

ARTICLE II  
PROCEDURES FOR DEVELOPMENT REVIEW

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Sec. 2-1. Intent

The intent of this article is to establish a uniform review and approval process for proposed developments thus ensuring the public health, safety and general welfare of the citizens of the unincorporated area of the county.

Sec. 2-2. Development Review Categories

Each development within the county shall be classified in accordance with one of the following eight categories: No Site Impact Development, Change in Use or Site Modification, Minor Development, Minor Subdivision, Major Development, Major Subdivision, Planned Development, Development of Regional Impact or Florida Quality Development.

- (1) No Site Impact Development – A no site impact development shall consist of the re-occupation of a non-residential space previously occupied by another use if does not result in significant impacts to drainage, public safety or health and welfare.
- (2) Change in Use or Site Modifications - A change in use for a developed parcel shall occur when an existing use or business is changed. A site modification for a developed parcel shall consist of any of the following: alteration to existing impervious surface, increase in parking, change in landscaping or drainage improvements.
- (3) Minor Development – A minor development shall consist of any new, or the alteration of any existing, multifamily residential or non-residential development for which all of the following apply:
  - (a) The construction value does not exceed \$25,000;
  - (b) The number of average daily trips generated or added does not exceed fifty cumulative trips, with the trips being determined by the type of use proposed; and,
  - (c) The construction, alteration, or extension of any public or private road or utility is not required.
- (4) Major Development – A major development shall consist of any new or the alteration of any existing multifamily residential or non-residential development for which any of the following apply:
  - (a) The construction value exceeds \$25,000;
  - (b) The number of average daily trips generated exceeds fifty, with the trips being determined by the type of use proposed; or
  - (c) The construction or alteration of a stormwater retention area or underground stormwater drainage system is required.

- (5) Minor Subdivision – A minor subdivision shall consist of any new subdivision of land into three to five lots, or any re-subdivision of land that does not create more than two new lots from the original parent tract of land, and for which all of the following apply:
- (a) The construction or alteration of a stormwater retention area or underground stormwater drainage system is not required; and
  - (b) The construction, alteration, or extension of any public or private road or utility is not required.
  - (c) Lots are created through the heirs and homestead provisions provided in Section 20.3-10 are exempt from the minor subdivision review and platting process.
- (6) Major Subdivision – A major subdivision shall consist of the subdivision of land into three or more residential lots for which any of the following apply:
- (a) The construction or alteration of a stormwater retention area or underground stormwater drainage system is required;
  - (b) The construction, alteration, or extension of any public or private road or utility is required; or
  - (c) The dedication of road rights-of-way is either involved or required.
- (7) Planned Development – A planned development shall consist of any development of land zoned, or sought to be rezoned, for planned unit development (PUD), planned commercial development (PCD), or planned industrial development (PID).
- (8) Development of Regional Impact (DRI) – A development of regional impact shall consist of any development of land that meets the criteria for a development of regional impact under Chapter 380, Florida Statutes.

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

- (1) Applicability – This section shall apply to any development classified as a no site impact development.
- (2) Review Process – The process required for the review of a no site impact development shall depend on whether the project includes interior renovation.
- (a) Re-Occupation of Space without Renovation or Change in Use

Change in Occupant Application – The applicant must apply for a Change in Occupant application to verify consistency with the zoning regulations. The application shall be reviewed by the Planning and Zoning staff and forwarded to

the Building Division and Public Safety Department for any required permitting.

(b) Re-Occupation or Occupation of Space with Renovation and No Change in Use

1. Change in Occupant Application – The applicant must apply for a Change in Occupant application to verify consistency with the zoning regulations. The application shall be reviewed by the Planning and Zoning staff and forwarded to the Building Division and Public Safety Department for any required permitting.
2. Building Plan Review – Prior to the issuance of a building permit for a renovation, the applicant shall submit electronically one set 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.
3. Other Agency Review – Depending on the proposed development and the existing site features, the Health Department, the Public Safety Department or the Clay County Utility Authority may be required to review the proposed development plans. The Building Division shall inform the applicant of any additional review requirements.

Sec. 2-4. Change in Use / Site Modification Review Process

- (1) Applicability – This section shall apply to any development classified as a change in use or site modification.
- (2) Review Process – When proposing a change in use the applicant must present a Change of Occupant application to the Planning and Zoning Division. If it is determined that the proposed use is similar to the existing use the application will be processed. If it is determined that the proposed use is more intense, the development will be considered either a minor or major development as defined in this article and the applicant shall proceed with the development review requirements of said section.

If the previous use has ceased to operate for a period of six months or more, as evidenced by a disruption in electrical service, the applicant must proceed with a new electronic submittal for development review as either a minor or major development.

When proposing a site modification, the applicant shall submit a site plan to the Planning and Zoning Division for a determination of whether the modification is considered major or minor. Once a determination has been made, the applicant shall comply with the review process for either a major or minor development.

Sec. 2-5. Minor Development Review Process

- (1) Applicability – This section shall apply to any development classified as a minor development.
- (2) Concurrency Management System – Although not required, at this stage in the process it is highly recommended that the applicant submit a Concurrency Reservation

Certificate Application to the Planning and Zoning Division prior to submitting any plans or plats, so that a determination of concurrency may be made before proceeding with development review.

(3) Minor Development Plan – The purpose of the minor development plan is to establish an expedited uniform review and approval process which is commensurate with the impacts of minor development.

(a) Plan Submission – The applicant shall submit each of the following items to the Department of Development Services.

