



## PLANNING COMMISSION MEETING

April 1, 2025

5:00 PM

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

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Pledge of Allegiance

Call to Order

### 1. **Approval of Minutes**

Planning Commission Meeting Minutes March 4, 2025.

### **Public Comment**

### **Public Hearings**

1. Public Hearing to consider transmittal of COMP 25-0008. (S. Olsen)  
This application is a proposed text amendment to the 2040 Comprehensive Plan. The application would make changes to CFE Policy 1.1.1 and CFE Policy 1.1.13 with respect to the Clay County Water Supply Facilities Work Plan.
2. Public Hearing to consider transmittal of COMP 25-0007. (B. Carson)  
This application is a Text Amendment to FLU Policy 1.9.6 to remove land use classification specific language.
3. Public Hearing to consider ZON 25-0003. (B. Carson)  
This application is a Land Development Code change to Article III Sec. 3-10(g) to allow the opportunity for Heirs Exemptions within the master plan areas.

### **Presentations**

1. Planning Officials Training Highlights (B. Carson)
2. County Transportation Improvements (E. Dendor)

### **Old Business/New Business**

### **Public Comment**

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  
PLANNING COMMISSION

Clay County Administration Building  
Tuesday, April 1 5:00 PM

TO:           DATE:

FROM:

SUBJECT:

AGENDA  
ITEM  
TYPE:

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ATTACHMENTS:

Description	Type	Upload Date	File Name
Planning Commission Meeting Minutes March 4, 2025	Backup Material	3/26/2025	Planning_Commission_Meeting_Minutes_and_Attachments_March_4__2025.ADA.pdf



## PLANNING COMMISSION MEETING MINUTES

March 4, 2025

5:00 PM

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

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### Pledge of Allegiance

Commissioner Michael Bourré led the Pledge of Allegiance.

### Call to Order

#### Present:

Commissioner Pete Davis, Chairman  
Commissioner Howard "Bo" Norton, Vice-Chairman  
Commissioner Mary Bridgman  
Commissioner Michael Bourré  
Commissioner Bill Garrison  
Commissioner Joe Anzalone  
Commissioner Ralph Puckhaber  
School Board Representative Paul Bement

#### Absent:

Camp Blanding Representative Sam Tozer

#### Staff Present:

County Attorney Courtney Grimm  
Assistant County Attorney Jamie Hovda  
Director of Planning and Zoning Beth Carson  
Zoning Chief Jenni Bryla  
Chief Planner Dodie Selig  
Economic and Development Services Coordinator Kellie Henry

Chairman Pete Davis called the meeting to order at 5:00 pm.

Chairman Pete Davis recognized county staff members, introduced the Board members and thanked Sergeant Bagley and Deputy Schoonover for providing security.

### 1. Approval of Minutes

Planning Commission Meeting Minutes February 4, 2025.

Commissioner Mary Bridgman made a motion for approval of the February 4, 2025, Planning Commission Meeting minutes, seconded by Commissioner Joe Anzalone, which carried 8-0.

## **Public Comment**

Chairman Pete Davis opened the floor for public comment at 5:07 pm.

Hearing no comments, Chairman Pete Davis closed public comment at 5:07 pm.

## **Public Hearings**

1. Public Hearing to consider ZON 24-0034. (D. Selig)

This application is a Staff initiated amendment to the Land Development Code amending regulations in Article III and Article VIII related to residential subdivision entrances.

Staff requests continuance of this item to May 6, 2025.

*Item 1 Public Hearing can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning Commission/March 4, 2025](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning%20Commission/March%204,%202025), beginning at 7:07 and ending at 8:11. Below is a summary of the discussion and the vote for this agenda item.*

***Before commencing the public hearings, all those wishing to speak were sworn in.***

Chairman Pete Davis noted that item 1 had been deferred and requested for continuance and opened the floor for the Public Hearing at 5:07 pm; hearing no comments, Chairman Davis closed the Public Hearing at 5:07 pm.

Commissioner Joe Anzalone made a motion for approval of the continuance until the May 6, 2025, Planning Commission meeting, which carried 7-0.

2. Public Hearing to consider COMP 25-0001 and ZON 24-0036 (District 4, Comm. Condon) ( J. Bryla)

A. COMP 25-0001

This application is a FLUM Amendment to change 7.87 acres from Commercial (COM) to Rural Residential (RR).

B. ZON 24-0036

This application is a Rezoning to change from Shopping Center District (BSC) to Agricultural/Residential District (AR).

*Item 2 Public Hearing can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning Commission/March 4, 2025](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning%20Commission/March%204,%202025), beginning at 8:14 and ending at 14:02. Below is a summary of the discussion and the vote for this agenda item.*

Jenni Bryla, Zoning Chief, presented a PowerPoint presentation to provide details and information for the public hearing to consider COMP-25-001 and ZON-24-0036, as

identified above. See Attachment A.

Natividad Santos, 2746 Poinsettia Avenue, Middleburg, Florida, addressed the Commission to provide information for the requested change to build a home on the parcel.

Chairman Pete Davis opened the floor for the public hearing at 5:12 pm.

Hearing no comments, Chairman Pete Davis closed the public hearing at 5:12 pm.

Commissioner Ralph Puckhaber made a motion for approval of COMP-25-0001, seconded by Commissioner Michael Bourré, which carried 7-0.

Commissioner Ralph Puckhaber made a motion for approval of ZON-24-0036, seconded by Commissioner Michael Bourré. There were questions and discussions to clarify the acreage requirements; the motion carried 7-0.

3. Public Hearing to consider COMP 25-0003 and ZON 25-0002.( District 5, Comm. Burke)(J. Bryla)

A. COMP 25-0003

This is a privately initiated application for a FLUM Amendment to change 1 acre from Agricultural to Industrial.

B. ZON 25-0002

This application is a Rezoning to change from Agricultural District (AG) to Heavy Industrial District (IB).

*Item 3 Public Hearing can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning Commission/March 4, 2025](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning%20Commission/March%204,%202025), beginning at 14:19 and ending at 1:12:34. Below is a summary of the discussion and the vote for this agenda item.*

Jenni Bryla, Zoning Chief, presented a PowerPoint presentation to provide details and information for the public hearing to consider COMP-25-0003 and ZON-25-0002, as identified above, and COMP-24-0020 and ZON-24-0026, as identified below. See Attachment B.

There were questions and discussions regarding the proximity/closest residence to the parcel.

Vann Royal, 3688 La Costa Court, Green Cove Springs, Florida, Agent for the Applicant, addressed the Commission to provide details and information for the requested change along with a handout for review. See Attachment C.

There were questions and discussions regarding mobility fees, multi-family units, and width and adequate road requirements.

Chairman Pete Davis opened the floor for the public hearing at 5:12 pm.

Luke Glisson, 5142 CR209 South, Green Cove Springs, Florida, addressed the

Commission in opposition to the requested change.

Sandra Boike, CR209 South resident of Green Cove Springs, Florida, addressed the Commission in opposition to the requested change.

Michael Fluent, 153 Williams Park Road, Green Cove Springs, Florida, addressed the Commission in opposition to the requested change.

Hearing no other comments, Chairman Pete Davis closed the public hearing at 5:52 pm.

Mr. Royal addressed the Commission to discuss concerns raised during the public hearing.

Chairman Pete Davis reopened the floor for the public hearing at 5:57 pm.

Patricia Ross, 5243 CR209 South, Green Cove Springs, Florida, addressed the Commission in opposition to the requested change.

Hearing no other comments, Chairman Pete Davis closed the public hearing at 6:00 pm.

There were questions and discussions regarding mobility fees, multi-family unit, and width and adequate roads requirements.

The Commission had comments to express concerns regarding the impact of the requested change on the area and reasons to support it.

Following all discussions, Commissioner Michael Bourré made a motion for approval COMP-25-0003, seconded by Commissioner Bill Garrison, which carried 4-3, with Commissioners Bo Norton, Ralph Puckhaber, and Joe Anzalone in opposition.

Commissioner Michael Bourré made a motion for approval ZON-25-0002, seconded by Commissioner Bill Garrison, which carried 4-3, with Commissioners Bo Norton, Ralph Puckhaber, and Joe Anzalone in opposition.

4. Public Hearing to consider COMP 24-0020 and ZON 24-0026.( District 5, Comm. Burke)(J. Bryla)

A. COMP 24-0020

This application is a FLUM Amendment to change 8.9 acres from Agriculture (AG) to Industrial (IND).

B. ZON 24-0026

This application is a Rezoning to change from Agricultural District (AG) to Heavy Industrial District (IB).

All discussions and the public hearing for item 4 was held during item 3.

Commissioner Michael Bourré made a motion for approval COMP-24-0020, seconded by Commissioner Bill Garrison, which carried 4-3, with Commissioners Bo Norton, Ralph Puckhaber, and Joe Anzalone in opposition.

Commissioner Michael Bourré made a motion for approval ZON-24-0026, seconded by Commissioner Bill Garrison, which carried 4-3, with Commissioners Bo Norton, Ralph Puckhaber, and Joe Anzalone in opposition.

5. Public Hearing to Consider ZON 25-0003. (Districts 2,3,4 and 5) (B. Carson)  
This is a Land Development Code change to Article III to allow for Heirs Lot Exemptions within the Branan Field Rural Suburbs and Lake Asbury Rural Community Districts.

Staff requests continuance of this item to April 1, 2025.

*Item 5 Public Hearing can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning Commission/March 4, 2025](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning%20Commission/March%204,%202025), beginning at 1:12:34 and ending at 1:15:30. Below is a summary of the discussion and the vote for this agenda item.*

Beth Carson, Director of Planning and Zoning, addressed the Commission to request a continuance for item 5 - ZON-25-0003; however, there would need to be a public hearing due to advertising.

Chairman Pete Davis opened the floor for the public hearing at 6:14 pm.

Helana Cormier, 2839 Woodbridge Crossing Court, Green Cove Springs, Florida, addressed the Commission in favor of the requested change.

Hearing no other comments, Chairman Pete Davis closed the public hearing at 6:15 pm.

Commissioner Bo Norton made a motion for approval of the continuance to the April 1, 2025, Planning Commission meeting, seconded by Commissioner Mary Bridgman, which carried 7-0.

### **Presentations**

There were no presentations.

### **Old Business/New Business**

There was no Old Business/New Business.

### **Public Comment**

Chairman Pete Davis opened the floor for public comment at 6:16 pm.

Hearing no comments, Chairman Pete Davis closed public comment at 6:16 pm.

**Adjournment**

Chairman Pete Davis mentioned the next Planning Commission meeting would be on April 1, 2025, and there were questions regarding the Commissioner's laptops.

Hearing no further business, Chairman Pete Davis adjourned the meeting at 6:17 pm.

Attest:

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Committee Chairman

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Recording Deputy Clerk



**Attachment**

**“A”**

**COMP-25-0001**

**ZON-24-0036**

Small Scale Comprehensive Plan Future Land Use Map

Amendment:

COMP 25-0001

Rezoning Application:

ZON 24-0036

Planning Commission

March 4, 2025





# Application Information

Applicant: Natividad Santos  
Location: Blanding Blvd/State Road 21- Middleburg  
Planning District: Middleburg-Clay Hill  
Commission District: 4 Commissioner Condon  
Parcels: 35-05-24-006699-944-00

- COMP 25-0001 would change the Future Land Use designation of one parcel from Commercial(COM) to Rural Residential (RR)
- A companion Rezoning application (ZON 24-0036) requests a change from BSC (Shopping Center District) to AR (Agricultural/Residential)



## BACKGROUND

A 7.87 acre parcel with Commercial Land Use and BSC zoning

The land use amendment would change the 7.87 ac. tract from COM to RR.

