



Staff Report Land Development Code Text Amendment ZON 24-0012

Applicant: Clay County Planning and Zoning Division

Introduction

This county-initiated amendment to Article III of the Land Development Code is to amend portions of Section 3-33, Planned Unit Development, zoning district.

Description

As part of the ongoing effort to update the County land Development Code, planning and zoning staff is proposing some changes to the Planned Unit Development zoning district. The changes are designed to provide further direction and guidance on information required to accompany the rezoning submittal request, as well as other changes to address issues that have arisen with the existing PUD zoning language.

Summary of Changes

- Adds the requirement for a written statement which requires applicant to provide a list of uses and structures that will be permitted, as well as development standards that will guide development of the PUD. Also requires a description of how the standards of the proposed PUD differ from the existing applicable standards in the Code. Requires the applicant to describe how the proposed PUD will accomplish a more desirable outcome than would be possible through the application of minimum requirements of the Code.
- Requires PUDs that have not commenced substantial construction and thereby lapsed to go back through the zoning process to reinstate the PUD. This will allow the Board of County Commissioners to consider changes which may have occurred during interim period when no development was taking place.
- Reduces the minimum acreage of a PUD from five acres to one acre. This change will allow for utilization of PUD district in more infill areas where parcels sizes are smaller than the present five acres minimum.
- Provides the information to be included in the Schedule of Phases for Phased PUDs.
- Deletes the Visual Barrier requirement which repeated the minimum standard visual barrier requirements in the LDC. The specific circumstances of the PUD should dictate the visual barrier requirements.

- Sets a maximum lot coverage for all primary and accessory structures at 50 percent. This is consistent with the maximum lot coverage set in the majority of residential districts in Lake Asbury Master plan. This also address a problem we have encountered with older PUDs which do not provide a maximum lot coverage.
- Deletes the list of allowable conditional uses and allows the application to identify specifically which Conditional Uses would be allowed in the PUD. This will also allow for addressing the specific conditions/standards to be included in the PUD to address those Conditional Uses allowed.
- Consolidates the standards set forth for Accessory Structures for lots greater than one acre in size.
- Deletes the requirement that new waterfront lots be a minimum of 100 feet in width. The minimum waterfront lot width should be based on the type of development proposed.

Proposed Text Changes to Sec. 3-33 Planned Unit Development (Zone PUD)

- (a) *Intent and Purpose.* It is the purpose of this Section to permit Planned Unit Developments which are intended to encourage the development of land as planned communities; encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open area; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of this Regulation; provide for the efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and provide a stable environment character compatible with surrounding areas.
- (b) The following terms, phrases, words, and derivations shall have the following meanings:
 - (1) *Common Open Space.* An area of land, or an area of water, or combination of land and water within the area of a Planned Unit Development which is designated and intended for the use or enjoyment of residents of the Planned Unit Development in common. Common open space may contain such recreation structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the Planned Unit Development.
 - (2) *Gross Acreage.* The total number of acres within the perimeter boundaries of a Planned Unit Development.
 - (3) *Land Owner.* The legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development; the holder of an option or a contract to purchase or a person having possessory rights of equal dignity will be deemed to be a land owner for the purpose of this Regulation, so long as the consent to the Planned Unit Development of the owners of the fee simple title in the land concerned is

obtained.

- (4) *Net Acreage.* The total number of acres within the perimeter boundaries of a Planned Unit Development, excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, and recreation areas.
 - (5) *Plan.* The proposal for development of a Planned Unit Development, including a plot of subdivision, all covenants, grants of easement, and other conditions relating to use, location and bulk of buildings, density development setbacks, common open space, and public facilities. The plan shall include such information as required by Paragraph (c) below.
- (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.

- (~~iii~~v) A topographic survey. The most recent U.S.G.S. topographic survey may be utilized if no better topographic information is available.
 - (~~i~~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~~ 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)~~

Recommendation

Staff recommends approval of proposed changes to Section 3-33 Planned Unit Development (Zone PUD) as set forth above.