1. A written minor development summary.
2. A minor development site plan.

The materials, number of copies and plan elements shall be determined by the Department of Development Services and is subject to change.

(b) Minor Development Summary – A written minor development summary required under this section must be submitted on the development summary form provided by the Department of Development Services.

(c) Plan Content – A minor development plan required under this section shall include the minimum information required in order to demonstrate the construction methodology and improvements to be performed. They may include the following elements: a cover sheet, a geometry plan, a paving, grading and drainage plan, an erosion control plan, a landscape plan and a construction detail sheet (if applicable). The Department of Development Services shall waive the requirement for the paving, grading, and drainage plan if it is not deemed necessary by the County Engineer or his or her designee.

(d) Plan Review – Once the county has received the completed plan application, each department, within ten working days after receipt of the plan, shall review the plan and note any non-compliant code regulations. 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 five working days to review and ensure compliance.

(e) Effect of Plan Approval – The approval of a minor development signifies a review for requirements in relevant County ordinances, Land Development Regulations, and the Comprehensive Plan. Plan approval does not relieve the applicant from compliance with County ordinances, Land Development Regulations, and the Comprehensive Plan, or from obtaining approval from any Federal, State, or other local agency as may be required.

- (f) Final Plan Revisions Post Approval - Once approval has been granted and the applicant proposes changes to the plans, the applicant shall contact the Department of Development Services to determine whether revised plans need to be submitted. If the change is deemed insignificant, the appropriate county reviewer shall approve the revisions and the revision shall be noted on the previously approved plans. If the revision is deemed to be significant, the applicant will be required to resubmit plans for further review.
- (g) Expiration of Plan Approval – If issuance of a building permit has not occurred within twelve months of the date of plan approval by all applicable County departments, said approval shall lapse and the applicant shall be required to submit a new plan.

Sec. 2-6. Major Development Review Process

- (1) Applicability – This section shall apply to any development classified as a major development.
- (2) Concurrency Management System – Although not required, at this stage in the process it is highly recommended that the applicant submit a Concurrency Reservation Certificate Application to the Planning and Zoning Division prior to submitting any plans or plats, so that a determination of concurrency may be made before proceeding with development review.
- (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 plans for review to the Department of Development Services to be scheduled for the next available DRC meeting. Deadlines for submittals 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.
- (4) Preliminary Plan – The purpose of the preliminary plan and subsequent final plan is to provide the information necessary to permit and ensure that the proposed development adheres to the requirements established in this code and the comprehensive plan.
  - (a) Applicability – The preliminary plan is mandatory for all major developments.
  - (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 plans shall be signed and sealed by State of Florida Registered Professionals authorized by Florida Statute to prepare such plans.

- (c) Preliminary Plan Summary – A written Preliminary Plan summary required under this section shall be submitted on the development summary form provided by the Department of Development Services.
- (d) Plan Content – A preliminary plan shall include the following elements: a cover sheet, a geometry plan, a paving, grading and drainage plan, an erosion control plan, a landscape plan, utility plans, specifications and construction details. If the development proposes the widening, resurfacing, or any other type of alteration to an existing arterial or collector roadway, or the development requires a local road to have an open cut of pavement or a lane closure during construction or for safety reasons, a maintenance of traffic plan that meets the requirements of the Manual of Uniform Traffic Control Devices shall also be required.
1. General Requirements – All graphic elements of the preliminary plan shall satisfy the following requirements:
    - a. All plans shall be displayed on sheets no smaller than 11" x 17" and no larger than 24" x 36";
    - b. All plans shall be at a scale not smaller than 1" = 60';
    - c. All plans shall provide a location key sketch for each plan page showing the portion of the overall development that each page covers;
    - d. All plans shall show match lines for all pages if multiple sheets are used; and,
    - e. All plans shall have a title block with the name of the development stated and a graphic scale, a legend, a north arrow, date of preparation and date of any subsequent revision(s).
  2. Cover Sheet – The cover sheet for a preliminary plan shall contain at a minimum the following information:
    - a. Name of the development;
    - b. The name, address and telephone number of all legal owners;
    - c. The name, address and telephone number of the applicant and firm which he or she represents;
    - d. The name, address and telephone number of the professionals preparing the plan;
    - e. A vicinity map of enough detail to determine the location of the site;
    - f. The existing zoning and comprehensive plan land use map designations;
    - g. FIRM designation;
    - h. Approval block; and,
    - i. Index of drawings.
  3. Geometry Plan Requirements – The geometry plan for a preliminary plan shall contain at a minimum the following information:

- a. All property, lot, building setback and buffer lines, areas in square feet and yard assignments, clearly labeled;
  - b. All existing and proposed public and private easements including their location, width, purpose and the recording information, if existing;
  - c. All existing flood hazard areas and floodways on the site;
  - d. All existing wetlands, as determined by the water management district;
  - e. All existing and proposed buildings, structures and their disposition (if to be removed or altered);
  - f. All existing and proposed vehicle use areas including the internal traffic circulation plan, bicycle trails, parking spaces, handicapped parking spaces, bicycle parking spaces, loading spaces, fire lanes, service areas and directional arrows;
  - g. All existing and proposed names, location and right-of-way widths of all streets and alleys within 150' of the site with the posted speed limits and pavement markings;
  - h. All proposed driveway connections and driveway approaches along with all driveway sizes, widths, return radii, angle to the roadway, approach taper length and existing and proposed pavement markings within 150' of the site;
  - i. All existing and proposed sidewalks in and abutting the development;
  - j. All existing and proposed water lines, sewer lines, reclaimed waterlines and fire hydrants;
  - k. All existing and proposed drainage pipes or other drains with size, type of material and elevations clearly labeled;
  - l. All solid waste receptacles and enclosures;
  - m. All existing and proposed means of outdoor lighting, including location, intensity and method of shielding from adjacent properties and roadways;
  - n. All existing and proposed means for meeting the accessibility criteria of the Americans with Disabilities Act; and,
  - o. Where the development is proposed in phases, the proposed boundaries of such phases graphically depicted and labeled, and the sequence of development listed.
4. Paving, Grading and Drainage Plan Requirements – The plan shall include information necessary to support the drainage analysis including maps, charts, graphs, tables, photographs, narrative description, calculations, explanations and citations. At a minimum, a comprehensive drainage plan shall include but not be limited to:
- a. All existing and proposed public and private easements including their locations, width, purpose and the recording information, if

