



HISTORIC PRESERVATION BOARD

March 17, 2022

6:30 PM

Administration Building,
4th Floor, BCC Meeting Room, 477 Houston Street,
Green Cove Springs, FL 32043

Call to Order

Approval of Minutes

Historic Preservation Board Meeting 2-8-22 Minutes

Public Comment

Old Business

1. Augusta Savage Historic Marker (B. Carson)
The order for the Augusta Savage Historic Marker was received by Sewah Studios 7/22/2021. This item will be an update to the status of the marker's production.
2. Slim Whitman Historic Marker (J. Allen)
This item is an update on the progress of the historic marker commemorating Slim Whitman.

New Business

1. Evaluation and Appraisal Report and 2040 Historic Preservation Element (M. Jung)
These items are presented for background information on Historic Preservation at the local, state and federal level.
2. Historic Preservation Board Responsibilities and Duties (B. Carson)
This item will include a brief presentation of the Responsibilities and Duties of the Historic Preservation Board as detailed in Article XII of the Land Development Code.
3. Selection of Meeting Date and Time (B. Carson)
This item will be to select a new meeting date and time.

Certificates of Approval

Public Comment

Commissioner's Comments

Adjournment

In accordance with the Americans with Disabilities Act, any person needing a special accommodation to participate in this matter should contact the Clay County ADA Coordinator by mail at Post Office Box 1366, Green Cove Springs, FL 32043, or by telephone at number (904) 269-6347 no later than three (3) days prior to the hearing or proceeding for which this notice has been given. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice), or 1-800-955-8771 (TDD).



Agenda Item
HISTORIC PRESERVATION BOARD

Clay County Administration Building
Thursday, March 17 6:30 PM

TO: Historic
Preservation Board

DATE: 3/10/2022

FROM: Beth Carson,
Chief Planner

SUBJECT: Minutes

AGENDA ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ 2-8-22 HPB Minutes	Backup Material	3/10/2022	Clay_County_Historic_Preservation_Board_2- 8-2022_Minutesada-1.pdf

Clay County Historic Preservation Board

Minutes for February 8, 2022

Board Members in Attendance: Randy Harris, Joshua Allen, Deidre Murphy, Melissa Clearman, Maureen Jung, Felicia Hirsch, Gerry Casale

Staff: Beth Carson

Guests: Connie Thomas

Meeting called to order at 6:30 p.m.

1. Roll Call was taken, and a quorum established.
2. Minutes from the November Meeting were approved.
3. Middleburg Colored School Updates:
 - Maureen Jung & Diedre have worked to prep the museum for the removal of the collection
 - Items will be packed temporarily and they re-packed in order to ensure proper cataloging
 - 50+ volunteers from CCSO spent time on MLK day working on the site and a storage area that will be available for the storing of the collection
 - Vishi Garig has helped to donate funds from her dept to purchase needed supplies to store the collection
 - Ms Garig will also aid with the packing of the collection
 - County work crews from the county jail will assist with the labor needed to pack the collection
 - Expected to have 85% of the collection stored off site by 2/20 (the end of that week)
 - County Commissioners will issue proclamation to Maude Jackson for her work in preserving the school
 - Collection is being moved off site so that the building can be assessed to determine what issues need to be fixed to replace it
 - County repaired the steps and removed trees growing under the building
 - Randy Harris asked about funding levels for 2022
4. Augusta Savage state marker-
 - the status is the same as in Oct/Nov, it is "in the queue"
 - Marker is in the typesetting stage
 - Augusta Savage Festival is 26th
5. Museum Hours:
 - Historical Society wants museum opened on every Sunday of the month
 - Randy is a member of the historical society
 - Question about museum hours and volunteer list
 - It was clarified that the Historical society is responsible for the running of the museum
 - Two people are required to effectively run the museum; three is ideal
 - Deirdre wants to attend the museum when other members of the board are there to learn more about volunteering at the museum

6. State Marker Request- Slim Whitman:

- Connie Thomas presented info
- Slim Whitman was a resident of Clay County
- Connie knew Mr. Whitman's grandson, Dewey Beagle
- Is requesting assistance with the copy for the marker, as the text will need to be vetted by stakeholders (i.e. the Whitman family)
- Whitman family were benefactors of the museum, museum has several Whitman related items
- Marker would be placed on the Whitman family property
- Josh Allen will work with Connie Thomas to write the copy for the marker
- Unanimous vote by the Board to pursue a marker

7. New Business-

Maureen Jung discussed the following:

- County Ordinances need to be updated
- Term 'certified local government' was discussed
- Clay County became a certified local government in 1999

Jerry Casale updated with the latest news for Fort de Pupa

Other items discussed

- Angel Corrales is helping the town of Orange Park with historic preservation
- Collecting historical assets was part of the Town or Orange Park's recent 'visioning' process
- Who can be brought in at the state level to help catalog the historic sites in the county?



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TO: Historic Preservation Board

DATE: 3/10/2022

FROM: Beth Carson, Chief Planner

SUBJECT:

The order for the Augusta Savage Historic Marker was received by Sewah Studios 7/22/2021. This item will be an update to the status of the marker's production.

AGENDA ITEM TYPE:



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HISTORIC PRESERVATION BOARD

Clay County Administration Building
Thursday, March 17 6:30 PM

TO: Historic Preservation Board

DATE: 3/10/2022

FROM: Beth Carson, Chief Planner

SUBJECT: This item is an update on the progress of the historic marker commemorating Slim Whitman.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

At the February 8, 2022 Historic Preservation Board meeting, the Board voted unanimously to pursue a marker commemorating Slim Whitman.



Agenda Item
HISTORIC PRESERVATION BOARD

Clay County Administration Building
Thursday, March 17 6:30 PM

TO: Historic Preservation Board

DATE: 3/10/2022

FROM: Beth Carson, Chief Planner

SUBJECT: These items are presented for background information on Historic Preservation at the local, state and federal level.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The Evaluation and Appraisal Report (EAR) is a document resulting from a process, required by statute, that takes a critical look at the County's Comprehensive Plan. This effort generally involves an inventory of resources and examination of the effectiveness of the Comprehensive Plan policies.

The 2040 Comprehensive Plan is the update of the 2025 Plan and based on the findings of the EAR process. Exhibit H is the Historic Preservation Element of the 2040 Comprehensive Plan.

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Portion of the 2025 Evaluation and Appraisal Report Pertaining to Historic Preservation 2040	Backup Material	3/10/2022	HistoricPreservationElementada.pdf
▢ Comprehensive Plan Exhibit H	Backup Material	3/10/2022	2040ExHHistoricPreservationADA.pdf

Historic Preservation Element

A. Introduction

The fundamental purpose of historic preservation is to prevent the destruction of historic resources that are worthy of protection. Over the past century, the nation as a whole has witnessed the destruction and deterioration of historic structures in cities and smaller communities alike. More recently, the importance of these structures has been recognized by federal, state and local governments as well as the public. Increased awareness has encouraged change in preservation efforts and methods. Just thirty years ago, communities focused on preserving individual structures associated with prominent persons or great events. Today, historic neighborhoods and downtown districts are the objects of preservation efforts. Historic preservation is an agent for renewal because it brings neighborhoods together, improves property values and instills pride in communities. The historic preservation plan focuses community effort on preserving historic resources that are recognized for their economic, historical, or architectural value, and also defines the role of government in the preservation process. Preservation efforts must enlist the cooperation of the entire community, including planning administrators, officials, and residents, to succeed. The goals, objectives, and policies constitute an agreement within the community regarding the value of historic resources and their respective protections. Residents are more likely to invest in their community if they are assured treasured structures will be protected. The historic preservation plan should also encourage individual residents to help protect the historic resources in their community.

Purpose of Report

Clay County's Historic Preservation Element is designed to protect the historic resources within its jurisdiction against adverse impact and to promote awareness among citizens and residents of the benefits of preserving such resources. The element is furthermore intended to fulfill the County's responsibility under the provisions of Chapter 163 Florida Statutes, 1986, which stated:

"It is the intent of this act that adopted comprehensive plans shall have legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or element or portions thereof, prepared and adopted in conformity with this act."¹

Consistency

Administrative rules governing the preparation of comprehensive plans require that optional elements display consistency with the relevant goals and policies of the State Comprehensive Plan and the appropriate regional policy plan. The optional element must also be consistent with the other elements included in the comprehensive plan to which it belongs. Accordingly, the goals, objectives and policies enumerated in this element must be consistent with those enumerated in those elements of Clay County's Comprehensive Plan and with state and federal policies.²

¹The Florida Legislature. November 1, 2007, <http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0163/SEC3161.HTM&Title=-%3E2007-%3ECh0163-%3ESection%203161>

²Clay County 2015 Comprehensive Plan.

B. Existing Preservation Conditions

Brief History of Preservation in the United States

Federal historic preservation legislation dates back to 1906 with Congressional approval of the Antiquities Act, levying penalties for damaging or destroying historic or prehistoric sites located on public lands. The Act also authorized the President to protect appropriate federal landmarks.³

The Historic American Building Survey (HABS) was authorized by President Roosevelt in 1933. The purpose of the survey was to provide employment opportunities to architects during the Depression. In 1934 the American Institute of Architects agreed to perform the inventory of historic structures in the United States. Today, over one half of the over 35,000 structures surveyed have been demolished.⁴

The 1935 Historic Sites Act authorized the Secretary of the Interior to initiate a survey of nationally important sites. This Act constituted the first declaration of a national preservation policy and established the National Register of Historic Places, a list of culturally significant buildings and sites in the United States.⁵

The 1966 National Historic Preservation Act required all historical parks be listed on the National Register of Historic Places, created a Federal Advisory Council on Historic Preservation and required the State Historic Preservation Officer to review all federally funded projects that effect historic sites in their respective states.

Amendments to the 1966 National Historic Preservation Act approved by Congress in 1980 encouraged the strengthening of local legislation for the designation and protection of historic resources. Many local governments formulated similar legislation before 1980 but came under legal attack, particularly before the 1978 Supreme Court decision in the case of Penn Central Transportation versus the City of New York. This decision upheld the constitutionality of local governments employing landmarks laws to protect historic structures from demolition despite economic losses for the property owner.⁶

Historic Preservation in Florida

Florida has emerged in recent years as a national leader among states in adopting historic preservation legislation, funding programs, and organizing public and private preservation activities.⁷ The Florida Archives and History Act of 1967 (Chapter 267, Florida Statutes) is the principal piece of historic preservation legislation in the state and is recognized as one of the strongest such laws in the country. It defines the authority and responsibility of the Florida Department of State to protect historic resources.⁸

Florida's 1975 Local Government Comprehensive Planning Act (LGCPA) laid the foundation for local preservation planning in the state. The act listed mandatory elements for inclusion in the general plans, and also includes a "historic preservation and scenic" element. The 1985 LGCPA

³ Charlotte R. Bell, Adina W. Kanefield, Javier Marqués. *Federal Historic Preservation Case Law, 1966-1996 and 1996-2000*. October 22, 2007, <<http://www.achp.gov/book/sectionI.html>>

⁴ *The Library of Congress*. November 1, 2007, <http://memory.loc.gov/ammem/collections/habs_haer/>

⁵ Charlotte R. Bell, Adina W. Kanefield, Javier Marqués. *Federal Historic Preservation Case Law, 1966-1996 and 1996-2000*. October 22, 2007, <<http://www.achp.gov/book/sectionI.html>>

⁶ 2015 Clay County Comprehensive Plan.

⁷ 2015 Clay County Comprehensive Plan.

⁸ *State Library and Archives of Florida*. November 14, 2007, <http://dhis.dos.state.fl.us/index_researchers.cfm>

Act amended a portion of the 1975 legislation to require coastal communities to address the preservation of archaeological and historic resources in their planning efforts. Although communities can fulfill the requirement by addressing the issue of preservation in each of the mandatory elements, the preparation of a separate element is the most effective way to comply with the statutory directive. This legislation requires land use maps to identify historic district boundaries, designate historically significant properties meriting protection and to identify within the housing element historically significant buildings for the purpose of conservation, rehabilitation or replacement.

Historic Preservation in Clay County

Historic preservation efforts in Clay County began in 1959 with the formation of the Clay County Historical Commission by the Board of Clay County Commissioners. This Commission's purpose was to collect and preserve any and/or all aspects of our County's unique and rich heritage for the benefit of future generations. The Historical Commission has also educated the public about Clay County history through two publications. *Parade of Memories* and *Who's Who Politically Speaking* provide descriptions of the early development of Clay County and a listing of its elected and appointed officials during that period.⁹ Since the formation of the Historical Commission, other organizations have developed with similar educational objectives. In October 1966, a group of citizens worked collectively to create the Clay County Historical Society, Incorporated. The purpose of this organization is to bring together individuals who share a common interest in history, especially the history of Clay County and Florida.

The Historical Society successfully achieved their primary goal with the establishment of the Clay County Historical Museum in 1975 at the Old Clay County Courthouse. This facility displays many artifacts, papers, pamphlets, books, photographs, illustrations and articles about virtually all aspects of Clay County's history and development. These items have been loaned or donated to the Society by private citizens for the benefit of residents and visitors. The Society is also responsible for opening a full size caboose and an operational Train Depot at the site to display many artifacts depicting the early days of railroading in Florida. It is a useful educational tool.¹⁰

Ordinance 2011-5 merged the Clay County Historic Preservation Board with the Historic Commission and updated other provisions in Article 12-7 of the Land Development Regulations.

Three other local groups have organized to promote preservation and restoration of individual historic structures and districts in their respective communities. In 1987, a local group of citizens in historic Middleburg organized the Main Street Preservation Society. This organization was successful in obtaining a matching grant from the Florida Department of State to conduct the first Historic Sites Survey of their community and in Clay County. The documentation from the survey was used in part for the application to the National Register of Historic Places for the Middleburg Historic District. This organization has been actively involved in promoting the local history of Middleburg through co-sponsorship of historic festivals.

In 1988 the Green Cove Springs Preservation Society formed with similar aspirations as the Main Street Preservation Society. This organization, like its Middleburg counterpart, actively promotes the preservation and reuse of historic sites in Green Cove Springs. The Society has successfully sponsored three Candlelight Tours of Homes during the Christmas Season and contributed \$1,000.00 to the City of Green Cove Springs to update the Historic Preservation Element of the

⁹ Clay County 2015 Comprehensive Plan.

¹⁰ Clay County 2015 Comprehensive Plan.

Comprehensive Plan. The Society is currently interested in serving as a historical resource, saving structures that will potentially be demolished and lastly, encouraging the restoration of the brick streets in historic Green Cove Springs.

The City of Green Cove Springs has also displayed a high degree of interest in preservation activities. The City has successfully obtained grant funding for a Historic Sites Survey, National Register Nomination of a Historic District and updating of the Historic Preservation Element of its Growth Management Plan.¹¹

Historical Society of Orange Park was founded in 2003. Its mission is to preserve and advance an interest in the history of our area. The first project was to preserve the Clarke House, which has expanded to a number of architectural preservation projects, education and a historical focus for many community events.¹²

C. Comprehensive Survey

Before employing protections for historic resources, historically significant properties need to be determined and evaluated. Preservation of a community's resources logically begins with their identification through architectural and archaeological surveys to locate, describe and record notable resources. A professionally directed comprehensive survey provides information about historic resources that permits authorities and property owners to make informed decisions regarding the significance and protections required for those resources. Surveys identify buildings, sites, districts, structures, and objects that should be nominated to the National Register and receive its protection, locates properties that deserve consideration in the local planning process, provides planners with a data base to monitor new development, establishes priorities for conservation and restoration, determines potential local historic districts, provides the basis for applying legal and financial tools for preservation, and permits participation in federal programs and planning. Equally important, a competent survey provides the community with a permanent record of its historic resources.

Florida Master Site File:

The Florida Master Site File is the state's clearinghouse for information on archaeological sites, historical structures, and field surveys. This system of paper and computer files is administered by the Division of Historical Resources, a part of the Florida Department of State. Sites and structures listed on the Master Site File are not necessarily historically significant but simply meet the minimum age requirement of fifty years old.

¹¹ Clay County 2015 Comprehensive Plan.

¹² https://www.facebook.com/pg/Historical-Society-of-Orange-Park-183238288378583/about/?ref=page_internal

Architectural Survey:

Architectural survey is the process of identifying and recording buildings in a prescribed geographic area that qualify for listing on the Florida Master Site File. The survey employs historical research and oral information to identify the buildings eligible for recording. A historical description, photographs and location map are recorded in the survey. The Division of Historical Resources requires that surveys completed under its financial or administrative auspices, including projects funded through a survey grant, contain a report describing the historical development and architectural analysis of the survey area.

Archaeological Survey:

An archaeological survey seeks to locate, identify, and assess the significance of prehistoric and historic resources contained below the surface. Subsurface testing combined with environmental and ecological studies is used to locate sites. Since thorough testing for archaeological sites in a large geographic area, such as Clay County, would prove manifestly difficult and costly, a predictive model for site location is often established on the basis of studies described above. This information is provided to planners and local authorities as a means of avoiding destruction of resources in the course of land altering activity. The information is useful only where the local authority introduces regulations and procedures into the permitting process that ensure appropriate parties are advised of potentially destructive activity and guidelines are established to be followed when such determinations are made.

Financial assistance and professional advice in undertaking surveys is provided by the Division of Historical Resources of the Florida Department of State. The department also requires professional qualifications for the people performing surveys.

The National Register of Historic Places:

Surveys provide information upon which a determination can be made regarding the eligibility of individual properties for recording on the National Register of Historic Places, a list of culturally significant properties maintained by the U.S. Department of Interior. The National Register program is often misunderstood. It does not restrict private use of a property; meaning, listing does not come packaged with a set of architectural or land use controls.

Legally, the National Register only protects properties against the consequences of adverse federal activity. Listing on the National Register also provides financial incentives, under the federal tax code, for improving income-producing structures.

Nominations can be made by any person; however, owner consent to the nomination is required. Within proposed historic districts, a majority of property owners must express disapproval of the nomination to prevent its listing. Properties may be determined eligible for listing by the Keeper of the National Register despite owner objection, though they are not listed. Properties determined eligible are afforded a measure of protection under federal and state law.¹²

¹² *National Register of Historic Places*. October 22, 2007, <<http://www.nps.gov/history/nr/listing.htm>>

D. Preservation Measures and Incentives

A variety of legal, financial, and educational measures and incentives can be used to preserve historic resources. They include programs to identify resources, land use controls, financial incentives, and education efforts to inform residents about the advantages of preservation. This section provides a description of those measures, and a summary of their potential for use in Clay County.

