

ORDINANCE 2024-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA AMENDING ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, BEING THE CODIFICATION OF ORDINANCE NO. 93-16, AS SUBSEQUENTLY AMENDED, AND COMPRISING THE ZONING AND LAND USE PROVISIONS, BY AMENDING SUBSECTION 3-33(c)(1) TO REQUIRE A WRITTEN STATEMENT AS PART OF THE APPLICATION FOR PUD REZONING; BY AMENDING SUBSECTION 3-33(f)(1)(ii) REQUIRING A LAPSED PUD TO OBTAIN APPROVAL THROUGH THE REZONING PROCESS TO BE REINSTATED; BY AMENDING SUBSECTION 3-33(h) PROVIDING THE MINIMUM ACREAGE FOR A PUD TO BE ONE ACRE; BY AMENDING SUBSECTION 3-33(j) TO SET FORTH THE CONTENTS FOR A SCHEDULE OF PHASES AND TO NUMBER THE SUBPARAGRAPHS THEREUNDER; BY DELETING IN ITS ENTIRETY THE EXISTING SUBSECTION 3-33(k) RELATED TO VISUAL BARRIER REQUIREMENTS; BY ADDING A NEW SUBSECTION 3-33(k) TO SET THE MAXIMUM LOT COVERAGE FOR ALL PRIMARY AND ACCESSORY BUILDINGS AT 50% ; BY AMENDING SUBSECTION 3-33(l)(ii) TO ELIMINATE GARAGE SALES AS PERMITTED USES; BY AMENDING SUBSECTION 3-33(m) RELATED TO ALLOWED CONDITIONAL USES; BY AMENDING SUBSECTION 3-33(n) RELATED TO ACCESSORY STRUCTURES IN ITS ENTIRETY; BY DELETING IN ITS ENTIRETY SUBSECTION 3-33(p) RELATED TO THE REQUIRED MINIMUM WIDTH FOR NEW WATERFRONT LOTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board adopted Ordinance 93-16, as amended, which created Article III of the Clay County Land Development Code being the Zoning and Land Use Development Regulations; and,

WHEREAS, the Board desires to amend certain provisions in Article III, Section 3-33. of the Clay County Land Development Code, as provided for below.

Be it ordained by the Board of County Commissioners of Clay County that:

Section 1. As used in Section 2, the term “Article III” shall mean and refer to Article III of the Clay County Land Development Code, being the codification of Ordinance 93-16, as subsequently amended, and comprising the Zoning and Land Use Land Development Regulations.

Section 2. Section 3-33 A..II.1.a.i., Article III is hereby amended as follows:

- (c) *Procedure for Approval of a Planned Unit Development.* The procedure for obtaining a change in a zoning district for the purpose of undertaking a Planned Unit Development shall be as follows:
 - (1) *Planned Unit Development Zoning and Master Plan.* The applicant shall submit to

the Board of County Commissioners a request for change to a Planned Unit Development zoning classification and a proposed Master Land Use Plan containing the following exhibits:

- (i) A written statement describing the intended plan of development clearly describing the following:
 - a. Permitted uses and structures, permitted accessory uses and structures, minimum lot requirements (width/area) maximum lot coverage by all buildings and structures, required setbacks, building heights and any limitations to permitted uses.
 - b. A description of specifically how the proposed Planned Unit Development differs from the usual application of the Land Development Code, including but not limited to, parking standards, landscaping standards, recreational standards, sign regulations and any other design standards.
 - c. A description of how the PUD will accomplish a more desirable development/environment than would be possible through the strict application of the minimum requirements of the County Zoning Regulations
 - (ii) A vicinity map showing the location of the proposed Planned Unit Development, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, and existing land use on the site and surrounding areas.
 - (iii) A boundary survey map indicating with reasonable certainty the location of each zoning classification.
 - (iiiv) A topographic survey. The most recent U.S.G.S. topographic survey may be utilized if no better topographic information is available.
 - (iv) A Master Plan showing or describing the proposed land uses, lot sizes (for residential uses), building setbacks, open spaces, and streets and thoroughfares.
 - (vi) A table showing acreage for each category of land use and total acreage; a table of proposed maximum and average densities and setbacks for residential land uses.
- (2) Thereafter, the application shall be processed as any other zoning application in accordance with the provisions of these Regulations. The Board of County Commissioners may approve, disapprove, or modify and approve the proposed Master Plan.
- (d) *Final Development Plan.* If rezoning approval for the Planned Unit Development is granted, within thirty (30) months the applicant shall submit to the Planning and Zoning Department for approval a Final Development Plan covering all of the approved Master Plan. The thirty month time period for submittal does not apply to development approved pursuant to a Development of Regional Impact (DRI) adopted under Section 380.06,

