



**Clay County Division of Planning & Zoning**  
**Staff Report and Recommendation**

**Application Number Z-17-02**

**Owner / Agent Information**

<b>Owner / Petitioner</b>	<b>Donald Jud</b> 2061 Monmouth Circle Orange Park, FL 32073
<b>Agent:</b>	Chanda Kuehn Apecs Home Solutions 6817 Southpoint Parkway, Suite 2304 Jacksonville, FL 32216

**Parcel, Zoning, Land Use, and Other Information**

<b>Parcel ID #</b>	020664-000-00 & 020664-004-00
<b>Physical Address</b>	381 Cleveland Avenue
<b>Planning District:</b>	Doctors Inlet / Ridgewood
<b>Commission District:</b>	2 (Commissioner Bolla)
<b>Existing Zoning District:</b>	AR (Agriculture Residential)
<b>Proposed Zoning District:</b>	RD-4 (Multifamily)
<b>Future Land Use Category:</b>	Urban Core (Urban Core)
<b>Acreage:</b>	2.8+/- acres (note: application is incorrect)
<b>Planning Commission Date:</b>	April 4, 2017
<b>Board of County Commissioners Date:</b>	April 25, 2017

# Surrounding Zonings



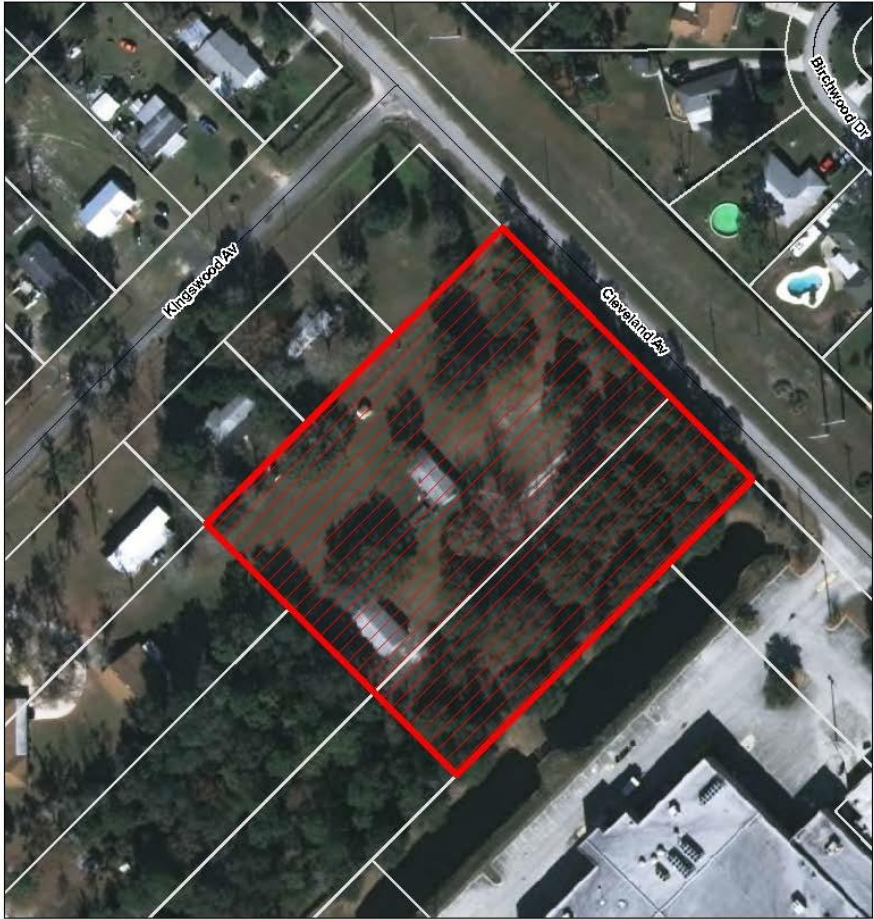
### Legend

- Subject Site
- Parcel
- Zoning**
- AR Agricultural/Residential
- BSC Shopping Center
- RB Single-Family Residential
- RE Single-Family Residential