existing:

- b. All protected trees by location, type and size;
- c. All existing flood hazard areas and floodways on the site;
- d. All existing and proposed buildings, structures, free-standing signs and their disposition (if to be removed or altered);
- e. All existing and proposed vehicle use areas including the internal traffic circulation plan, bicycle trails, parking spaces, disabled parking spaces, bicycle parking spaces, loading spaces, fire lanes, service areas and directional arrows;
- f. All existing and proposed names, location and right-of-way widths of all streets and alleys within 150' of the site with the posted speed limits and pavement markings;
- g. All proposed driveway connections and driveway approaches along with all driveway sizes, widths, return radii, angle to the roadway, approach taper length and existing and proposed pavement markings within 150' of the site;
- h. All existing and proposed sidewalks in and abutting the development with elevations;
- i. All existing and proposed means for meeting the accessibility criteria of the Americans with Disabilities Act;
- j. All existing and proposed water lines, sewer lines, reclaimed water lines and fire hydrants;
- k. An analysis of the drainage area including offsite contributory watershed boundaries, points of entry and velocity of all drainage entering project and velocity (F.P.S.) of drainage entering project (all areas draining into, including drainage ridge closure, may be shown on USGS survey quadrangle maps, FDOT maps, or previously approved drainage maps);
- l. All physical land features affecting drainage, such as lakes, streams and wetlands or conservation areas shall be clearly labeled by name and direction of flow, and present water elevations with dates the readings were taken, the twenty-five-year, fifty year and one-hundred-year flood elevations for the areas;
- m. All existing streets and drainage structures showing type, size, and flow line elevations, flow arrows and other pertinent data;
- n. All drainage areas in acres shown to indicate the available flow of water;
- o. All proposed drainage structures, pipes, outfall structures, and retention/detention pond locations shown and noted by structure number, and with arrows to indicate direction of flow along proposed ditches with elevations at twenty-five feet intervals;
- p. All proposed ditch grade profiles;
- q. All existing and proposed contour data showing contour intervals of five feet or less, and referencing a bench mark on or near the development site; and
- r. All on-site topographical information with sufficient elevations to

verify the location of all ridges, streams, drainage divide, etc.:

5. Erosion Control Plan – An erosion control plan, using the best management practices of the *Florida Erosion Control Inspectors Manual*, shall at a minimum, include the following:
    - a. The existing contours of the site at five-foot intervals or less;
    - b. The existing tree lines, grassy areas, or unique vegetation;
    - c. Areas with potentially serious erosion problems;
    - d. The dividing lines and the direction of flow for the different drainage areas;
    - e. Changes to the existing contours;
    - f. Areas, which are to be cleared and graded;
    - g. The locations of the erosion and sediment control and stormwater management practices used on the site; and,
    - h. Any structural practices explained and illustrated with detail drawings.
  6. Landscape Plan – The landscape plan shall comply with Article VI of the land development code.
  7. Utility Plan – A utility plan shall at a minimum be drawn in accordance with the current details and specification requirements of the county and the applicable utility provider(s). The locations of all existing and proposed utilities including the location of wells and septic tanks on or within two hundred feet of the site must be shown.
- (e) Drainage Calculations – The drainage calculations shall contain a complete detention/retention analysis showing:
1. The overall drainage layout including all drainage areas on-site as well as off-site contributing to the detention/retention basin;
  2. Calculations showing inflow, discharge, storage capacity, minimum and maximum design water depth and detention/retention time, capacity of the receiving system, and tail water conditions at the outlet structure;
  3. The drainage basin lag time shall be incorporated into the inflow hydrograph for drainage basins in excess of forty acres; and,
  4. The outflow hydrograph shall reflect the varying pond discharge from design low water to design high water.
- Clay County shall reserve the right to request additional information to be provided on the plans to demonstrate compliance with the land development regulations and comprehensive plan.
- (f) Plan Review - Once the county has received a completed preliminary plan application, the development review staff shall have twenty working days to review and identify any issues and discrepancies. 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.

(5) Final Plan

- (a) Plan Submission – After addressing the issues and discrepancies raised during the Preliminary Plan review, the applicant shall submit revised plans to the Department of Development Services for review and approval. The applicant shall submit the required items, including plans, copies, approved utility plans by local agencies etc. as determined by the Department of Development Services along with a written letter identifying each issue presented during plan review and how the issue was addressed and or incorporated into the final plans.
- (b) Plan Review
1. Within 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.
  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 signifies review of the requirements in relevant County ordinances, Land Development Regulations, and the Comprehensive Plan. Plan approval does not relieve the applicant from compliance with County ordinances, Land Development Regulations, and the Comprehensive Plan, or from obtaining approval from any Federal, State, or other local agency as may be required.
- (d) Final Plan Revisions Post Approval - Once approval has been granted and changes are required to be made to the plans, the applicant shall submit revised plans to the Department of Development Services for distribution and review. If the change is deemed insignificant, the appropriate county reviewer shall approve the revisions and the revision shall be noted on the previously approved plans. If the revision is deemed to be significant, the applicant will be required to resubmit plans for further review.
- (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.