Legal Measures and Financial Incentives (Federal)

The federal government's participation in historic preservation is a relatively recent phenomenon. The Antiquities Act of 1906 was the first Congressional act that provided protection of prehistoric and historic ruins on federal lands.¹³ The Historic Sites Act of 1935 ensured the preservation for public use of historic sites, buildings, and objects.¹⁴

The National Historic Preservation Act of 1966 has historically constituted the most significant piece of federal preservation legislation. The Act authorized the Secretary of the Interior to expand the National Register to include sites and districts of local significance, established a grant program to assist the states in their historic preservation activities, and afford some protection to historic sites from federally sponsored destruction through the National Register. These protections and programs principally accomplished through the provisions of Section 106 of the Act.¹⁵

Section 106

This section of the 1966 National Historic Preservation Act requires federal agencies to permit the Advisory Council on Historic Preservation, a federal agency created under the Act, an opportunity to review and comment upon threats to historic resources posed by federal activity.¹⁶ Executive Order 11593, issued by President Nixon in 1971 and translated into law under a 1980 Act of Congress, requires federal agencies to survey and nominate eligible properties that are under their jurisdiction and control to the National Register.¹⁷

NEPA:

An equally important federal law is the National Environmental Protection Act of 1969 (NEPA), which requires federal agencies to prepare an environmental impact statement for activity that affects the human environment. Since the environment is defined to include cultural resources, the impact statements must include the comments from the Advisory Council on Historic Preservation and fulfill the requirements of Section 106.¹⁸

13 Federal Historic Preservation Laws: The Official Compilation of U.S. Cultural Heritage Statutes 2006 Edition. National Park Service U.S. Department of the Interior 5-6.

14 Ibid 12-19.

15 Ibid 34 -98.

16 Ibid 59.

17 Federal Historic Preservation Case Law 1966 – 1996 & 1996 -2000. October 22, 2007, <http://www.achp.gov/book/sectionVI.html>>

18 Ibid.

Federal Funding Programs

Federal funds are available for historic preservation activities in a variety of government programs and activities. Although few grants are strictly preservation related, federal statutes and regulations contain provisions for historic preservation funding. The most conspicuous source, however, is the annual appropriation to the states authorized under the 1966 National Historic Preservation Act. Ten percent of those funds are only available for Certified Local Governments. A particularly rich source of funding has been through the programs administered by the U.S. Department of Housing and Urban Development (HUD), which offers support for rehabilitation of older housing and downtown redevelopment. The Departments of Agriculture, Commerce, Interior, and Defense are among the federal agencies administering programs which generate preservation activity.

Tax Incentives

For more than three decades, the federal government has encouraged the rehabilitation of historic buildings through a tax incentive program. Beginning with the 1976 Tax Reform Act and the 1978 Revenue Act, federal tax law introduced provisions that favored the retention of older buildings. In 1981, Congress further encouraged preservation with a change in the tax code that allowed taxpayers a credit equal to twenty-five percent (25%) of qualified expenditures for certified and substantial rehabilitation of qualified buildings. The 1986 Tax Reform Act retained the credits, though at a reduced rate. Current law (2016) provides a twenty percent (20%) credit upon the expenses incurred in rehabilitating an income producing certified historic building and a ten percent credit for non-historic buildings placed in service before 1936.

The federal government also encourages preservation through easements by providing donors with federal income, estate and gift tax credits. A preservation easement is a charitable contribution by a landowner to an approved easement holding organization for the purpose of the continued preservation of the historic site and/or structure. The donor retains ownership of the historic site, but transmits specific development and alteration rights to an easement holding organization.

A further provision in the federal tax code favoring historic preservation is one that exempts the interest on Industrial Revenue Bonds employed for historic preservation purposes from federal taxation under Section 103(b) of the Internal Revenue Code of 1954. While each state has a precise limitation upon the amount that can be exempted, the quota is generous. This federal incentive for historic preservation will probably remain substantial.¹⁹

Low-Income Housing Credits

The 1986 Act provides for special relief for investors in certain low-income housing projects.

Community Development Block Grant Funds

The federal Community Development Block Grant program permits the use of funds distributed as community block grants for historic preservation purposes, such as survey of historic resources.

Other Federally-Assisted Measures

In addition to tax incentives and funded support programs, the federal codes are replete with incentives to encourage historic preservation. Such assistance often comes in the form of relief

from rules and requirements that normally apply to non-historic buildings or property. For Example, in coastal areas, where specific building elevations are required for federal insurance purposes, exemptions may be provided at the discretion of the local government in its flood control ordinance to qualified historic structures.

National Private Funds

Various national organizations, led by the National Trust for Historic Preservation, offer grants and loans for historic preservation purposes. The National Trust supports the rehabilitation of inner-city historic districts through grants for planning and administration and low-interest loans for rehabilitation. A "Critical Issues Fund" maintained by the Trust offers grants to support research and projects that address urgent, community wide preservation problems.

Legal Measures and Financial Incentives (State)

A variety of legal and financial incentives and instruments created under state and local statute, law and regulation are also available for use by government and citizens to assist preservation efforts. In many cases, these are familiar devices in real estate and tax law.

Preservation Easements:

A preservation easement is a voluntary restriction placed on a property by the owner that ensures the continued preservation of the structure and/or site by subsequent owners. The easement is usually placed with a non-profit organization that is qualified to maintain it over a period of time. Tax advantages are available for some easements. Federal law permits, for example, the donation of a façade easement for the purpose of preserving the exterior integrity of a qualified historic building. Conservation easements are used to preserve archaeological sites or open spaces.²⁰

Restrictive Covenants

Though it is created differently, a restrictive covenant has the same effect as a preservation easement. Restrictive covenants prohibit particular uses and modifications of a property after ownership is transferred. A covenant attached to a deed, for example, might prohibit subdivision of the property or demolition of a structure.

The Florida conservation easements statute explicitly recognizes that an easement may be created by a restrictive covenant. However, if there is a preservation organization willing to accept and enforce an easement, there would not be any advantage to also having a restrictive covenant. There is less assurance of protection and no tax advantages with a restrictive covenant compared to an easement. When establishing a covenant, the Florida conservation easements statute, Section 704.06, Florida Statutes (1985) should be consulted for assurances that it can be enforced.

Transfer of Development Rights

A transfer of development rights (TDR) allows a property owner to transfer the right to develop a property to another parcel. This device is similar to an easement because it involves the acquisition or transfer of certain property rights. This program retains the donor parcel in its existing state, while the receiving parcel may be developed more intensely than would otherwise

²⁰ *Preservation Easements: An Important Legal Tool for the Preservation of Historic Places*. November 6, 2007, <<http://www.nationaltrust.org/legal/easements/index.html>>

be allowed. Local government can employ this device to protect environmentally sensitive areas, agricultural lands and historic properties.

Legislative Initiatives

The Florida Legislature has enacted a number of statutes to stimulate redevelopment of areas defined variously as blighted, slums, or enterprise zones. Since these areas are often rich in older or historic building stock, the statutes provide a major tool for preservation and rehabilitation. State incentives and programs that encourage revitalization of areas defined as enterprise zones are:

1. The Community Contribution Tax Credit is intended to encourage private corporations and insurance companies to participate in revitalization projects undertaken by public redevelopment organizations in enterprise zones. This credit explicitly includes historic preservation districts as both eligible sponsors and eligible locations for such projects. This tax credit actually allows a corporation or insurance company a 55 cent refund on Florida Taxes for each dollar contributed up to a total contribution of \$400,000, assuming the credit does not exceed the state tax liability.
2. Tax increment financing provides for use of the tax upon an increased valuation of an improved property to amortize the cost of bonds issued to finance the improvement. Tax increment financing can effectively pay for redevelopment by requiring that the additional ad valorem taxes generated by the redeveloped area be placed in a special redevelopment trust fund and used to repay bondholders who provided funding at the beginning of the project.
3. Property tax deferments to property owners in historic districts.
4. Job creation incentive credits.
5. Economic revitalization tax credits.
6. Community development corporation support and assistance programs.
7. Sales tax exemption for building materials used in rehabilitation of real property in enterprise zones.
8. Sales tax exemption for electrical energy used in enterprise zones.
9. Credit against sales tax for job creation in enterprise zones.
10. State and local incentives and programs encourage revitalization not only in blighted areas, but also in historic properties that include reduced assessment and transfer of development rights provisions listed above and, most notably, Industrial Revenue Bonds.

While many of the incentives and programs listed above appear directed toward areas defined as blighted, preservationists cannot overlook the economic encouragement they offer for the rehabilitation of historic structures and districts that have been neglected. Moreover, there are significant incentives which are available to historic properties and districts without regard to blight or urban decay. These prominently include the Community Contribution Tax Credit and Tax Increment Financing.

Direct State Legislative Support

The State of Florida became increasingly active in historic preservation during the 1980's. The Florida Department of State is responsible for dispersing state preservation dollars. It provides funding in the areas of acquisition and development, survey and registration and preservation education. Funding is primarily sought for surveys of architectural and archaeological resources, preparation of National Register nominations, completion of a Historic Preservation Element for the Comprehensive Plan, preparation of a historic preservation ordinance and accompanying guidelines, acquisition of culturally significant properties and rehabilitation of historic structures.

Eligible recipients for such grants include county and municipal governments and registered nonprofit organizations. The grants are administered by the Division of Historical Resources of the Florida Department of State.²¹

Other Sources and Programs

Private funding sources for historic preservation include commercial banks, private lenders, insurance companies, and so forth. Many state, local and national foundations and non-profit organizations also support preservation efforts.

Revolving Funds

Revolving funds have become a familiar instrument in historic preservation. They permit preservation organizations to purchase threatened historic properties or obtain an option to purchase and then the funds are used for repairs. After the repairs are complete, these organizations sell the property with restrictive covenants that will assure its preservation. The money obtained from the sale is returned to the fund for another preservation project. Loans may also be made from the fund for private preservation projects.

Marker Program

Bronze marker signs on roadsides alert the public that historic resources are nearby. The Florida Historical Marker Program recognizes historic resources, persons and events that are significant in the areas of architecture, archaeology, Florida history and traditional culture by promoting the placing of historic markers and plaques at sites of historical and visual interest to visitors. The purpose of the program is to increase public awareness of the rich cultural heritage of the state and to enhance the enjoyment of historic sites in Florida by its citizens and tourists.

Plaque Program

Plaques and certificates are awarded to property owners that meet specific criteria in their preservation efforts. These awards are often employed to encourage preservation by recognizing outstanding efforts as well as to identify important sites and buildings. In undertaking such a program, directors must understand the absolute necessity for establishing written and well-defined criteria to select award recipients. The awards should be made by a qualified committee based upon established criteria. In the absence of such steps, the awards will become meaningless or worse, controversial and possibly injure the preservation efforts in the community.

²¹ *Clay County 2015 Comprehensive Plan.*

Informational Material

Local governments, Chamber of Commerce, private corporations and institutions, and local historic preservation organizations should promote the distribution of historic resources. Maps, brochures, and other materials designed to acquaint visitors and residents with the county should be produced and freely distributed. Studies completed by the National Trust for Historic Preservation have indicated that historic sites occupy a high place of preference among tourists. Local governments, cultural organizations, and private business find in many instances that advertising historical points of interest to be economically advantageous.²²

Municipal Actions

Virtually all of the programs and incentives outlined above that are useful in the preservation process should be considered for inclusion in the Historical Element. There is additionally a set of specific administrative actions which the county should pursue. Some of the measures listed below are discussed elsewhere and are included here as a summary list.

Building Code

The physical specifications for new or rehabilitated structures in Clay County are governed by the Building Code. Like most counties, Clay County has adopted the Standard Building Code, which gives the building official discretion to provide exemptions for historic structures to many provisions that would, if required, jeopardize the integrity of the structure.

Zoning Code

The introduction of discordant elements to a historic setting may destroy the integrity of existing historic resources. Historic architectural controls are a special kind of zoning and should be considered a reasonable regulation of property development applied in the interest of the community. Zoning is the most common historic preservation tool, but it also presents significant dangers to historic resources if it is wrongfully applied. The introduction of commercial buildings in a residential neighborhood, for example, may lead to the neighborhood's destruction.

The term zoning applies to land use controls that can exert a positive or negative effect on historic resources. Lot size, density, permitted use, occupancy, and architectural standards are all examples of land use controls which are regulated through zoning and have an impact on historic resources. A historic preservation ordinance, which may include architectural standards for review, is generally considered a zoning issue and defended as such when challenged.

County Land Management

Clay County owns and maintains property that contains significant historic resources, including buildings, archaeological materials, landscape features, and other objects. These sites should be recognized and treated with due regard for their historical significance and appearance. County properties that may harbor archaeological or architectural sites include highway rights-of-way, parks, and recreation areas.

²² *Cultural Heritage Tourism*. November 8, 2007, <<http://www.culturalheritagetourism.org>>

Certified Local Government (CLG) Program

Since its establishment by Congress in 1966, the National Historic Preservation Program has operated as a decentralized partnership between the federal government and the states. The federal government set up a program of identification, evaluation, and protection of historic properties based on the National Register of Historic Places eligibility criteria. The program is carried out by the states, under the direction of the National Park Service. To support their efforts, participating states receive grants annually from the Federal Historic Preservation Trust Fund. Funds are normally used to support the staff of the State Historic Preservation Office and a portion of the funds must be redistributed in the form of sub-grants to CLG's for survey, planning and other activities.

The success of the relationship between the states and federal government led Congress to provide direct participation to qualified local governments. The National Historic Preservation Act Amendments of 1980 (P.L. 96-515) provide the legal basis for the new federal-state-local preservation partnership commonly referred to as the Certified Local Government Program. The amendments directed the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for certification of local governments. The Certified Local Government Program permits the states to delegate limited responsibilities to local governments that meet specific qualifications for certification and provide limited grant-in-aid funding to assist them in that process.

E. Historic Preservation Organizations and Agencies

Historic Preservation involves a broad coalition of supporters, including numerous agencies from all levels of government, residents, professional groups, and public and private organizations. The implementation of an effective historic preservation program in Clay County requires officials, administrators, and residents to be aware of the responsibilities and functions of the organizations involved in the historic preservation process. For example, County administrators or local residents undertaking activities that are regulated by the federal or state government should understand the requirements for compliance. The following section is an educational aid to understand the organizations and agencies involved in the historic preservation.

Federal Government

The U.S. Department of Interior is the federal agency responsible for implementing the historic preservation program. The program includes administration of nationally significant sites, maintenance of the National Register of Historic Places, conducting Historic American Building Survey (HABS) and ancillary programs, administering grants to states for historic preservation activities, development of guidelines for survey, establishment of rehabilitation standards and review of applications for tax certifications for historic buildings, and assistance and advice regarding preservation issues. The State Historic Preservation Office, a part of the Florida Department of State, is the responsible state agency for implementing the federal program.

Section 106 of the National Historic Preservation Act (see Preservation Measures) requires federal agencies to consider the effects of their actions, or actions they may assist, permit, or license, may have on historic properties. Also, The Advisory Council on Historic Preservation (ACHP) must be given a "reasonable opportunity to comment" on activity that may affect significant historic resources. Projects may include construction of highways and wastewater

treatment plants, issuance of permits by the Army Corps of Engineers for wetlands dredge and fill projects, and redevelopment projects funded through a Community Development Block Grant (CDBG), among others.

Section 106 applies to properties that have been listed in the National Register of Historic Places, properties that have been determined eligible for inclusion in the National Register, and properties that may be eligible but have not been evaluated. Compliance by the County or its residents with federal historic preservation laws and regulations must be coordinated through the State Historic Preservation Officer.

State of Florida

The state's responsibility for protecting and preserving historic resources is exercised through a variety of departments and agencies but principally through the Department of State's Division of Historical Resources. The director of the division is designated as the State Historic Preservation Officer (SHPO) and thus coordinates the federal program in Florida as well as directs the administration of the state program.

This Division, which derives its authority from Chapter 267 of the Florida Statutes, functions as the state's chief manager of historic properties, and is charged with the following responsibilities:

1. Cooperate with federal and state agencies, local governments, and private organizations and individuals to direct and conduct a comprehensive statewide survey of historic resources and to maintain an inventory of such resources.
2. Develop a comprehensive statewide preservation plan.
3. Identify and nominate eligible properties to the National Register of Historic Places and otherwise administer applications for listing historic properties in the National Register.
4. Cooperate with federal and state agencies, local governments, and organizations and individuals to ensure that historic resources are taken into consideration at all levels of planning and development.
5. Advise and assist, as appropriate, federal and state agencies and local governments in carrying out their historic preservation responsibilities and programs.
6. Provide public information, education, and technical assistance relating to historic preservation programs.
7. Cooperate with local government and organizations and individuals in the development of local historical preservation programs, including the Main Street America Program of the National Trust for Historic Preservation, or any similar programs that may be developed by the division.
8. Carry out on behalf of the state the programs of the National Historic Preservation Act of 1966, as amended, and to establish, maintain, and administer a state historic preservation program meeting the requirements of an approved program and fulfilling the responsibilities of state historic preservation programs as provided in subsection 101(b) of that act.

9. Take such other actions necessary or appropriate to locate, acquire, protect, preserve, operate, interpret, and promote the location, acquisition, protection, preservation, operation, and interpretation of historic resources to foster and appreciation of Florida history and culture. Prior to the acquisition, preservation, interpretation, or operation of a historic property by a state agency, the division shall be provided a reasonable opportunity to review and comment on the proposed undertaking and shall determine that there exists historic authenticity and a feasible means of providing for the preservation, interpretation and operation of such property. Expenditures by the division to protect or preserve historical properties leased by the division for the Board of Trustees of the Internal Improvement Trust Fund may be exempt from the competitive bid requirements of chapters 255 and 287.
10. Cooperate and coordinate with the Division of Recreation and Parks of the Department of Environmental Protection in the operation and management of historic properties or resources subject to the Division of Historical Resources.
11. Establish professional standards for the preservation, exclusive of acquisition, of historic resources in state ownership or control.
12. Establish guidelines for state agency under subsection (2).
13. Acquire, maintain, preserve, interpret, exhibit, and make available for study objects which have intrinsic historical or archaeological value relating to the history, government, or culture of the state. Such objects may include tangible personal property of historical or archaeological value. Objects acquired under this paragraph belong to the state, and title to such objects is vested in the division.²³

Chapter 267 also spells out the responsibilities of Executive Branch's site agencies in the preservation process. The agencies are required by statute to locate, inventory, and evaluate historic properties under their ownership or control. They must also notify the Division of Historical Resources of any projects that may impact historic sites and allow the Division opportunity to comment. The Department of Economic Opportunity plays a major role in the preservation process through its review of local government comprehensive plan amendments and administration of the Areas of Critical State Concern Program.