Florida Statutes. The Final Development Plan shall include the following exhibits:

- (1) A map drawn to scale of 100 feet to one inch by a registered surveyor and/or engineer showing:
 - (i) The location of existing property or right-of-way lines, both for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and any public utility easements.
 - (ii) Wooden areas, streams, lakes, marshes, and any other physical conditions affecting the site.
 - (iii) Width, location, and names of surrounding streets.
 - (iv) Proposed streets and street names and other vehicular and pedestrian circulation systems, including off-street parking.
 - (v) The use, size, and location of all proposed building sites.
- (2) *Statistical Information:*
 - (i) Total acreage of the site.
 - (ii) Maximum building coverage expressed as a percent of the area.
 - (iii) Area of land devoted to recreation purposes expressed as a percent of the total site area. Recreation space must be equal to or greater than 10 percent of the gross acreage. Of this 10 percent, 4 percent must be for usable recreation purposes as defined by the growth management plan.
 - (iv) Calculated density for the proposed section.
- (e) *Revision of Planned Unit Development.* Any proposed major or substantial change in the approved Planned Unit Development which affects the intent and character of the development, the density or land use pattern, the location or dimension of streets, or similar substantial changes shall be reviewed by the Local Planning Agency and the Board of County Commissions in the same manner as an application for a rezoning under subsection (c). A request for a revision requires a written statement demonstrating the reasons the revisions are necessary or desirable. Changes applied for by the Land Owner which do not affect the intent or character of the development will be submitted to the Planning and Zoning Department for approval. Any proposed change submitted for a portion of an approved Planned Unit Development Master Plan in which the applicant seeking the change does not control all of the real property located within the Planned Unit Development must be reviewed by the Local Planning Agency and the Board of County Commissioners in the same manner as an application for a rezoning. In addition to all other notice requirements that may be applicable, such applicant shall be responsible for mailing a notice of the public hearings to all other owners of real property located within the Planned Unit Development not controlled by such applicant, as determined from the

records of the Property Appraiser's Office. In such cases where the PUD is also a DRI, such notice shall only be mailed to all owners of parcels of real property within the PUD that are located within 1,000 feet of the property for which the change is being requested. The mailed notice must include a statement that the Local Planning Agency and the Board of County Commissioners will be considering the proposed change, that sets forth the time, date and place of the hearings, the title of the proposed ordinance approving the change, the place within the County where such proposed ordinance may be inspected by the public, and a summary of the change pre-approved by the Director of the Planning and Zoning Division, and that advises that interested parties may appear at the meetings and be heard with respect to the proposed ordinance. One notice containing the dates, times and place of all hearings before the Local Planning Agency and the Board of County Commissioners as well as all other required information may be utilized, and shall be mailed no later than 15 days prior to the date of the hearing before the Local Planning Agency. Prior to the Local Planning Agency's hearing, the applicant shall provide to the County a copy of the mailed notice, a list of property owners who were mailed the notice, and a sworn affidavit signed by the applicant stating that the notices were mailed out prior to the 15 day minimum by postage prepaid first class mail. For purposes of this subsection, control means ownership of title or possession of a dated writing from the owner of title authorizing the applicant to seek the change on behalf of such owner, provided that the date of such writing cannot be more than 180 days prior to the date of the application. For purposes of the sentence immediately preceding, title means fee simple, a life estate or a primary leasehold interest that has a remaining term, including options, at the time of the application, of 25 years or more. For purposes of the sentence immediately preceding, a primary leasehold interest is a leasehold interest from the fee simple owner or the owner's predecessor authorizing the holder of the interest to take and hold full possession throughout the term of the interest.