The zoning map amendment would change the tract from BSC to AR.

The parcel has approx. 530 feet of frontage on Hwy. 17 Blanding Blvd.

The property to the north has a future land use designation of Commercial with AR zoning and is currently vacant. The owner of the northern parcel has come in for a pre-application conference to change the land use consistent with this amendment.

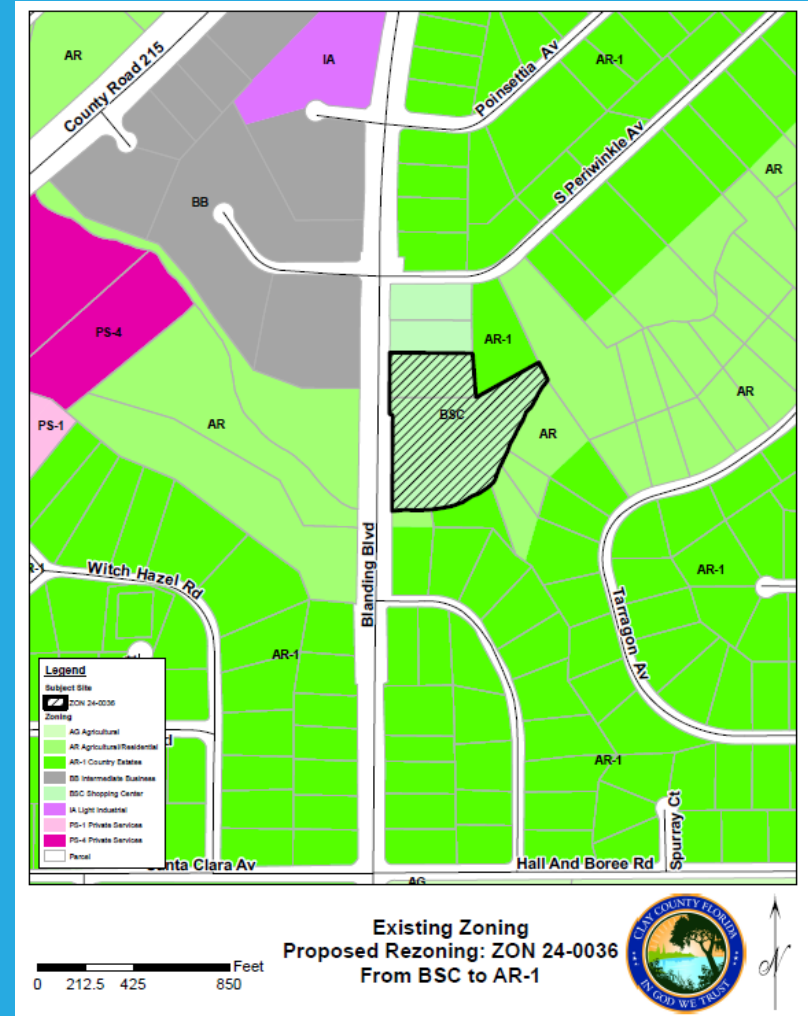
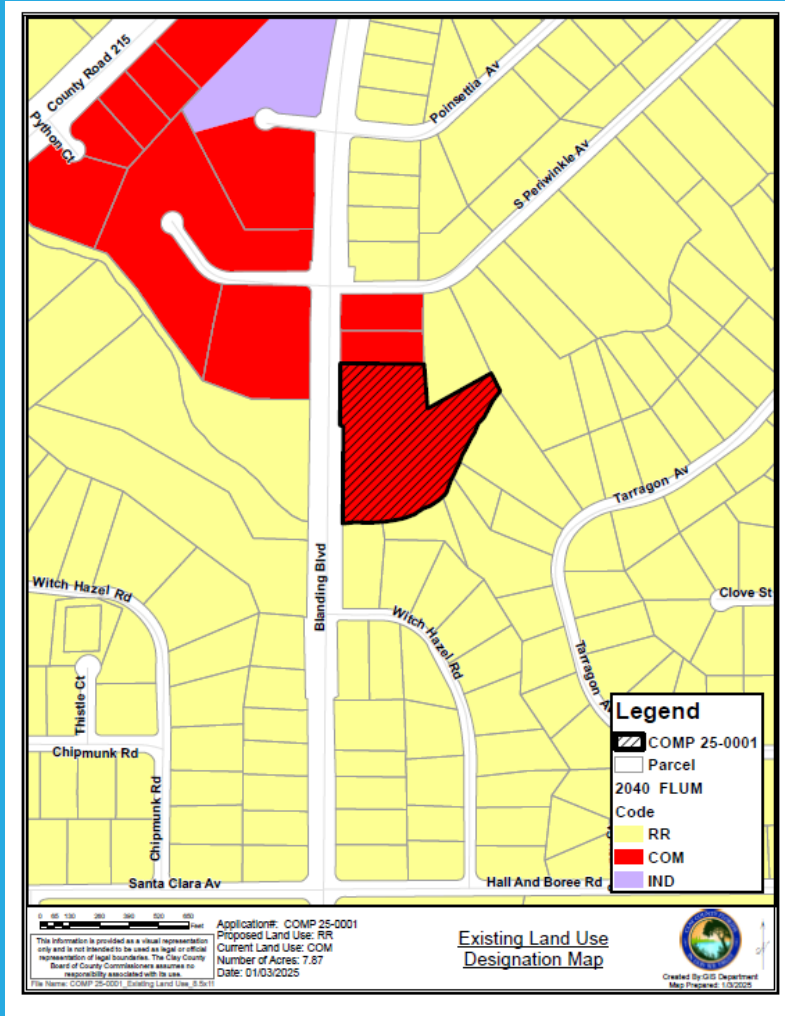
South is property zoned AR with RR Future Land Use.

West across Blanding Blvd is RR and undeveloped property with Commercial future land use to the north west.

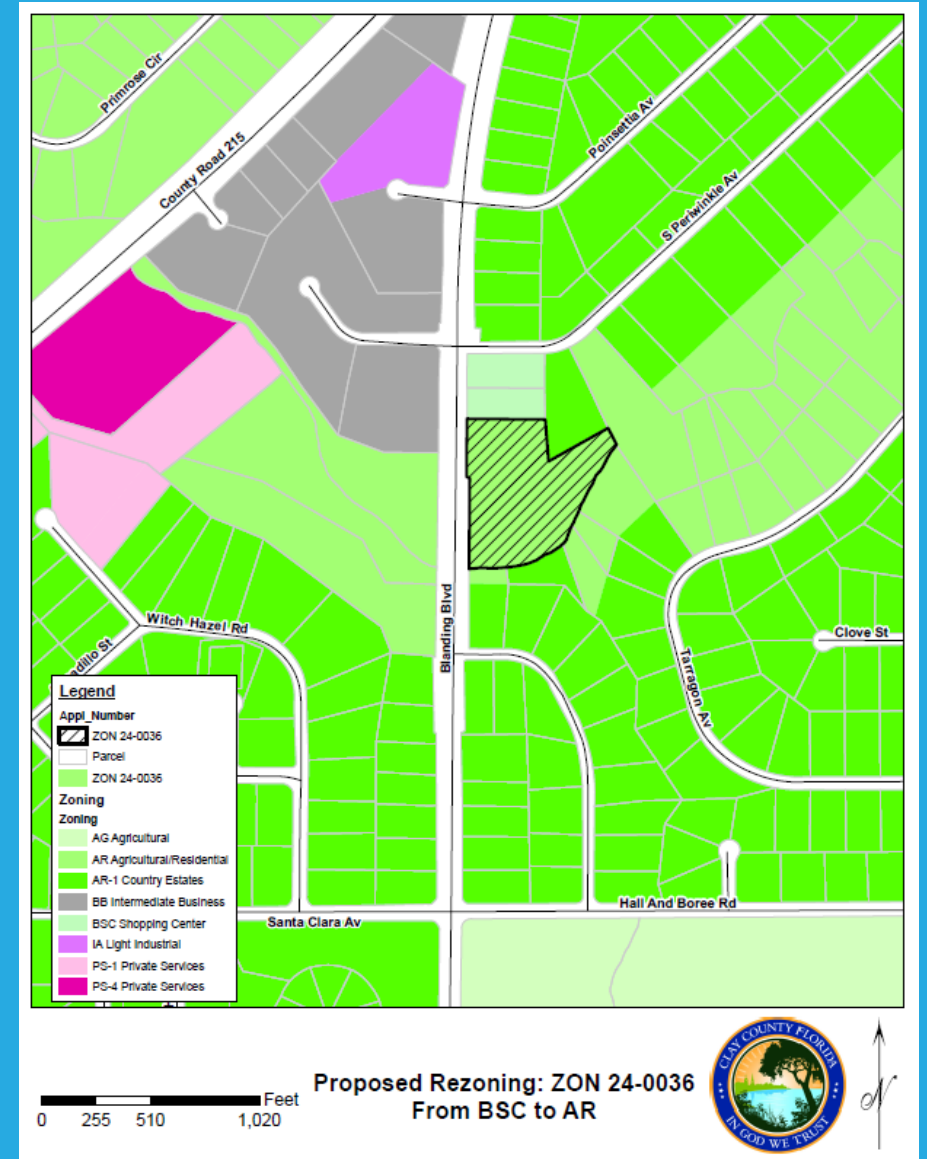
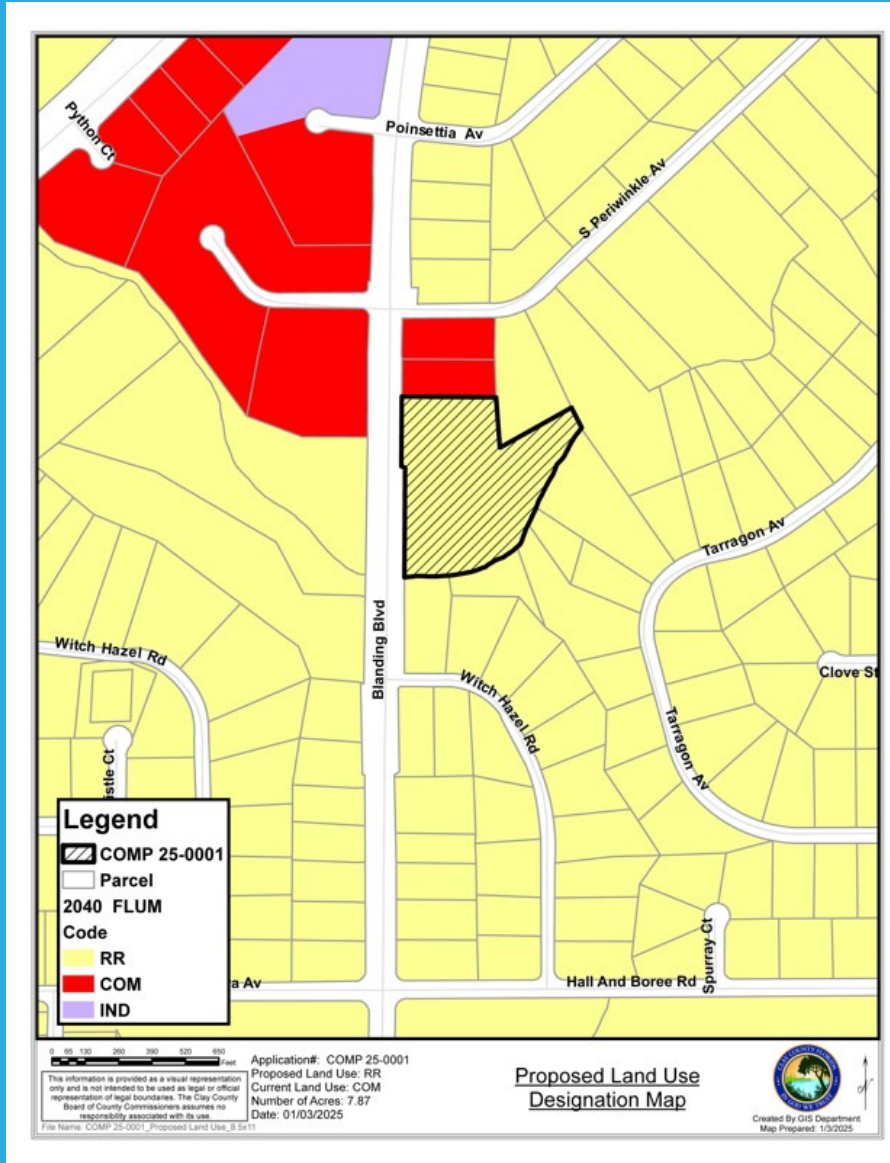
East of the subject parcel is land that is designated RR on the future land use map and is zoned AR and AR-1 with residential development.

