

Planning Commission Meeting
July 5, 2011
7:00 p.m.

Call to Order

Pledge of Allegiance

Approval of Minutes from June 7, 2011

Public Hearings

1. Z-11-05 Rezoning application 1.17 acres from AR (Agricultural Residential District) to PS-2 (Private Services District).
2. Z-11-06 Rezoning Application 3.55 acres from IS (Industrial Select District) to PS-1 (Private Services District).
3. Public Hearing on Proposed Small Scale Amendment #SSA11-1
4. Public Hearing on Proposed Changes in Section 12-10 (Amendments to the Comprehensive Plan), Article XII of Clay County Land Development Code

Old Business/New Business/Comments

Adjournment

Planning Commission

Date: 07/05/2011

Public Hearing on Proposed Changes in Section 12-10 (Amendments to the Comprehensive Plan), Article XII of Clay County Land Development Code

Submitted By: Sung-Man Kim, Development Services

Department: Development Services

Division: Planning

Information

Subject

Public Hearing on Proposed Changes in Section 12-10 (Amendments to the Comprehensive Plan), Article XII of Clay County Land Development Code

Background

Section 163 Florida Statutes along with other related growth management acts has been amended by the legislature at the 2011 session by, especially, redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act."

Due to such changes in growth management acts, changes in Section 12-10 (Amendments to the Clay County Comprehensive Plan), Article XII of Clay County Land Development Code is found to be essential.

After the Planning Commission's review on Section 12-10, Article XII of LDC, the details and its adoption will be further discussed at the Board of County Commissioners meeting on July 26, 2011.

Attachments

Link: [Staff Memo](#)

Link: [Draft Ordinance](#)

Link: [Attachment-Main Text to be Changed](#)

Planning Commission

Date: 07/05/2011

Public Hearing on Proposed Small Scale Amendment #SSA11-1

Submitted By: Sung-Man Kim, Development Services

Department: Development Services

Division: Planning

Information

Subject

Public Hearing on Proposed Small Scale Amendment #SSA11-1

Background

Attached for your consideration is a staff report for a small-scale comprehensive plan map amendment. The applicant is requesting a change in land use from Agriculture to Rural Fringe for 9.62-acre parcels located on East of Breezy Point Road and approximately 2-mile West of SR 100 in the Keystone Heights Planning District area.

Attachments

Link: [Staff Report](#)

Planning Commission

Date: 07/05/2011

Z-11-05 Rezoning Application from AR (Agricultural Res) to PS-2 (Private Serv.) for 226 Jefferson Ave.

Submitted For: Chad Williams, Zoning Manager Submitted By: Kellie Schaudel, Development Services
Department: Development Services Division: Zoning

Information

Subject

Z-11-05 Rezoning application 1.17 acres from AR (Agricultural Residential District) to PS-2 (Private Services District).

Background

Applicant is seeking a rezoning from AR to PS-2 to accommodate a Fraternal Order of Eagles club/lodge.

Attachments

Link: [Z-11-05 Staff Report](#)

Link: [Z-11-05 Ordinance](#)

Planning Commission

Date: 07/05/2011

**Z-11-06 Rezoning Application from IS (Ind. Select) to PS-1 (Private Serv.) for
41-04-26-019843-000-00 on Miller St.**

Submitted For: Chad Williams, Zoning Manager Submitted By: Kellie Schaudel, Development Services
Department: Development Services Division: Zoning

Information

Subject

Z-11-06 Rezoning Application 3.55 acres from IS (Industrial Select District) to PS-1 (Private Services District)

Background

Applicant is seeking a rezoning from IS to PS-1 to accommodate a church.

Attachments

Link: [Z-11-06 Staff Report](#)

Link: [Z-11-06 Ordinance](#)



CLAY COUNTY FLORIDA

Department of Development Services Planning and Zoning Division

P.O. Box 1366
477 Houston Street
3rd Floor, Admin. Building
Green Cove Springs, FL
32043

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Commissioners:
Wendell D. Davis
District 1
Douglas P. Conkey
District 2
W. Travis Cummings
District 3
T. Chereese Stewart
District 4
Ronnie E. Robinson
District 5

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www.claycountygov.com

MEMORANDUM

DATE: July 05, 2011

TO: The Planning Commission

VIA: Holly Parrish, Development Services Manager
Mike Kloehn, Director of Planning and Zoning Division

FROM: Sung-Man Kim, Chief Planner

RE: Proposed Changes in Section 12-10 (Amendments to the Comprehensive Plan), Article XII of Clay County Land Development Code

Section 163 Florida Statutes along with other related growth management acts has been amended by the legislature at the 2011 session by, especially, redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act."