The Division of Historical Resources administers the federal and state funds for historic preservation activities. These funds include a portion of the federal allocation for historic preservation distributed to each state on an annual basis as well as monies contributed to the Florida Historic Preservation Trust Fund, whose principal source is legislative appropriation. In this function and others, the division is assisted by a twelve-member Historic Preservation Advisory Council, whose members are appointed by the Secretary of State.

²³ *Florida Statutes Chapter 267*. November 9, 2007,
<http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0267/SEC061.HTM&Title=->2000->Ch0267->Section%20061#0267.061>

Other preservation programs administered by the division include the Florida Main Street program, the Certified Local Government (CLG) program (see Preservation Measures), applications for federal tax credits for rehabilitation of historic properties, and the state marker program. The division also administers on behalf of state and federal governments the compliance review program, which oversees the application of historic preservation law and regulation in appropriate situations.

As part of the responsibilities enumerated above, the division maintains the Florida Master Site File (see Preservation Measures), a standardized list of historic resources found in the state. The division issues guidelines, financial assistance, and professional advice to local governments and nonprofit organizations that undertake surveys to locate, identify, and evaluate properties for inclusion in the list.

Clay County

The ultimate governmental responsibility for preserving the cultural heritage of Clay County rests with local government, which has the authority to regulate land use. The County has a number of preservation options that it can employ, including incentive and enforcement measures that are enumerated in the Preservation Measures section.

County departments and independent agencies of local government are normally exempt from the County's permitting requirements for private individuals and firms. The County may own property within historic districts or property that has historical and cultural value, and the County may make modifications to such property that would require permits if the property were privately owned. On a routine basis, as part of its general program to maintain streets, parks, buildings, sidewalks, and other spaces, the county engages in activity that may affect the physical character of historic areas.

County departments that may impact the physical character of historic resources include Economic and Development Services, Facilities and Maintenance, and Engineering and Public Works. The review and approval of applications to engage in land altering activities and management of county properties and lands both present possible impacts on historic resources.

Equally important is the role of county agencies in drafting rules for administration, preparing regulations and codes, drafting ordinances, and preparing and adopting plans, particularly the Comprehensive Plan. Through instruments of law, regulation and administration, county governments can most effectively preserve historic resources.

Private Organizations (State and National)

There are numerous private organizations at the national, state, and local level involved in the historic preservation process. None, of course, exercises any legal responsibility for the protection of historic resources, unless the particular entity owns such property or is assigned applicable trusteeship under law. Private organizations nevertheless play a vital role in preserving historic resources by providing useful information and services, implementing preservation education programs, holding easements, restoring individual properties and lending financial assistance for preservation.

National Trust for Historic Preservation

Chartered by Congress in 1949, the National Trust is a quasi-public organization that provides assistance, advice, and some funding to private organizations for historic preservation activities. The National Trust produces educational and informational journals and technical publications for the benefit of preservationists. Particularly useful is Preservation News, the Trust's monthly newspaper, which provides national and regional coverage of significant preservation policy issues, and Forum Online, a professional research tool that allows preservationists to communicate ideas with the preservation community. The organization maintains a national headquarters in Washington D.C. and regional field offices.

F. Description of Historic Resources

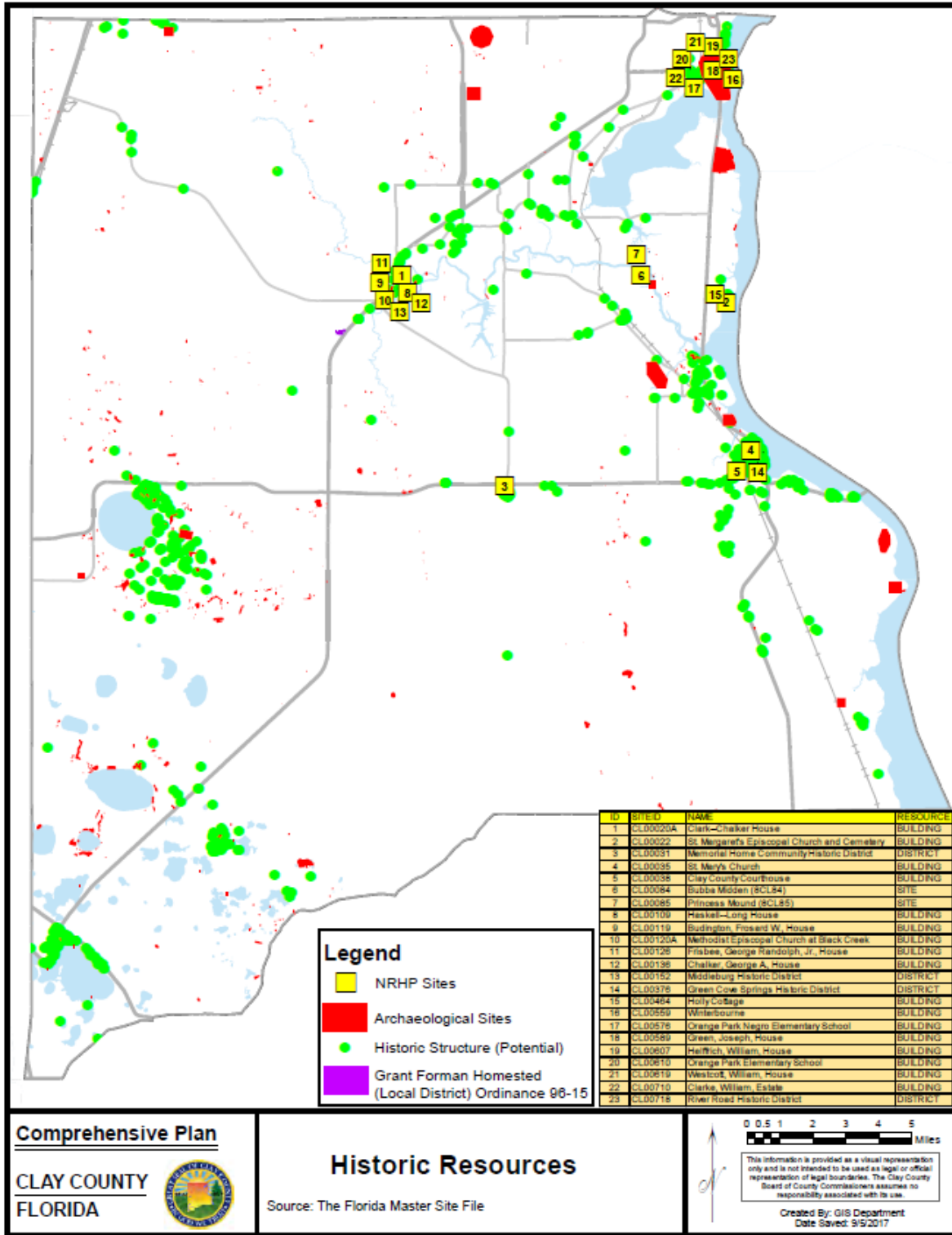
An inventory of existing surveys was utilized to determine the historic resources in the County. The Division of Historical Resources within the Florida Department of State maintains the Florida Master Site File, a statewide compilation of historically and archaeologically identified sites. One thousand one (1,001) structures have been identified in the County by the State at this time. Additionally, over three hundred archaeological sites have been identified. The County also has twenty-three (23) National Register sites as well as two (2) National Register Historic Districts in Middleburg and the City of Green Cove Springs. Of the twenty-three (23) historic sites, nine (9) are located in the County and thirteen (14) are located in the municipalities. These sites are identified on the Historic Resources Map in Figure 1.

Table 1 – Clay County National Register Sites

	NRHP Registered Individual Buildings	Planning District / Municipality
1	Clark-Chalker House	Middleburg / Clay Hill
2	St. Margaret's Episcopal Church and Cemetery	Fleming Island
3	Memorial Home Community Historic District	Town of Penney Farms
4	St. Mary's Church	City of Green Cove Springs
5	Clay County Courthouse	City of Green Cove Springs
6	Bubba Midden (8CL84)	Fleming Island
7	Princess Mound (8CL85)	City of Green Cove Springs
8	Haskell-Long House	Middleburg / Clay Hill
9	Budington, Frosard W., House	Middleburg / Clay Hill
10	Methodist Episcopal Church at Black Creek	Middleburg / Clay Hill
11	Frisbee, George Randolph, Jr., House	Middleburg / Clay Hill
12	Chalker, George A., House	Middleburg / Clay Hill
13	Middleburg Historic District	Middleburg / Clay Hill
14	Green Cove Springs Historic District	City of Green Cove Springs
15	Winterbourne	Town of Orange Park
16	Orange Park Negro Elementary School	Town of Orange Park
17	Green, Joseph, House	Town of Orange Park
18	Helfrich, William, House	Town of Orange Park
19	Orange Park Elementary School	Town of Orange Park
20	Westcott, William, House	Town of Orange Park
21	Clarke, William, Estate	Town of Orange Park
22	River Road Historic District	Town of Orange Park
23	Holly Cottage	Fleming Island

Source: *The Florida Master Site File*

Figure 1 – Historic Resources Map



G. Analysis

The County-owned National Register listed facilities have been rehabilitated. The Historic Courthouse is in need of additional rehabilitation. Research is currently underway with regard to grant opportunities.

A State historic marker was erected by the Clay County Historic Preservation Board at Camp Chowenwaw Park, in May 2016, at the Big Cabin. The research that was done by the Historic Preservation Board to justify the State marker is indicative of the eligibility of Big Cabin for National Register Listing.

The County has all of the land development regulations in place in Section 12-7 of the County Land Development Code, to provide a greater degree of protection for the historic structures located in unincorporated Clay County, than is afforded simply by National Register listing. The implementation of local historic districts would provide the strongest protection for these resources. When a property owner is confident that the investments they make in historic rehabilitation will be replicated by surrounding historic property owners, historic rehabilitation is most likely to occur and be maintained over the years. These efforts have resulted in a pattern of higher property values and economic development in those places that implement such regulations fully.

H. Major Local Issues

Five (5) major local issues regarding the future of Clay County were developed by consolidating public input gathered at ten community meetings held throughout the County and the results of an online survey of County residents:

Major Issue 1

Infrastructure (including roads, parks and recreation, libraries and fire stations) is lagging behind development

The public expressed their desire for no more residential development until supporting infrastructure (especially roadway capacity) catches up. They stressed new development should pay for impacts (impact fees) and asked the County to consider financing alternatives such as Tax Increment Financing and public/private partnerships. The public repeatedly commented on the need for more funding for the Library System to provide service to the entire county; the need for more fire stations; and a desire for community-scaled parks to include amenities such as athletic fields for baseball, soccer, lacrosse, Frisbee golf, pickle ball courts and fee based dog parks.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

Major Issue 2

Transportation networks for auto, bicycle and pedestrian need better connectivity and improvements for safety and efficiency

The public commented on the need for addressing deteriorating roads, better street lighting, and signal synchronization; providing more connectivity of roads to offer relief to Blanding Boulevard traffic (Cheswick Oaks Drive, College Drive Extension and connection at Loch Rane); the need for bike lanes/paths and an interconnected system of pedestrian/bicycle trails that includes conservation areas.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

Major Issue 3

Develop a balanced economic environment that focuses on the strengths of the County's resources (natural, built and human)

The public commented on the need for employment opportunities in the fields of manufacturing, light (clean) industrial, logistics, and high tech. Comments included the need to refurbish/complete empty commercial to prevent blight and before new construction; provide incentives to keep agriculture industry active; and the need for small business retention and incentives. On more than one occasion the public stressed the need for a mix of job opportunities for professionals and for young adults, as well as more nightlife/family entertainment options.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

Major Issue 4

Ensure the health and vitality of the natural environment

The public commented on the need for water quality protection (spring and lakes) and aquifer protection pointing to negative impacts from the drawdown of lakes. The public expressed a need to maintain the rural character of the County's existing rural areas.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

Major Issue 5

Provision of recreational opportunities for the entire County

The public commented on the need for community-scaled parks to include amenities such as athletic fields for baseball, soccer, lacrosse, Frisbee golf, pickle ball courts and fee based dog parks. They also prefer recreational opportunities/activities for all ages with extended hours and sufficient lighting.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

I. Matrix for Evaluating Plan Policies

As part of the evaluation of the 2025 Comprehensive Plan's Historical Element, the County evaluated each goal, objective and policy against the following six criteria to determine if any modifications to them are necessary or recommended.

1. Does the objective or policy have a measurable target?
2. Are there definitions of the terms contained in the objective or policy?
3. Has the objective or policy been achieved?
4. Is the objective or policy related to one or more of the County-identified major issues?
5. Is the objective or policy required to be included in the Comp Plan by statute?
6. Does the objective or policy support other objectives or policies?

Historic Preservation Element	Measurable Target	Defined Terms	Achieved	Major Issue	Statute Requires	Supports Others	Observations
GOAL 1	Yes	No	Yes	No	No	No	
OBJ 1.1	Yes	No	Yes	No	Yes	Yes	
POLICY 1.1.1	Yes	No	Yes	No	Yes	Yes	
POLICY 1.1.2	Yes	No	Yes	No	Yes	Yes	County GIS maintains the Master Site File Data Base.in cooperation with Planning Division.
POLICY 1.1.3	Yes	No	No	No	No	Yes	
POLICY 1.1.4	No	No	No	No	No	Yes	The County could place a link to the Florida Division of Historic Resources on its website.
POLICY 1.1.5	Yes	No	No	No	No	No	The HPB should consider compiling a list.
OBJ 1.2	Yes	No	Yes	No	Yes	Yes	The site file indicates many have been evaluated. However implementation of local historic districts would provide more protection of historic resources, then NR listing.
POLICY 1.2.1	Yes	No		No	No	Yes	Amended in 2011.
POLICY 1.2.2	Yes	No	Yes/No	No	No	Yes	
OBJ 1.3	Yes	Yes	Ongoing	No	No	Yes	
POLICY 1.3.1	Yes	Yes	Yes	No	No	Yes	
POLICY 1.3.2	No	No	Yes	No	No	Yes	
OBJ 1.4	No	Yes	Yes	No	No	Yes	Consider nomination of Camp Chowenwaw Big Cabin.
POLICY 1.4.1	Yes	Yes	Yes	No	No	Yes	
POLICY 1.4.2	No	No	No	No	No	Yes	
POLICY 1.4.3	Yes	Yes	----	No	No	Yes	National Register listings are available online from the National Park Service. Criteria also available online at the Florida Division of Historic Resources. Consider providing a link on our website to both.
POLICY 1.4.4	No	No	No	No	No	Yes	Consider Property Tax Incentive and bonus densities for appropriate rehabilitation/infill projects.
OBJ 1.5	Yes	Yes	Yes	No	No	Yes	Consider implementing a local historic district in Middleburg; and local designation of other individual sites.
POLICY 1.5.1	Yes	Yes	Yes	No	No	Yes	See Article 12, Clay County Land Development Code.
OBJ 1.6	Yes	Yes	Yes	No	No	Yes	
POLICY 1.6.1	No	Yes	Yes	No	No	Yes	
POLICY 1.6.2	No	No	Yes	No	No	Yes	
POLICY 1.6.3	Yes	No	Yes	No	No	Yes	Add definitions for the Secretary of the Interior standards.

J. Assessment of Changes to Florida Statutes

As part of the evaluation of the 2025 Comprehensive Plan’s Historical Element, the County examined changes in state statutory requirements since 2009, the last update of the Comprehensive Plan. This is an optional element of the Comprehensive Plan and has not been affected by any state statutory revisions.

K. Conclusions and Proposed Revisions

The Comprehensive Plan is substantively up-to-date and the County has done a good job of implementing its Comprehensive Plan. Most necessary amendments are those as required by changes in State law, or to provide greater emphasis on issues of particular importance to Clay County.

- Add the name of the Element to all GOPs to better differentiate among others in the Comprehensive Plan.
- Add a definitions section to the GOPs for easier reference.
- Revise the name of the element
- Revise to reflect correct county department/division references
- Revise to reflect the change to Historic Preservation Board
- Revise the name of the element from Historical Element to Historic Preservation Element

The following offers easy identification of changes made to update the Historical Element. New (added) language is underlined and removed (deleted) language is ~~struck through~~.

Proposed Amendment to Element Title

Revise the title to reflect the intention to preserve the county's historical treasures

HISTORICAL PRESERVATION ELEMENT

Proposed Amendment to Policy 1.2 (HIS Policy 1.1.2)

County GIS maintains the Master Site File Data Base in cooperation with the Planning Division.

HIS Policy 1.1.2

The Clay County Planning ~~Department~~ and Zoning Division, in cooperation with Geographic Information Services, shall continue to maintain Historic Resources Maps, a comprehensive listing of all archeological sites and historic building locations.

Proposed Amendment to Policy 1.3 (HIS Policy 1.1.3)

Ordinance 2011-5 created the Historic Preservation Board to replace the Historical Commission.

HIS Policy 1.1.3

The County Historic Preservation Board will cooperate with the ~~Historical Commission~~ and other historical/preservation societies and organizations to establish a prioritized list of the top ten sites or objects of historical interest.

Proposed Amendment to Policy 1.5 (HIS Policy 1.1.5)

Updates department name to Economic and Development Services Department.

HIS Policy 1.1.5

The County, in conjunction with other historical/preservation organizations, shall prepare a list of historical and geographical names significant to Clay County's heritage. The Public Works and Economic and Development Services Departments shall make the list available to all developers and interested parties as an aid in naming streets and subdivisions.

Proposed Amendment to Objective 3 (HIS Objective 1.3)

Ordinance 2011-5 created the Historic Preservation Board to replace the Historical Commission.

HIS Objective 1.3

Clay County will assist the ~~Historical Commission~~ Historic Preservation Board and other historical organizations with planning grants, surveys and other public and private grants.

Proposed Amendment to Policy 1.4 (HIS Policy 1.4.1)

Revise name to Planning and Zoning Division, which is within the Economic and Development Services Department.

HIS Policy 1.4.1

The Planning ~~Department~~ and Zoning Division will coordinate and assist the ~~Historical Commission~~ Historic Preservation Board in the preparation of a National Register of Historic Places Nomination Form as funds are available, to the Florida National Register Review Board for review as structures, districts and objects identified during the historical inventory are deemed eligible for nomination by qualified consultants or other historic preservation professionals.

INTRODUCTION

Historic Preservation Element

The Historic Preservation Element provides the framework for the identification, designation and protection of historically significant sites, structures and objects. Numerous historic preservation organizations within Clay County provide a large base of support for the objectives and policies in this element.

The goals, objectives and policies listed below will be used by Clay County professional staff and decision-makers involved in historic preservation planning in Clay County. These decision-makers include government officials charged with some funding and resource designation decisions as well as various historic preservation organizations who educate the public concerning the protection of historically significant properties. The objectives and policies are intended to serve as a guide for both public and private decisions.

