development plans are submitted and approved in accordance with the provisions governing a major development or major subdivision. DRI Development Orders shall be approved in accordance with Chapter 380, Florida Statutes.

Once a preliminary plan has been accepted for a portion of a DRI, construction within the DRI may commence in accordance with the accepted preliminary plan.

- (9) Expiration of Approval and Renewal of Application – Expiration of approval and renewal of an approved DRI shall be in accordance with any requirements

or stipulations approved in the final application and in Chapter 380, Florida Statutes.

- (10) Revision of an Approved DRI – All revisions to a previously approved DRI shall be submitted and reviewed in accordance with the requirements of Chapter 380.06(7), Florida Statutes and be consistent with the comprehensive plan.

The proposed revision of a previously approved DRI shall be accompanied by a proposed revision to the corresponding approved development order and planned development final master plan.

Section 21. Section 2-11., Platting Process, is hereby amended in its entirety as follows:

Sec. 2-11. Platting Process

- (1) Intent – The intent of the platting process is to create a uniform and equitable review process that provides for the adherence to this code during the subdivision of lands. The platting process is the culmination of the land subdivision process. When approved and duly recorded as provided by law, the recorded plat becomes a permanent public record of the survey of the lots or parcels, rights-of-way, easements, and public lands.
- (2) Applicability – The following provisions for the platting of land shall be required for all residential subdivisions of land of three or more lots, all re-subdivisions of land, re-plats, and any other development proposing the construction of 100 feet or more of a public or private roadway. Roadway plats are required for the dedication of any public right-of-way in excess of 100 feet.
- (3) Plat Submission – Plat materials, plans, and fees shall be submitted electronically to the Department of Development Services for distribution and review. The plat shall meet the requirements of this article and Florida Statutes. Once reviewed by county staff, county staff shall recommend to the Board of County Commissioners (BCC) acceptance of the plat for recording. Staff shall schedule the plat for consideration at the next available BCC meeting after staff review is completed.
 - (a) Plat Content – All plats shall adhere to Chapter 177, Florida Statutes and contain the following information:
 1. The size of each sheet shall be 18" X 24" and shall be drawn with a marginal line completely around each sheet and placed so as to leave a three inch margin on the left side for binding and at least a one-half inch margin on each of the remaining sides.
 2. In all cases, the scale used shall be a 1" = 100' minimum.

3. Each plat shall have the following information portrayed on the plat:
 - a. A location key sketch for each sheet illustrating the portion of the overall plat depicted on such sheet.
 - b. The 100-year floodplain (A Zones) according to the most recent Federal Insurance Rate maps (FIRM), in accordance with County Ordinance 87-45, as subsequently amended.
 - c. A north arrow, a scale stated and graphically illustrated, a legend, and the date the plat was prepared.
 - d. A title block setting forth the name of the proposed subdivision—which shall neither duplicate nor closely approximate the name of any other existing subdivision in the county, the name of the county, and the State of Florida, each section, township and range within which the land subject to the plat is located, and the date of preparation of the plat and of any revisions. If the plat is an addition to an existing subdivision, it shall bear the same name as the existing subdivision. For planned unit developments, plats shall contain "PUD" within the title.
 - e. A legal description of the boundary of the property subject to the plat under the heading "Caption."
 - f. The following Notice: This plat as recorded in its graphic form is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of this plat. There may be restrictions that are not recorded on this plat that may be found in the public records of this county.
 - g. In the event any of the subdivided lands are or shall be subject to any covenants, restrictions or reservations imposed by the maker of the plat, all such covenants, restrictions and reservations shall be set forth in a separate instrument recorded in the public records of the county, reference to which by title and recording information shall be conspicuously set forth on the final plat. No covenants, restrictions, or reservations shall be portrayed on the plat.
 - h. Certificate of approval by the Board of County Commissioners.
 - i. Certificate of approval by the Clay County Clerk of Court.