Due to such changes in growth management acts, changes in Section 12-10 (Amendments to the Clay County Comprehensive Plan), Article XII of Clay County Land Development Code is found to be essential.

After the Planning Commission's review on Section 12-10, Article XII of LDC, the details and its adoption will be further discussed at the Board of County Commissioners meeting on July 26, 2011.

Cc: Stephanie C. Kopelousos, County Manager
Mark Scruby, County Attorney



**CLAY COUNTY
FLORIDA**

**Department of
Development Services**
Planning and Zoning
Division
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MEMORANDUM

DATE: July 5, 2011
TO: The Planning Commission
THROUGH: Mike Kloehn, Director of Planning and Zoning Division
FROM: Sung-Man Kim, Chief Planner
RE: Small Scale Amendment #SSA11-1

Discussion

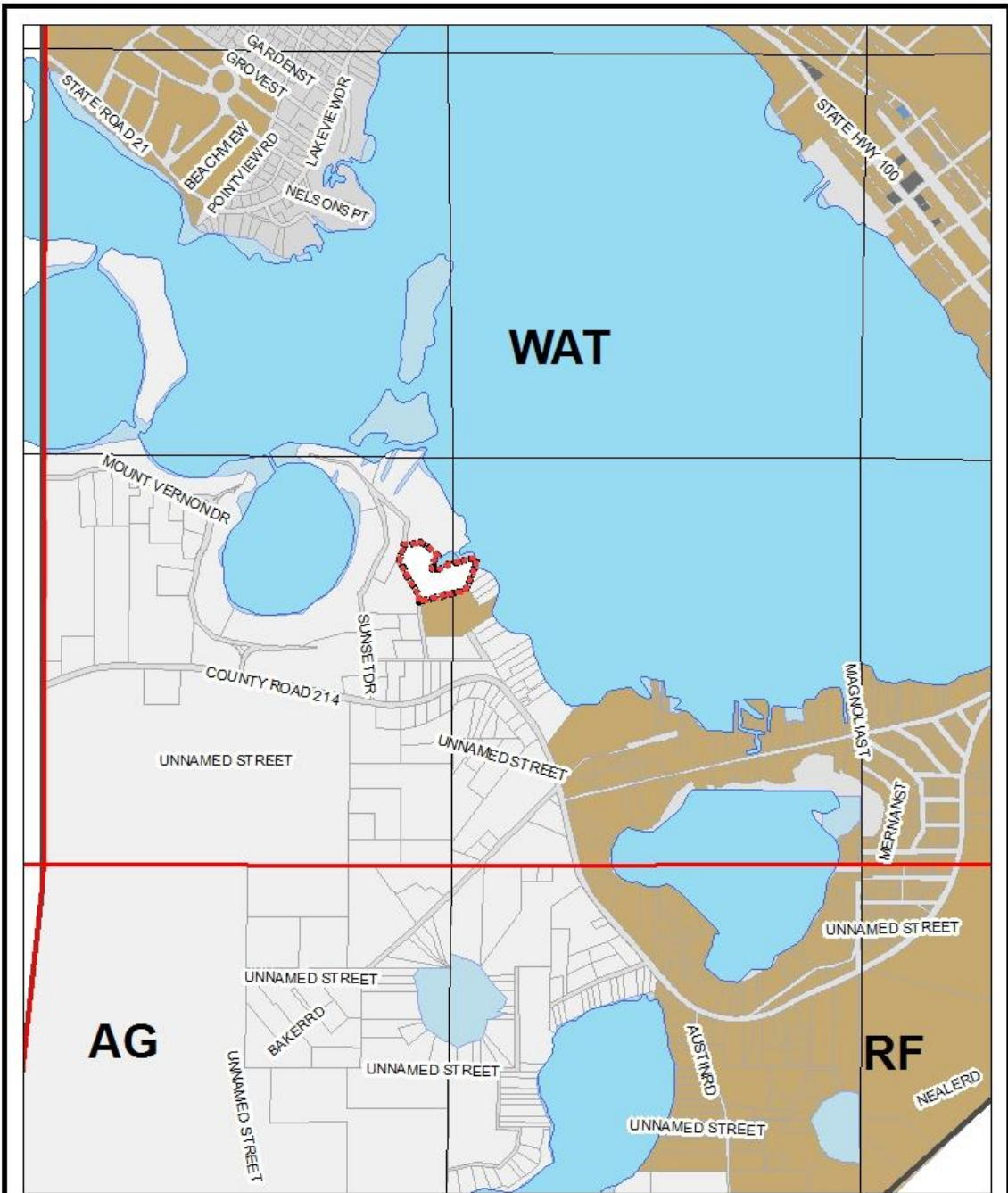
Attached for your consideration is a staff report for a small-scale comprehensive plan map amendment. The applicant is requesting a change in land use from **Agriculture** to **Rural Fringe** for 9.62-acre parcels located on East of Breezy Point Road and approximately 2-mile West of SR 100 in the Keystone Heights Planning District area.