The proposed land use amendment and companion zoning change are being requested to facilitate the development of a single family residence.

# LAND USE & ZONING



# LAND USE & ZONING PROPOSED



# Recommendations

The Middleburg / Clay Hill CAC met on February 18, 2025 to hear the items and made a recommendation for both items 7-0.

## COMP 25-0001:

Staff finds that the application is consistent with the Comprehensive Plan have been met and recommends approval of COMP 25-0002.

## ZON 24-0036:

Staff finds that the application is consistent with the intent of the Land Development Code and therefore recommends approval of ZON 24-0036.

# **Attachment**

**“B”**

**COMP-25-0003/ZON-25-0002**

**COMP-24-0020/ZON24-0026**



# Small Scale Comprehensive Plan Future Land Use Map Amendment & Rezoning:

COMP 25-0003  
& ZON 25-0002

COMP 24-0020  
& ZON 24-0026

Planning Commission

March 4, 2025



# Application Information

Applicant: Kelly Hartwig (Cypress Management & Design LLC.)

Bert Royal

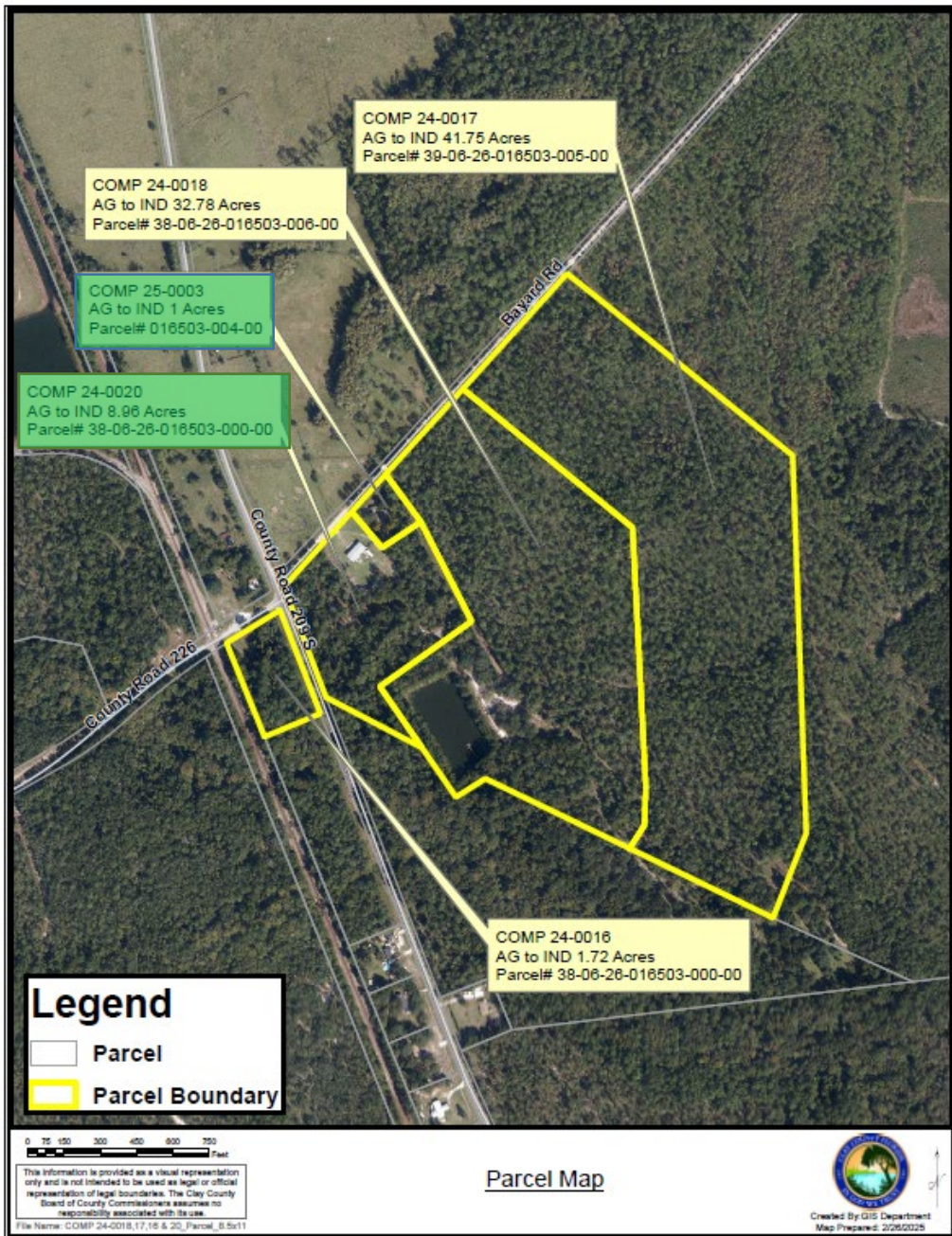
Location: Southwest corner of the intersection at County Rd 226 and County Rd 209 S.

Planning District: **Springs District**

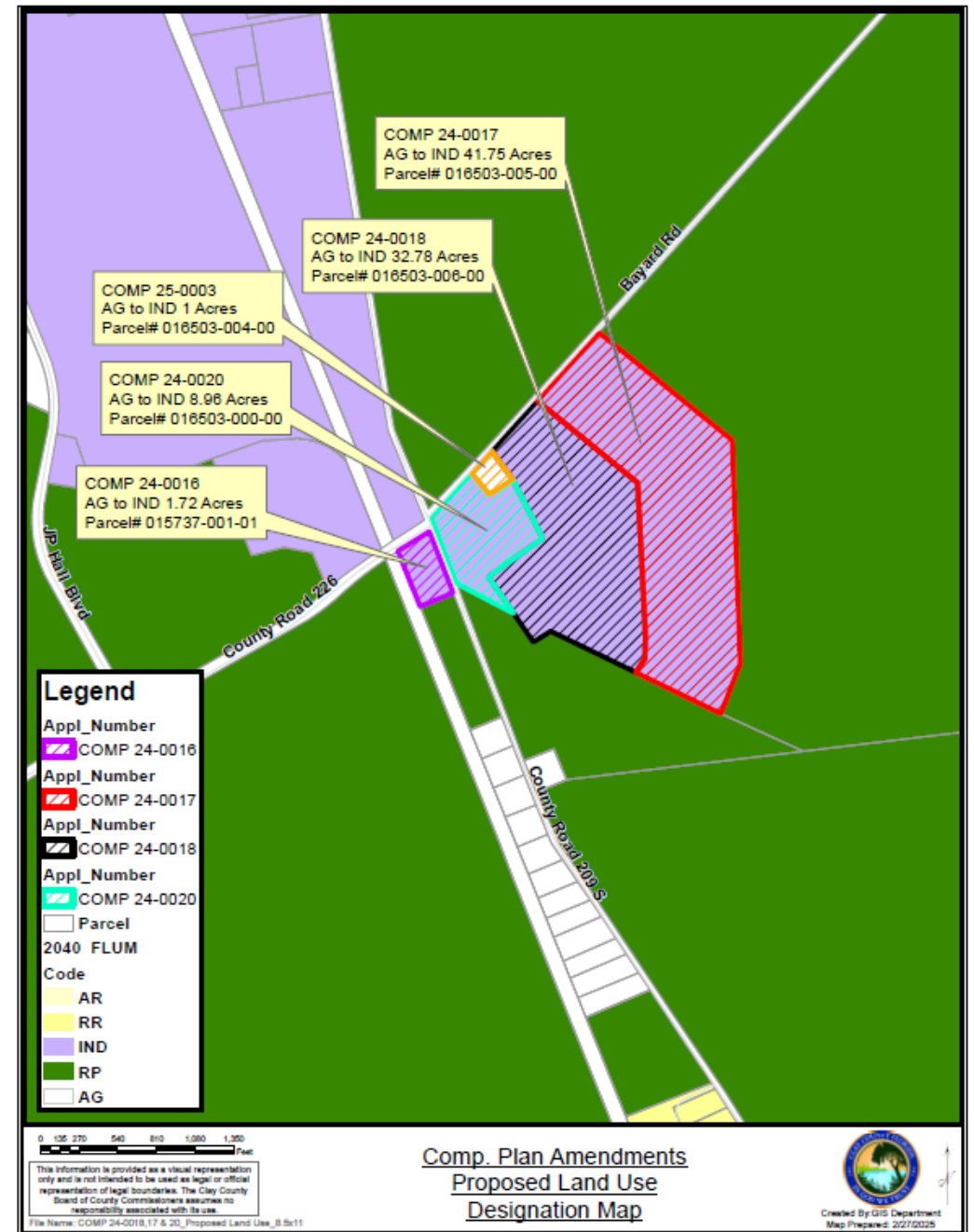
Commission District: **5 Commissioner Burke**

Parcels: 8.96 acre parcel and a 1 acre parcel **Total being requested 9.96 acres**

- COMP 24-0020 & COMP 25-0003 would change the Future Land Use (FLU) designation from AG(Agricultural) to IND (Industrial).
- ZON 24-0026, ZON 25-0002 would change the zoning from AG (Agricultural) to IB (Heavy Industrial).