Sec. 2-7. Minor Subdivision Review Process

- (1) Applicability – This section shall apply to any development classified as a minor subdivision.
- (2) Minor Subdivision Plat – All minor subdivisions or re-subdivisions of land shall adhere to the final plat submission, review, and content requirements established in Sec. 2-11 of this article and Chapter 177, Florida Statutes.

Sec. 2-8. Major Subdivision Review Process

- (1) Applicability – This section shall apply to any development classified as a major subdivision.
- (2) Concurrency Management System – Although not required, at this stage in the process it is highly recommended that the applicant submit a Concurrency Reservation Certificate Application to the Planning and Zoning Division prior to submitting any plans or plats, so that a determination of concurrency may be made before proceeding with development review.
- (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 plans for review to the Department of Development Services to be scheduled for the next available DRC meeting. Deadlines for submittals for the meeting 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.
- (4) Major Subdivision Plat – All major subdivisions of land shall adhere to the preliminary and final plat submission, review, and content requirements established in Sec. 2-13 of this article and Chapter 177, Florida Statutes.
- (5) Preliminary Plan – The purpose of the preliminary plan and subsequent final plan is to provide the information necessary to permit, evaluate and ensure that the proposed development adheres to the requirements established in this code and the comprehensive plan.
  - (a) Applicability – The preliminary plan is mandatory for all major subdivision developments.

- (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 plans shall be signed and sealed by State of Florida Registered Professionals authorized by Florida Statute to prepare such plans.
- (c) Preliminary Plan Summary – A written minor development summary required under this section must be submitted and shall comply with the development summary form provided by the Department of Development Services.
- (d) Plan Content – A preliminary plan required under this section shall include the following elements: a cover sheet, a geometry plan, a paving, grading and drainage plan, an erosion control plan, a landscape plan, utility plans, Early Subdivision Development plan, and construction details. If the development proposes the widening, resurfacing, or any other type of alteration to an existing arterial or collector roadway, or, the development requires a local road to have an open cut of pavement or a lane closure during construction or for safety reasons, a maintenance of traffic plan that meets the requirements of the Manual of Uniform Traffic Control Devices shall also be required.
1. General Requirements – All graphic elements of the preliminary plan shall satisfy the following requirements:
    - a. All plans shall be displayed on sheets no smaller than 11" x 17" and no larger than 24" x 36";
    - b. All plans shall be at a scale not smaller than 1" = 60';
    - c. All plans shall provide a location key sketch for each plan page showing the portion of the overall development that each page covers;
    - d. All plans shall show match lines for all pages if multiple sheets are used;
    - e. All plans shall have a title block with the name of the development stated and a graphic scale, a legend, a north arrow, date of preparation and date of any subsequent revision(s); and,
    - f. All preliminary plans shall have the term "Preliminary Plan" placed on all sheets of the preliminary plan.
  2. Cover Sheet – The cover sheet for a preliminary plan shall contain, at a minimum, the following information:
    - a. Name of the development;
    - b. The name, address and telephone number of all legal owners;
    - c. The name, address and telephone number of the applicant and firm which he or she represents;
    - d. The name, address and telephone number of the professionals preparing the plan;
    - e. A vicinity map of enough detail to determine the location of the site;

- f. The existing zoning and comprehensive plan land use map designations;
  - g. Approval block; and,
  - h. Index of drawings.
3. Geometry Plan Requirements – The geometry plan for a preliminary plan shall contain at a minimum the following information:
- a. Total site acreage and number of lots;
  - b. All property, lot, and buffer lines, clearly labeled;
  - c. All existing and proposed public and private easements including their location, width, purpose and the recording information, if existing;
  - d. All existing flood hazard areas and floodways on the site;
  - e. All existing wetlands on and within one hundred feet of the site, as determined by the water management district;
  - f. All existing and proposed names, location and right-of-way widths of all streets and alleys within 150' of the site with the posted speed limits and pavement markings;
  - g. All existing and proposed driveway connections and driveway approaches along with all driveway sizes, widths, return radii, angle to the roadway, approach taper length and existing and proposed pavement markings within 150' of the site;
  - h. All existing and proposed sidewalks in and abutting the development;
  - i. All existing and proposed water lines, sewer lines, reclaimed water lines and fire hydrants;
  - j. All existing and proposed means for meeting the accessibility criteria of the Americans with Disabilities Act; and,
  - k. Where the development is proposed in phases, the proposed boundaries of such phases graphically depicted and labeled, and the sequence of development listed.
4. Paving, Grading and Drainage Plan Requirements – A paving, grading and drainage plan shall include information necessary to support the drainage analysis including maps, charts, graphs, tables, photographs, narrative description, calculations, explanations and citations. At a minimum a paving, grading and drainage plan shall include but not be limited to:
- a. An analysis of the drainage area;
  - b. Physical land features affecting drainage, such as lakes, streams and wetlands or conservation areas shall be clearly labeled by name and direction of flow, and present water elevations with dates the readings were taken, the twenty-five-year, fifty year and one-hundred-year flood elevations for the areas;
  - c. Depiction of drainage divide and infrastructure where applicable;