- j. Certificate of approval by county staff.
- k. Certificate of approval by the Clerk to the Board.
- l. Surveyor Certificate of Review shall read as follows:
"The undersigned surveyor hereby certifies that he has reviewed this plat on behalf of Clay County, Florida, in accordance with the requirements of Chapter 177.081 (1), Florida Statutes, and has determined that said plat conforms with requirements of Chapter 177, Florida Statutes. The undersigned did not prepare this plat. This certificate is made as of the Day of _____, 20__."

Signed: _____

Print Name: _____

Florida Registration No. _____

Print Address: _____

- m. Total number of lots and acreage.
- n. Consecutive lot numbers.
- o. Name of water and sewer provider.
- p. Name of electric provider.
- q. Name of owner, engineer, and surveyor.
- r. Any electronic form of survey data as required by the County GIS Division.

- 4. A Standard Adoption and Dedication statement shall also be portrayed on the plat and shall read as follows:

- a. *This is to certify that (Name of Corporation), a corporation under the laws of The State of Florida, hereinafter "Dedicator", is the lawful owner of the lands described in the caption hereon known as (Name of Subdivision), having caused the same to be surveyed and subdivided. This plat being made in accordance with said survey is hereby adopted as a true and correct plat of those lands. All lanes, courts, trails, streets, easements for drainage, utilities and sewers, unobstructed easements, and non-access easements as shown hereon are hereby irrevocably and without reservation dedicated to Clay County, its successors and assigns. All private drainage easements or unobstructed private drainage easements as shown*

hereon are hereby irrevocably and without reservation dedicated to (Dedicator or another entity specified herein), its successors and assigns. The drainage easements through and over the lakes and filtration systems shown on this plat are hereby irrevocably dedicated to Clay County, its successors and assigns, and are subject to the following covenants which shall run with the land.

- b. *The drainage easements hereby dedicated shall permit Clay County, its successors and assigns, to discharge into said lakes and filtration systems which these easements traverse, all water which may fall or come upon all trails, courts, lanes and streets hereby dedicated, together with all soil, nutrients chemicals and all other substances which may flow or pass from said trails, courts, lanes and streets, from adjacent land or from any other source of Public Waters into or through said lakes and filtration systems, without any liability whatsoever on the part of Clay County, its successors and assigns for any damage, injuries or losses to persons or property resulting from the acceptance or use of these drainage easements by Clay County, its successors and assigns.*
- c. *Clay County, its successors and assigns shall not be liable nor responsible for the creation, operation, failure or destruction of water level control equipment which may be constructed or installed by the Dedicator or any other person within the area of the lands hereby platted, or of the lakes and filtration systems shown on this plat, but shall have the right to modify the existence of the lakes and filtration systems and that which retains it to effect adequate drainage including, but not limited to, the right to remove any water level control structures or any part thereof. The Dedicator, as owner of the lands described and captioned hereon, shall indemnify Clay County and save it harmless from suits, action, damages and liability and expense in connection with loss of life, bodily or personal injury or property damage or any other damage arising from or out of any occurrence in, upon, at or from the lakes and filtration systems described above, or any part thereof, occasioned wholly or in part by any act of omission of the Dedicator, its agents, contractors, employees, servants, licensees or*

concessionaires with (Name of Subdivision). This indemnification shall run with the land and the assigns of the Dedicator and shall be subject to it.

- d. The following shall be noted on plats for private subdivisions:

The roads, streets, drainage, or other common facilities of this subdivision are/is not intended for public use and the Board of County Commissioners expressly rejects any road, street, or other common facility for maintenance by Clay County.

- e. The following shall be noted on plats for public and private subdivisions:

None of the foregoing shall prohibit Clay County, from establishing a municipal service taxing unit, municipal service benefit unit, stormwater utility, transportation utility, or any other special assessment/fee system within any subdivision for the furnishing of roads, streets, drainage, or other benefits. Nor shall any of the foregoing prohibit the acceptance for maintenance of roads or common facilities by the County Commission if after any filing of any plat the facilities to be accepted by the Board for maintenance are upgraded to County acceptance standards by contribution of the local developer or homeowners or by establishment of a municipal service benefit district.