**Rezoning: REZ-2017000002**  
Rezoning AR to RD



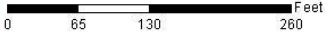
# Site Photos & Aerial



### Legend

-  Subject Site
-  Parcel

**Rezoning: REZ-2017000002**  
Rezoning AR to RD







## Proposed RD-4 Zoning District

### Sec. 3-19. MULTIFAMILY RESIDENTIAL DISTRICT (Zone RD)

- (a) *Intent.* All land designated as Zone RD shall be governed by the regulations of this Section and shall be further designated into one of the following sub-districts of RD-1, RD-2, RD-3, and RD-4, and shall be governed as hereinafter set forth. Said lands shall also be subject to the applicable restrictions in Sec. 20.3-10.
- (b) *Uses Permitted.* (All sub-districts.) (Rev. 07/27/2010)
- (1) Single-family attached or detached dwellings, multiple-family dwellings, dormitories, rooming houses, and accessory buildings incidental thereto, subject to the following:
    - (i) On lots of one acre or less:
      - a. no accessory structure shall exceed the height of the primary structure; and,
      - b. all other lot size requirements must be met as established within this Article.
    - (ii) On lots of more than one acre:
      - a. no accessory structure shall exceed the height of the primary structure; and,
      - b. all other lot requirements must be met as established within this Article.
  - (2) No accessory structure or use may be constructed or established on any 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
  - (3) Satellite dish receivers to serve the development in which located.
  - (4) On-premises consumption of alcoholic beverages within recreation- and clubhouse-type facilities developed as part of a unified plan of development and only for use by the residents and their guests and licensed under Chapter 11-C of the Florida Division of Alcoholic Beverage and Tobacco.
  - (5) Private boat pier or slip for the use of occupants of principal residential structures of the abutting lot; provided said pier or slip does not interfere with navigation.
  - (6) Recreational facilities and areas.
  - (7) Washing facilities for use by residents.
  - (8) Storage of travel trailers, recreational vehicles and boats provided such units are stored in a separate area, landscaped, and maintained. Storage of these units shall not be permitted on

individual lots.

- (9) 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*

(c) *Conditional Uses.* The following uses are permitted in the RD zoning district subject to the conditions provided in Sec. 20.3-5.

- (1) Home occupations.
- (2) Swimming pools.
- (3) Public and private water and sewer facilities.
- (4) Temporary buildings or structures.
- (5) Public and/or private sewer facilities.
- (6) Public Educational Facilities. (Amended 10/99 - Ord. 99-55)
- (1) Portable Storage Structures. *Rev. 02/08/11*
- (2) Chickens, Backyard Residential. *Rev. 09/22/15*
- (3) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
- (4) Residential Group Homes of seven to fourteen individuals. *Rev. 01/12/16*

(d) *Uses Not Permitted.*

- (1) Any use not allowed in (b) or (c) above.

(e) *Density Requirements.*

- (1) Land with a zoning classification of RD-1 and a land use designation of Urban Fringe Residential or Urban Core Residential.

With Central Water/Sewer	Four (4) units per acre
Without Central Water/Sewer	Two (2) units per acre
- (2) Land with a zoning classification of RD-2, a land use designation of Urban Core Residential, and with central water and sewer facilities shall be developed at a maximum density of six (6) units per acre.
- (3) Land with a zoning classification of RD-3, a land use designation of Urban Core Residential, and

central water and sewer facilities.

With required points pursuant to Sec. 20.3-10.