- d. Drainage areas in acres shown to indicate the available flow of water;
  - e. All existing and proposed drainage structures, pipes, outfall structures including elevations, and retention/detention pond locations shown and noted by structure number, and with arrows to indicate direction of flow along proposed ditches;
  - f. Lot grading with elevations at each corner, finished floor elevations and depiction of grading type;
  - g. Existing benchmarks and proposed benchmarks placed according to Article VIII of the Clay County Land Development Code;
  - h. Proposed ditch grade profiles;
  - i. Sufficient on-site topographical information with sufficient elevations to verify the location of all ridges, streams, drainage divided, etc.; and,
  - j. A complete detention/retention analysis showing:
    - (i) Overall drainage layout including all drainage areas on-site as well as off-site contributing to the detention/retention basin;
    - (ii) Calculations showing inflow, discharge, storage capacity, minimum and maximum design water depth and detention/retention time, capacity of the receiving system, and tail water conditions at the outlet structure;
    - (iii) The drainage basin lag time shall be incorporated into the inflow hydrograph for drainage basins in excess of 40 acres; and,
    - (iv) The outflow hydrograph shall reflect the varying pond discharge from design low water to design high water.
5. Lot Grading Plan – A lot grading plan shall at a minimum include the following:
- a. Lot grading with elevations at each corner, finished floor elevations and depiction of grading type; and,
  - b. Proposed ditch grade profiles.
6. Erosion Control Plan – An erosion control plan, using the best management practices of the *Florida Erosion Control Inspectors Manual* shall at a minimum include the following:
- a. The existing contours of the site at five-foot intervals or less;
  - b. The existing tree lines, grassy areas, or unique vegetation;
  - c. The boundaries of the different soil types;
  - d. Areas with potentially serious erosion problems;
  - e. The dividing lines and the direction of flow for the different drainage areas;

- f. Changes to the existing contours;
  - g. Areas, which are to be cleared and graded;
  - h. The locations of the erosion and sediment control and stormwater management practices used on the site; and,
  - i. Any structural practices indicated on the plan shall be explained and illustrated with detail drawings.
- 7. Landscape Plan – A landscape plan shall comply with Article VI of this land development code.
  - 8. Utility Plan – A utility plan shall at a minimum be drawn in accordance with the current details and specification requirements of the county, and the applicable utility provider(s). The locations of all existing and proposed utilities including the location of wells and septic tanks on or within two hundred feet of the site must be shown.
  - 9. Early Subdivision Development Plan- when building more than ten units prior to plat recording the plan sheets must clearly identify and include:
    - a. Which unit will be built prior to plat recordation.
    - b. Recreation and open space to be built based on the units being built.
    - c. Fire department access plan for building access and development access. The plan will need to identify the access width and roadway material detail. Roadway signage plan to identify roadways. Fire protection plan to identify the water supply for the site.
    - d. Maintenance of drainage plan during and after construction must be identified on the plans.
- (e) Drainage Calculations – The drainage calculations shall contain a complete detention/retention analysis showing:
- 1. The overall drainage layout including all drainage areas on-site as well as off-site contributing to the detention/retention basin;
  - 2. Calculations showing inflow, discharge, storage capacity, minimum and maximum design water depth and detention/retention time, capacity of the receiving system, and tail water conditions at the outlet structure;
  - 3. The drainage basin lag time shall be incorporated into the inflow hydrograph for drainage basins in excess of forty acres; and,
  - 4. The outflow hydrograph shall reflect the varying pond discharge from design low water to design high water.
- (f) Plan Review - Once the county has received a completed preliminary plan application, the development review staff shall have 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 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.

(6) Final Plan

(a) Plan Submission – After addressing the non-compliance issues raised during the Preliminary Plan review, the applicant shall submit revised plans to the Department of Development Services for review and approval. The applicant shall submit the required items, plans, copies, etc. as determined by the Department of Development Services along with a written letter identifying each issue presented during plan review and how the issue was addressed and or incorporated into the final plans.

(b) Plan Review

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

(d) Expiration of Plan Approval – Approval of a final plan for a residential subdivision shall lapse if a final plat is not recorded within two years of approval of the final plan.

## Sec. 2-9. Planned Development Review Process

- (1) Intent – The intent of the planned development review process is to provide a mechanism by which tracts of land may be developed through a unified approach. This process is intended to allow for design flexibility in order to create a better living and working environment by encouraging the use of topography and land features to more fully utilize the physical characteristics of the site.
- (2) Applicability – All developments seeking approval as a planned unit development (PUD), planned commercial development (PCD), or planned industrial development (PID).
- (3) 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) 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.
- (5) Preliminary and Final Plan Content – The rezoning approval of property by the Board to a planned development designation shall permit the applicant to submit either a preliminary plan or plat for review by the county. All review and approval of plans and plats and the effects of such approvals shall be in accordance with the provisions established in this article for major developments or major subdivisions. The contents of a preliminary plan and final plan or if applicable, preliminary plat and final plat, shall be in accordance with the requirements within this article for a major site development or major subdivision and shall include the following:
  - (a) If the proposed planned development is non-phased, the preliminary and final plan shall encompass the entire planned development approved in the final master development plan.
  - (b) If the proposed planned development is phased, the initial preliminary plan or plat shall encompass, at a minimum, all of the approved first phase of the final master development plan, with all subsequent preliminary plans or plats encompassing entire phases as approved in the final master development plan and the development schedule.

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 applications 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.