- f. The following shall be noted on plats for public and private subdivisions:

Upon failure of the Community Development District, Homeowners' Association, or any other such entity that has assumed the obligation of maintenance pertaining to any stormwater management facilities, drainage easements, roads, streets, rights-of-way, tracts, or any other portion of a parcel as shown hereon the plat, the obligation would then equally fall on the lot owners as shown hereon the plat.

- g. The following shall be noted on plats for public and private subdivisions:

As a condition precedent to the recordation of this plat in the public records of Clay County, Florida, [Dedicator], a [state of incorporation and type of

corporate entity], does hereby guarantee to each and every person, firm, copartnership or corporation, their heirs, successors and assigns, who shall purchase a lot or lots in said subdivision from said owner that said owner shall within 24 months of the date of acceptance of the street and drainage improvements by the [Dedicator] thereof fully comply with each and every regulation of the Board of County Commissioners of Clay County, Florida, covering subdivisions in effect at the time of filing of this plat insofar as the same affects a lot or lots sold. Time of performance being of the essence, said guarantee shall be deemed part of each deed of conveyance or sale covering lots sold in said subdivision, executed by said owner to the same extent and purpose as if said guarantee were incorporated verbatim in each said conveyance or contract of sale.

5. In the event that any unsatisfied mortgage of record burdens any portion of the lands subject to the plat, a section bearing the heading "Mortgagee Joinder" shall be placed on the plat. The Mortgagee Joinder section of the plat shall specifically identify such mortgage by reference to the date and the recording information related thereto, together with the dates and recording information for all instruments of record amending, modifying, extending, restating, assigning or otherwise affecting the same. The Mortgagee Joinder section of the plat shall set forth the property name of each person or entity holding an interest in such mortgage as the same appears of record, and each such person or entity shall cause the same to be executed in the manner specified in this section. The effect of the execution of the Mortgage Joinder section of the plat shall be as set forth in a statement in Appendix A, which statement or an appropriately modified version approved by the engineering Director shall be contained within the Mortgagee Joinder section of the plat.
6. Every plat of a public or private subdivision filed for record must contain a dedication by all persons or corporations having a record interest. The dedication shall be executed by all persons or corporations having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a

separate instrument joining in and ratifying the plat and all dedications and reservations thereon.

7. When a tract or parcel of land has been subdivided and a plat thereof bearing the dedication executed by the owners of record and mortgagees having a record interest in the lands subdivided and the approval of the Board has been secured and recorded in compliance with this section, all streets, alleys, easements, rights-of-way, and public areas shown on such plat, unless otherwise stated, shall be deemed to have been dedicated to the public for the uses and purposes thereon stated. However, nothing herein shall be construed as creating an obligation upon any governing body to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed by the Board.
- (b) Opinion of Title Requirements – A certificate of title shall be submitted in conjunction with the plat. The preliminary certificate of title shall be in the form either of an opinion of title issued by an attorney licensed to practice law in the State of Florida, or of a certification issued by a qualified title abstractor or title abstract entity authorized to do business in the State of Florida. Copies of all instruments of record identified within the preliminary certificate of title shall be submitted with the preliminary certificate of title. The preliminary certificate of title shall set forth the following items:
1. Both the date and the effective date;
 2. A legal description of the lands subject to the plat, which legal description must be identical to that set forth on the plat under the heading "Caption;"
 3. The proper name of each person or entity owning any fee simple title interest in and any portion of the lands subject to the plat as the same then appears of record;
 4. Every mortgage, lien, judgment, easement, mineral interest, gas interest, lease, instrument establishing covenants, restrictions or conditions, tax lien, assessment lien and other instrument of record then affecting the title to the lands subject to the plat by reference to the date and the recording information related thereto, together with the dates and recording information for all instruments of record amending, modifying, extending, restating, assigning or otherwise affecting the same, together with the proper name of each person or entity then owning or holding the same; and,
 5. The ad valorem tax parcel number or numbers for the lands subject to the plat, together with the date, year and amount of ad

valorem taxes and non-ad valorem assessments last paid thereon, together with the amount of unpaid ad valorem taxes and non-ad valorem assessments then due and payable, if available.