10 units per acre

Without points

6 units per acre

- (4) Land within a zoning classification of RD-4, a land use designation of Urban Core Residential, and with required points pursuant to Sec. 20.3-10 and central water and sewer facilities may develop at a density of 10 units per acre. (Amended 4/26/94, Ord. 94-26)(Amended 12/03 – Ord. 03-96)

Lands meeting the points criteria consistent with Sec. 20.3-10 and the density bonus criteria for low and moderate income housing identified in Policy 3.6 of the Housing Element of the Plan, may develop at a density of 16 units per acre.

The low- and moderate- income categories to be served by the proposed development shall be defined using Housing and Urban Development (HUD) Standards. Verification of rent ranges consistent with HUD standards shall occur annually in a report submitted to the Planning and Zoning Departments, due each January 1 beginning with the January following zoning approval.

A maximum of one hundred (100) acres within the Urban Core Category may be developed at the density bonus identified above through the 2015 planning period (Amended 12/03 – Ord. 03-96)

Lands within a zoning classification of RD-4, a land use designation of Urban Core Residential, with central water and sewer facilities, which do not meet the points criteria established in Sec. 20.3-10 may develop at a density of six units per acre. (Amended 12/03 – Ord. 03-96)

(f) *Lot and Building Requirements.*

- (1) Setback of building(s) from property line (all sub-districts):

(i)	Minimum Front Yard	20 ft.
(ii)	Minimum Rear Yard	20 ft. or 25 ft. adjacent to single family residential
(iii)	Minimum Side Yard - Interior:	
	1 and 2 Units	10 ft.
	3 Units and Over	10 ft.
(iv)	Minimum Side Yard -	Street 20 ft.

- (2) *Accessory Buildings (Not to exceed one (1) story).*

(i)	Minimum Setback from Lot Line	
	Front	20 ft.
	Rear	5 ft.
	Side	5 ft.



(3) *Building Spacing.* For more than one building on a single lot:

Front/Front	Front/Side	Front/Rear	Rear/Rear	Rear/Side	Side/Side
60 ft.	40 ft.	60 ft.	40 ft.	30 ft.	20 ft.

(4) Visual Barrier: Proposed multi-family development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8, unless said adjacent land zoned for multi-family development at the time of proposed development, with a twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) foot on center. (Ord 94-\_\_\_ 4/26/94)

(5) 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. (amended 5/05 –Ord. 05-18)

(6) 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)

(g) Required Plan Submittal. Preliminary plans shall accompany all applications for multi-family zoning. The preliminary shall include the following information: (amended 3/94 - Ord. 94-19)

(1) Property line survey and legal description.

(2) A topographic survey. The most recent USGS topographic survey may be utilized if no better topographic information is available.

(3) An approximate location of buildings, streets, parking facilities, screening, number of units, floor area of units, number of living units in plan, land use calculations, common ownership areas, proposed buffers between dissimilar land uses.

(4) Vicinity map.

(h) Final Development Plan. If rezoning approval is granted, a building permit will not be issued until the applicant has submitted to the Development Review Committee for their approval a final development plan which shall include the following: (Amended 3/94 Ord. 94-19)

(1) A topographic survey which may be drawn to scale of one hundred (100) feet to one (1) inch by a registered surveyor and/or engineer showing:

(i) The location of existing property or right-of-way lines for both 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) Wooded areas, streams, lakes, marshes, and other physical conditions affecting the site.