#### Sec. 2-11. Expedited Review of Development Plans

- (1) Purpose and Intent – To encourage economic development opportunities within the County, create permanent employment expansion opportunities for Clay’s citizens and encourage new or expanded businesses within the County to help reverse the daily commute out of the County, there is hereby established an Expedited Review Committee (ERC). It will be the express purpose of the ERC to coordinate the effective and efficient administrative review and approval of development plans of all types under the title of a Fast Track Permit in order to expedite projects which provide economic benefits to the County in terms of permanent employment opportunities in Target and Primary Industries.

(2) Fast Track Permit

- (a) An application for a Fast Track Permit may be filed for any project which meets the following requirements:

1. Qualifies as a Qualified Target Industry Business and creates a minimum

of ten (10) new jobs or a 10% increase (whichever is greater) with an average wage (excluding benefits) of at least 115% of Clay County's average private sector wage;

2. Qualifies as a Primary Employer and creates a minimum of ten (10) new jobs or a 10% increase in existing employment (whichever is greater) with an average wage (excluding benefits) of 100% of Clay County's average private sector wage and makes a capital investment in the County of \$5 million or greater in construction, renovations, equipment purchases or other major capital investment items; or
3. Qualifies as a Primary Employer and creates a minimum of twenty-five (25) new jobs or a 10% increase in existing employment (whichever is greater) with an average wage (excluding benefits) of 100% of Clay County's average private sector wage.

(b) A Fast Track Permit Application may include any or all of the following applications:

1. Major Development Concept Plan
2. Major Development Preliminary Plan
3. Major Development Final Plan
4. Concurrency Review
5. Building Permit Applications
6. Landscape Plan
7. Driveway Permits
8. Right-of-Way Permit
9. Certificate of Occupancy

(c) A Fast Track Process

1. Coordination - Because the construction of facilities for a Qualified Target Industry or a Primary Employer will involve numerous permits from a number of Departments/Divisions, the fundamental task of the Fast Track process is to ensure the close coordination and seamless implementation of the individual permit approvals.
2. Prioritization - Based upon the significance of the economic benefits generated from Qualified Target Industries and Primary Employers, the processing of Fast Track Permit Applications shall receive first priority within each individual component permitting process.

(3) Expedited Review Committee (ERC)

(a) The ERC shall be comprised of representatives of the following County entities:

1. Planning and Zoning Division
2. Building Division
3. Fire Marshall's Office
4. Engineering and Public Works Department

5. 911 Addressing
- (b) Representatives from the following non-County representatives will also be invited to participate:
1. Clay Electric
  2. Clay County Utility Authority
  3. Clay County Health Department
  4. St. Johns River Water Management District
  5. Florida Department of Transportation
- (c) Meeting Schedule
1. The ERC shall be convened upon receipt of plans from a Qualified Target or Primary Industry which chooses to participate in the Fast Track Permitting System.
  2. Meetings shall be held following meetings of the Development Review Committee (DRC). Special meetings may be called at the direction of the County Manager or the Chairman of the ERC.
- (d) Chairmanship
1. The County Manager or his/her appointee shall act as the Chairman of the ERC.
  2. In addition to the duties of the ERC Chairmanship, the ERC Chairman shall act as the primary contact person for the Fast Track Permitting Applicant. As the primary contact person, the ERC Chairman will act as the Applicant's liaison for all the County Departments' development reviews and inspections included in the Fast Track Permitting Application.

Sec. 2-12. 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. An application for a Building Permit shall not be deemed complete until the following documents are submitted and approved:
- (a) A site plan approved by Zoning, Engineering and Landscaping;
  - (b) An approved permit for onsite sewage disposal (if applicable);
  - (c) A complete set of construction plans prepared by a Florida Licensed design professional that include a floor plan; foundation plan; floor/roof framing plan or truss layout; energy forms; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations and any other documents required by the Florida Building Code.

- (2) Based on the permit type Non-Residential or Residential, the below additional requirements will apply.
- (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 for a building permit for a residential development categorized as a minor or major subdivision shall be submitted only after compliance with the following requirements and verification from the Building Division received:
1. Option 1 Model homes – allows for the building of 3 model homes per builder to a maximum of 10 model homes per subdivision without submittal and approval of a preliminary plat. An application for a building permit may be requested after the waiver of option 2 and approval of the final site plans before the recording of the final plat.
  2. Option 2 Early Subdivision Development- When more than the homes allotted in Option 1 will be built per phase prior to the recording of the final plat an application for a building permit may be requested only after the plans and preliminary plat requirements as identified in sec. 2-8. (5)(d)9 and sec.2-13 have been approved, and the applicant has indemnified Clay County, its governing body, its employees and its agents from liability or damage resulting from Early Subdivision Development.
  3. All other homes – an application for a building permit shall be complete only after final 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.

4. 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
- (3) 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 Department of Environmental Protection (DEP);
  - (b) The Florida Department of Transportation (FDOT);
  - (c) The U.S. Army Corps of Engineers (USACE);
  - (d) The Water Management District; and,
  - (e) The Florida Department of Health.