Further, the objectives and policies in this element as well as other elements of the Clay County Comprehensive Plan should be considered and viewed as a whole. No single objective or policy is intended to have precedence over another. Rather, they should provide an overall framework for the management of the County's resources and for meeting the needs of current and future residents and employees.

HIS GOAL 1 To identify, evaluate, preserve, recognize, promote and utilize the historical, architectural and archaeological resources significant to Clay County's past.

HIS OBJ 1.1 Maintain the inventory of the County's archaeological, architectural and historic resources associated with its past.

HIS POLICY 1.1.1

The County shall maintain and regularly update the automated database of historical resources in the County. The Historical Resource Inventory will contain all resources listed on the Florida Master Site File for unincorporated Clay County.

HIS POLICY 1.1.2

The Clay County Planning and Zoning Division, in cooperation with Geographic Information Services, shall continue to maintain Historic Resources Maps, a comprehensive listing of all archeological sites and historic building locations.

HIS POLICY 1.1.3

The County Historic Preservation Board will cooperate with the other historical/preservation societies and organizations to establish a prioritized list of the top ten sites or objects of historical interest.

HIS POLICY 1.1.4

The County shall make available to the public any information on historic preservation incentives that are available from local, state, federal and private sources.

HIS POLICY 1.1.5

The County, in conjunction with other historical/preservation organizations, shall prepare a list of historical and geographical names significant to Clay County's heritage. The Engineering and Public Works and Economic and Development Services Departments shall make the list available to all developers and interested parties as an aid in naming streets and subdivisions.

HIS OBJ 1.2 Each historical resource identified in Clay County's Historical Resource Inventory will be evaluated for historical significance and will receive the appropriate recognition and protection.

HIS POLICY 1.2.1

The County will amend, as necessary, the Historic Preservation Ordinance for the purpose of continuing to recognize locally significant historical resources.

HIS POLICY 1.2.2

The County shall apply for historical state markers for eligible and significant county-owned historic sites as well as any available matching grants to offset the cost of the markers.

HIS OBJ 1.3 Clay County will assist the Historic Preservation Board and other historical organizations with planning grants, surveys and other public and private grants.

HIS POLICY 1.3.1

The County will assist historical organizations in the pursuit of applications for all available publication grants from public and private agencies and foundations to assist in printing county historical information (books and pamphlets).

HIS POLICY 1.3.2

The County will apply for the appropriate survey and planning grants available from both state and national preservation programs and consider the possibility of matching funds.

HIS OBJ 1.4 The County shall encourage the nomination of all appropriate structures, districts and objects to the National Register of Historic Places.

HIS POLICY 1.4.1

The Planning and Zoning Division will coordinate and assist the Historic Preservation Board in the preparation of a National Register of Historic Places Nomination Form as funds are available, to the Florida National Register Review Board for review as structures, districts and objects identified during the historical inventory are deemed eligible for nomination by qualified consultants or other historic preservation professionals.

HIS POLICY 1.4.2

Clay County will be responsible for the expense of nominating all National Register eligible resource on county-owned properties if any are identified or discovered.

HIS POLICY 1.4.3

The County shall make available to any interested person or organization information concerning the National Register of Historic Places, the nomination procedures and the benefits derived from listing in the National Register

HIS POLICY 1.4.4

Clay County shall continue to promote the preservation of historically significant housing and encourage its utility for residential use by adopting incentives for developers to protect and preserve historically significant housing in the County. Criteria for incentives may include granting a tax abatement to developers who do not destructively modify designated historically significant housing.

- HIS OBJ 1.5** **Clay County shall promote the enactment of a historic preservation overlay zone specifically relating to historically, architecturally and archaeologically significant sites.**

HIS POLICY 1.5.1

The County shall enforce the historic preservation overlay zone that as a minimum shall include criteria for the protection of historic sites, structures and cemeteries, criteria and procedures for designating historically significant properties and enforcement procedures.

- HIS OBJ 1.6** **The County should utilize historically significant county-owned buildings for cultural and/or recreational purposes if practical.**

HIS POLICY 1.6.1

The County shall make application to all appropriate agencies and organizations for assistance in funding a feasibility study for the purpose of rehabilitating suitable buildings.

HIS POLICY 1.6.2

The County shall notify all cultural and/or recreational authorities should a historic county building become available.

HIS POLICY 1.6.3

If feasible, the County shall follow the Secretary of the Interior's Standards for Rehabilitation for improvements of county-owned historic sites.

Definitions

Secretary of the Interior Standards for Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. (National Park Service, 2017)

Secretary of the Interior Standards for Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. (National Park Service, 2017)

Secretary of the Interior Standards for Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project. (National Park Service, 2017)

Secretary of the Interior's Standards for Archeological Documentation is defined as a series of actions applied to properties of archeological interest. Documentation of such properties may occur at any or all levels of planning, identification, evaluation or treatment. The nature and level of documentation is dictated by each specific set of circumstances. Archeological documentation consists of activities such as archival research, observation and recording of above-ground remains, and observation (directly, through excavation, or indirectly, through remote sensing) of below-ground remains. Archeological documentation is employed for the purpose of gathering information on individual historic properties or groups of properties. It is guided by a framework of objectives and methods derived from the planning process, and makes use of previous planning decisions, such as those on evaluation of significance. Archeological documentation may be undertaken as an aid to various treatment activities, including research, interpretation, reconstruction, stabilization and data recovery when mitigating archeological losses resulting from construction. Care should be taken to assure that documentation efforts do not duplicate previous efforts. (National Park Service, 2017)



Agenda Item
HISTORIC PRESERVATION BOARD

Clay County Administration Building
Thursday, March 17 6:30 PM

TO: Historic Preservation Board

DATE: 3/10/2022

FROM: Beth Carson, Chief Planner

SUBJECT:

This item will include a brief presentation of the Responsibilities and Duties of the Historic Preservation Board as detailed in Article XII of the Land Development Code.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The Clay County Historic Commission was created in 1977 followed in 1994 by the creation of the Clay County Historic Preservation Board. In 1998, the Board of County Commissioners entered into a formal agreement with the Department of State to participate in the Division of Historical Resources Certified Local Government (CLG) Program. In doing so, the Board was required to maintain the Historic Preservation Board and adopt land development code policies consistent with the CLG Program, which it did in 2009. In 2011, the land development code policies were codified into the present Article XII with the Historic Preservation Board (formerly Commission) responsible for supporting the Board of County Commissioners on all things pertaining to Historic Preservation.

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Article XII	Backup Material	3/10/2022	ArticleX11AdministrationAm-1ada.pdf

ARTICLE XII

**ADMINISTRATION, AMENDMENT
AND ENFORCEMENT**

Sec. 12-1.	Intent.....	1
Sec. 12-2.	Administration.....	1
Sec. 12-3.	Development Review Committee (DRC).....	1
Sec. 12-4.	Board of County Commissioners	2
Sec. 12-5.	Planning Commission.....	2
Sec. 12-6.	Board of Adjustment	4
Sec. 12-7.	Historic Preservation Board	6
Sec. 12-8.	Rezoning and Amendments to the Code.....	19
Sec. 12-9.	Variance.....	29
Sec. 12-10.	Amendments to the Comprehensive Plan.....	31
Sec. 12-11.	Appeals from Administrative Decisions.....	41
Sec. 12-12.	Signage Requirements	43
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Sec. 12-1. INTENT

The intent of this article is to establish provisions that ensure the proper administration, amendment, and enforcement of this code through the establishment of review bodies, procedures for amendment, variance procedures, appeals to administrative decisions and an enforcement body.

Sec. 12-2. ADMINISTRATION

Except as otherwise specifically provided, primary responsibility for administering this code may be assigned by the county manager. The person or persons to whom these functions are assigned shall be referred to in this article as the "administrator". The term "staff" is sometimes used interchangeably with the term "administrator".

Sec. 12-3. DEVELOPMENT REVIEW COMMITTEE (DRC)

- (1) Establishment – The Development Review Committee (DRC) was established by the Board to evaluate development proposals within the unincorporated area of the county.
- (2) Composition – The DRC shall consist of representatives from various County departments and regulatory agencies.
- (3) Meetings – The DRC shall meet weekly as needed. All meetings shall be open to the public and properly noticed.

(4) **Duties** – The DRC shall make recommendations, objections or comments regarding proposed site development plans, plats and rezoning requests for PUD, PID, PCD, BSC, RD, RMHP and PS-5.

Sec. 12-4. BOARD OF COUNTY COMMISSIONERS

(1) **Powers** – The Board of County Commissioners shall have the following powers relative to this code.

- (a) To consider and adopt; consider, amend, and adopt; or consider and reject proposed amendments to this code, including rezoning amendments.
- (b) To consider and repeal or consider and partially repeal this code.
- (c) To establish fees and charges to recover expenses imposed by these regulations.

(2) **Duties** – The Board shall have the following duties relative to adequate enforcement of this code:

- (a) To ensure enforcement of these provisions and restrictions, including taking all necessary appropriate administrative and legal action.
- (b) To appoint and confirm members of the Planning Commission, the Board of Adjustment, and any other board or committee as required by this code.
- (c) To hear and take action regarding development plans for planned developments.
- (d) To hear and take action regarding final subdivision plats.

Sec. 12-5. PLANNING COMMISSION

(1) **Establishment** – There is hereby created a Planning Commission, which shall also be known as the Local Planning Agency for the unincorporated area of the county.

(2) **Composition** – The Planning Commission shall, at a minimum, be composed of seven members appointed by the Board from the unincorporated area of the county.

(3) **Qualifications** – All members of the Planning Commission shall be residents of the county with no member being able to hold any other public position or office in any municipality or county government in the county.

(4) **Terms of Office** – Appointment terms shall commence on January 1st. For the initial term, four members shall serve for a period of two years and three members shall serve for a period of one year. All subsequent terms shall be for a period of two years.

(5) **Removal** – Members of the Planning Commission may be removed for cause by a majority vote of the entire membership of the Board.

(6) **Vacancies** – Vacancies on the Planning Commission shall be filled, as soon as practical, by the Board for the unexpired term of the vacating member.

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- (7) **Compensation** – The members of the Planning Commission shall serve without compensation but may be paid actual expenses incurred in the performance of their duties. Such expenses shall not exceed the allowances prescribed by state law.
- (8) **Rules of Procedure** – The Planning Commission shall:
- (a) Elect a chairman and a vice-chairman from among its members;
 - (b) Adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings, and determinations, which shall be of a public record; and,
 - (c) Keep records of its proceedings, showing the vote of each member (including the Chairman or Vice-chairman), or if absent or failing to vote, indicating such fact. The Planning Commission shall keep records of its examinations and other official actions.
- (9) **Meetings** – All meetings shall be open to the public and properly noticed. Four members of the Planning Commission shall constitute a quorum and a majority vote of those present shall determine any issue before them. The Planning Commission shall allow all persons a reasonable opportunity to be heard and shall encourage the free exchange of views regarding matters under consideration, but may, at its discretion, limit or eliminate repetitious comments by members of the public.
- (10) **Disqualification** – If any member of the Planning Commission shall find that private or personal interests are involved in the matter coming before them, the member shall disqualify him or herself from all participation in that matter; or the member may be disqualified by an affirmative vote of three members of the Commission.
- (11) **Information and Right of Entry** – All county employees shall, upon request within a reasonable time, furnish to the Planning Commission or its employees or agents such available records or information as may be required in its work. The Planning Commission may, in the performance of its official duties, enter upon lands and make examinations or surveys in the same manner as other authorized county agents or employees, and shall have such other powers as are required for the performance or official functions in carrying out the purposes of the Planning Commission.
- (12) **Powers and Duties** – The powers, and duties of the Planning Commission shall be, in general, the following:
- (a) **Data Gathering and Analysis** – To acquire and maintain such information and materials as is necessary to have an understanding of past trends, present conditions, and forces at work to cause changes in conditions. Such information and material may include maps and photographs of man-made and natural physical features of the county, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important in determining the amount, direction and kind of development to be expected in the county.
 - (b) **Principles and Policies** – To prepare and recommend principles and policies for guiding the development of the county.

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- (c) Comprehensive Plan Implementation – To prepare and recommend to the Board ordinances, regulations and amendments to this code, which are, designed to implement the Comprehensive Plan and promote orderly development.
 - (d) Comprehensive Plan Amendment – To consider whether or not any proposed amendments to the Comprehensive Plan are consistent with the overall goals and objectives of the county.
 - (e) Rezoning – To consider whether or not any proposed rezoning request is consistent with the Comprehensive Plan and make recommendations regarding all rezonings to the Board.
 - (f) Planning and the Public – To keep the Board and the general public informed and advised on matters relating to planning.
 - (g) Public Hearings – To conduct such public hearings as may be required to gather information for the drafting, establishment, and maintenance of the various components of the Comprehensive Plan, and such additional public hearings as are specified under the provisions of this section.
 - (h) Special Studies – To make or cause to be made, or obtain special studies on the location, condition, and adequacy of specific facilities. These may include, but are not limited to, studies on housing, commercial and industrial facilities, recreational facilities, schools, public buildings, public and private utilities, traffic, transportation, and parking.
 - (i) Other – To perform any other duties which may be lawfully assigned to it or which may have bearing on the preparation or implementation of the Comprehensive Plan.

Sec. 12-6. BOARD OF ADJUSTMENT

- (1) **Establishment** – There is hereby created a Board of Adjustment (BOA) for the county.
- (2) **Composition** – The Board of Adjustment shall be composed of five members appointed by the Board from the unincorporated area of the county.
- (3) **Qualifications** – All members of the Board of Adjustment shall be residents of the county with no member being able to hold any other public position or office in any municipality or county government in the county.
- (4) **Terms of Office** – Appointment terms shall commence on January 1st. All terms will be for a period of four years.
- (5) **Removal** – The members of the Board of Adjustment may be subject to removal from office by a majority vote of the full Board upon written charges and after public hearing.
- (6) **Vacancies** – Vacancies on the Board of Adjustment shall be filled, as soon as practical, by the Board for the unexpired term of the vacating member.

Compensation – The members of the Board of Adjustment shall serve without compensation but may be paid actual expenses incurred in the performance of their duties. Such expenses shall not exceed the allowances prescribed by state law.

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- (7) **Rules of Procedure** –The Board of Adjustment shall organize, adopt rules and perform its duties as called for herein.
- (a) The Board of Adjustment shall elect a chairman and a vice-chairman from among its members.
 - (b) The Board of Adjustment shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings, and determinations, which shall be of public record.
 - (c) All meetings of the Board of Adjustment shall be of public record and shall be advertised in accordance with Florida law for public meetings.
 - (d) The Board of Adjustment shall keep records of its proceedings, showing the vote of each member (including the Chairman or Vice-chairman), or if absent or failing to vote indicating such fact. The agency shall keep records of its examinations and other official actions, all of which shall be a public record and be filed immediately in the office of the Clerk of the Circuit Court.
- (8) **Meetings** – All meetings shall be open to the public and properly noticed. Three members of the Board of Adjustment shall constitute a quorum and a majority vote of those present shall determine any issue before the Board of Adjustment unless otherwise specified herein. The Board of Adjustment shall allow all persons a reasonable opportunity to be heard and shall encourage the free exchange of views regarding matters under consideration, but may, at its discretion, limit or eliminate repetitious comments by members of the public. All witnesses shall be sworn.
- (9) **Disqualification** – If any member of the Board of Adjustment finds that private or personal interest are involved in the matter coming before the body, the member shall disqualify him or herself from all participation in that matter; or the member may be disqualified by the affirmative vote of two members of the Board of Adjustment.
- (10) **Information and Right of Entry** – All county employees shall, upon request within a reasonable time, furnish to the Board of Adjustment or its employees or agents such available records or information as may be required in its work. The Board of Adjustment or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized county agents or employees, and shall have such other powers as are required for the performance or official functions in carrying out the purposes of the Board of Adjustment.
- (11) **Powers and Duties** – The Board of Adjustment shall have the following powers and duties:
- (a) **Appeals** – To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this code adopted pursuant to Chapter 163, Florida Statutes;
 - (b) **Interpretation** – To interpret these regulations at the request of the zoning enforcement officials; and,
 - (c) **Granting of Variances** – To receive and consider appeals for the granting of variances from the terms of this ordinance and to grant such variances pursuant to the provisions established above.

Sec. 12-7. **HISTORIC PRESERVATION BOARD (CLAY COUNTY HISTORICAL COMMISSION)**

(1) **Purpose** - This Article shall be known and may be cited as the "Clay County Historic Preservation Article."

(a) **Purpose**

The purpose of this article is to identify, evaluate, recognize, preserve and protect significant historic and archaeological resources by:

- (1) Creating a Historic Preservation Board with the power and duty to effectively administer this article.
- (2) Empowering the Historic Preservation Board to certify designation of individual properties (including buildings, structures, sites, and objects) and groups of properties (districts) as historically significant using the criteria established in this article.
- (3) Protecting the integrity of historic resources by requiring the issuance of Certificates of Approval before allowing alterations, removal, disturbances or excavation of designated resources.
- (4) Encouraging historic preservation by providing technical assistance and incentives.
- (5) Managing the historic resources owned and/or operated by Clay County in a manner consistent with the Clay County 2001 Comprehensive Plan (the "Plan") and policies maintained by the Florida Department of State, Division of Historic Resources.

(b) **Intent**

The intent of this article is to promote the preservation of historic resources in the interests of the health, safety and welfare of the people of Clay County by:

- (1) Stabilizing and improving property values through the rehabilitation of individual properties and the revitalization of older residential neighborhoods and commercial areas.
- (2) Creating and implementing cultural and educational programs that will foster a better understanding of the County's heritage.
- (3) Promoting the County's historic resources for enjoyment of the citizens of Clay County and as an attraction to visitors and residents thereby stimulating its economic potential.
- (4) Providing to the scientific community intact resources in which to study past human behavior and lifestyles.
- (5) Obtaining Certified Local Government status pursuant to the National Historic Preservation Act of 1966.

(2) **Establishment** – There is hereby created the Historic Preservation Board (the Historical Commission). The Historic Preservation Board shall serve in an advisory capacity to the Board.

(3) **Composition** – The Historic Preservation Board shall be composed of eleven members appointed by the Board from the unincorporated area of the county; one from each commissioner's district and eight at-large members. The majority of the Historic Preservation

Board shall demonstrate a concern for historic preservation. When available among applicants for at-large members, it is preferred to have one member be an architect and one member be a representative from the building industry.