Existing FLUM Category	Proposed FLUM Category	Existing Maximum Density (DU/Acre)	Proposed Maximum Density (DU/Acre)	Existing Maximum Intensity (FAR)	Proposed Maximum Intensity (FAR)	Net Increase or (Decrease) in Maximum Density	Non-Residential Net Increase or (Decrease) in Potential Floor Area
Agriculture	Rural Fringe	0.05	1	0	0	0.95 du/acre or total 9 units	0

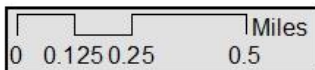
Land Use and Zoning of Surrounding Properties

	Future Land Use	Zoning	Actual Land Use
North	Agriculture	AR-2	Single Family
South	Rural Fringe	AR-2	Single Family
East	Agriculture	AR-2	Vacant
West	Agriculture	AG	Vacant/Single Family

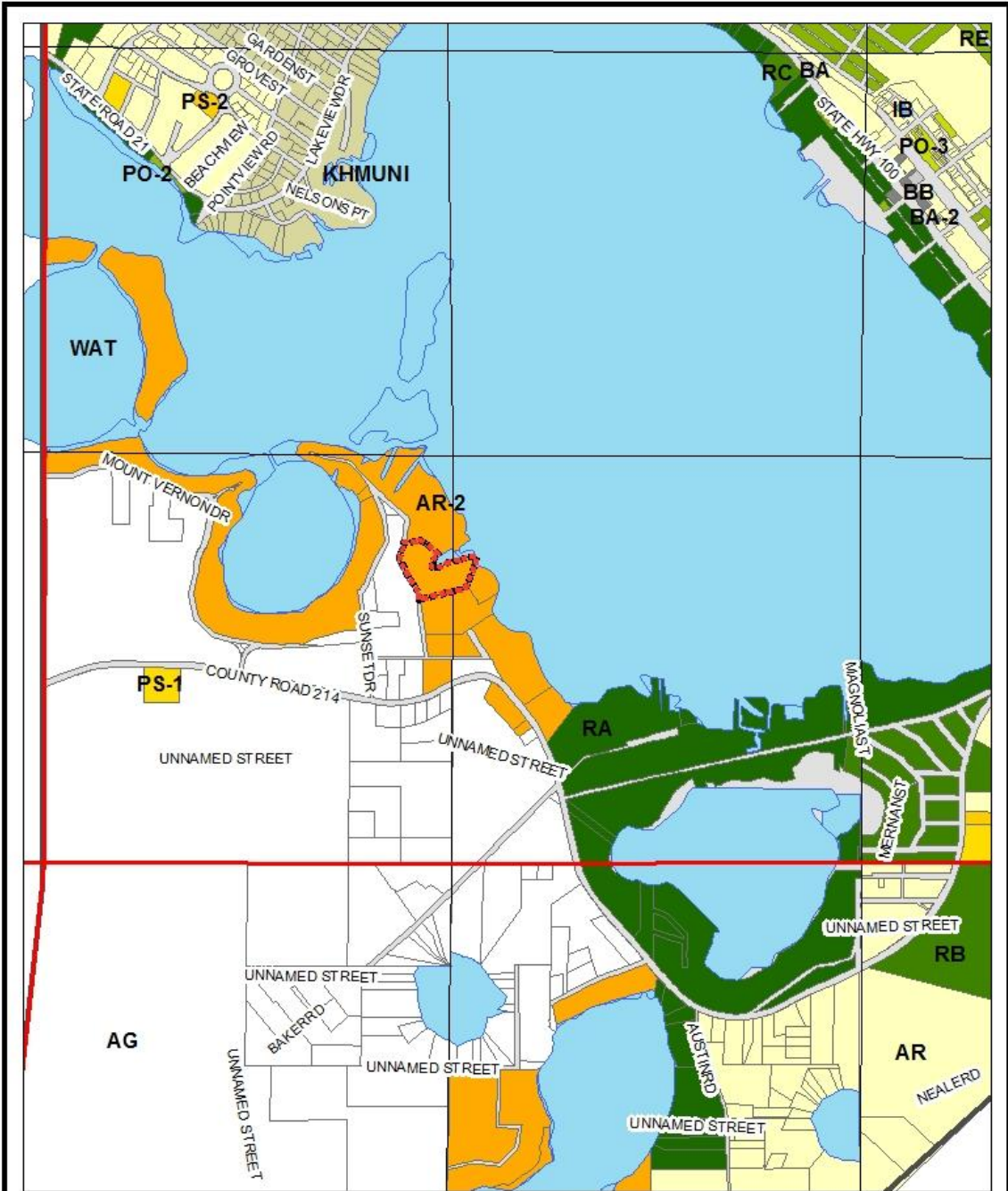
AR-2 (Rural Estates District) areas have been established in order to create a rural residential environment. According to Section 3-5(e)(3), Any agricultural pursuit as a commercial venture or enterprise or the keeping or maintaining of any animal, reptile or rodent, as a commercial venture or enterprise are prohibited. Per Section 3-5(e)(6) Any commercial agricultural pursuit or the breeding, raising, grazing, or keeping of animals, fowl, and insects are also prohibited.