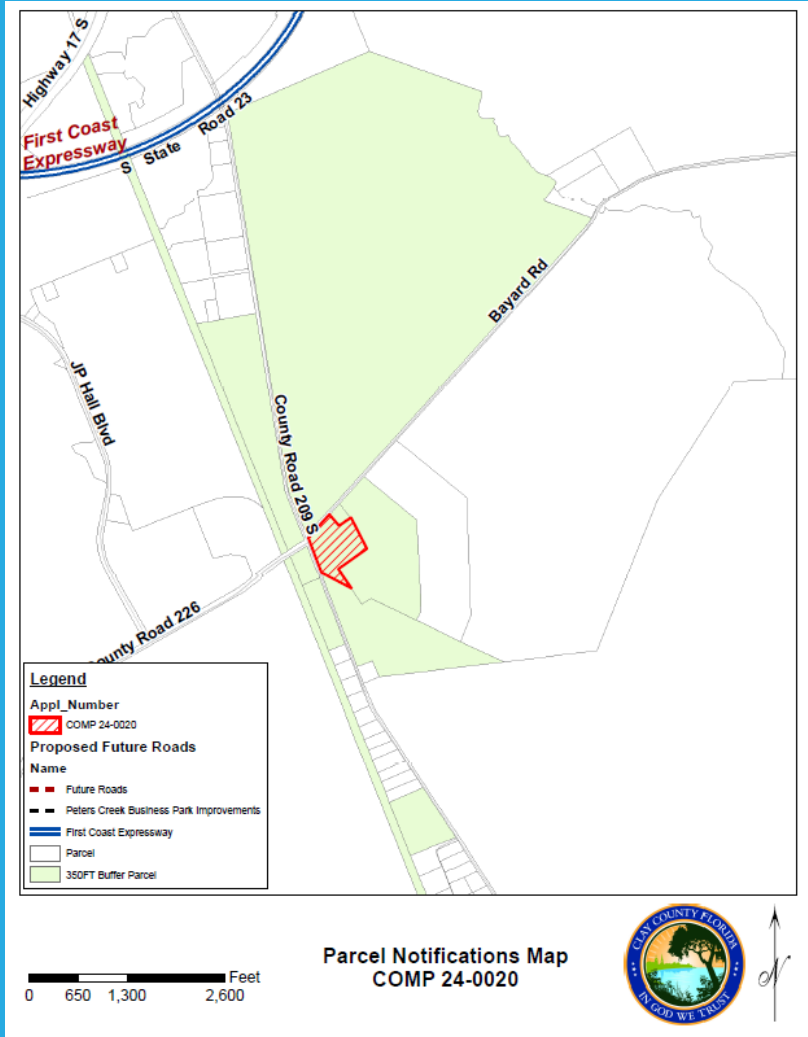


Parcel Map



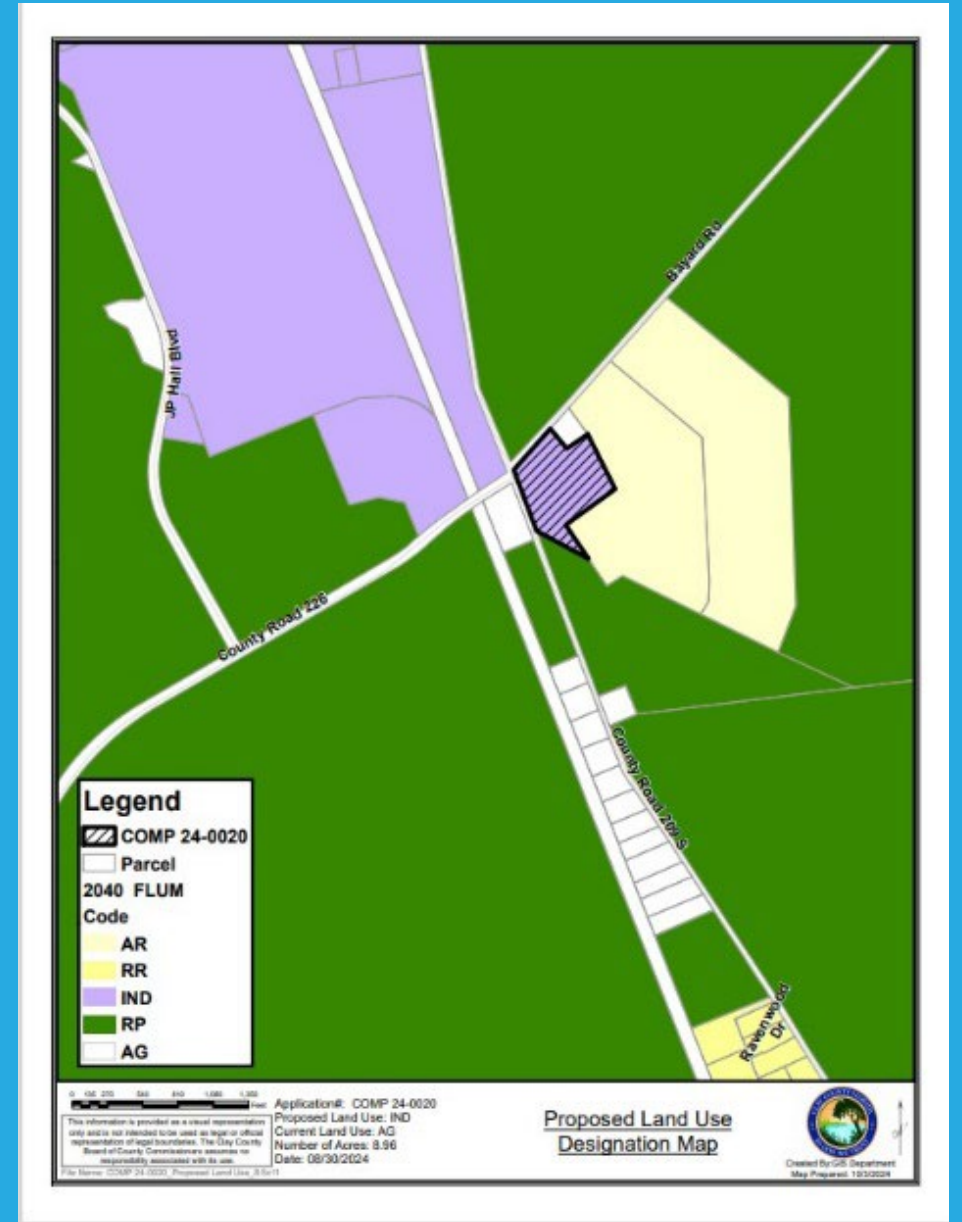
Comp. Plan Amendments  
Proposed Land Use  
Designation Map

# Comprehensive Plan Amendment Cases

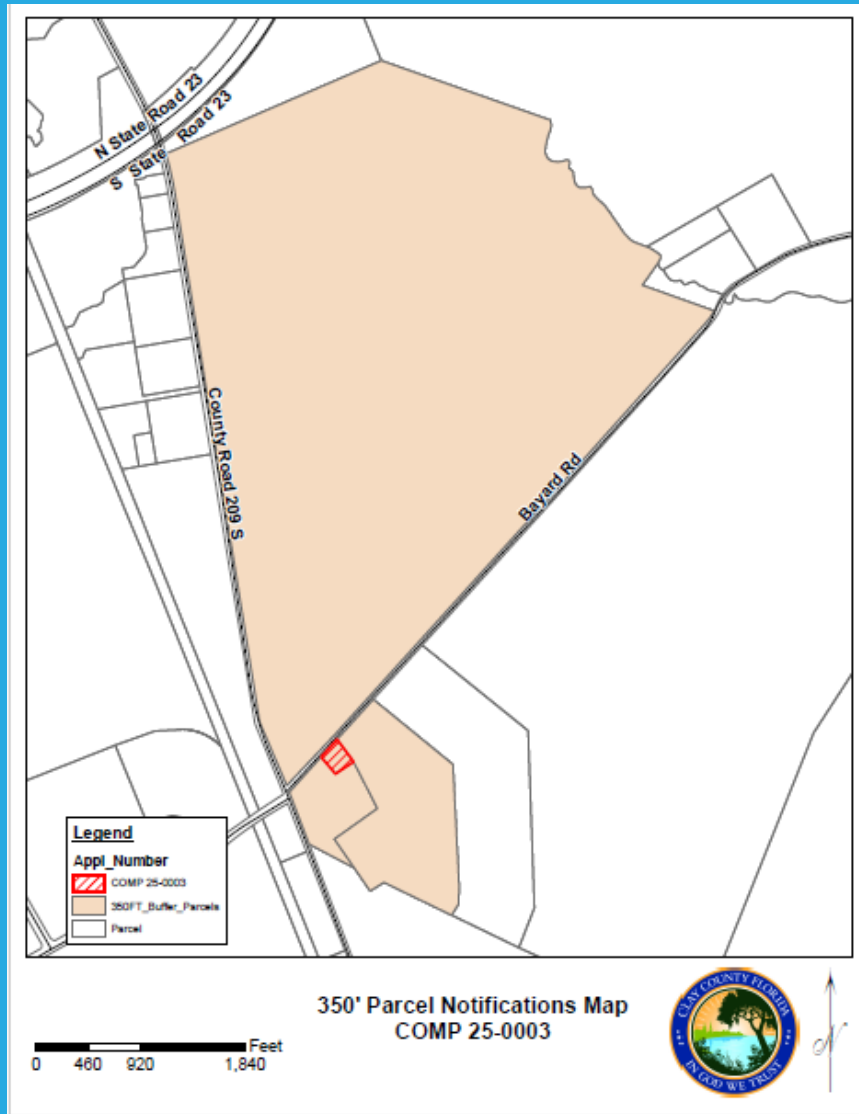


COMP 24-0020  
ZON 24-0026

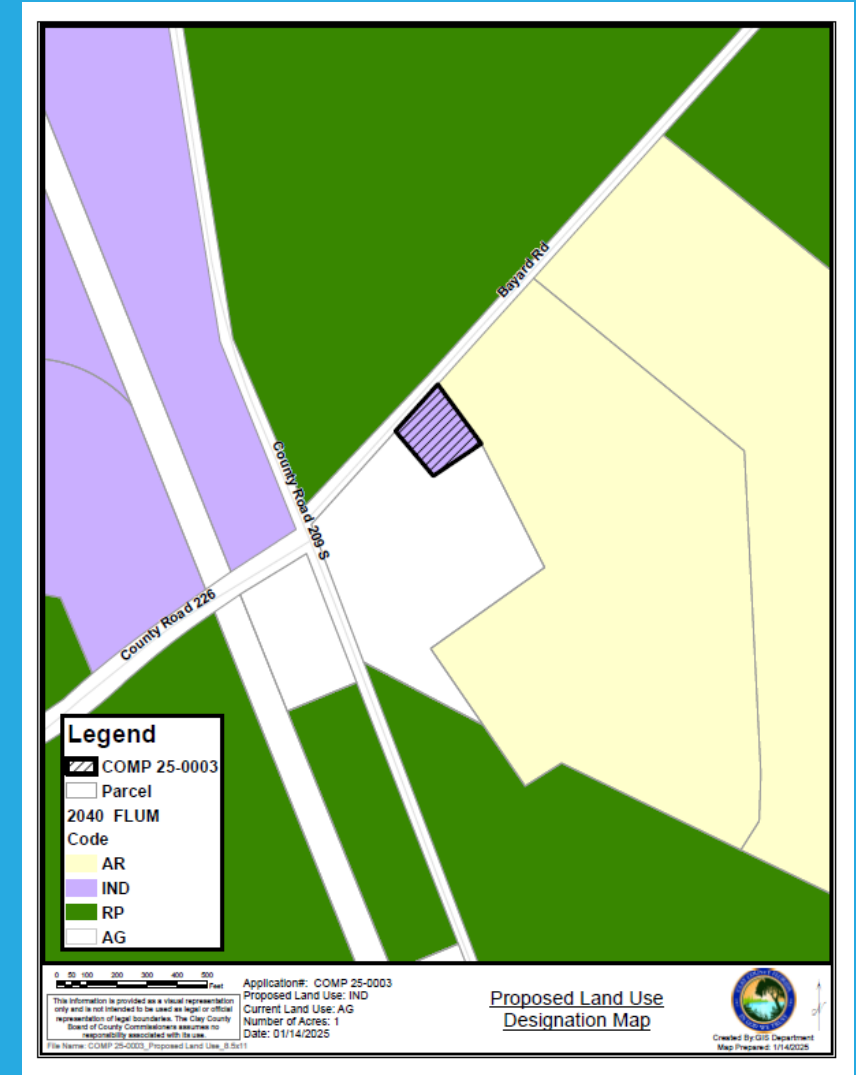
Changing from AG (Agriculture) to IND  
(Industrial) 8.96 ac