- (4) **Qualifications** – Any member of the Historic Preservation Board shall be a resident of the county with no member being able to hold any other public position or office in any municipal government in the county. Residency members must continue to reside in their designated district. No more than three at-large members may reside in a district.
- (5) **Terms of Office** –The initial terms are five (5) years. Interim appointments serve out the balance of the five-year term. Members shall be eligible for reappointment for one additional term at the discretion of the Board.
- (6) **Responsibilities**
- (a) Members shall maintain relationships with individuals, historical societies, local governments and other groups who have an interest in Clay County history.
 - (b) Members shall seek out areas to collaborate to achieve the Historic Preservation Board’s purpose.
 - (c) Members shall advance requests from the community for assistance with historical projects when in the member’s judgment the project has merit.
- (7) **Removal** – Members of the Historic Preservation Board may be removed for cause by a majority vote of the entire membership of the Board. Failure of a member to attend three consecutive meetings may result in the member forfeiting his office and the Historic Preservation Board can recommend to the Board of County Commissioners (BCC) that the member be removed.
- (8) **Vacancies** – Vacancies on the Historic Preservation Board shall be filled, as soon as practical, by the Board for the unexpired term of the vacating member.
- (9) **Compensation** – The members of the Historic Preservation Board shall serve without compensation but may be paid actual expenses incurred in the performance of their duties. Such expenses shall not exceed the allowances prescribed by state law.
- (10) **Rules of Procedure** –The Historic Preservation Board shall organize, adopt rules, and perform its duties as called for herein.
- (a) The members of the Historic Preservation Board shall elect a chairperson, vice-chairperson, and secretary, who shall each serve a one- year term.
 - 1. A nominating committee shall be formed no later than the April meeting and shall propose a slate no later than the May meeting.
 - 2. Officers shall be elected from nominations received from the nominating committee and/or the floor at the June meeting.
 - 3. Officer terms shall be one year, commencing on July 1.

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4. No officer shall be elected whose Board term has less than one year remaining.
 5. Officers shall not serve more than two consecutive terms.
- (b) The Historic Preservation Board shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings, and determinations, which shall be of public record.
 - (c) The Historic Preservation Board shall keep records of its proceedings, showing the vote of each member (including the Chairman or Vice-chairman), or if absent or failing to vote indicating such fact. The Historic Preservation Board shall keep records of its examinations and other official actions, all of which shall be a public record and shall be filed with the Clerk of the Circuit Court. The building official of the county shall act as an advisor to the Historic Preservation Board and the planning department as its staff.
 - (d) Upon written request by at least three members of the Historic Preservation Board, or at such other times as may be necessary, the chairman of the Historic Preservation Board may call an emergency meeting. Such meeting will be noticed in a newspaper of general circulation at least three days in advance of the meeting and shall be open to the public.
 - (e) The Historic Preservation Board shall be governed by *Roberts Rules of Order*.

(11) Officers

- (a) The Chairperson shall:
 1. Schedule and conduct all meetings and appoint committees as needed.
 2. Represent the Board at BCC meetings.
 3. Manage the Board's budget status and dispersal of funds.
 4. Include these topics on the Board agenda at least once per year:
 - i. Annual planning session to discuss focus areas and dates and times of regular meetings.
 - ii. Sunshine Law refresher briefing.
 - iii. County procurement procedures.
 5. Update the board on budget status and BCC activities from time to time.
 6. Delegate these responsibilities with the Board's consent.
- (b) The Vice-Chairman shall serve as the Chairperson's assistant and conduct meetings in the Chair's absence.
- (c) The Secretary shall take minutes at Board meetings and shall provide copies to each member at the next meeting. After the Board approves the minutes, the Secretary shall forward them to the BCC to be attached to its minutes and to the Clay County Archives to be included in a central file.

- (12) Disqualification** – If any member of the Historic Preservation Board shall find that private or personal interests are involved in the matter coming before the Board, the member shall disqualify him or herself from all participation in that matter; or the member may be disqualified by the affirmative vote of a simple majority of the Board members present at the meeting.

(13) **Information and Right of Entry** – All county employees shall, upon request within a reasonable time, furnish to the Historic Preservation Board or its employees or agents such available records or information as may be required in its work. The Historic Preservation Board or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized county agents or employees, and shall have such other powers as are required for the performance or official functions in carrying out the purposes of the Historic Preservation Board.

(14) **Powers and Duties** – The Historic Preservation Board shall have the following powers and duties:

- (a) To make recommendations to the Board for the designation of property as an Historic Preservation Overlay District;
- (b) To propose rules and procedures necessary for the implementation of the provisions of this section;
- (c) To regulate the alteration, new construction, relocation, and demolition of property within a Historic Preservation Overlay District, in coordination with the established building permit procedures of the county;
- (d) To collect, arrange, record, publish and preserve historical material and data illustrative of and relating to the history of the county;
- (e) To advise the Board on all matters related to historic preservation policy;
- (f) To propose and recommend to the Board financial and technical incentive programs to further the objectives of historic preservation;
- (g) To request grant assistance, through the Board, from state, federal or private sources for the purpose of furthering the objectives of historic preservation;
- (h) To educate owners of designated historic resources and the general public on the benefits of historic preservation and federal, state and local laws and policies regarding the protection of historic resources;
- (i) To seek designation as a Certified Local Government and upon designation, review all nominations of property within the county to the National Register of Historic Places pursuant to the regulations established by the State Historic Preservation Officer and procedures outlined in the section entitled *National Register of Historic Places Review Authority Procedures*;
- (j) In cooperation with any municipality or historical society in the county, to identify by monuments, tablets, or markers, locations where events of historical significance have occurred;
- (k) To represent the county at pertinent historic preservation educational meetings, workshops, and conferences;
- (l) To seek expertise on proposals or matters requiring evaluation by a professional or a discipline not represented on the Historic Preservation Board;
- (m) To annually update existing survey and inventory of historic buildings, areas, and archaeological sites in the county, which shall be compatible with the Florida Master Site File, and to plan for their preservation; and,
- (n) To perform any other function or duty related to historic preservation authorized under this section or assigned by the Board.

(15) **Meetings**

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- (a) Regular meetings will be held as agreed by the Board.
 - (b) Special meetings of the Board or its committees may be called as needed.
 - (c) Notice of meetings shall be sent to members by email and posted on the County website.
 - (d) Members shall not discuss Board business among themselves except at public meetings.
 - (e) A quorum, as per ordinance, is a simple majority of all sitting Board members.
 - (f) The Board shall make an effort to meet in County facilities or in areas of historical significance.

(16) Designation of Historic Districts, Landmarks and Sites

(a) Criteria for Designation

The HP Board shall have the sole authority to recommend to the Board the designation of areas, places, buildings, structures, or archaeological sites as individual historic sites, districts, or archaeological zones that meet one or more of the following:

1. Are significant to Clay County's history, architecture, archaeology, or culture, and possess an integrity of location, design, setting, materials, workmanship, or association; or
2. Are associated with distinctive elements of the social, political, economic, scientific, religious, or architectural history of Clay County, the state, or the nation; or
3. Are associated with the lives of significant persons; or
4. Embody the distinctive characteristics of an architectural type, period, style, or method of construction or work; or that possess high artistic value; or
5. Have yielded or are likely to yield information about the history of Clay County; or
6. Are listed in the National Register of Historic Places.
7. Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been removed from their original locations, properties commemorative in nature, and properties that have achieved significance within the last fifty years, will not normally be considered for designation. Such properties will qualify, however, if they are integral parts of districts that do meet the criteria or if they fall within the following categories:
 - i. A religious property deriving primary significance from architectural or artistic distinction of historical importance.
 - ii. A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person.
 - iii. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with that figure's productive life.

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- iv. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
 - v. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.
 - vi. A property or district achieving significance within the past fifty years if it is of exceptional importance.

(b) Incentives for Designation

Property designated pursuant to this Ordinance shall be eligible for exemptions from Clay County Land Development Regulations, Section 3-11, Nonconforming Uses, Lots and Structures, and from the sections of the Standard Building Code accorded to special historic buildings.

(c) Designation Restrictions

Property owners receiving designation pursuant to this Article shall be subject to the requirements of (15) hereto, prior to the performance of any activity which may affect the historic significance of the site.

(14) Procedures for Designation as a Historic Site

(a) Procedures for Petition for Designation

The following procedure shall govern petitions for the designation of structures, districts or sites pursuant to this Article:

Petitions for Designation shall be made to the HP Board on a form provided by the staff of the HP Board and may be submitted by the owner of record of the nominated property or structure, the Board, a member of the HP Board, or any other person or organization. Petitions must be received by the HP Board staff a minimum of thirty (30) days prior to the public hearing at which the petition is to be heard. The HP Board, at their next regularly scheduled meeting, shall hold a public hearing on the petition and shall notify the property owner by certified mail at least seven (7) days in advance of the hearing. Notice of the public hearing shall also be published in a newspaper of general circulation at least seven (7) days in advance of the hearing and shall identify the location of designation and the HP Board's intent to hold a public hearing to receive comment.

The Petition for Designation shall contain the following:

1. The historical, cultural, architectural, and archaeological significance of the property or properties recommended for designation;
2. An identification of all structures within a proposed district, classifying them as contributing or non-contributing, with an explanation of the criteria used in developing the classification;
3. A written description of the boundaries of the site, structure, district, or archaeological zone recommended for designation, an explanation of the reasons for those boundaries, and a map illustrating the boundaries. A map illustrating a historic district shall show contributing and non-contributing properties;

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4. Photographic documentation of individual sites and structures recommended for designation;
 5. A list of properties identifying parcel number(s) and owner(s) of record.

(b) Hearing by HP Board

The HP Board shall hold a public hearing upon every Petition for Designation. At such public hearing, any person may present testimony or documentary evidence concerning the significance of the property under consideration. At the close of the public hearing, the HP Board shall recommend to the Board a vote in favor of or against the proposed designation.

If the HP Board votes to recommend in favor of the proposed designation, such action will be reported to the Board by the Chairman. If the HP Board does not vote in favor of the proposed designation, the decision of the HP Board shall be final and the property shall not be forwarded to the Board for consideration.

(c) Owner Petition

A notarized statement in the Petition for Designation application form shall serve as the owner's approval of the requested designation.

(d) Non-Owner Petition

Petitions for Designation may be initiated by persons other than the property owner. Upon approval by the HP Board of a Non-owner Petition for Designation, notice of the proposed designation shall be sent by certified mail to the owner of record of the property proposed for designation or to each owner of record of property in a proposed district, along with a statement of approval/objection. The notice shall describe the property proposed for designation and shall announce a public hearing of the Board to consider such designation to be held within sixty (60) days after mailing of such notice.

All notified owners of property shall return a notarized statement to the HP Board certifying that the party is the sole or partial owner of the property and that he or she approves of or objects to the proposed designation. The property owner shall be advised that the notarized statement must be completed and returned within fifteen (15) days after receipt. If, after fifteen (15) days the owner has not returned the statement, a second statement will be sent by certified mail and an attempt to contact the owner by phone will be made. The petition will not be forwarded to the Board for consideration at the forementioned public hearing unless a statement of approval has been received by the owner within twenty (20) days of the Board meeting.

1. Individual Property Designation

The HP Board shall take no action upon a proposed designation of an individual property if a statement of objection has been returned by the property owner.

2. District Designation

The HP Board shall take no action upon a proposed district designation if statements of objection have been received from either:

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- i. The owner or owners of a majority of the separate parcels in the proposed district. (For purpose of this section, a separate parcel shall mean a parcel depicted in the then current records of the Property Appraiser.)
 - ii. The owner or owners of a majority of the land area in the proposed district.

 - (e) HP Board Recommendation to Board
The HP Board's recommendation for approval shall be forwarded to the Board for consideration at public hearing to be scheduled within forty-five (45) days of HP Board meeting. Recommendation shall include completed application, minutes of the HP Board public hearing and the proposed ordinance implementing the designation.

 - (f) Public Hearing by Board
The following notice procedures shall apply to the designation by ordinance of a historic site, building, district, or archaeological zone:
 - 1. Applicant Initiated Petitions
Public hearing before the Board shall be noticed pursuant to Section 125.66(2)(a), Florida Statutes.
 - 2. Local Government Initiated Petitions
Public hearing before the Board shall be noticed pursuant to Section 125.66(6), Florida Statutes.

 - (g) Applicability
 - 1. After adoption of a Designation Ordinance by the Board, designated structures, sites, districts, and archaeological zones shall remain designated as historically or archaeologically significant to Clay County unless such designation is removed by subsequent ordinance of the Board in accordance with (14)(h) of this Ordinance.
 - 2. An ordinance providing for designation of a structure/building as historically significant shall pertain to the structure/building and not to the site upon which the structure/building is located. The Designation Ordinance may, however, contain conditions to ensure the preservation of the setting in which the structure/building exists if the setting was a significant consideration in the designation of the structure/building.
 - 3. The Ordinance shall specify that the newly designated historic sites, structures, buildings or district shall be maintained on a Historic Sites Map within the Zoning Department. The Historic Sites Map shall show the location of sites and structures/buildings designated as landmarks and shall show the boundaries of Designated Historic Districts. Within such districts, the map shall identify contributing and non-contributing structures.

 - (h) Procedures for Removal of Designation
Procedures for removal of designation shall be the same as procedures for designation pursuant to (14), hereto, on a form provided by the HP Board.

To be eligible for consideration by the HP Board any alteration undertaken during the period of designation must be identified and inspected by the appropriate building official

for verification that such alteration, upon removal of designation, will conform to the requirements of the Standard Building Code.

The Building Official will, within fifteen (15) days of receipt of request for designation removal, report findings to HP Board and property owner on certification form provided by the HP Board.

If it is determined by the Building Official that a nonconformity will occur as a result of designation removal, the Building Official will make recommendations to the property owner (on certification form) to bring the property into compliance with the Standard Building Code, within a time period deemed appropriate by the Building Official.

(i) Criteria for Removal

The HP Board may remove the historic or archaeological designation from a structure or site by ordinance, provided that:

1. The subject property no longer meets applicable criteria for designation found in (13)(a).
2. Additional information indicates that the subject property does not meet the applicable criteria for designation found in (13)(a).
3. An error in professional judgement was made by the HP Board in the recommendation for designation of the subject property.
4. A procedural error occurred in the original designation process.
5. It has been determined by the HP Board that the property owner has violated a term or condition of a Certificate of Approval.
6. The property owner applies to remove the designation provided that incentives pursuant to (19) have not been availed.

(j) Notification of Designation Action

Within thirty (30) days of adoption of a Designation Ordinance, a certified copy of the Designation Ordinance along with a summary explanation of the effect of such designation shall be filed with the Property Appraiser, Building Official and Zoning Department. Such notification will also be sent to the owner or owners of the designated property or located within the boundaries of designated historic districts.

(15) Certificate of Approval

(a) Actions Requiring a Certificate of Approval

A Certificate of Approval shall be required before certain actions affecting a Designated Historic Landmark or a Designated Historic District may be undertaken. The HP Board will review and approve or deny applications for the following:

1. Certificate of Approval for Construction and Reconstruction
2. Certificate of Approval for Alteration, Restoration, Rehabilitation, and Relocation
3. Certificate of Approval for Stabilization
4. Certificate of Approval for Demolition

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- i. When passing upon a Certificate of Approval for demolition, the HP Board shall consider the following criteria:
 - a. The historic or architectural significance of the building or structure.
 - b. The importance of the building or structure to the ambiance of a district, if applicable.
 - c. The difficulty or impossibility of reproducing such a building or structure because of its design, texture, material, detail or unique location.
 - d. Whether the building or structure is one of the last remaining examples of its kind in the neighborhood or in the County.
 - e. The future utilization of the site.
 - f. Whether reasonable measures can be taken to save the building or structure.
 - g. Whether the building or structure is capable of earning a reasonable economic return on its value and whether the perpetuation of the building or structure, considering its physical condition, its location and the anticipated expense of rehabilitation would be economically feasible.

(b) Method of Application

The application for Certificate of Approval shall be made by the owner or agent on a form provided by the HP Board and shall be accompanied by such plans, drawings, materials, or photographs as deemed appropriate to describe the proposed alteration and enable the HP Board to visualize the effect of the proposed alteration on the property and adjacent buildings and streetscapes. If such application involves a designated archaeological site, the applicant shall provide full plans and specifications of work that may effect the surface and subsurface of the archaeological site.

1. All permits for land or building alteration activity affecting property designated as historically or archaeologically significant pursuant to this Article shall be referred to the HP Board staff for a determination of whether a Certificate of Approval is required.
2. The HP Board shall develop procedures and forms for making application for a Certificate of Approval.

(c) Standards for Review

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding

conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes have acquired historic significance in their own right and shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alteration, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(d) Determination by the HP Board

Based on the guidelines and standards for preservation, (15)(c), a complete application for Certificate of Approval, additional plans, drawings, or photographs that describe the proposed alteration, and any other guidelines the HP Board may deem necessary, the HP Board shall, at their next scheduled meeting, approve or deny the application for a Certificate of Approval by the owner or owners of a Designated Historic Landmark, or property within a Designated Historic District. The findings of the HP Board shall be mailed to the applicant and provided to the Building Department within seven (7) days of their decision and shall be accompanied by a Certificate of Approval in case of approval.

(e) Denial of a Certificate of Approval

Upon denial of a Certificate of Approval, the HP Board shall mail a statement of the reason(s) for such denial to the applicant within fifty-two (52) days from the date of review. The HP Board shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the HP Board to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the HP Board. The applicant may resubmit an amended application, reapply for a building or demolition permit that takes into consideration the recommendations of the HP Board, or apply for a Certificate of Economic Hardship.

(f) Certificate of Economic Hardship

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1. Application for a Certificate of Economic Hardship shall be made on a form prepared by the HP Board. The HP Board shall schedule a public hearing concerning the application and provide notice in the same manner as in (14)(a) of this Article, and any person may testify at the hearing concerning economic hardship.
 2. The HP Board may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning the estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the HP Board for changes necessary for the issuance of a Certificate of Approval.
 3. The HP Board shall review all the evidence and information required of an applicant for a Certificate of Economic Hardship and make a determination within forty-five (45) days of receipt of the application whether the denial of a Certificate of Approval has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by (15)(e).

(g) Failure to Obtain a Certificate of Approval

Violations of this section will be reported to the Code Enforcement Department for enforcement in accordance with (22) of this Article.

(16) Archaeological Site Review

Archaeologically sensitive zones within the County shall be defined on an "Areas of Archaeological Sensitivity" Map maintained by the Planning Department as part of the Clay County 2025 Comprehensive Plan. The following procedures shall apply for projects requiring a permit for excavation or other below-grade activity:

- (a) If, in the course of construction, an archaeological site is discovered, whether the site is in an archaeologically sensitive zone or not, the owner of the property shall immediately notify the Planning Department for assistance in consulting with a qualified archaeologist. The archaeologist will perform a survey funded by the property owner to determine the effect that any such project may have on the site.
- (b) Where no effect or adverse effect is found, the project shall proceed following procedures set forth by the County for the activity.
- (c) Where an effect or adverse effect is found, the Planning Department shall refer the information to the HP Board with the results of the professional survey. In making its recommendation, the HP Board shall consider measures to avoid, reduce, or mitigate the effect on cultural or historic sites while taking into consideration the current needs of the property owner and reasonable methods for carrying out the recommended plan. If the HP Board deems that a Certificate of Approval is necessary, the procedures outlined in (15)(a) shall thereupon take effect.
- (d) Penalty for Non-Compliance. Knowing failure to comply with (16) of this Article shall be a second degree misdemeanor punishable as provided by Florida law.