EXISTING FLUM



Date: 05/27/2011
 Project Title: Breezy Shores (SSA11-1)
 Prepared By: Sungman Kim, GISP
 Division of Planning and Zoning



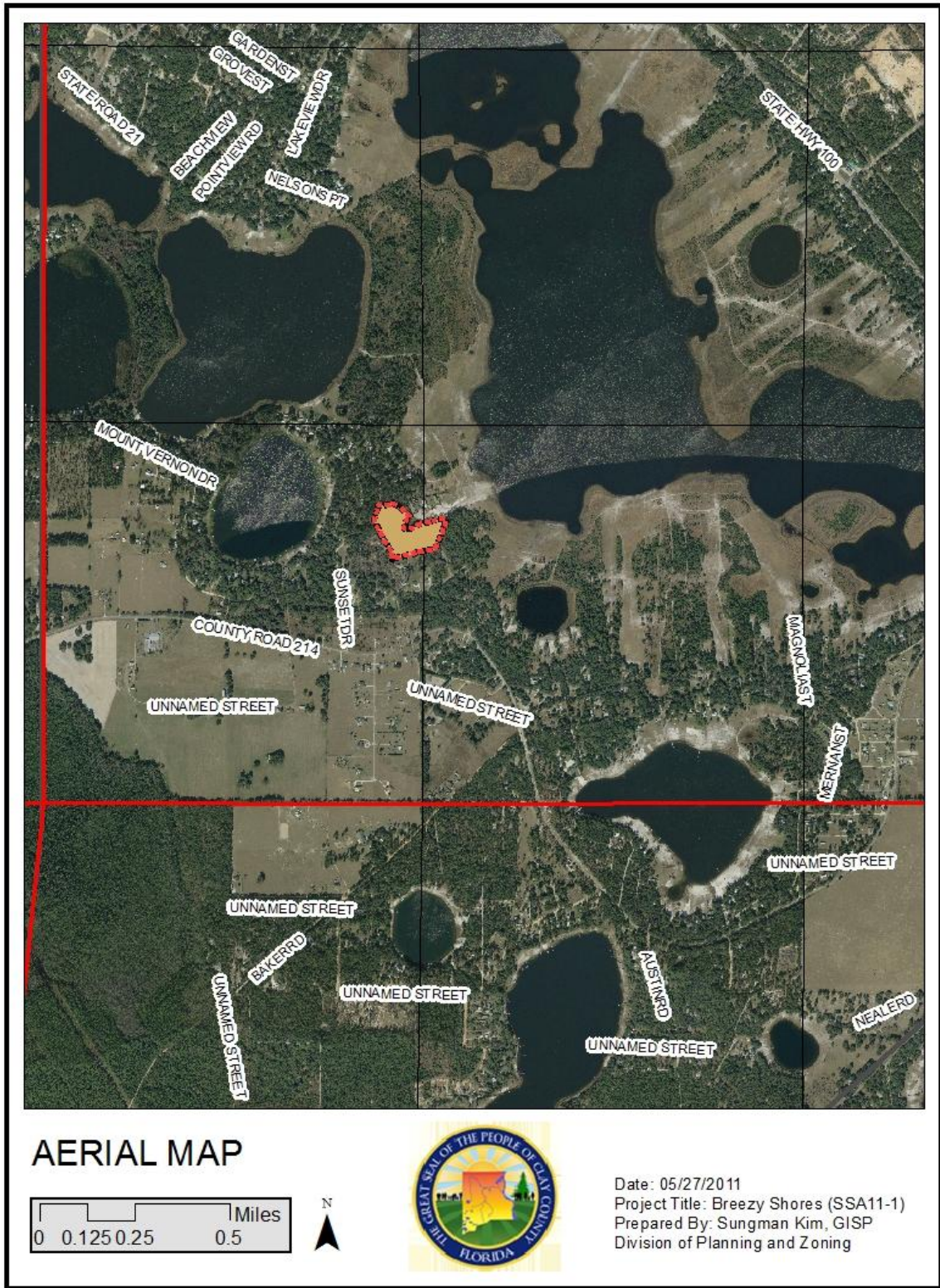
ZONING



Date: 05/27/2011
 Project Title: Breezy Shores (SSA11-1)
 Prepared By: Sungman Kim, GISP
 Division of Planning and Zoning

Existing Use of the Properties (Please see Aerial Photo):

The subject site is currently vacant.



Proposed Use of the Property

The applicant wants to change the use of the land to make it usable and compatible with the neighboring properties, which are residential under zoning designation AR-2.

Urban Sprawl

Consistent with Objective 1.2 of the County’s Future Land Use Element, this project does not promote urban sprawl. The proposed land use is consistent with the uses with the neighboring properties.

Point Analysis

Criteria	Points
Proximity to fire protection	20
Proximity to emergency medical services	20
Paved access to arterial or collector	0
Central water and sewer	0
Proximity to schools	10
Additional open space dedication	Max. 25 (25% dedication)
Total possible points	75
The min. number of points required:	
80	