(f) *Planned Unit Development Time Limitations.*

- (1) The following time limitations shall apply to all PUD Zoning Districts other than those granted for development within a DRI.
 - (i) If substantial construction, as determined by the Planning and Zoning Director has not begun within four (4) years after approval of the Planned Unit Development under Section hereof, the approval of the Planned Unit Development will lapse.
 - (ii) At its discretion and for good cause, the Board of County Commission may extend for one additional year the period for beginning construction. If the approved Planned Unit Development lapses under this provision, no further permits or other approvals for development will be issued by the County. The subject property will be required to obtain approval through the rezoning process set forth in Section 12-9 of the Clay County Land Development Code. ~~the Planning, Zoning and Building Administrator shall cause the Planned Unit Development district to be removed from the~~

~~Official Zoning Map, mail a notice by registered mail of revocation to the owner, and reinstate the zoning district which was in effect prior to the approval of the Planned Unit Development.~~

- (2) The following time limitations shall apply to all PUD Zoning Districts granted for development within a DRI: Physical development within the site, as determined by the Planning and Zoning Director, shall occur consistent with the phasing schedule adopted in the DRI Development Order, as such may be amended from time to time. Should the Planning and Zoning Director determine that physical development has not occurred consistent with the time frames adopted in the applicable DRI Development Order, the approval of the Planned Unit Development shall lapse. If the approved Planned Unit Development lapses under this provision, the Planning Zoning and Building Administrator shall suspend the Planned Unit Development district and so note its suspension on the Official Zoning Map and mail a notice by registered mail of suspension of the PUD zoning district to the owner. No development shall be allowed within the PUD parcel until such time as a new PUD is approved consistent with the requirements of this Section and the conditions in the DRI Development Order, unless the DRI is abandoned or expires. In such a case, the zoning will revert to that which was in effect prior to approval of the DRI.
- (g) *Deviation from the Development Plan.* Any unapproved deviation from the accepted Development Plan shall institute a breach of agreement between the applicant and the County. Such deviation may cause the Board of County Commission to immediately revoke the Development Plan until such time as the deviations are corrected or become a part of the accepted Development Plan.
- (h) *Minimum Acreage.* ~~For residential uses, the~~ minimum size parcel to be considered for Planned Unit Development shall be five one acres. ~~However, if the Planned Unit Development is to include a combination of non-residential uses and residential uses, the parcel is not required to adhere to this minimum size standard.~~
- (i) *Residential lot size.* No more than twenty percent (20%) of the total number of single-family residential lots shall be less than fifty (50) feet in width.
- (j) *Phase Development.*
- (1) A Planned Unit Development as defined herein may be developed in phases with the approval of the Board of County Commissioners. In the event the applicant desires to develop a Planned Unit Development in phases for other than development within a DRI, the applicant shall submit a Schedule of Phases in addition to those items required in Paragraph (c) above with the application for zoning. The Schedule of Phases shall contain the following:
- a. The number of phases;
 - b. The proposed date of commencement of each phase
 - c. The approximate number of acres in each phase;
 - d. The number of units and/or non-residential square footage for each phase; and,

- e. A map indicating with reasonable certainty the location of each phase.

- (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.

- (3) Multi-County Planned Unit Development. The requirement that substantial construction begin within two years of approval of the Planned Unit Development shall be satisfied by commencing substantial construction in either county.

- (4) Developments of Regional Impact. A Planned Unit Development approved for development within a DRI is recognized as phased development not subject to the requirements of subsection (l) above and not subject to the requirement for a Final Development Plan for phase 1 or any subsequent phases.