(17) Maintenance and Repair of Landmarks, Landmark Sites and Property in Historic Districts

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- (a) Every owner of designated landmarks, landmark sites or properties in a historic district shall keep in good repair:
 - 1. All of the exterior portions of such buildings or structures.
 - 2. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or to otherwise fall into a state of disrepair.
 - 3. The archaeological integrity of the site, if the property is designated as a historic site by virtue of its archaeological significance.
 - (b) The HP Board may refer violations of this section to the Code Enforcement Department for enforcement proceedings in accordance with (22) of this Article on any building or structure designated under this article so that such building or structure shall be preserved in accordance with the purposes of this article.
 - (c) The provision of this article shall be in addition to the provisions of the building code requiring such buildings and structures to be kept in good repair.

(18) Ordinary Maintenance

- (a) Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any historic structure that does not involve a change in material, design, or outer appearance thereof.
- (b) Nothing in this Article shall prevent the alteration, construction, reconstruction, repair, or demolition of a designated structure on an emergency basis when the Clay County Building Official certifies in writing that such work is necessary for the purpose of correcting conditions determined to be dangerous to life, health or property.

(19) Incentives for Preserving Significant Structures

The following incentives shall apply to historically significant properties:

- (a) Structures which have been designated as historically significant pursuant to this Article shall be exempt from the provisions of the zoning regulations concerning limitations upon the repair of non-conforming structures, (Sec. 3-11. Non-conforming Uses, Lots and Structures, Clay County Land Development Regulations).
- (b) Structures located in a district which has been designated as a historic district pursuant to this Article shall be exempt from the provisions of the zoning regulations concerning limitations upon the repair of non-conforming structures, provided that such structures have been classified as contributing (Sec. 3-11. Non-conforming Uses, Lots and Structures, Clay County Land Development Regulations).
- (c) Historically designated structures and structures which are located in a designated historical district and which have been classified as contributing shall qualify for the exemption accorded to special historic buildings under the sections of the Standard Building Code (Chapter 1, Paragraph 101.6) and accumulated revisions, provided that the building meets all other requirements of the section to the satisfaction of the Clay County Building Official.

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- (d) Owners of historically designated structures and owners of structures classified as contributing to a designated historic district may petition the appropriate Clay County official for any type of use which would serve to perpetuate the viable contemporary use of the historic structure, regardless of whether such use is permitted as a conditional use in the zoning category in which the historic structure is located.

(20) Appeals

Within twenty (20) days of the written decision concerning any subject brought before the HP Board, a petitioner may appeal the decision by filing a written notice of appeal with the Clerk of the County Court. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal, the Board shall conduct a public hearing at which time it may affirm, modify or reverse the decision of the HP Board. Nothing contained herein shall preclude the Board from seeking additional information prior to rendering a final decision. The decision of the Board shall be in writing and a copy of the decision shall be forwarded to the HP Board and the appealing party.

(21) Fees and Penalties

The HP Board may forward proposed processing fees for consideration by the Board, for the review of Applications for Designation, Certificates of Approval, and Certificates of Economic Hardship. Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated historic district without a Certificate of Approval or a Certificate of Economic Hardship shall be subject to enforcement proceedings as cited in (22) hereto. The HP Board may institute any appropriate action or, proceeding in the name of Clay County, enjoin, correct, or abate any violation of this Article.

(22) Enforcement

Clay County Code Enforcement Officers are hereby authorized to enforce this Article, pursuant to Section 403.413(6), Florida Statutes, by issuance of notices to appear before the Code Enforcement Board to persons alleged to be in violation of this Article.

Sec. 12-8. REZONINGS AND AMENDMENTS TO THE CODE

(1) Definitions - The definitions provided for in section 20.1-11 of the Clay County Land Development Code (the Code) shall apply and are incorporated as if fully set forth herein. In addition, the following definitions shall apply to this Article:

- (a) *Amendment to the Code* means the procedures by which an ordinance of the County is enacted which results in a change to the text of the Code.
- (b) *Applicant* means any owner, or individual legally authorized by the owner of real property to represent such owner's interest in regard to the Rezoning of real property.
- (c) *Clay County Land Development Regulations (LDR)* means ordinances enacted by the Board for the regulation of any aspect of land development and includes any concurrency action, zoning, rezoning, subdivision, environmental, or sign regulation.

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- (d) *LDR Zoning Atlas* means the series of official maps of Clay County which depict the boundaries of the various zoning districts assigned to the unincorporated lands of Clay County, Florida and as provided for in section 20.3-2 of the Code.
 - (e) *Local Planning Agency* means the Clay County Planning Commission.
 - (f) *Rezoning* means the procedures by which an ordinance of the County is enacted which results in a change to the LDR Zoning Atlas. Administrative Rezoning means Rezoning initiated by the Board or the Local Planning Agency. Map Error Rezoning means Administrative Rezoning which corrects scrivener's errors in the LDR Zoning Atlas or corrects zoning classifications assigned in error and inconsistent with the Comprehensive Plan.
 - (g) *Zoning Department* means the Zoning Department of Clay County.
 - (h) *Zoning Director* means the Director of the Zoning Department or his or her designee.
- (2) **Initiation of a Rezoning or of an Amendment to the Code** - The Code and the LDR Zoning Atlas may from time to time be amended, supplemented, changed or repealed. The procedures utilized shall be as follows:
- (a) An Amendment to the Code may be proposed by the Board, the Local Planning Agency, or any other department or agency of the County. Any person or Applicant may request the Board to consider an Amendment to the Code.
 - (b) An Administrative Rezoning may be proposed by the Board, the Local Planning Agency, any other department or agency of the County. An Applicant may request a Rezoning; however, no Applicant shall apply for Rezoning of real property (except as agent for an owner) for which he or she does not hold title.
 - (c) All proposals by Applicants for Rezoning shall be submitted in writing to the Zoning Department accompanied by:
 - 1. A completed application on the form furnished by the Zoning Department;
 - 2. A legal description of the real property;
 - 3. A copy of the recorded deed of the real property vesting title in the Applicant;
 - 4. A minimum standards survey of the real property;
 - 5. A site plan, if applicable for Rezoning applications for zoning classifications: PCD, PUD, PID, RD OR BSC, as described in Article III of the Code; and
 - 6. Applicable fees as determined by resolution adopted by the Board.
 - (d) All Rezoning applications must initially be determined by the Zoning Department to be consistent with the Comprehensive Plan, as defined in Section 20.3-9 of the Code (the Plan), or be accompanied by an application for a Plan amendment, which if granted would render the proposed Rezoning consistent with the Plan. Any application for rezoning which requires first that the Plan be amended, will not become effective

unless and until the referenced Plan amendment is approved by the Board and effective pursuant to provisions of Florida law.

- (e) Until the applicable fee and other charges as outlined in this section of Article II have been paid in full by an Applicant, no action of any type shall be taken on an application for Rezoning.

(3) **General Criteria for Rezoning Application for Rezoning** - In reviewing the proposed application for Rezoning, the following criteria may be considered along with such other matters as may be appropriate to the particular application:

- (a) Whether the proposed change will create an isolated district unrelated to or incompatible with adjacent and nearby districts;
- (b) Whether the district boundaries are illogically drawn in relation to the existing conditions on the real property proposed for change;
- (c) Whether the conditions which existed at the time the real property was originally zoned have changed or are changing, and, to maintain consistency with the Plan, favor the adoption of the proposed Rezoning;
- (d) Whether the affected real property cannot be used in accordance with existing zoning;
- (e) Whether the proposed Rezoning application is compatible with and furthers the County's stated objectives and policies of the Plan;
- (f) Whether maintenance of the existing zoning classification for the proposed Rezoning serves a legitimate public purpose;
- (g) Whether maintenance of the status quo is no longer reasonable when the proposed Rezoning is inconsistent with surrounding land use;
- (h) Whether there is an inadequate supply of sites in the County for the proposed intensity or density within the district already permitting such intensity or density.

(4) **General Criteria for Rezoning Amendments to the Code** - In reviewing proposed Amendments to the Code, the following criteria may be considered along with such other matters as may be appropriate to the particular application:

- (a) Whether the proposed amendment is necessary as a result of a change of Florida, is corrective in nature, or is necessary to implement the requirements of the Code or the Plan; and
- (b) The relationship of the proposed change to the policies and objectives of the Plan with consideration as to whether the proposed change will further the purposes and intent of the Code and the Plan.

(5) **Rezoning Applications--Public Hearing and Notice Requirements for Rezoning Applications before the Local Planning Agency**

- (a) All ordinances enacting Rezoning shall first be heard at a public hearing before the Local Planning Agency at least seven days after the notice for the hearing is published.
- (b) In the case of a Rezoning initiated by an Applicant the public hearing before the Local Planning Agency shall take place no later than seventy days following the date upon which the Zoning Director determines that a Rezoning application as submitted to the Zoning Department is complete, unless the Applicant requests additional time.
- (c) For all Rezoning applications, whether an Administrative Rezoning initiated by the Board or a Rezoning initiated by an Applicant, and prior to the hearing before the Local Planning Agency, the Zoning Director shall prepare and furnish to the Local Planning Agency a Site and Development Plan Report, which shall be considered by the Local Planning Agency. Prior to the close of the public hearing, the Applicant, as applicable, shall have the opportunity and the right to respond to testimony or other evidence presented during the public hearing. After the close of the public hearing, the Local Planning Agency may approve the proposed application, approve the proposed application with modifications, or disapprove the proposed application, or continue the hearing in its discretion to an announced time and date certain without the need for republication of notice, and shall make a report of same to the Board.
- (d) The report and recommendation of the Local Planning Agency shall be advisory only and shall not be binding upon the Board.
- (e) No Rezoning application will proceed to public hearing before the Local Planning Agency until all publication fees for notices have been paid in full and proof of publication provided prior to the hearing. In the event the publication fee is not paid prior to the Local Planning Agency hearing, the matter shall be readvertised and rescheduled to the next available Local Planning Agency meeting at which Rezoning applications may be heard.
- (f) All notices of a public hearing before the Local Planning Agency for enacting a Rezoning ordinance shall be placed by the Board and conform to the requirements of Florida law regarding size and placement of the notice in a newspaper of general paid circulation in the County meets the requirements of Florida law regarding legal and official advertisements. The advertisement shall appear in a newspaper that is published at least five days a week.
- (g) The notice of the public hearing shall state the intent of the Local Planning Agency to consider a rezoning application and shall specify the time date and place of the public hearing; the title or titles of the proposed ordinance; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

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- (h) Notice of the public hearing before the Local Planning Agency shall be in the form required by the Zoning Department, and shall be published once, at the Applicant's expense. The notice shall be published at least seven days prior to the public hearing before the Local Planning Agency.

(6) Rezoning Applications--Public Hearing and Notice Requirements for Rezoning Real Property before the Board of County Commissioners

In addition to the public hearing before the Local Planning Agency, the proposed Rezoning will be subject to the following public hearing requirements before the Board:

- (a) For Applicant Rezonings, there shall be one public hearing before the Board which shall be held at least ten days after the notice of the public hearing is published. The hearing before the Board shall take place at a regularly scheduled meeting.
- (b) For Administrative Rezonings, there shall be two public hearings held before the Board at its regularly scheduled meetings. One of the hearings before the Board shall be held after 5:00 p.m. The first hearing shall be held at least seven days after the day that the notice for the first public hearing is published. The second hearing shall be held at least ten days after the first hearing and at least five days after the day that the notice for the second public hearing is published.
- (c) Prior to the close of the public hearing or hearings, as applicable, the Applicant, as applicable, shall have the opportunity and the right to respond to testimony or other evidence presented during the public hearing. After the close of the public hearing or hearings, as applicable, the Board may approve the proposed application, approve the proposed application with modifications, disapprove the proposed application, or continue the public hearing at its discretion to an announced time and date certain without the need for republication of notice.
- (d) No Rezoning application will proceed to public hearing before the Board until all publication fees for notices have been paid in full and proof of publication provided prior to each hearing. In the event the publication fee is not paid prior to the applicable public hearing, the matter shall be readvertised and rescheduled to the next available Board meeting, at which Rezoning applications may be heard.
- (e) All notices of a public hearing for enacting a Rezoning ordinance shall be placed by the Board and conform to the requirements of Florida law regarding size and placement of the notice in a newspaper of general paid circulation in the County meets the requirements of Florida law regarding legal and official advertisements. The advertisement shall appear in a newspaper that is published at least five days a week. In addition, the following notice requirements will apply:
1. Publication of notices for Rezoning initiated by an Applicant:
 - (i) The notices of the public hearings shall state the intent of the Board to

consider a Rezoning application and shall specify the time, date and place of the public hearing; the title or titles of the proposed ordinance; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

- (ii) Notice of the public hearing before the Board shall be in the form required by the Zoning Department, and shall be published once, at the Applicant's expense. The notice shall be published at least ten days prior to the public hearing before the Board.

2. Publication and mailing of notices for Administrative Rezoning.

- (i) The notice for the first Board hearing shall be published at least seven days prior to the hearing and the notice for the second Board hearing shall be published at least five days prior to the second hearing. The form of the notice shall be as prescribed by the Zoning Department. The notices of the public hearings shall state the intent of the Board to consider an Administrative Rezoning application and shall specify the time, date and place of the public hearings; the title or titles of the proposed ordinance; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. The notice shall contain a location map which indicates the area within the local government covered by the proposed ordinance and may be placed in any portion of the newspaper except where legal notices or classified advertisements appear.

- (ii) In addition, the Board shall direct its Clerk to notify by mail each real property owner whose land is subject to rezoning and whose address is known by reference to the latest ad valorem tax records. The mailed notice shall state the substance of the proposed Administrative Rezoning ordinance which as it affect the property owner and shall give notice of the time, date and place for the public hearing to be held before the Board on the proposed Administrative Rezoning, as well as the date, time and place of the hearing before the Local Planning Agency. Such mailed notice shall be given at least thirty days prior to the date set for the Board hearing. A copy of the notice shall be kept available for public inspection during the regular business hours at the offices of the Clerk of the Board.

- (f) The ordinance enacting the proposed Rezoning shall become effective as provided by general law.

(7) **Amendment to the Code--Public Hearing and Notice Requirements for Amendments to the Code before the Local Planning Agency**

Ordinance enacting Amendments to the Code shall be subject to the following public hearing and notice requirements before the Local Planning Agency:

- (a) The ordinance shall first be heard at a public hearing before the Local Planning Agency at least seven days after notice of the public hearing is published.
- (b) Prior to the close of the public hearing, the Applicant, as applicable, shall have the opportunity and the right to respond to testimony or other evidence presented during the public hearing. After the close of the public hearing, the Local Planning Agency may approve the proposed application, approve the proposed application with modifications, disapprove the proposed application, or continue the public hearings in its discretion to an announced time and date certain without the need for republication of notice, and shall make a report of same to the Board.
- (c) The report and recommendation of the Local Planning Agency shall be advisory only and shall not be binding upon the Board.
- (d) No proposed Amendment to the Code will proceed to public hearing before the Local Planning Agency until all publication fees for advertisements have been paid in full and proof of publication provided prior to each gearing. In the event the publication fee is not paid prior to the Local Planning Agency hearing, the matter shall be readvertised and rescheduled to the next available Local Planning Agency meeting.
- (e) The notice of public hearing before the Local Planning Agency for enacting an Amendment to the Code shall be placed by the Board and conform to the requirements of Florida law regarding size and placement of the notice in a newspaper of general paid circulation in the County which meets the requirements of Florida law regarding legal and official advertisements. The advertisement shall appear in a newspaper that is published at least five days a week.
- (f) The notice of public hearing shall state the intent of the Local Planning Agency to consider an Amendment to the Code and shall specify the time, date and place of the public hearing, the title or titles of the proposed ordinance; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (g) Notice of the public hearing before the Local Planning Agency shall be in the form required by the Zoning Department, and shall be published once, at the Applicant's expense. The notice shall be published at least seven days prior to the public hearing before the Local Planning Agency.

(8) Amendments to the Code--Public Hearing and Notice Requirements for Amendments to the Code before the Board of County Commissioners

In addition to the public hearing before the Local Planning Agency, the proposed Amendment to the Code will be subject to the following hearing requirements before the Board:

- (a) The Board shall hold one public hearing on the proposed Amendment to the Code (excluding an Amendment to the Code which changes the actual list of permitted, conditional, or prohibited uses within a zoning district). The hearing before the Board shall be held at least ten days after the notice of hearing is published. The hearing before the Board shall be held at a regularly scheduled meeting.
- (b) An Amendment to the Code which changes the actual list of permitted, conditional, or prohibited uses within a zoning district shall be heard at two public hearings held before the Board at its regularly scheduled meetings. One of the hearings before the Board shall be held after 5:00 p.m. The first hearing shall be held at least seven days after the day that the notice for the first public hearing is published. The second hearing shall be held at least ten days after the first hearing and at least five days after the day that the notice for the second public hearing is published.
- (c) No proposed Amendment to the Code will proceed to public hearing before the Board until all publication fees for advertisements have been paid in full and proof of publication provided prior to each hearing. In the event the advertising publication fee is not paid prior to the applicable public hearing, the matter shall be readvertised and rescheduled to the next available Board meeting.
- (d) Prior to the close of the public hearing or hearings, as applicable, the Applicant, as applicable, shall have the opportunity and the right to respond to testimony or other evidence presented during the public hearing. After the close of the final public hearing, the Board may approve the proposed application, approve the proposed application with modifications, disapprove the proposed application, or continue the public hearing in its discretion to an announced time, date and place certain without the need for republication of notice.
- (e) Publication and mailing of notices for Amendments to the Code.
 - 1. The notice for the public hearing before the Board (excluding an Amendment to the Code which changes the actual list of permitted, conditional, or prohibited uses within a zoning district) shall state the intent of the Board to consider the proposed Amendment and shall specify the time, date and place of each public hearing; the title or titles of the proposed Amendment to the Code; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. The notice of the public hearing before the Board shall be in the form prescribed by the Planning Department, and shall be published once at least ten days prior to

the public hearing before the Board.