- (iii) Existing contours shown at a contour interval of one (1) foot.
- (2) A development plan drawn at a scale of one hundred (100) feet to one (1) inch and showing:
- (i) The boundaries of the site, topography, and proposed grading plan.
  - (ii) Proposed streets and street names, and other vehicular and pedestrian circulation systems including off-street parking.
  - (iii) The use, size, and location of all proposed building sites.
  - (iv) Location and size of open space recreation areas and facilities.
  - (v) Location and width of buffer zones.
- (3) A utility service plan showing:
- (i) Existing drainage and sewer lines.
  - (ii) The disposition of sanitary waste and storm water.
  - (iii) The source of potable water.
  - (iv) Location and width of all utility easements or rights-of-way.
  - (v) Plans for the special disposition of storm water drainage when it appears that said drainage could substantially harm a body of surface water.
- (4) A landscaping plan showing:
- (i) Landscaped areas.
  - (ii) Locations, height, and material for walks, fences, walkways, and other man-made landscape features.
  - (iii) Any special landscape features such as, but not limited to man-made lakes, land sculpture, and waterfalls.
- (5) Statistical information:
- (i) Total acreage of the site.
  - (ii) Maximum building coverage expressed as a percent of the area.
  - (iii) Required Recreation. Recreation space equal to or greater than ten (10) percent of the net acreage for the development shall be provided. (Ord. 94-26 4/26/94)

- (iv) Calculated density for the proposed section.
- (6) Phase Development. In the event the proposed multi-family project is planned to be built in phases, the applicant may submit final development plans for the phase of the project for which he is requesting a building permit, provided that the preliminary plans required under Paragraph (g) of this Section will include information indicating which phase will be the initial phase, and the plan for developing the other phases.
- (7) Any substantial deviation from the approved development plan 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 Clay County Board of County Commissioners. A request for a revision of the development plan shall be supported by a written statement demonstrating the reasons the revisions are necessary or desirable. Minor changes which do not affect the intent or character of the development may be approved by the Development Review Committee.
- (i) Fencing Requirements - Visual Barriers. Solid walls, fences, or planting screens of an appropriate height shall be required as a part of the site plan: (amended 3/94 - Ord 94-19)
  - (1) Where it is deemed necessary to separate residential from non-residential land uses;
  - (2) Where it is deemed necessary to separate incompatible residential land uses;
  - (3) Where appropriate buffering shall be provided in the development plan to separate uses in the proposed development from dissimilar adjacent land uses.
- (j) Parking and Road Requirements. Off-street parking shall be provided at the rate of one (1) space per studio unit, one and one-half (1 1/2) spaces per one (1) bedroom units, two (2) spaces per two (2), three (3) or more bedroom units. Parking lots, driveways, and streets within the project shall be designed to discourage through traffic. through-driveways shall be located at least twenty-five (25) feet from buildings. (amended 7/94 - Ord. 94-30)

## Staff Report & Recommendation

The applicant is requesting a change in zoning from AR (agriculture residential) to RD-4 (multi-family) in order to construct an apartment complex at up to 10 to 16 units per acre. Central water and sewer service must be provided. In order to achieve 16 units per acre, the development will have to comply with Housing Urban Development (HUD) standards for verifying rent ranges. An annual report will have to be provided to the Planning and Zoning Division to prove compliance with HUD regulations. The surrounding zonings are as follows:

North: RB

South: BSC

East: BSC RB

West: AR RE

The property is adjacent to commercially zoned property and is located within the urban core land use, therefore the proposed zoning change is consistent with the Future Land Use Map and no Plan Amendment is necessary. Multi-family units at this location could be viewed as a transitional use from more intense commercial uses along Blanding Boulevard to single family residential further to the west. The surrounding area is a mixture of high intensive commercial, single family residential, utility substations and semi-rural residential. The development would be adjacent to the semi-rural residential but buffered by more than 100' to single family due to Cleveland Avenue and a power line right-of-way.

The existing FLUM designation of Urban Core is the only applicable land use for multifamily developments. If approval is granted, the property shall be buffered from residential properties with a 20' buffer that shall include an opaque barrier and a row of evergreen canopy trees no less than 10' high with a minimum 2" caliper spaced no more than 30' apart. The development shall also meet all other applicable land development regulations such as drainage, fire prevention, concurrency, etc.

Staff has reviewed the application and has determined that the zoning request is consistent with the Comprehensive Plan and compatible with the surrounding area due to its coterminous boundary with commercial and the intensity of the overall area. Staff recommends approval of Z-17-02.