#### Sec. 2-13. 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 and re-plats. Roadway plats are required for the dedication of any public right-of-way in excess of one hundred feet. Preliminary plats are required when Option 2 Early Subdivision Development is chosen by the developer and more than ten residential units subject to the plat will be built and unoccupied before the final plat is recorded.
- (3) Preliminary Plats- The preliminary plat shall contain all of the requirements of a plat listed in Sec. 2-13. (4) below and must clearly identify:
  - (a) Which units will be built prior to plat recordation.
  - (b) Recreation and open space requirements to be built based on the number units being built.
- (4) 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, and must include:

- (a) Proof of a valid performance bond for up to 130 percent of the necessary improvements, that have not been completed as defined in FS. 177.031(9), upon submission of the application under this section. For purposes a master planned community as defined in FS. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.
- (b) Proof that the applicant has provided a copy of the preliminary plat, along with the approved civil plans, to the relevant electric, gas, water, and wastewater utilities
- (c) CAD files formatted as required by Clay County GIS.
- (d) 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 one-hundred-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 the plat. There may 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, as an example, 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, co-partnership 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.

(e) 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 that 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.

(f) 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. Changes made to a plat in addition to those requested by County Staff,

shall be accompanied by a written notice of those changes;

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 Economic and Development Services.
- (g) Approval - Once the plat is reviewed and approved by County staff, Staff shall schedule the plat for consideration at the next available Board of County Commissioners meeting.
- (h) 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.
- (i) 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 by the developer. A copy of the recorded final plat and supporting documents shall be supplied, within seven days of the recording, to the Department of Development Services.

#### Sec. 2-14. Dedication of Right-of- Way

Any right-of-way that is to be dedicated to the county shall occur in accordance with the following provisions:

- (1) Under One Hundred Linear Feet - All dedications of right-of-way of less than or equal to one hundred linear feet shall provide for the dedication of right-of-way by means of a plat submitted and approved in accordance with this code or by means of deed which shall be accompanied by a survey of the property, a title opinion, and any other information required by the county.
- (2) Over One Hundred Linear Feet - All dedications of right-of-way in excess of one hundred linear feet shall be required to dedicate right-of-way by means of a plat submitted and approved in accordance with this code.

#### Sec. 2-15. Transfer of Development Approval

- (1) Approval Runs with the Land - The approval of a development in accordance with this article shall run with the land and shall transfer to any successor in interest with respect to the original applicant.
- (2) Time Limits - Transfer of a development shall not alter the calculation of time limits set forth with respect to commencement or abandonment of construction. Following any

transfer, such time limits shall be calculated as if the transfer had not occurred.

Sec. 2-16. Withdrawal of Application

An application for development review or concurrency review may be withdrawn at any time.

Sec. 2-17. Previously Approved Plans

Upon adoption of this article any portion and/or section of a site plan for which final approval has been issued by the county prior thereto shall be deemed an approved final plan under this article. A preliminary plat approved by the county prior to the adoption of this article for which final plat approval has not been obtained shall be deemed an accepted preliminary plan and shall be reviewed as such in accordance with this article.

Sec. 2-18. Legal Status of this Article

To the extent of any conflict with other regulations of the county, and except as herein specifically provided, this article supersedes any other regulations with respect to the subject matter contained herein.