2. The notice for the first public hearing before the Board for an Amendment to the Code which changes the actual list of permitted, conditional, or prohibited uses within a zoning district shall be published at least ten days prior to the hearing and the notice for the second Board hearing shall be published at least five days prior to the second hearing. The form of the notice shall be as prescribed by the Planning Department. The notices of the public hearings shall state the intent of the Board to consider an Amendment to the Code, and shall specify the time, date and place of the public hearings; then title or titles of the proposed ordinance; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. The notice shall be no less than two columns wide by ten inches long, the headline of the notice shall be no less than 18 point type, and the notice may be placed in any portion of the newspaper except where legal notices or classified advertisements appear.

- (g) The Ordinance enacting the proposed Amendment to the Code shall become effective as provided by general law.

(9) Sign Requirements for Rezonings

- (a) All Rezonings with the exception of Map Error Administrative Rezonings shall require signs as follows:
 1. One or more signs shall be posted on the property to be rezoned, not less than twenty-one (21) days in advance of the date of the public hearing held before the Local Planning Agency. The sign or signs shall be obtained from the Zoning Department at a cost of \$10.00 for each sign. Such sign or signs shall be erected in full view of the public at intervals of not more than every five hundred (500) feet along all streets on which the land which is the subject of the application has frontage, and shall be maintained by the Applicant, as applicable, until the conclusion of all public hearings including the public hearing held before the Board. The sign or signs to be posted on said land shall measure at least 28 inches in width and 22 inches in height and shall contain substantially the following language in day glow orange with four (4) inch black lettering:

REZONING

A PUBLIC HEARING CONCERNING REZONING THE THIS
PROPERTY TO _____ WILL BE HELD ON _____,
AT _____ P.M. IN THE CLAY COUNTY ADMINISTRATION
BUILDING.

2. After the public hearing before the Local Planning Agency, the Applicant, as applicable, shall change the date and time on the signs to the date and time of

the public hearing to be held before the Board, using materials provided by the Zoning Department.

3. In the event more than ten signs are required, which may cause undue hardship on the Applicant to post and maintain, the Applicant may seek permission of the Zoning Department to instead post large signs 4 feet by 8 feet minimum at the entrances to the applicable property and at conspicuous places on or adjacent to the applicable property. Large signs will be similar to color and wording as the smaller official zoning signs but may include a detailed map of the area to be rezoned and shall be constructed by the Applicant and approved by the Zoning Department prior to erection. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land for which rezoning is sought. Said signs shall be maintained by the Applicant, as applicable, until the conclusion of all public hearings including any held before the Board. After the public hearing before the Local Planning Agency, the Applicant, as applicable, shall change the date and time on the signs to the date and time of any and all public hearings to be held before the Board.

- (b) Proposed Map Error Rezoning shall not require the posting of signs at or near the affected property.

(10) Limitation on the Rezoning of Property

- (a) Whenever the Board has denied an application for Rezoning, the Local Planning Agency and the Board shall not thereafter;
 1. Consider an application for the Rezoning of any part or all of the same property to the same zoning district for a period of twelve months from the date of such action.
 2. Consider an application for any other kind of Rezoning on any part or all of the same property for a period of six months from the date of such action.
- (b) The time limits of this subsection may be waived by three affirmative votes of the Board when such action is deemed necessary to prevent injustice or to facilitate the proper development of the County.

(11) Additional Public Notice Requirements

- (a) For all Rezoning applications, whether an Administrative Rezoning initiated by the Board or a Rezoning initiated by an Applicant, notice of the public hearings before the Local Planning Agency and the Board of County Commissioners shall be mailed to all owners of real property located within 350 feet of the property line of the real property sought to be rezoned, as determined by the Property Appraiser's records, and shall state the intent of the Local Planning Agency and the Board of County Commissioners to

consider a rezoning application and shall specify the time, date and place of the public hearings, the title of the proposed ordinance, the place within the County where such proposed ordinance may be inspected by the public and shall also advise 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. The cost to mail the notices shall be borne by the Applicant.

Sec. 12-9. VARIANCE

This section is intended to identify procedures and criteria for consideration of approval for a variance. The procedures established herein are intended to assure careful examination and findings of fact by the Board of Adjustment during the review of a variance request.

- (1) **Initiation** – A request for a variance to any provision within this code may be proposed by any person, the Board, the Planning Commission, or any other department or agency of the county.
- (2) **Submission** – All proposals for a variance to this code shall be submitted in writing to the zoning department accompanied by a site plan, any additional information as requested by the zoning department and all applicable fees. The Board of Adjustment shall consider only those applications for variances, which have been properly completed, filed by the deadlines specified in this article and for which all applicable fees have been paid.
- (3) **Criteria for Review** – The Board of Adjustment may authorize a variance from the terms of this Code when such variance will not be contrary to the public interest of this Code. The Board of Adjustment must first determine whether the need for the variance arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the specific property involved. The Board of Adjustment shall not grant a variance unless it makes a positive finding, based upon substantial competent evidence on the following criteria:
 - (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same situation.
 - (b) The special conditions and circumstances do not result from the actions of the applicant.
 - (c) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same situation.
 - (d) The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same situation under the terms of this Code and would cause unnecessary and undue hardship on the applicant.
 - (e) The variance granted is the minimum variance possible that will make beneficial use of the land, building or structure.

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- (f) The granting of the variance will be in harmony with the general intent of this Code and that such variance shall be injurious to the area involved or otherwise detrimental to the public welfare.

(4) Granting of Variance

- (a) In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformance with this code. A violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this code.
- (b) The Board of Adjustment may prescribe a reasonable time limit within the action for which the variance is granted has begun, is completed, or both.
- (c) Under no circumstances except as permitted above, shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of this code. A nonconforming use of neighboring lands, structures, or buildings in the same zoning district and permitted use of lands, structures, or buildings in other similar situations shall not be considered grounds for issuance of a variance.

- (5) Public Hearing Requirements** – A public hearing before the Board of Adjustment shall be held at least seven days after the public hearing notice is published in accordance with the procedures established in this article. The hearing before the Board of Adjustment shall be heard at the next available meeting after submission of a complete application to the zoning department, unless otherwise requested by the applicant.

- (6) Public Notice Requirements** – Notice of a public hearing before the Board of Adjustment shall be placed in a form required by Florida Law, and shall adhere to the following requirements. No request for amendment shall be considered until such time as all public notice fees have been paid in full and proof of publication has occurred. In the event the publication fee is not paid prior to the applicable public hearing, the matter shall be readvertised and rescheduled to the next available Board of Adjustment meeting at the applicant's expense.

- (a) Newspaper Notification – All newspaper notifications for a variance shall adhere to the following requirements:
1. The notice shall be published at least seven days prior to the public hearing;
 2. The notice shall be published in a newspaper of general paid circulation that is published at least five days a week;
 3. The notice shall be no less than two columns wide by ten inches long and the headline of the notice shall be not less than eighteen point type
 4. The notice may be placed in any portion of the newspaper except where legal notices or classified advertisements appear;
 5. The notice shall state the intent of the Board of Adjustment and the time, date and place of the public hearing;
 6. The notice shall state the purpose of the variance and the place(s) where the public may review the variance request;

7. The notice shall state that interested parties may appear at the meetings and be heard with respect to the proposed variance.

(b) Signage – The applicant, at his cost, shall post signs on the property in which the variance is requested with said sign(s) being posted not less than twenty-one days in advance of the date of the public hearing by the Board of Adjustment. All required signage shall adhere to the requirements in this section for signage. Said sign, or signs shall be maintained by the applicant and be legible until final determination has been made by the Board of Adjustment.

(7) **Review Process** – All requests for a variance shall adhere to the following review process.

(a) County Staff – For all requests for a variance to a provision within this code, the staff shall prepare and furnish to the Board of Adjustment a report, which addresses the need for the variance and how the variance adheres to the requirements established in this article. All requests for variances shall initially be determined by the county to be consistent with this code.

(b) Board of Adjustment – After review by the staff and proper public notification in accordance with the requirements established in this section, the Board of Adjustment shall conduct a public hearing on the requested variance in accordance with the procedures established in this article for a quasi-judicial hearing. After the close of the public hearing, the Board of Adjustment shall act upon the variance in one of the following manners:

1. Approve the variance;
2. Approve the variance with modifications; or,
3. Disapprove the variance.

(8) **Limitations on Variance Request** – Any matter considered by the Board of Adjustment shall not be reheard within twelve months after the date of the decision on the matter unless the zoning director determines that there has been a substantial change in the facts from those in the original application. A new application and filing fee shall be required each time a matter is considered by the Board of Adjustment.

Sec. 12-10. AMENDMENTS TO THE COMPREHENSIVE PLAN

Amendments to the Comprehensive Plan shall be in accordance with the procedures outlined in this section. Corrections, updates, or modifications of current costs, which are set out as a part of the Comprehensive Plan shall not be deemed as amendments.

(1) **Definitions.** As used in this section the following terms shall have the meanings attributed thereto unless the context clearly indicates a different meaning:

(a) Administrative Head of the LPA. The administrative head of the LPA shall, as referred to in this document, mean the Director of the Planning and Zoning Division.

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- (b) Amendments. Any change in the map or text of the Plan adopted in accordance with the procedures outlined in this manual and in accordance with procedures outlined in Sections 163.3184 and 163.3187, Florida Statutes. Corrections, updates or modifications of current costs which are set out as part of the Plan shall not be deemed to be amendments.
 - (c) Board. As referenced herein the Board shall mean the Board of County Commissioners of Clay County.
 - (d) Capital Improvement. The physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purpose of this section, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements (163.3164(7) F.S.).
 - (e) Citizen Advisory Committees (CAC). Committees comprised of interested citizens which review and comment on planning related issues within the County. There are seven committees; one for each planning district.
 - (f) Clay County Comprehensive Plan or Plan. The Comprehensive Plan entitled Clay County 2025 Comprehensive Plan developed to meet the requirements of the Growth Management Act of 1985, as amended, Chapter 163, Florida Statutes. The Plan was originally adopted by the Board of County Commissioners on January 23, 1992, by Ordinance No. 92-03.
 - (g) Community. An area which is clearly recognizable as having an existing, homogeneous and distinct character distinguishable from adjacent land outside its boundary.
 - (h) Development of Regional Impact (DRI). A development which, because of its scope and size, impacts more than one County and which is required to meet State as well Local Government approvals prior to issuance of any development permits.
 - (i) Downtown Revitalization. The physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment (163.3164(17), F.S.).
 - (j) Florida Quality Development (FQD). A development which, because of its scope and size, impacts more than one County and which is required to meet State approval prior to issuance of any development permits. Criteria for approval is more stringent than a DRI review.
 - (k) In Compliance. Consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, F.S., with the appropriate strategic regional policy

plan, with the principles for guiding development in designated areas of critical state concern, and with part III of ch. 369, F.S., where applicable (163.3184(1)(b), F.S.).

- (l) Intensity. An objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services (163.3164(22), F.S.).
- (m) Internal Trip Capture. Trips generated by a mixed-use project that travel from one on-site land use to another on-site land use without using the external road network (163.3164(23), F.S.).
- (n) Land. The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land (163.3164(24), F.S.).
- (o) Level of Service. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility (163.3164(28), F.S.).
- (p) Local Planning Agency. The Local Planning Agency (LPA), otherwise referred to as Land Development Regulation Commission (163.3164(25) F.S.), shall, as referred to in this document, mean the Clay County Planning Commission. The role of the LPA in the process described in this document shall be as specified in 163.3174, F.S., which defines the term “Local Planning Agency;” and as otherwise specified in part II of Chapter 163, F.S. Generally, the role of the LPA in the plan amendment process shall include, but not be limited to the coordination and administration of the process on behalf of the governing body, to serve as the lead agency for evaluating and formulating a recommendation on all proposed amendments, and to initiate certain amendments to the comprehensive plan as provided for by law.
- (q) Northeast Florida Regional Council (NEFRC). The regional agency created pursuant to Chapter 186, F.S., responsible for planning in a seven county region of Northeast Florida.
- (r) Notice of Intent (NOI). The official notification from State Land Planning Agency determining if the amendments to the Comprehensive Plan are in compliance with the Local Government Comprehensive Planning Act.
- (s) Objective. A specific, measurable, intermediate end that is achievable and marks progress toward a goal.
- (t) Objections, Recommendations and Comments (ORC) Report. The official review report from State Land Planning Agency of amendments to the Comprehensive Plan. All objections must be addressed and meet with State Land Planning Agency’s approval prior to the amendments being found “In Compliance.”

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- (u) Public Facilities. Major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities (163.3164(38) F.S.).
 - (v) Reviewing Agencies. The state land planning agency; the appropriate regional planning council; the appropriate water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of plan amendments relating to public schools, the Department of Education; in the case of plans or plan amendments that affect a military installation, the commanding officer of the affected military installation; and in the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services.
 - (w) Sector Plan. The process authorized by s. 163.3245, F.S., in which one or more local governments engage in long-term planning for a large area and address regional issues through adoption of detailed specific area plans within the planning area as a means of fostering innovative planning and development stratifies, furthering the purposes of s. 163.3164, F.S., and part I of Chapter 380, F.S., reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts (163.3164(42), F.S.).
 - (x) Strategic Regional Policy Plan (SRPP). Developed by each Regional Planning Council, this plan is a long range guide for physical, economic and social development of a comprehensive planning district which identifies regional goals and policies.
 - (y) Urban Service Area. Areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element (163.3164(50), F.S.).

(2) The Plan Amendment Review Process.

- (a) Pre-application Conference. Pre-application conferences with the LPA staff are required for potential applicants to obtain information concerning the proper land use plan classifications and to avoid unnecessary petitioning for plan amendments.
- (b) The Plan Amendment Process.
 1. Expedited State Review Process (standard review process): All amendments except as provided in paragraph (2)(b)2 and (2)(b)3. This process requires minimum one (1) LPA public hearing and two (2) public hearings (a transmittal hearing and an adoption hearing before the Board of County Commissioners).
 2. State Coordinated Review Process: Plan amendments that are in an area of critical state concern (380.05, F.S.); a rural land stewardship area (163.3248, F.S.); a sector plan (163.3245, F.S.); or a comprehensive plan based on an evaluation and appraisal (163.3191, F.S.). This process requires minimum one (1) LPA public

hearing and two (2) public hearings (a transmittal hearing and an adoption hearing before the Board of County Commissioners).

3. Small Scale Amendment Process: Plan amendments that qualify as small-scale development amendments. This process requires minimum one (1) LPA Public hearing and one (1) public hearing (an adoption hearing before Board of County Commissioners). A small scale amendment may be adopted under the following conditions:

- a. The proposed amendment involves a use of 10 acres or fewer;
- b. The cumulative annual effect of the acreage for all small scale development amendments does not exceed a maximum of 120 acres in a calendar year; and
- c. The proposed amendment does not involve a text change to the goals, objectives, and policies of the Plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible.

(c) Application Submittal. Once a plan amendment proposal has been prepared, a completed application package including the applicable fees is required to be submitted. The applicant may also choose to concurrently submit an application for a re-zoning.

1. Plan Amendment Fees. The schedule of reasonable application and review fees to defray the costs associated with the processing of plan amendments is provided in Section 12-10(6). These fees cover staff time required for research, preparation, and/or other costs associated with processing of the plan amendment.

2. Comprehensive Plan Amendment Form. An appropriate comprehensive plan amendment form shall be completed and be submitted with required attachments.

(d) Sufficiency Review. Three (3) copies (one original and two additional copies) of an application and required attachments are required at the time of submittal. Alternatively, one original and one electronic copy of the application package may be accepted. An application will be deemed either “sufficient” or “insufficient” for processing within 3 business days after receipt. This is to ensure inclusion of all required information. Applicants will be requested to provide missing information within 1 week from the receipt of county planning staff’s notification, should an application be determined insufficient at this time.

(e) Withdrawal of Petition. The requesting party (or authorized agent) may withdraw a request for a plan amendment at any time by filing a written notice thereof to the Administrative Head of the LPA staff. If the withdrawal of a proposed amendment occurs at any time after the Board has submitted said amendment to the State Land

Planning Agency for review, the Board shall provide notice of the withdrawal to the State Land Planning Agency.

- (f) LPA Staff Review. The LPA staff will study the proposed amendment area(s) for compliance and consistency with the Data and Analysis, and Goals, Objectives and Policies of the Plan, regulations implementing the Plan, and with professional planning principles and standards and will make recommendations to the LPA for approval, approval with amendment(s), or disapproval of the proposed amendment at the LPA public hearing required in Section 12-10(2)(h) below.
- (g) Optional Citizen Advisory Committees (CAC) Meetings. The LPA staff may meet with the appropriate CAC as part of the review of the proposed amendment. The CAC meeting will be advertised and open to the public. Additional meetings may be scheduled, if necessary.
- (h) LPA Public Hearing. At the LPA's public hearing conducted pursuant to s. 163.3174(4)(a), Florida Statutes, the LPA shall consider the public's input concerning the proposed amendment(s) and take action to concur with, amend or reverse the LPA staff's recommendation and state their reasons for concurrence with, amendment of, or reversal of staff's recommendation by simple majority. At this public hearing, the LPA staff shall present its findings and recommendations on its study of the plan amendment requests to the LPA. The LPA shall publish notice of the date, time, place, purpose of the public hearing, and the place or places within the County where the proposed plan amendment may be inspected by the public. The advertisement shall also advise that interested parties may appear at the meeting and be heard regarding the amendments to be considered for transmittal. The advertisement shall be published once in a newspaper of general circulation in the area not less than ten (10) days prior to the date of the hearing. The advertisement shall appear in a newspaper that is published at least five (5) days a week. To enhance public awareness and participation at the LPA public hearing, when plan amendments involving land use changes are to be considered, a sign or signs shall be posted on the property for which the proposed amendment is sought informing the public of the substance of the proposed action, indicating the date, time and place of the LPA public hearing and informing the public where additional information may be obtained. Said posting shall be accomplished at least fifteen (15) calendar days prior to the LPA public hearing. The use of factual information by the requesting party at the LPA public hearing, which is beyond the scope of either that submitted to the LPA staff at time of application, or received and accepted by the LPA staff subsequent to submittal of the plan amendment request, shall constitute grounds for continuation of the public hearing until such time as the LPA staff can analyze such information. Any continuance for this reason may result in delay of the amendment process. Copies of all documents and correspondence relative to the LPA's processing of, or recommendations regarding, a plan amendment shall be maintained in the offices of the LPA staff and made available for public review.
- (i) Board Transmittal Hearing (Not applicable to Small Scale Amendments). The Board shall, at a regularly scheduled meeting following the LPA public hearing hold the first public hearing which shall be the transmittal hearing on the proposed plan amendment.