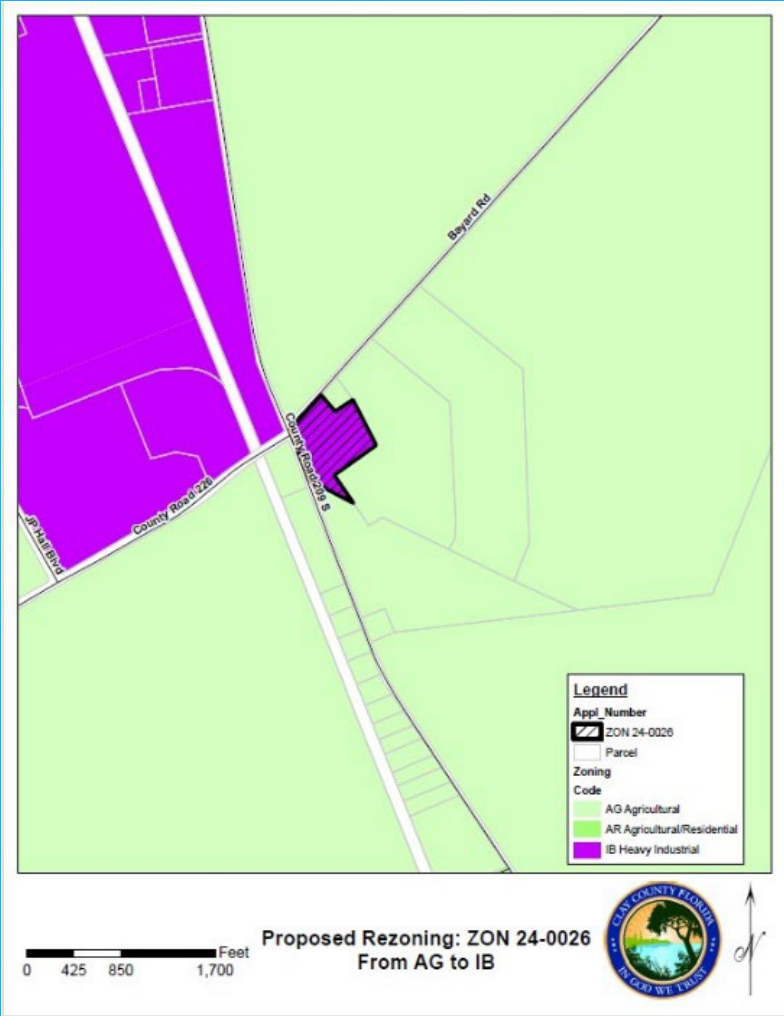
# Comprehensive Plan Amendment Cases



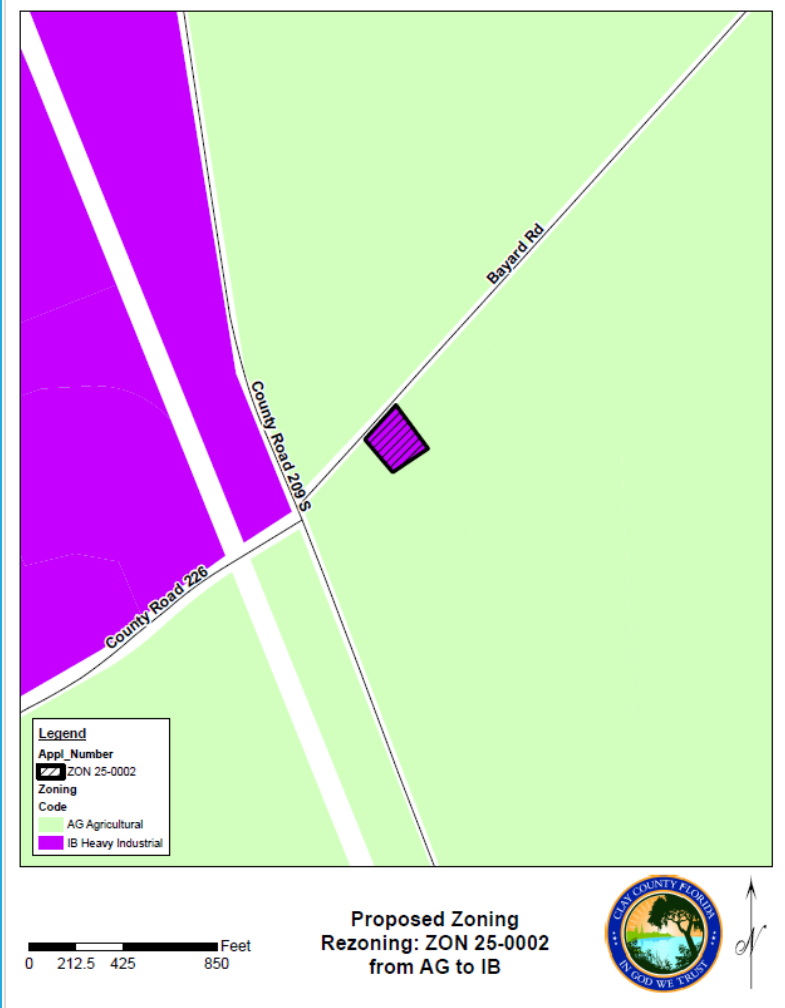
COMP 25-0003  
ZON 25-0002  
Changing from AG  
(Agriculture/Residential)  
to IND (Industrial) 1.0 ac



# Zoning Atlas Amendments



ZON 24-0026  
Changing from AG (Agriculture) to IB (Heavy Industrial) 8.96 ac



ZON 25-0002  
Changing from AG (Agriculture) to IB (Heavy Industrial) 1.00 ac

## Zoning changes proposed for 9.96+ acres

Allows for uses typically identified with industrial lands

Setbacks for lands adjacent to agriculture shall be 20 feet with a visual barrier of no less than 6 feet and a 10 foot landscaped area

Residential Uses are only permitted as a conditional use, and must serve only the owner, operator or security employee of the principal use.

# PUBLIC NOTIFICATION – 350' BUFFER

HALL JOHN P III	PO BOX 395	GREEN COVE SPRINGS
King Robert Travis	939 Bayard Rd	Green Cove Springs
LEMEN WILLIAM T III TRUSTEE &	3957 SUSAN DR	GREEN COVE SPRINGS
St.Johns River Water Managemen	PO Box 1429	Palatka
Florida Rock Industries Inc	1200 Urban Center Dr	Vestavia
D R Horton Inc Jacksonville	4220 Race Track Rd	Saint Johns



HALL JOHN P III	0200	MOBILE HOME
King Robert Travis	0100	SINGLE FAMILY
LEMEN WILLIAM T III TRUSTEE &	5600	TIMB 70/79
St.Johns River Water Managemen	8080	WATER MGMT -



## Project Description

No site specific development is proposed at this time.

## Recommendations

- The Springs CAC Met on February 12<sup>th</sup> and recommended **approval** of all applications 5-0

- COMP 24-0020 & ZON 24-0026

Based on the staff report findings, Staff has determined that the criteria for the rezoning have been met and recommends **approval**.

- COMP 25-0003 & ZON 24-0002

Based on the staff report findings, Staff has determined that the criteria for the rezoning have been met and recommends **approval**.

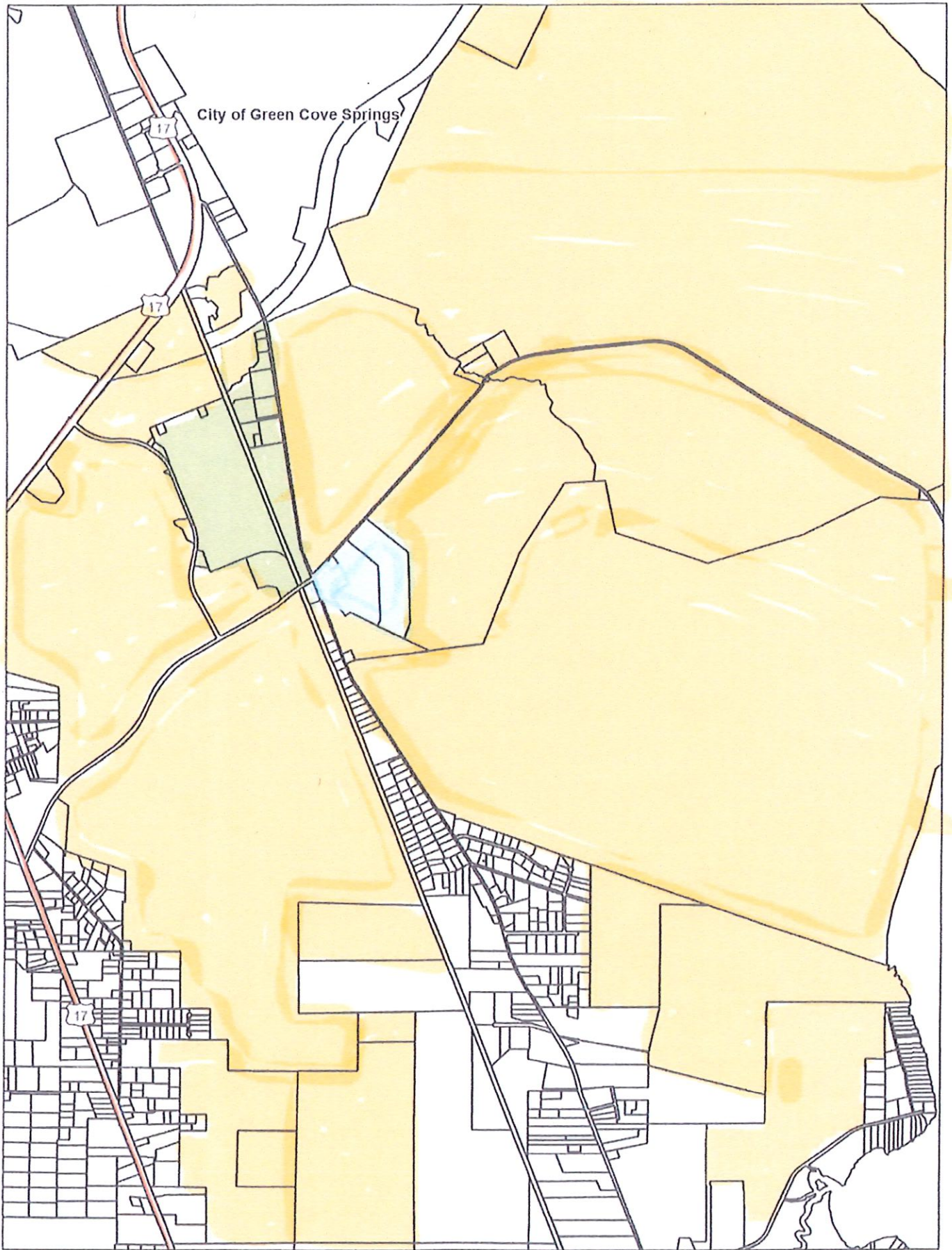
# **Attachment**

**“C”**

**COMP-25-0003/ZON-25-0002**

**COMP-24-0020/ZON24-0026**

**Applicants Information**



1. Perfect place for a 75 acre industrial park
2. Residents on 209 will NEVER be slowed down by a vehicle from the park except maybe just before getting to US 17.
3. No car, truck (pick-up or semi) will ever need to go down CR209 when leaving the site. No resident will ever have to pass or be passed by one of these vehicles.
4. The only cars or trucks going to this site that will impact traffic on 209 will be residents that may be employed by the many jobs being offered at the site, but no one else.
5. No new house will ever be constructed that will be impacted by this project. The project is surrounded by 12000 acres that will never be developed! (Can't hardly say that about any other piece of property in the county).
6. Peters Creek and Governors Park Industrial Parks will significantly impact traffic both on SR 16 (2 lane road) 315 (2 lane road) and 15-a (2 lane road) and they are well sited in their locations. But not as good as this one. This development is over 3 miles from Williams Park Road. A 3 mile radius from Peters Creek Industrial Park takes in all of Saratoga Springs, half of Governors Park and 4 existing schools. A 3 mile radius of Governors Park takes in all of Governors Park, The Rookery and 3 existing schools and 2 to be developed.
7. NO traffic from this development will EVER go through a school zone before it reaches any of several major arteries.
8. At best there will be a stop sign at the intersection of 209 and CR 226. There will be no through traffic created by the development, the traffic from this developments only intersection might be CR 226 and JP Hall Industrial Parkway
9. There is already 300 acres of industrially zoned property adjacent to this site, which was well conceived when it was originally done and remains a solid park with knew growth underway.
10. A park was mentioned at the planning and zoning meeting for the property. There is 12,000 acres of accessible park land that surrounds this 75 acres.