- ~~(k) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (Rev. 02/08/11)~~

- (k) Maximum Percentage Lot Coverage. If not otherwise set forth in the adoption ordinance of the PUD, the total maximum percentage of lot coverage for all primary and accessory buildings and structure shall be 50 percent

- (l) *Permitted Uses.*
 - (i) Any residential use or, in the case of a mixed use PUD, any nonresidential use, provided that each proposed use must be approved by the Board of County Commissioners at the time of zoning approval.

 - ~~(ii) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right of way. Rev. 04/22/08~~

- (m) Conditional Uses – Any conditional use along with applicable condition(s) approved by the Board of County Commissioners at the time of zoning approval. The following uses are permitted in the PUD Zoning District, subject to the conditions provided in Section 20.3-5. Any deviation from the conditions provided in Sec. 20.3-5 will require approval through a PUD Zoning District.

- ~~(1) Land Clearing Debris Disposal Facility. (Amended 6/98 Ord. 98-27)~~
 - ~~(2) Public Educational Facilities (Amended 10/99 Ord. 99-55)~~
 - ~~(3) Dwelling unit with kitchen addition for parent, grandparent or child
(Amended 5/03 Ord. 03-40)~~
 - ~~(4) Recreational Vehicle parking for temporary use (amended 11/07 Ord.2007-66).~~
 - ~~(5) Home Occupations. Rev. 04/22/08~~
 - ~~(6) Swimming Pools. Rev. 04/22/08~~
 - ~~(7) Residential Group Homes. Rev. 04/22/08~~
 - ~~(8) Accessory Dwelling Units. Rev. 05/26/09~~
 - ~~(9) Medical Marijuana Treatment Center Dispensing Facility~~
 - ~~(10) Campground/Recreational Park~~
- (n) *Accessory Structure* – Within the residential portions of planned unit developments, customary accessory structures shall be permitted subject to the following:
(*Rev. 07/27/2010*)
- (1) On lots of one acre or less:
 - (i) no accessory structure shall exceed the height of the primary structure; and,
 - (ii) all other lot size requirements must be met as established within this Article unless otherwise established in PUD adoption Ordinance; and,
 - (iii) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,
 - ~~(iv) maximum rear yard coverage by accessory structures shall be 30%.~~
 - (2) On lots of more than one acre but less than two acres:
 - (i) no accessory structure shall exceed the height of the primary structure within Urban Core, Urban Fringe or planned community land use; and,
 - (ii) within Rural Fringe, Rural Residential and Agriculture Residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than 25% ~~twenty (20) feet measured from the lowest floor of the primary dwelling.~~
 - (iii) all other lot requirements must be met as established within this Article unless otherwise established in the PUD adoption Ordinance; and,

(iv) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,

~~(v) maximum rear yard coverage by accessory structures shall be 30%.~~

~~(3) On lots of more than two acres:~~

~~(i) no accessory structure shall exceed the height of the primary structure within Urban Core (10), Urban Fringe or Planned Community land use; and,~~

~~(ii) within Rural Fringe, Rural Residential and Agriculture Residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,~~

~~(iii) all other lot requirements must be met as established within this Article.~~

~~(iv) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,~~

~~(v) maximum rear yard coverage by accessory structures shall be 30%.
(Amended 7/03 Ord. 03-74)~~

No accessory structure or use may be constructed or established on any residential lot prior to the issuance of a building permit for the principal structure. ~~Accessory structures are prohibited within the side and, with the exception of waterfront lots, front yards.~~ *Rev. 05/24/11*

(o) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These setbacks shall not apply to structures on lots or parcels located landward of existing bulkheads permitted by the St. Johns River Water Management District or Florida Department of Environmental Protection.

~~(p) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 Ord. 05-18)~~

Section 3. If any portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining provision of this Ordinance.

Section 4. This Ordinance shall take effect as provided by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 28th day of May, 2024.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

BY: _____
Jim Renninger, Its Chairman

ATTEST:

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