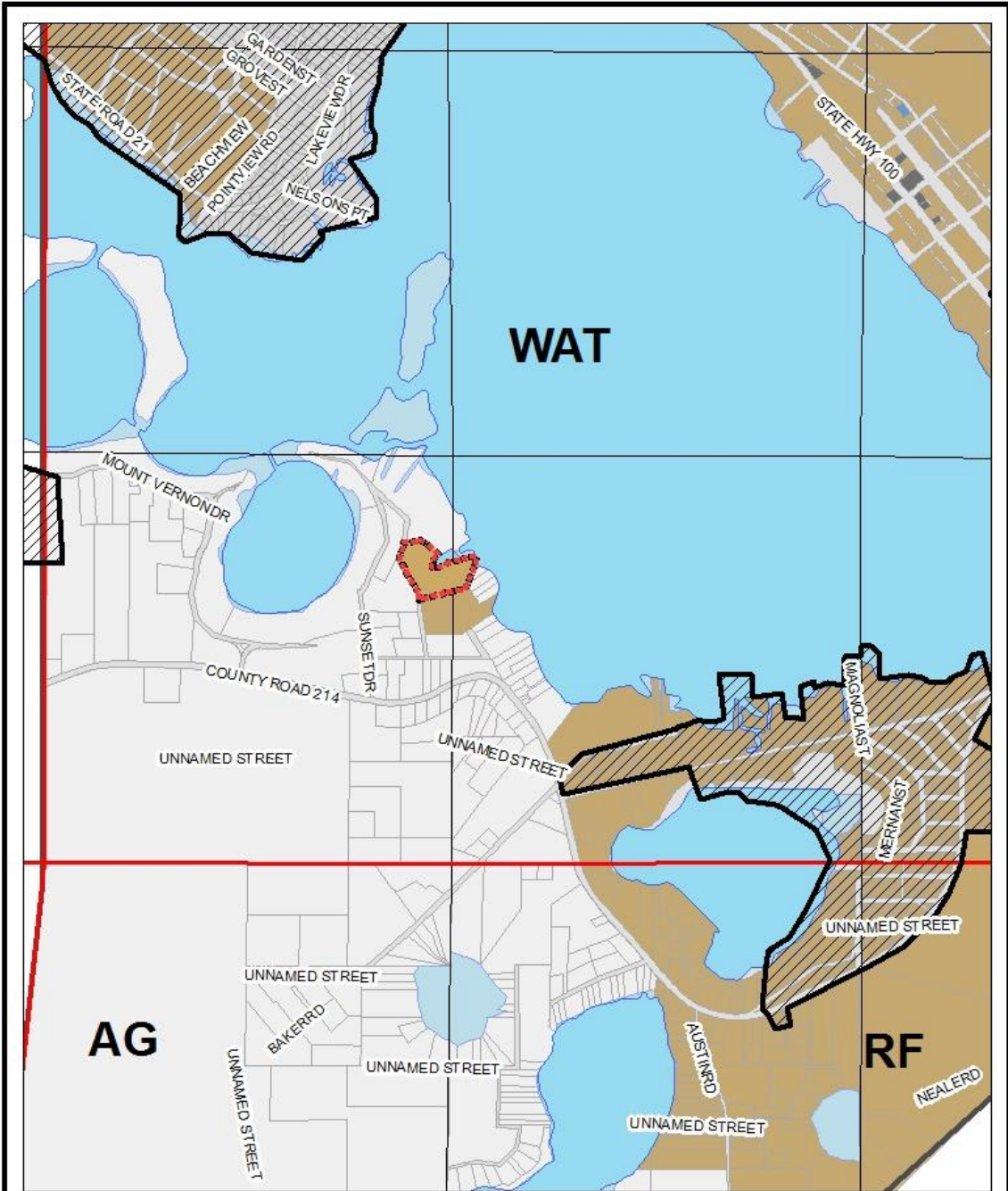
Effect on Levels of Service

Traffic

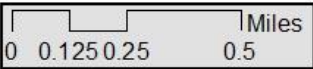
According to TIPS Version 1.4.0, new trips from the change (maximum 9 units; ITE Code # 210) will create 12 PM Peak trips and have minimal impacts on CR 214.

Water and Wastewater System Impacts and Improvement

The site is approximately 0.5 miles away from the CUA’s Proposed Service Area (Keystone Heights Grid) and will utilize septic and well system.



CCUA Keystone Heights Grid



Date: 05/27/2011
 Project Title: Breezy Shores (SSA11-1)
 Prepared By: Sungman Kim, GISP
 Division of Planning and Zoning