Agenda Item  
PLANNING COMMISSION

Clay County Administration Building  
Tuesday, April 1 5:00 PM

TO: Planning Commission

DATE: 3/18/2025

FROM: Samantha Olsen, Planner 1

SUBJECT: This application is a proposed text amendment to the 2040 Comprehensive Plan. The application would make changes to CFE Policy 1.1.1 and CFE Policy 1.1.13 with respect to the Clay County Water Supply Facilities Work Plan.

AGENDA ITEM TYPE:

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ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff_Report_COMP_25-0008	Backup Material	3/28/2025	Staff_Report_COMP_25-0008.ADA.pdf
▢ Draft_Ordinance_COMP_25-0008	Ordinance	3/28/2025	Draft_Ordinance_COMP_25-0008.ADA.pdf



1 **Staff Report and Recommendations for COMP 25-0008**

4 **Introduction:**

5 The proposed amendment to CFE Policy 1.1.1 will update the Clay County level of service standards for  
6 sanitary sewer, solid waste, potable water and drainage facilities. The proposed amendment to CFE Policy  
7 1.1.13 will reference the updated 2025-2035 Clay County Water Supply Facilities Work Plan.

8 **Background:**

9 This application is a Staff initiated amendment to the Comprehensive Plan prompted by the acceptance of  
10 the updated North Florida Regional Water Supply Plan by the St. Johns River Water Management District  
11 Board of Directors on December 12, 2023. Chapter 163, Part II Florida Statutes (F.S.), requires local  
12 governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the  
13 St. Johns River Water Management District approves a regional water supply plan or its update. The North  
14 Florida Regional Water Supply Plan is a joint effort between the Department of Environmental Protection,  
15 the St. Johns River Water Management District and the Suwannee River Water Management District. The  
16 water supply plan provides potential sources of freshwater and population projections while tracking water  
17 quality and usage.

18 **Summary of the Proposed Comprehensive Plan Text Amendment:**

19 The proposed amendment will revise CFE Policy 1.1.1 level of service standards and CFE Policy 1.1.13  
20 references to the updated 2025-2035 Clay County Water Supply Facilities Work Plan. The changes  
21 proposed are as follows:

*CFE POLICY 1.1.1*

Clay County hereby adopts the following as the level of service standards to be maintained for  
sanitary sewer, potable water, solid waste, and drainage facilities in Clay County. Current and  
proposed level of service standards shall be considered both in this Policy and in the Water  
Supply Facilities Work Plan:

- 1) Sanitary Sewer Average Flow  
~~311 GPD~~ 279 gpd\*/ ERC

- 2) Solid Waste Design Capacity (Class I Waste)  
2008-2025  
3.99 lbs per capita per day

3) Potable Water Minimum Design

~~450 GPD~~ ~~311 gpd~~/ERC (peak flow)

Pressure

20 Psi<sup>1</sup>

\*GPD = gallons per day

ERC = Equivalent Residential Connection

Psi = Pounds Per Square Inch.

Gpm = Gallons Per Minute.

\*\*Level of service for sanitary sewer and potable water at a specific treatment facility may be reduced to levels that have been reviewed and approved by the Florida Department of Environmental Protection.

<sup>1</sup> Based upon minimum needed fire flow, Fire Suppression Rating Schedule, February 2004, Insurance Service Office.

4) Drainage Facilities

Drainage Facility	Design Frequency
Crossdrains for Major Watersheds	50 years 24 hours
Detention/Retention/Attention Basins	25 year, 24 hour critical event with protection to a 100 year rainfall
Bridges and Bridge Culverts	50 years
Crossdrains for Minor Watersheds	25 years
Crossdrains and Ditches for Internal Drainage	25 years
Sidedrains for Roadway Ditches	10 years
Storm Sewers <sup>1</sup>	5 years

<sup>1</sup> Unless conditions prevail that indicate a lower control elevation desirable; the optimum hydraulic grade control shall be one foot below the invert of the gutter at the upstream end.

*CFE POLICY 1.1.13*

The Clay County Water Supply Facilities Work Plan ~~(2018-2030)~~ ~~(2025-2035)~~ is hereby adopted by reference.

23 **Analysis of Proposed Amendment Regarding Urban Sprawl**

24 It is the intent of Clay County to discourage the proliferation of Urban Sprawl. As required by FS 163.3177,  
25 all proposed comprehensive plan amendments are to be analyzed to ensure that urban sprawl and its  
26 negative impacts are not promoted. Although Future Land Use Element (FLU) Policy 1.5.7 allows  
27 exceptions for population growth and public health, the intent is to limit central water and sewer service to  
28 within the Urban Service Area. The County confirms service availability with utility providers prior to  
29 issuance of a building permit.

30

31 **Recommendation**

32 Staff supports the long-term water supply planning of the north Florida regional water supply partnership  
33 and therefore recommends approval of COMP 25-0008.

34



ORDINANCE NO. 2025-\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING EITHER THE CLAY COUNTY 2040 COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 2018-31, AS SUBSEQUENTLY AMENDED, OR THE CLAY COUNTY 2045 COMPREHENSIVE PLAN, TO BE ADOPTED BY ORDINANCE ON MARCH 25, 2025, WHICHEVER IS IN EFFECT ON THE EFFECTIVE DATE OF THIS AMENDMENT, BOTH ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, TO AMEND CFE POLICY 1.1.1 REGARDING THE CLAY COUNTY LEVEL OF SERVICE STANDARDS FOR SANITARY SEWER, SOLID WASTE, POTABLE WATER, AND DRAINAGE FACILITIES AND TO AMEND CFE POLICY 1.1.13 TO REFERENCE THE 2025-2035 CLAY COUNTY WATER SUPPLY FACILITIES WORK PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 26, 2018, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2018-31, which adopted the Clay County 2040 Comprehensive Plan (the “Plan”) [OR on March 25, 2025, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2025- \_\_\_, which adopted the Clay County 2045 Comprehensive Plan (the “Plan”)]; and,

WHEREAS, Section 163.3184, Florida Statutes, outlines the process for the adoption of comprehensive plans or amendments thereto;

WHEREAS, COMP 25-0008, requests an amendment to the Plan;

WHEREAS, the Board desires to amend the Plan as provided for below.

Be It Ordained by the Board of County Commissioners of Clay County:

**Section 1.** Clay County Ordinance No. 2018-31, as amended, [OR Clay County Ordinance No. 2025- \_\_\_] is amended as provided in Sections 2 and 3 hereof.

**Section 2.** CFE Policy 1.1.1 of the Community Facilities Element of the adopted Comprehensive Plan is hereby amended as follows:

**CFE POLICY 1.1.1**

Clay County hereby adopts the following as the level of service standards to be maintained for sanitary sewer, potable water, solid waste, and drainage facilities in Clay County. Current and proposed level of service standards shall be considered both in this Policy and in the Water Supply Facilities Work Plan:

- 1) Sanitary Sewer                    Average Flow  
279 311 GPD/ERC
  
- 2) Solid Waste                        Design Capacity (Class I Waste)  
2008-2025  
3.99 lbs per capita per day
  
- 3) Potable Water                    Minimum Design  
34450 GPD/ERC (peak flow)
  
- Pressure  
20psi<sup>1</sup>

GPD = Gallons Per Day  
 ERC = Equivalent Residential Connection  
 Psi = Pounds Per Square Inch  
 GPM = Gallons Per Minute

\*\*Level of service for sanitary sewer and potable water at a specific treatment facility may be reduced to levels that have been reviewed and approved by the Florida Department of Environmental Protection. 1 Based upon minimum needed fire flow, Fire Suppression Rating Schedule, February 2004, Insurance Service Office.

4) Drainage Facilities

<b>Drainage Facility</b>	<b>Design Frequency</b>
Crossdrains for Major Watersheds	50 years 24 hours
Detention/Retention/Attention Basins	25 year, 24 hour critical event with protection to a 100 year rainfall
Bridges and Bridge Culverts	50 years
Crossdrains for Minor Watersheds	25 years
Crossdrains and Ditches for Internal Drainage	25 years
Sidedrains for Roadway Ditches	10 years
Storm Sewers <sup>1</sup>	5 years

<sup>1</sup> Unless conditions prevail that indicate a lower control elevation desirable; the optimum hydraulic grade control shall be one foot below the invert of the gutter at the upstream end.

**Section 3.** CFE Policy 1.1.13 of the Community Facilities Element of the adopted Comprehensive Plan is hereby amended as follows:

**CFE POLICY 1.1.13**

The Clay County Water Supply Facilities Work Plan (~~2018-2030~~2025-2035) is hereby adopted by reference.

**Section 4.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5.** The Planning and Zoning staff are authorized and directed within 10 days of the date of adoption of this Ordinance to transmit the proposed amendment package to the Florida Department of Commerce, and to other reviewing agencies, as specified in Section 163.3184, Florida Statutes.

**Section 6.** In accordance with Section 163.3184, Florida Statutes, if the Plan amendment provided by this Ordinance is not timely challenged, then the effective date of said Plan shall be the 31<sup>st</sup> day after the date the Department of Commerce notifies the County that the Plan amendment is complete. If the Plan amendment is timely challenged, however, said effective date shall be the date a final order is entered by the Department of Commerce or the Administrative Commission determining the amendment to be in compliance. No development orders, development permits or land uses dependent on this Plan amendment may be issued or commence before they have become effective.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF CLAY COUNTY, FLORIDA

By: \_\_\_\_\_  
Betsy Condon, Its Chair

ATTEST:

By: \_\_\_\_\_  
Tara S. Green,  
County Clerk of Court and Comptroller  
Ex Officio Clerk to the Board



Agenda Item  
PLANNING COMMISSION

Clay County Administration Building  
Tuesday, April 1 5:00 PM

TO: Planning Commission

DATE: 3/25/2025

FROM: Beth Carson, Director of  
Planning and Zoning

SUBJECT: This application is a Text Amendment to FLU Policy 1.9.6 to remove land use classification specific language.

AGENDA ITEM TYPE:

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ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff_report_COMP_25-0007	Cover Memo	3/26/2025	Staff_Report_COMP_25-0007.ADA.pdf
▢ Draft_ordinance_COMP_25-0007	Ordinance	3/26/2025	Ordinance_COMP_25-0007.ADA.pdf



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1 **Staff Report and Recommendations for COMP 25-0007**

2

3

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4 **Introduction:**

5 This application is a Staff initiated amendment to the Comprehensive Plan prompted by citizen requests to  
6 allow for the transfer of land to family members within the Master Plan areas.

7

8 **Background:**

9 The 'heirs exemption', as generally described in FLU Policy 1.9.6 and more specifically in Sec. 3-10(g) of  
10 the Land Development Code, allows for the transfer of property, designated as Agriculture,  
11 Agriculture/Residential, Rural Residential, Rural Fringe, Urban Fringe and Urban Core (10) land use, to a  
12 qualifying heir. When the Branan Field and Lake Asbury Master Plans were developed, the heirs exemption  
13 policies in the Comprehensive Plan and Land Development Code were not amended to include the new  
14 land use classifications. In response to citizen requests to allow the opportunity for heirs exemptions  
15 within the master plan areas, this application proposes to amend Comprehensive Plan FLU Policy 1.9.6 to  
16 leave the general intent portion of the policy and remove land use classification specific language that is  
17 currently, and more appropriately, located in the land development code. An amendment to the Land  
18 Development Code policy will follow the Comprehensive Plan amendment process to add specific  
19 requirements for the Branan Field and Lake Asbury land use classifications.