The procedures for the transmittal hearing shall be the same as for the LPA public hearing [Section 12-10(5)(h)]. The first public hearing shall be held on a weekday at least seven (7) days after the day that the advertisement is published. The intention to hold and advertise a second public hearing at the adoption phase [Section 12-10(2)(1)] shall be announced at the first public hearing. The procedure for transmittal of a plan amendment shall require an affirmative vote of not less than a majority of the Board. Notice requirements for the first public hearing shall be as outlined in Section 12-10(3). The Board shall, within ten (10) days from the transmittal hearing, transmit the complete proposed plan amendment with appropriate supporting data and analysis to reviewing agencies and to any other unit of local government (agency), which has filed a written request with the Board, for written comment.

- (j) Agency Review. Within five (5) days of receipt of any comments including the Objections, Recommendations and Comments (ORC) Report from the State Land Planning Agency, the Chairman of the Board shall forward a copy to the Administrative Head of the LPA who shall provide the LPA with a copy of the report. Any comments or the ORC Report to the proposed plan amendment which are submitted by the reviewing agencies are public documents, a part of the permanent records in the matter, and admissible in any proceeding in which the Plan may be at issue.

- (k) Optional LPA/Board Workshop. Following the receipt of Reviewing Agency comments or the ORC Report, the Board may schedule a joint LPA/Board workshop concerning the proposed plan amendment(s). This meeting may be requested by LPA, Board, and/or the head of LPA staff, and shall be held prior to the Board adoption hearing. The ORC Report issued by the State Land Planning Agency that relates to the requesting party's amendment shall be responded to by the LPA staff. Staff shall notify the requesting party of the objection within three (3) working days of receipt of the ORC Report. The requesting party shall indicate whether the amendment will be withdrawn within five (5) working days of receipt of the notice of objection. If the amendment is not withdrawn, the requesting party shall formulate a response for presentation at the joint LPA/Board workshop outlined in this Section. The requesting party shall submit the proposed response to the LPA staff for review and recommendation at the workshop at least five (5) working days prior to the scheduled workshop. In case that a joint LPA/Board Workshop is not requested, after the LPA staff notifies the requesting party of the objection within three (3) working days of receipt of the ORC Report, the requesting party shall have maximum thirty (30) days to formulate a response and submit it to the LPA staff for review.

- (l) Board Adoption Hearing. The Board shall hold its second public hearing, which shall be a hearing on whether to adopt, adopt with changes, or determine not to adopt one or more comprehensive plan amendments. The second public hearing shall be held on a weekday at least five (5) days after the day that the advertisement is published. If the second hearing is not held within 180 days after receipt of agency comments or the ORC Report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to

amendments processed pursuant to 380.06, F.S. For Small Scale Amendments, the Board may advertise a public hearing to adopt the amendment immediately after the LPA Public Hearing.

(3) Legal Advertisement and Notice for Public Hearings.

- (a) Format of Legal Advertisement for Public Hearings (Board Transmittal and Adoption Hearings). Except as provided below, the advertisement shall state the date, time, place of the meeting, the title or titles of the proposed plan amendments, the subject of the meeting, and the place or places within the County where the proposed plan amendment may be inspected by the public. The advertisement shall also advise that interested parties may appear at the meeting and be heard regarding the transmittal or adoption of the plan amendment. If the proposed plan amendment changes the permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be no less than 2 columns by 10 inches in a standard size or tabloid newspaper and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the County and of general interest and readership in the community, not one of limited subject matter, pursuant to Chapter 50. The advertisement shall appear in a newspaper that is published at least five (5) days a week. The advertisement shall be in the following form:

NOTICE OF CHANGE OF LAND USE

The Board of County Commissioners of Clay County,
Florida, proposes to change the use of land within the area
shown in the map in this advertisement.

A public hearing on the proposal will be held on
(date and time) at (meeting place)

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.

- (b) Notice to Affected Property Owners. In addition to the notice requirements established in Section 12-10(3)(a) above, the following requirements shall apply:
1. If the Board initiates the Plan Amendments, at least thirty (30) days prior to the LPA public hearing, the Clerk of the Board shall notify by mail each real property owner whose land the Board may be directly changing, restricting, or limiting in the event of adoption of the proposed amendment and whose address is known by reference to the latest ad valorem tax records. Notice shall state the use, density, or intensity of the proposed amendment. The LPA staff shall provide the Clerk of the

Board with parcel numbers for property so affected. The notice shall state the substance of the proposed amendment as it affects the property owner and shall set a time and place for a public hearing on such proposed amendment. A copy of such notice shall be made available for public inspection at the office of the Clerk of the Board.

2. To enhance public awareness and participation in both of the Board public hearings, when plan amendments involving land use changes are to be considered, a sign or signs shall be posted on the property for which the proposed amendment is sought informing the public of the substance of the proposed action, indicating the date, time and place of the Board public hearing and informing the public where additional information may be obtained. Said posting shall be accomplished at least fifteen (15) calendar days prior to each of the Board public hearings.
3. Prior to official action by the Board to amend the Plan, notice of the proposed change shall be mailed to the applicable CAC Chairpersons and Vice Chairpersons and other community groups that have registered an interest with the LPA staff. The mailing shall include the date, time and place of the public hearings; a brief description of the purpose of the public hearing and the name, phone number and address of the individual who can best discuss the items to be considered. Written comments shall be encouraged and response forms provided. The mailing list shall include civic groups, business organizations, realtor and builder organizations as well as interested persons requesting inclusion.

(4) Transmittal of Adopted Copy to Review Agencies.

All adopted amendments, along with the supporting data and analysis, shall be transmitted within 10 days after the adoption hearing to the state land planning agency and any other agency or local government that provided timely comments. Transmittal of adopted small scale amendments to the state land planning agency and the regional planning council is recommended for record keeping purposes only.

(5) Response to Notice of Intent. The Board shall respond to the State Planning Agency's Notice of Intent as prescribed in Chapter 163.3184, F.S.

(6) Fee Schedule for Comprehensive Plan Amendments.

(a) Filing Fees for Application to Amend the Plan.

1. Fees shall be as provided in the Clay County Development Services Fee Schedule approved by BCC resolution as it may be amended from time to time.
2. Fees shall be due in full upon application for plan amendments. All fees assessed under the authority of this ordinance shall be collected by the Planning and Zoning Division for deposit in the Clay County Board of County Commissioners (CCBOCC).

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3. Fees collected for plan amendment applications shall be non-refundable upon receipt unless approved pursuant to the BCC resolution on Clay County Development Services Fee Schedule.
 4. In addition to the foregoing fees, all hearing and notice publications costs shall be paid by the requesting party. Notice and publication costs will be billed directly to the requesting party by the newspaper and must be paid prior to the applicable public hearing. If the advertisement includes any administrative amendment(s) being undertaken by the County as well as the changes proposed by the requesting party, the publication costs will be borne by the County. If the cost of such advertisement is greater than that necessitated by the administrative amendment(s) alone, the cost shall be paid by the requesting party, or if the advertisement includes two or more privately initiated plan amendments, the publication costs will be divided proportionally between the requesting parties.
- (b) Additional Review Fees. The County may retain or employ consultant who are knowledgeable in transportation and environmental analyses to assist the County in the review of the amendment application and in making recommendations to the Board on the proposed amendment prior to transmittal. The requesting party shall pay the reasonable cost for such consulting services. To secure payment, the applicant shall deposit with the County in the form of cash or surety bond an amount equal to the estimated cost for such consulting services. In the event the amount deposited is insufficient to cover the cost of consulting services, the requesting party shall be notified and shall within ten (10) working days of written notification from the County, deposit additional funds estimated to be sufficient to cover the consulting fees to be incurred. Failure to deposit the funds indicated within ten (10) working days shall cause the suspension of staff review. In all cases, any outstanding balance shall be paid in full prior to any action by the Board. Funds deposited in excess of the final cost of consulting services shall be refunded to the requesting party within ten (10) days of the Board transmittal hearing. If applicable, the staff response to the reviewing agency's comments that relate to a requesting party's amendment shall be subject to the fee for consulting services outlined above.
- (c) Sign Cost. If signs are required to be posted, payment shall be due upon receipt of the signs. The cost shall be as provided in the Planning and Zoning Division. The requesting party shall be responsible for posting and maintaining signs at the location(s) identified by the Planning and Zoning Division.
- (d) Hardship Exemption. The Board of County Commissioners may reduce or eliminate all or a portion of the fees identified above for hardship. Prior to the submittal to the LPA staff of an application to amend the Plan for which the requesting party is seeking a hardship exemption, the requesting party shall apply for the exemption with the LPA staff. The exemption application must be received thirty (30) days prior to the LPA public hearings identified in Section 12-10(2)(h). The LPA staff shall schedule a public hearing for the request of hardship exemption at a time certain before the Board within thirty (30) days of receipt of the request. The requesting party shall appear and

present the request. All fees not waived shall be due as for all like applications to amend the Plan.

Sec. 12-11. APPEALS FROM ADMINISTRATIVE DECISIONS

An appeal from an administrative decision and/or order shall be based on separate written reports prepared by each party or their agents, in the appeal. The reports shall succinctly describe each party's position regarding the issue before the Board. Each party's report shall be mailed to the Board of Adjustment and the party requesting the appeal at least ten days prior to the meeting at which the appeal will be discussed. Each party to the appeal will be afforded ample opportunity to debate their position in the appeal. The Chairman may, at his discretion, limit or eliminate discussion from persons other than the parties to the appeal and members of the Board of Adjustment.

- (1) **Review of Administrative Orders** – In exercising its power of Review of Administrative Orders, the Board of Adjustment may, upon appeal and in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of any regulation within this code. An affirmative vote of four of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative official or to decide in favor of an applicant on a matter upon which the Board has the authority to act.
- (2) **Appeals from decision of Administrative Official** – An appeal to the Board of Adjustment may be taken by any aggrieved person, Board, or any other department or agency of the county affected by any decision of an administrative official under any land development regulation enacted pursuant to this act. Such appeal shall be taken within thirty days after rendition of the order, requirement, decision or determination by filing with the zoning director a notice of appeal specifying the grounds for the appeal. Upon notification of the filing of the appeal, the county shall transmit to the Board of Adjustment all the documents, plans, papers, or other materials constituting the records upon which the appeal has been requested.
- (3) **Stay of Work** – An appeal to the Board of Adjustment stays all work on the premises and all proceedings to the action appealed from, unless the county staff shall certify to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, but only after show of good cause.
- (4) **Judicial Review** – Any person(s) jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, Board, commission, or governing body, may apply to the circuit court in the judicial circuit where the Board of Adjustment is located for judicial relief within thirty days of the decision by the Board of Adjustment. Review in the Circuit Court shall be either by a trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules. The election of remedies shall lie with the appellant.
- (5) **Interpretations** – The Board of Adjustment is authorized to interpret the Zoning Atlas and to pass upon disputed questions of lot lines or district boundary lines and similar questions. An

application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the zoning director. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Atlas, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
- (b) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries;
- (c) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines; and
- (d) Where a district boundary divides a lot or where distances are not specifically indicated on the Zoning Atlas, the boundary shall be determined by measurement, using the scale of the Zoning Atlas.
- (e) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley by virtue of such vacation or abandonment.

Sec. 12-12. SIGNAGE REQUIREMENTS

The posting of signs, when required in this code, shall be in accordance with the following provisions:

- (1) **Location** – All signs shall be erected in full view of the public on each street side of the land not more than five hundred feet apart.
- (2) **Maintenance** – All signs shall be maintained by the applicant until the conclusion of all public hearings. After a public hearing before the Planning Commission, the applicant shall be responsible for changing the date and time on the signs to reflect the date and time of the public hearing before the Board.
- (3) **Size** – The sign(s) to be posted shall measure at least twenty-eight inches in width and twenty-two inches in height.
- (4) **Content** – All signs shall contain, substantially, the following language with four inch black lettering:

**A PUBLIC HEARING CONCERNING REZONING (VARIANCE
OR LAND USE CHANGE) OF THIS PROPERTY TO
_____ WILL BE HELD _____, AT _____ P.M. IN
THE BOARD OF COUNTY COMMISSIONERS MEETING
ROOM, ADMINISTRATION BUILDING.**

- (5) **Large Parcels** – In the event that eleven or more signs are required, thereby causing an undue hardship on the applicant, the applicant may seek to post large signs in accordance with the following requirements.
 - (a) **Process** – Approval to install large signs on large parcels shall be gained from the Planning Commission after requesting a Zoning Hearing with the zoning department at least fifteen days prior to the deadline for posting the signs.
 - (b) **Location** – Large parcel signs shall be placed at strategic locations or major entrances to the property in question. Location of these larger signs will be specified by the Planning Commission at the time permission is granted. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land for which rezoning is sought.
 - (c) **Content** – Large signs will be similar to color and wording as the smaller official zoning signs but may include a detailed map of the area to be zoned.
 - (d) **Size** – Large-scale signs shall have a minimum size of four feet by eight feet.
 - (e) **Maintenance** – Large-scale signs shall be maintained by the applicant and be legible until final determination has been made by the Board.

Sec. 12-13. HEARINGS

Under the law of Florida, a hearing on a land use matter may be legislative or quasi-judicial. Although Florida law often provides specific direction as to whether specific types of hearings are quasi-judicial

or legislative, as a general guideline, if the hearing is for the purpose of establishing land use policy that will have general applicability, the hearing is legislative and must be conducted in accord with procedures applicable to such hearings. Alternatively, if the purpose of the hearing is to apply general standards of this code to a development proposal, then the hearing is quasi-judicial and must be conducted in accordance with procedures applicable to such hearings. Set forth below are procedures for each type of hearing when such a hearing is to be held by either the Planning Commission, the Board, the Board of Adjustment or the Historic Preservation Board. The Chairman may vary these procedures in his or her discretion by reorganizing, rearranging or merging the sequence and order of the steps described so long as the result remains consistent with fundamental due process and the substantive rights of an affected person are not materially denied or subverted thereby. No variation of the procedures whereby the result remains consistent with fundamental due process and whereby the substantive rights of an affected person are not materially denied or subverted thereby shall be construed as a failure to follow the law or as a departure from the essential requirements of the law.

(1) **Legislative Hearings**

- (a) Notice – A notice that complies with the requirements of Chapter 163, Chapter 125, or other applicable provisions of the Florida Statutes, shall be given.
- (b) Conduct of Hearing
 - 1. The matter shall be introduced by a representative of the staff who shall then present the analysis of the proposed action, any recommendation by the staff, and any reports or recommendations received from other agencies.
 - 2. Interested parties shall be allowed to submit written recommendations and comments before or during the hearing, and shall be given a reasonable opportunity to make oral statements in favor of, or in opposition to, the proposal.

(2) **Quasi-Judicial Hearings**

- (a) Participants – For purposes of this section, the participants shall mean the county manager or designee, the applicant, the representatives of bona fide groups organized in support of or opposition to the application, and the county attorney or designee. Any other person may be granted permission by the Chairman to be a participant, but only for good cause and upon request made at the commencement of the proceeding. Good cause requires a showing of a substantial interest in the subject of the application and a material risk of suffering some special damage or injury not common to all persons similarly situated as a consequence of a decision on the application. Any person to whom such permission has been granted shall be classified as a specially affected party. Each participant in a quasi-judicial proceeding shall have the right to:

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1. Present the participant's decision by oral and documentary evidence. This shall not include a right to compel testimony or production of non-public or confidential documents;
 2. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;
 3. Submit proposed findings, conclusions, and supporting reasons therefor;
 4. Make offers of compromise or proposals of adjustments. This shall not empower the county to accept any compromise or proposal not otherwise authorized by law;
 5. Be accompanied, represented and advised by counsel or appear in proper person. This shall not be interpreted to require the county to provide counsel to any participant; and
 6. Be promptly notified of any action taken on the matter.
- (c) Order of Hearing – Quasi-judicial hearings shall proceed as follows:
1. Presentation of the County's position by the county manager or designee;
 2. Opening statements by the applicant, the group representatives and any specially affected parties;
 3. Presentation of evidence by the applicant followed by cross-examination of the applicant's witnesses by the participants;
 4. Presentation of evidence by the group representatives and any specially affected parties followed by cross examination of their witnesses by the participants;
 5. Public comments on the application;
 6. Rebuttal by the county manager or designee, group representatives and any specially affected parties;
 7. Rebuttal by the applicant;
 8. Closing statements by the group representatives and any specially affected parties;
 9. Closing statement by the applicant; and
 10. Closing comments of the county manager or designee and the county attorney.
- (d) Evidence – Evidence may be submitted that would be admissible in civil proceedings of this State, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which must be handled. The exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect, provided however, participants must be given an opportunity to cross-examine witnesses. Otherwise, however, effect shall be given to rules of evidence recognized by the law of Florida.
- (e) Discussion – Following the public portion of the hearing, the Planning Commission, the Board, Board of Adjustment and Historic Preservation Board may debate and take action in accordance with their standard procedures. Witnesses may be called or recalled to answer questions. If rebuttal of such testimony is requested, it shall be allowed but may be strictly limited.

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- (f) **Record** – A record of all matters considered at a quasi-judicial hearing shall be created by the county. A verbatim transcript of the record is not required but the county shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals.

Sec. 12-14. ENFORCEMENT

Enforcement of this code shall be in accordance with the provisions established by the Board concerning the creation, duties and powers of the Code Enforcement Special Magistrate and specific provisions that have been identified in each article.

Sec. 12-15. PERMIT REVOCATION

A development permit may be revoked by the county if the permit recipient fails to develop or maintain the property in accordance with the approved plans, the requirements of this chapter, or any additional requirements lawfully imposed by the county. The burden of presenting evidence sufficient to authorize the county to conclude that a permit shall be revoked for any of the reasons set forth in this article shall be upon the party advocating that position.

- (1) **Notice** – The notice shall inform the permit recipient of the alleged grounds for the revocation and shall include, insofar as practical, a statement of the specific reasons or findings of fact that support the motion.
- (2) **Time Limits** – Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient ten days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the permitted a written statement of the decision and the reasons.
- (3) **Use of Land or Buildings Prohibited** – No person may continue to make use of land or buildings in the manner authorized by any development permit after such permit has been revoked in accordance with this section.

Sec. 12-16. JUDICIAL REVIEW

- (1) **Circuit Court** – Every decision of the county granting or denying a development permit and every final decision of the Board of Adjustment shall be subject to judicial as provided by law.

Sec. 12-17. LEGAL STATUS OF THIS ARTICLE

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



Agenda Item
HISTORIC PRESERVATION BOARD

Clay County Administration Building
Thursday, March 17 6:30 PM

TO: Historic Preservation
Board

DATE: 3/10/2022

FROM: Beth Carson,
Chief Planner

SUBJECT: This item will be to select a new meeting date and time.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

At the February 8, 2022 Historic Preservation Board meeting, the Board, based on information provided by staff, selected a meeting date that is not consistently available. New dates will be provided for the Board to choose from.