Compatibility

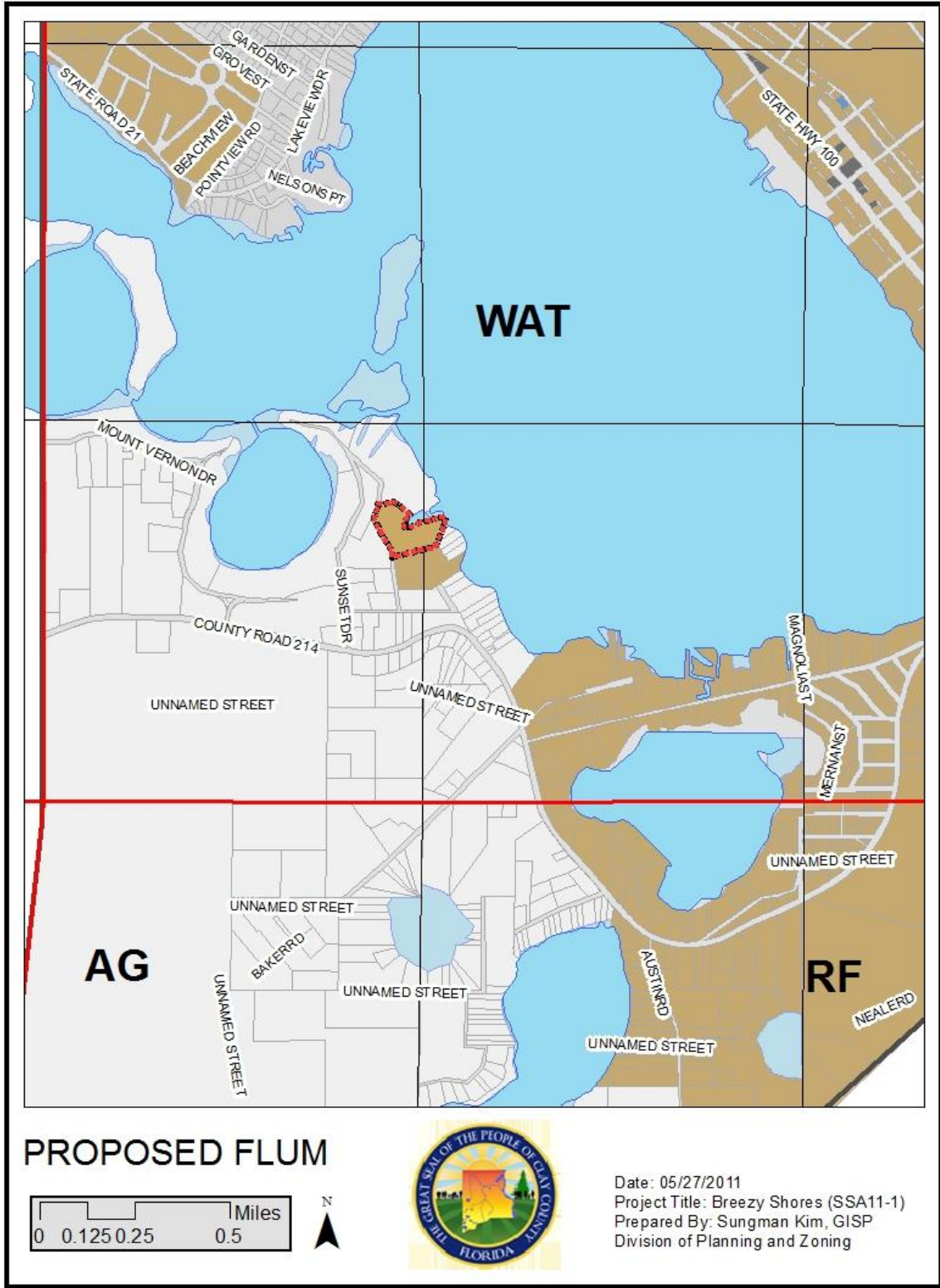
The parcel is surrounded by existing residential areas. The change would be compatible.

Findings and Recommendations:

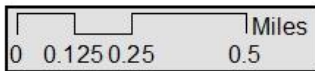
The subject property is approximately 9.62-acre in size. Under the current land use designation Agriculture, which requires maximum 1 unit per 20 acres, the owner may not build a unit of house on it. Also, the zoning designation AR-2 (Rural Estates District) does not allow any commercial agricultural activities.

The applicant is seeking to change future land use designation of the property from Agriculture to Rural Fringe. The property is contiguous to Rural Fringe uses in the south. Staff finds that this amendment is supportable due to its compatibility with the surrounding area.

PROPOSED FUTURE LAND USE MAP



PROPOSED FLUM



Date: 05/27/2011
Project Title: Breezy Shores (SSA11-1)
Prepared By: Sungman Kim, GISP
Division of Planning and Zoning