20 **Summary of the Proposed Comprehensive Plan Text Amendment:**

21 The proposed amendment will remove land use classification specific language from FLU Policy 1.9.6 while  
22 preserving the intent to allow for the transfer of land to family members via the heirs exemption process.  
23 The changes proposed are as follows:

*FLU POLICY 1.9.6*

The County shall establish criteria in the land development regulations for the  
transfer of land for the use of family members for their primary residences.  
~~Within the Agriculture, Agriculture/Residential and Rural Residential land use  
classifications, a minimum lot size of 1 acre is required. Within the Rural Fringe  
land use classification, a minimum lot size of 1/3 acre is required. Within the  
Urban Fringe and Urban Core land use classifications the minimum lot size shall  
be governed by the underlying zoning and the maximum lot size shall be 1 acre.~~

24

25 **Analysis of Proposed Amendment Regarding Urban Sprawl**

26 It is the intent of Clay County to discourage the proliferation of Urban Sprawl. As required by FS 163.3177,  
27 all proposed comprehensive plan amendments are to be analyzed to ensure that urban sprawl and its  
28 negative impacts are not promoted. Specifically, the proposed amendment shall be determined to

29 discourage the proliferation of urban sprawl because it incorporates a development pattern or urban form  
30 that achieves the following:

- 31 1. Directs economic growth and associated land development to geographic areas of the community  
32 in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
- 33 2. Maximizes the use of existing and future public facilities.
- 34 3. Supports infill development.
- 35 4. Preserves open space and natural lands.

36

### 37 **Lake Asbury-Penney Farms CAC**

38 Staff initially believed an Amendment to FLU Policy 1.9.6 could be included with the final EAR package  
39 and brought both the Comprehensive Plan and Land Development Code changes to the Lake Asbury-  
40 Penney Farms CAC on February 13, 2025. The CAC voted 6-0 to recommend in favor of the heirs  
41 exemption amendment within the Lake Asbury Master Plan area but further recommended that maximum  
42 lot size provisions be eliminated.

43

### 44 **Recommendation**

45 The proposed amendment to FLU Policy 1.9.6 will remove the limited land use classifications currently  
46 listed in the policy and allow for countywide application of the heirs exemptions. Staff supports the intent  
47 of heirs exemptions and believes the opportunity should be available throughout the County and therefore  
48 recommends approval of COMP 25-0007.

49

ORDINANCE NO. 2025-\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING EITHER THE CLAY COUNTY 2040 COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 2018-31, AS SUBSEQUENTLY AMENDED, OR THE CLAY COUNTY 2045 COMPREHENSIVE PLAN, TO BE ADOPTED BY ORDINANCE ON MARCH 27, 2025, WHICHEVER IS IN EFFECT ON THE EFFECTIVE DATE OF THIS AMENDMENT, BOTH ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, TO AMEND FLU POLICY 1.9.6 TO REMOVE LAND USE CLASSIFICATION LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 26, 2018, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2018-31, which adopted the Clay County 2040 Comprehensive Plan (the “Plan”) [OR on March 25, 2025, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2025-     , which adopted the Clay County 2045 Comprehensive Plan (the “Plan”)]; and,

WHEREAS, Section 163.3184, Florida Statutes, outlines the process for the adoption of comprehensive plans or amendments thereto;

WHEREAS, Application COMP 25-0007 requests an amendment to the Plan;

WHEREAS, the Board desires to amend the Plan as provided for below.

Be It Ordained by the Board of County Commissioners of Clay County:

**Section 1.** Clay County Ordinance No. 2018-31, as amended, [OR Clay County Ordinance No. 2025- \_\_\_] is amended as provided in Section 2 hereof.

**Section 2.** FLU Policy 1.9.6 of the Future Land Use of the adopted Comprehensive Plan is hereby amended as follows:

**FLU POLICY 1.9.6**

The County shall establish criteria in the land development regulations for the transfer of land for the use of family members for their primary residences. ~~Within the Agriculture, Agriculture/Residential and Rural Residential land use classifications, a minimum lot size of 1 acre is required. Within the Rural Fringe land use classification, a minimum lot size of 1/3 acre is required. Within the Urban Fringe and Urban Core land use classifications the minimum lot size shall be governed by the underlying zoning and the maximum lot size shall be 1 acre.~~

**Section 3.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 4.** The Planning and Zoning staff are authorized and directed within 10 days of the date of adoption of this Ordinance to transmit the proposed amendment package to the Florida Department of Commerce, and to other reviewing agencies, as specified in Section 163.3184, Florida Statutes.

**Section 5.** In accordance with Section 163.3184, Florida Statutes, if the Plan amendment provided by this Ordinance is not timely challenged, then the effective date of said Plan shall be the 31<sup>st</sup> day after the date the Department of Commerce notifies the County that the Plan amendment is complete. If the Plan amendment is timely challenged, however, said effective date shall be the date a final order is entered by the Department of Commerce or the Administrative Commission determining the amendment to be in compliance. No development orders, development permits or land uses dependent on this Plan amendment may be issued or commence before they have become effective.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF CLAY COUNTY, FLORIDA

By: \_\_\_\_\_  
Betsy Condon, Its Chair

ATTEST:

By: \_\_\_\_\_  
Tara S. Green,  
County Clerk of Court and Comptroller  
Ex Officio Clerk to the Board





Agenda Item  
PLANNING COMMISSION

Clay County Administration Building  
Tuesday, April 1 5:00 PM

TO: Planning Commission

DATE: 3/25/2025

FROM: Beth Carson, Director of  
Planning and Zoning

SUBJECT: This application is a Land Development Code change to Article III Sec. 3-10(g) to allow the opportunity for Heirs Exemptions within the master plan areas.

AGENDA ITEM TYPE:

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ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ taff_report_ZON_25-0003	Cover Memo	3/26/2025	Staff_Report_ZON-25-0003.ADA.pdf
▢ Ordinance_ZON-25-0003	Ordinance	3/26/2025	Ordinance_ZON-25-0003_final.ADA.pdf



1 **Staff Report and Recommendations for ZON-25-0003**  
2

3  
4 **Introduction:**

5 This application is a Staff initiated amendment to the Land Development Code amending regulations in  
6 Article III Sec. 3-10(g) for heirs exemptions.  
7

8 **Background:**

9 When the land development policies for the Branan Field and Lake Asbury Master Plans were developed,  
10 the heirs exemptions in Sec. 3-10 (g) were not amended to include the new land use classifications. The  
11 proposed amendments included herein were prompted by citizens and will allow for future heirs  
12 exemptions within the master plan areas.

13 **Summary of the Proposed Land Development Code Amendment:**

14 The following amendments to Sec. 3-10(g) are proposed to include the land use classifications in the Branan  
15 Field and Lake Asbury Master Plans and other minor revisions for clarification:

16 (g) *Heirs Exemptions.* Pursuant to Land Use Policy 1.9.6 of the Comprehensive Plan, within the  
17 residential land use classifications listed in the table below, the transfer of land for the use of the  
18 transferor’s heir for his or her primary residence shall be permitted.  
19

<u>Land Use Designation</u>	<u>Minimum Lot Size</u>
<u>Agriculture (AG)</u>	<u>1 acre</u>
<u>Agricultural/Residential (AR)</u>	<u>1 acre</u>
<u>Rural Residential (RR)</u>	<u>1 acre</u>
<u>Rural Fringe (RF)</u>	<u>Based on underlying zoning</u>
<u>Urban Fringe (UF)</u>	<u>Based on underlying zoning</u>
<u>Urban Core 10 (UC 10)</u>	<u>Based on underlying zoning</u>
<u>Branan Field Rural Suburb (BF RS)</u>	<u>1 acre</u>
<u>Branan Field Master Planned Community (BF MPC)</u>	<u>1/3 acre*</u>

<u>Lake Asbury Rural Community (LA RC)</u>	<u>1 acre</u>
<u>Lake Asbury Rural Fringe (LA RF)</u>	<u>1/3 acre*</u>
<u>Lake Asbury Rural Reserve (LA RRSV)</u>	<u>2/3 acre</u>
<u>Lake Asbury Master Planned Community (LA MPC)</u>	<u>1/3 acre*</u>

20 \*\*larger lot size may be required where no public water or sewer is available

21

22 ~~Within the Agriculture, Agriculture/Residential and Rural Residential land use classifications, a~~  
 23 ~~minimum lot size of one acre is required. Within the Rural Fringe, Urban Fringe and Urban Core~~  
 24 ~~(10) land use classifications the minimum lot size shall be governed by the underlying zoning and~~  
 25 ~~the maximum lot size shall be one acre.~~ Lot width and depth, setbacks, and uses shall be governed  
 26 by the zoning for the property. The Heir's Exemption cannot be utilized to bring into conformance  
 27 lots which do not otherwise qualify for nonconforming lot of record status.

28

29 Both the heir's lot and the remainder of the transferor's property must have access via a publicly  
 30 maintained road or a private easement with a minimum width of 30 feet. *(Rev. 02/24/09)*

31

32 An heir is defined as a transferor's Grandparent, Parent, Stepparent, Adopted Parent, Sibling,  
 33 Child, Stepchild, Adopted Child, or Grandchild.

34

35 The Heir's Exemption is intended to allow transfer of land for the use of the heir to construct his  
 36 or her permanent residence. Building permits and certificates of occupancy may only be issued  
 37 with the heir specified as the owner of the property. If the property remains vacant, the heir must  
 38 retain title to the property for a minimum of five years before transfer or sale. The sale of the  
 39 property prior to that time will cause the cancellation of the property's heir's exemption status, and  
 40 no construction of a dwelling unit will be permitted on the lot unless the lot complies with the  
 41 density requirements of the Comprehensive Plan. If an heir constructs his or her permanent  
 42 residence on the property, the heir must reside in the residence for a minimum of two years from  
 43 the date of the issuance of the Certificate of Occupancy. The sale or lease of the property for  
 44 occupancy by another party prior to that time will cause the cancellation of the heir's exemption  
 45 status and the home will be subject to Section 20.3-11, Nonconforming Uses, Lots and Structures,  
 46 of the Clay County Land Development Code. In no case, however, will the heir be required to retain  
 47 title of the lot for more than five years, despite the length of occupancy of the dwelling unit by the  
 48 heir.

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For those Heir's Exemption transfers executed prior to November 27, 2007, the heir must have retained title to the property a minimum of one year in order for the property to retain the Heir's Exemption status and to be eligible for sale or transfer. *(Rev. 04/28/09)*

The following types of transfers shall not cause the cancellation of a lot's heir's exemption status and shall not subject a home on the lot to Section 20.3-11, Nonconforming Uses Lots and Structures, of the Clay County Land Development Code, regardless of the length of time the property has been retained by the heir:

- (1) Transfer of the lot to the heir's estate upon the death of the heir, either through testate or intestate succession as provided by state law; or
- (2) Involuntary transfer of the lot arising out of a judgment or order entered against the heir and rendered by a court of competent jurisdiction; or
- (3) Relocation due to an employment or educational opportunity, provided that the relocation would require the heir to move his or her permanent residence, as defined in section 196.012(18), Florida Statutes.

In the event the heir wishes to transfer the lot due to relocation, the heir shall submit an affidavit to the County attesting to the circumstances surrounding the educational or employment opportunity that require the heir to move his or her permanent residence.