6. The final certificate of title shall be dated within 60 calendar days of the date of the plat's acceptance by the Board.
- (c) Changes to Plat in Review:
1. All changes required to be made to a plat after review by county staff shall be made prior to re-submitting the plat for continued review;
 2. Only those changes to a plat requested by county staff shall be made prior to re-submitting the plat for continued review, and if additional changes are made to a plat other than those requested by county staff, written notice of those changes shall be provided to the Department of Development Services;
 3. The reviewing surveyor's review of the plat shall be completed after county staff has approved the plat. Any changes to the plat that result from the reviewing surveyor's review shall be disclosed, in writing, to the Department of Development Services, and subject to review by county staff.
- (d) Effect of Approval – The approval of the final plat by the Board shall not constitute acceptance by the public of the dedication of any road, street, alley, easement, right- of-way, or public area shown on the plat. All such improvements shall be accepted and maintained by the county only through separate formal action by the Board.
- (e) Plat Recordation – Upon final approval by the Board, the original reproducible mylar plat with all required signatures and certificates, shall be submitted to the Clerk of Court for recording. One blue line copy of the recorded final plat and supporting documents shall be supplied, within thirty days of the recording, to the Department of Development Services.

Section 22. Section 2-13, Issuance of Development Permits, is hereby amended in its entirety as follows:

Sec. 2-13. Development Permits

- (1) Building Permits – Building permits shall be issued only after an application for a building permit has been submitted and deemed complete by the Building Division in accordance with the following:
 - (a) Non-Residential – An application submitted for a building permit for a non-residential development shall be complete only after final plan

approval for either a minor or major development category has been obtained and verification from the Building Division received.

1. Certificate of Occupancy - For non-residential developments (minor or major development categories), certificates of occupancy shall only be issued after inspections associated with the building permit are complete and determined to comply with Clay County regulations and final approval obtained.

(b) Residential – An application submitted for a building permit for a residential development categorized as a minor or major subdivision shall be complete only after compliance with the following requirements and verification from the Building Division received:

1. Model homes – An application for a building permit shall be complete only after approval of the final plan but before the recording of the final plat at a ratio of 3 model homes per builder to a maximum of 10 model homes per subdivision and verification from the Building Division received.
2. All other homes – An application for a building permit shall be complete only after approval of the final plan, approval and recording of the final plat, each of the following items (a, b, and c) are completed, and verification from the Building Division received:
 - a. All stormwater lines and facilities must be installed, and subsequently inspected and approved by the County Engineering Department;
 - b. All sewer, water and reuse lines must be installed, and subsequently inspected and approved by the utility provider; and,
 - c. The entire development roadway must be built to the top of the roadway base elevation, and subsequently inspected and approved by the County Engineering Department.
3. Certificate of Occupancy – For residential developments (minor or major subdivisions), certificates of occupancy shall be issued only after the final plat has been approved and recorded, and the County Engineer has given final approval for stormwater systems construction and road construction.

(2) Jurisdictional Permits – With respect to any development for which the issuance of a permit by any regulatory agency other than the county is required

by law, a copy of each such permit shall be provided to the Engineering Division at the time of the pre- construction meeting. Agencies from which permits may be required include but are not limited to:

- (a) The DEP;
- (b) The FDOT;
- (c) The U.S. ACE;
- (d) The Water Management District; and,
- (e) The Florida Department of Health.

Section 23. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 24. This Ordinance shall become effective upon adoption.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this ___ day of January, 2023.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

BY: _____
Betsy Condon, Its Chairman

ATTEST:

Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