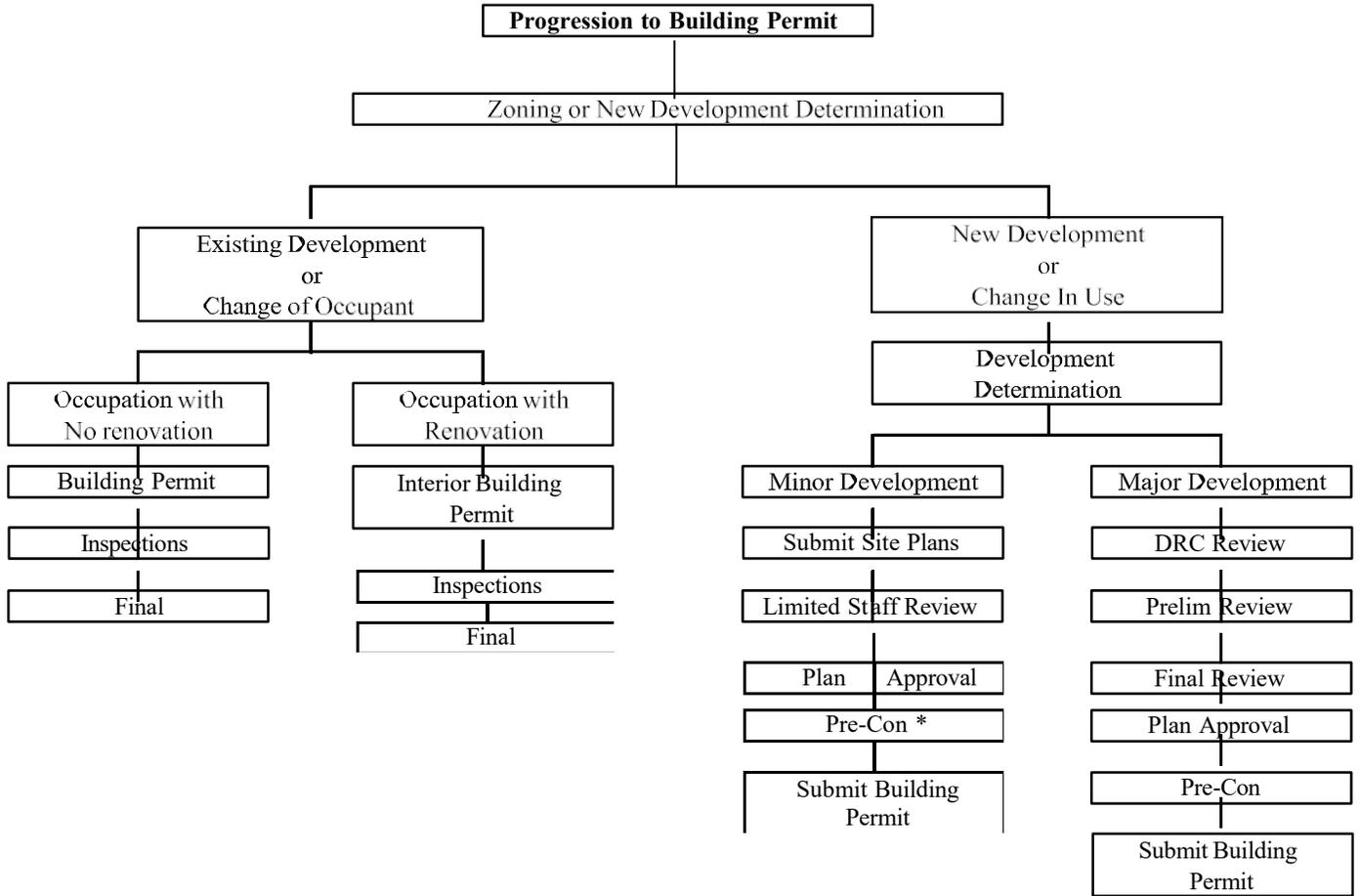
Sec. 2-19. Appeals

Any person adversely affected by a decision of any county official or employee in the interpretation of this article may appeal such decision to the Board of Adjustment.

Sec. 2-20. Fees

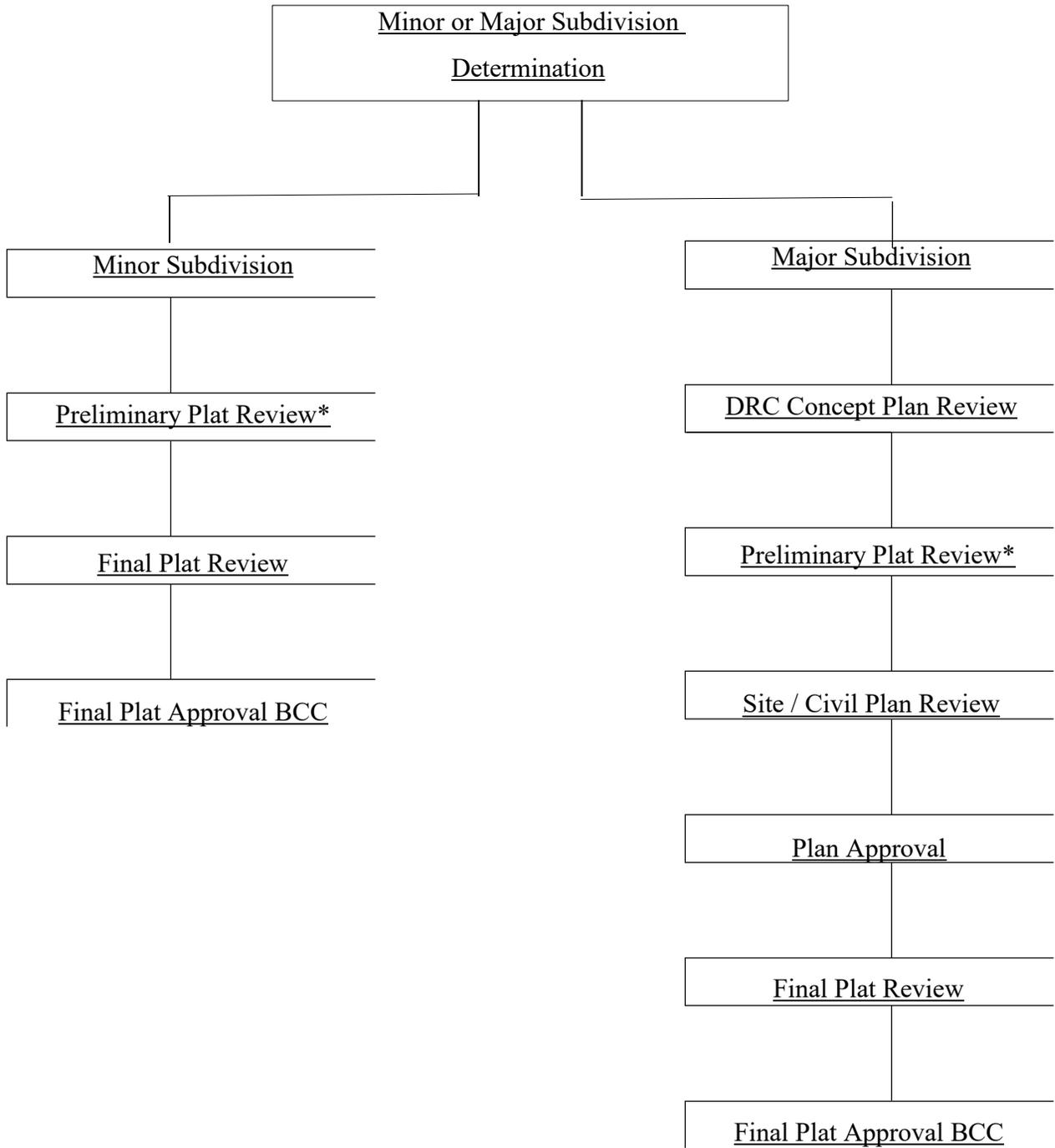
The Board shall, by resolution, establish fees for the review of developments and concurrency applications. Evidence of the applicant paying all required fees shall be submitted before issuance of a permit.

## Non-Residential Development Review



\* If Required

**Residential Plan Review**



\* If developer choose Option 2 Early Subdivision Development and Permitting.