A lot shall retain its heir's exemption status in the event the heir is serving in any branch of the Armed Forces of the United States and, by reason of such service, is unable to reside on the lot.

To obtain an Heir's Exemption, a completed application must be submitted to the County. The following items must be provided with an application for Heir's Exemption:

- (1) An unrecorded deed and a legal description of the transferred property and the remainder portion of the transferor's parcel which includes the size of the property;

- 81 (2) A copy of the original recorded deed for the transferor's property;  
82 (3) Evidence of the relationship between the heir and the transferor;  
83 (4) A certified survey performed since the most recent land transaction showing the  
84 dimensions of the heir's lot and the remainder portion of the transferor's lot. Applicants  
85 may request a waiver from the survey requirement if the remainder of the grantor's parcel  
86 is larger than 10 acres after the transfer to the heir, and no survey has been done in the  
87 previous year;  
88 (5) The survey must show evidence that the heir's lot and the remainder of the transferor's  
89 property have access via a publicly maintained road or a private easement with a minimum  
90 width of 30 feet; and *(Rev. 02/24/09)*  
91 (6) An acknowledgement by the Applicant that regulations outside the purview of the County  
92 may affect or preclude the construction of a residence upon the heir's lot, including but not  
93 limited to wetlands regulations or septic tank regulations.  
94

95 Following the approval of the heir's exemption, the applicant shall execute an affidavit which documents  
96 the heir's exemption and the conditions of approval. The affidavit form shall be provided by the County  
97 and be recorded by the applicant, together with the deed for the transferred property, in the Official  
98 Records of Clay County at the applicant's expense. The applicant shall provide copies of the recorded  
99 affidavit and deed to the County. *(Rev. 04/26/11)*

100

101 Lots subdivided as part of a Residential Aviation Community, as described in subsection (b)(3), may not be  
102 further subdivided through the heir's exemption.

103

#### 104 **Analysis of Proposed Zoning Text Amendment**

105 In reviewing proposed Amendments to the Code, the following criteria may be considered along with such  
106 other matters as may be appropriate to the particular application:

107

- 108 (a) Whether the proposed amendment is necessary as a result of a change of Florida, is corrective in  
109 nature, or is necessary to implement the requirements of the Code or the Plan; and

110 **Staff Finding:** The proposed text amendment is corrective in nature in that it provides property owners  
111 within the master plan areas the ability to create lots for family members, an opportunity available in other  
112 portions of the county. While the heirs lots tend to be smaller than the land use category would typically  
113 allow, this is less of a detriment in the master plans as they were intended to be more compact development.

- 114 (b) The relationship of the proposed change to the policies and objectives of the Plan with  
115 consideration as to whether the proposed change will further the purposes and intent of the Code and the  
116 Plan.

117 Staff Finding: The proposed amendment will support the purposes and intent of the Code by providing  
118 increased clarity and opportunity for heirs exemptions.  
119

120 **Lake Asbury-Penney Farms CAC**

121 The CAC heard this item at their meeting on February 13, 2025 and voted 6-0 to recommend approval with  
122 an additional recommendation that the maximum lot size provisions in the existing code and those  
123 proposed for the master plan districts be deleted. Staff has amended the draft language for this section and  
124 removed the maximum lot size requirements.  
125

126 **Recommendation**

127 The proposed revisions will provide policy guidance for citizens living in the Branan Field and Lake Asbury  
128 Master plan areas and allow the opportunity for the creation of lots for their family members. Staff  
129 recommends approval of ZON 25-0003 subject to the Board's adoption of companion amendment COMP  
130 25-0007.  
131

ORDINANCE No. 2025-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, RELATING TO ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED PURSUANT TO ORDINANCE NO. 93-16, AS SUBSEQUENTLY AMENDED, AND COMPRISING THE ZONING AND LAND USE PROVISIONS BY AMENDING SUBSECTION (g) OF SECTION 3-10, DENSITIES AND INTENSITIES OF USE, TO ADD PROVISIONS FOR HEIRS EXEMPTIONS FOR PROPERTIES WITH LAND USE CLASSIFICATIONS OF BRANAN FIELD RURAL SUBURBS (BF RS), BRANAN FIELD MASTER PLANNED COMMUNITY (BF MPC), LAKE ASBURY RURAL COMMUNITY (LA RC), LAKE ASBURY RURAL FRINGE (LA RF), LAKE ASBURY RURAL RESERVE (LA RRSV) AND LAKE ASBURY MASTER PLANNED COMMUNITY (LA MPC); TO REMOVE PRIOR REVISION DATES; TO CLARIFY DEED AND LEGAL DESCRIPTION REQUIREMENTS AND TO CORRECT GRAMMATICAL ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Board desires to amend certain provisions in Article III, Section 3-10 of the Clay County Land Development Code, as provided for below.

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

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

**Section 2.** Subsection (g) of Section 3-10, Article III is hereby amended as follows:

(g) *Heirs Exemptions.* Pursuant to Land Use Policy 1.9.6 of the Comprehensive Plan, within the residential land use classifications listed below, the transfer of land for the use of the transferor’s heir for his or her primary residence shall be permitted.

<u>Land Use Designation</u>	<u>Minimum Lot Size</u>
<u>Agriculture (AG)</u>	<u>1 acre</u>
<u>Agricultural/Residential (AR)</u>	<u>1 acre</u>
<u>Rural Residential (RR)</u>	<u>1 acre</u>

<u>Rural Fringe (RF)</u>	<u>Based on underlying zoning</u>
<u>Urban Fringe (UF)</u>	<u>Based on underlying zoning</u>
<u>Urban Core 10 (UC 10)</u>	<u>Based on underlying zoning</u>
<u>Branan Field Rural Suburb (BF RS)</u>	<u>1 acre</u>
<u>Branan Field Master Planned Community (BF MPC)</u>	<u>1/3 acre*</u>
<u>Lake Asbury Rural Community (LA RC)</u>	<u>1 acre</u>
<u>Lake Asbury Rural Fringe (LA RF)</u>	<u>1/3 acre*</u>
<u>Lake Asbury Rural Reserve (LA RRSV)</u>	<u>2/3 acre</u>
<u>Lake Asbury Master Planned Community (LA MPC)</u>	<u>1/3 acre*</u>

\*larger lot size required if using septic

~~Within the Agriculture, Agriculture/Residential and Rural Residential land use classifications, a minimum lot size of one acre is required. Within the Rural Fringe, Urban Fringe and Urban Core (10) land use classifications the minimum lot size shall be governed by the underlying zoning and the maximum lot size shall be one acre. Lot width and depth, setbacks, and uses shall be governed by the zoning for the property. The Heir's Exemption cannot be utilized to bring into conformance lots which do not otherwise qualify for nonconforming lot of record status.~~

Both the heir's lot and the remainder of the transferor's property must have access via a publicly maintained road or a private easement with a minimum width of 30 feet. *(Rev. 02/24/09)*

An heir is defined as a transferor's Grandparent, Parent, Stepparent, Adopted Parent, Sibling, Child, Stepchild, Adopted Child, or Grandchild.

The Heir's Exemption is intended to allow transfer of land for the use of the heir to construct his or her permanent residence. Building permits and certificates of occupancy may only be issued with the heir specified as the owner of the property. If the property remains vacant, the heir must retain title to the property for a minimum of five years before transfer or sale. The sale of the property prior to that time will cause the cancellation of the property's heir's exemption status, and no construction of a dwelling unit will be permitted on the lot unless the lot complies with the density requirements of the Comprehensive Plan. If an heir constructs his or her permanent residence on the property, the heir must reside in the residence for a minimum of two years from the date of the issuance of the Certificate of Occupancy. The sale or lease of the property for occupancy by another party prior to that time will cause the cancellation of the heir's exemption status and the home will be subject to Section 20.3-11, Nonconforming Uses, Lots and Structures, of the Clay County Land Development Code. In no



case, however, will the heir be required to retain title of the lot for more than five years, despite the length of occupancy of the dwelling unit by the heir.

For those Heir's Exemption transfers executed prior to November 27, 2007, the heir must have retained title to the property a minimum of one year in order for the property to retain the Heir's Exemption status and to be eligible for sale or transfer. *(Rev. 04/28/09)*

The following types of transfers shall not cause the cancellation of a lot's heir's exemption status and shall not subject a home on the lot to Section 20.3-11, Nonconforming Uses Lots and Structures, of the Clay County Land Development Code, regardless of the length of time the property has been retained by the heir:

- (1) Transfer of the lot to the heir's estate upon the death of the heir, either through testate or intestate succession as provided by state law; or
- (2) Involuntary transfer of the lot arising out of a judgment or order entered against the heir and rendered by a court of competent jurisdiction; or
- (3) Relocation due to an employment or educational opportunity, provided that the relocation would require the heir to move his or her permanent residence, as defined in section 196.012(18), Florida Statutes.

In the event the heir wishes to transfer the lot due to relocation, the heir shall submit an affidavit to the County attesting to the circumstances surrounding the educational or employment opportunity that require the heir to move his or her permanent residence.

A lot shall retain its heir's exemption status in the event the heir is serving in any branch of the Armed Forces of the United States and, by reason of such service, is unable to reside on the lot.

To obtain an Heir's Exemption, a completed application must be submitted to the County. The following items must be provided with an application for Heir's Exemption:

- (1) An unrecorded deed and a legal description of the transferred property and the remainder portion of the transferor's parcel which includes the size of the properties;
- (2) A copy of the original recorded deed for the transferor's property;
- (3) Evidence of the relationship between the heir and the transferor;
- (4) A certified survey performed since the most recent land transaction showing the dimensions of the heir's lot and the remainder portion of the transferor's lot. Applicants may request a waiver from the survey requirement if the remainder of the grantor's parcel is larger than 10 acres after the transfer to the heir, and no survey has been done in the previous year;

- (5) The survey must show evidence that the heir's lot and the remainder of the transferor's property have access via a publicly maintained road or a private easement with a minimum width of 30 feet; and *(Rev. 02/24/09)*
- (6) An acknowledgement by the Applicant that regulations outside the purview of the County may affect or preclude the construction of a residence upon the heir's lot, including but not limited to wetlands regulations or septic tank regulations.

Following the approval of the heir's exemption, the applicant shall execute an affidavit which documents the heir's exemption and the conditions of approval. The affidavit form shall be provided by the County and be recorded by the applicant, together with the deed for the transferred property, in the Official Records of Clay County at the applicant's expense. The applicant shall provide copies of the recorded affidavit and deed to the County. *(Rev. 04/26/11)*

Lots subdivided as part of a Residential Aviation Community, as described in subsection (b)(3), may not be further subdivided through the heir's exemption.

**Section 3.** If any section, phrase, sentence or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 4.** This Ordinance shall become effective upon the Ordinance adopting the comprehensive plan amendment requested in Application COMP 25-0007 becoming effective.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this \_\_\_\_\_ day of May, 2025.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

BY: \_\_\_\_\_  
Betsy Condon, Chairman

ATTEST

\_\_\_\_\_  
Tara S. Green  
Clay County Clerk of Court and Comptroller

Ex Officio Clerk to the Board



Agenda Item  
PLANNING COMMISSION

Clay County Administration Building  
Tuesday, April 1 5:00 PM

TO: Planning  
Commission

DATE:

FROM: Beth Carson,  
Director of Planning and  
Zoning

SUBJECT:

AGENDA ITEM TYPE:

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Agenda Item  
PLANNING COMMISSION

Clay County Administration Building  
Tuesday, April 1 5:00 PM

TO: Planning Commission

DATE: 3/25/2025

FROM: Beth Carson,  
Director of Planning and  
Zoning

SUBJECT:

AGENDA ITEM TYPE:

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