Clay County Division of Planning & Zoning
Staff Report and Recommendation

Application Number Z-11-05

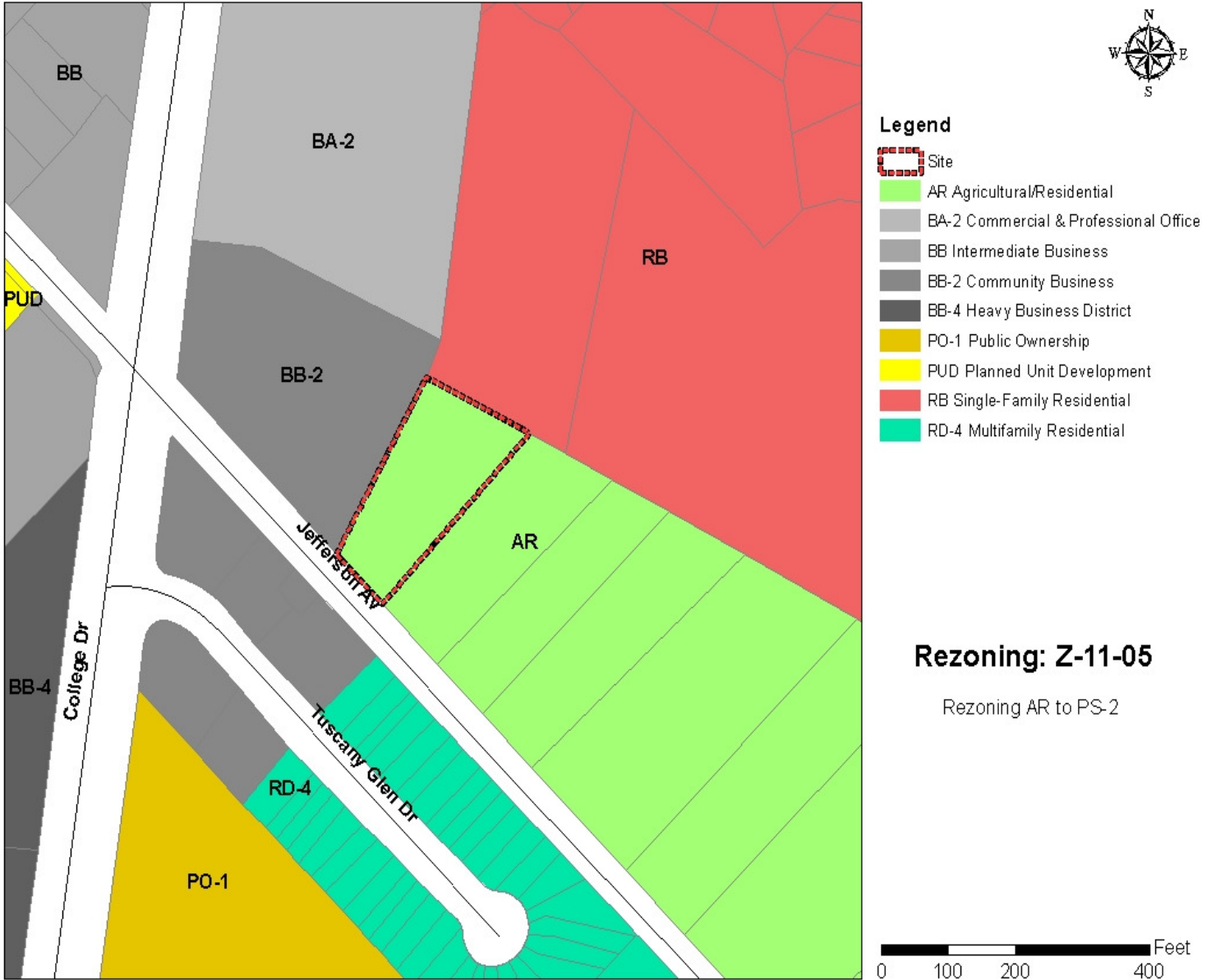
I. Owner / Agent Information

Owner / Petitioner Doris Cook
2915 Thunder Road
Middleburg, FL 32068

II. Parcel Zoning Land Use and Other Information

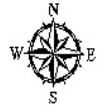
Parcel ID # 40-04-25-020694-001-00
Physical Address 226 Jefferson Ave., Orange Park
Planning District: 2(Doctor's Inlet/Ridgewood)
Commission District: 2 (Commissioner Conkey)
Existing Zoning District: AR (Agricultural Residential District)
Proposed Zoning District: PS-2(Private Services District)
Future Land Use Category: UC (Urban Core)
Acreage: 1.17 acres
Planning Commission Date: July 5, 2011
Board of County Commissioners Date: July 26, 2011

III. Surrounding Zonings



IV. Site Photos & Aerial





Rezoning: Z-11-05

Rezoning AR to PS-2



Existing Uses within the AR Zoning District
--

Sec. 3-13. AGRICULTURAL/RESIDENTIAL DISTRICT (Zone AR)

- (a) *Intent.* All land designated as Zone AR is subject to the requirements of this Section as well as the appropriate density and intensity in Sec. 20.3-10. Such uses have been established to provide a transition between agricultural and the more urban residential areas; and to create a rural residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of the resident.
- (b) *Uses Permitted.*
- (1) Single-family or mobile home dwelling with their customary accessory uses.
 - (2) For lots greater than one (1) acre in size, permitted uses include the non-commercial keeping and raising of horses, cattle, sheep, goats, swine and other similar animals.
 - (3) For lots of one (1) acre or less in size, permitted uses include the non-commercial keeping and raising of horses, cattle, sheep, swine, goats and other similar farm animals; provided, however, that no more than two (2) horses, cattle, sheep, swine, goats and other large farm animals six (6) months of age or older shall be permitted to be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty (50) feet to the property.
 - (4) Agricultural accessory uses that are customary and incidental to principal agricultural use shall be permitted as follows:
 - (i) Accessory buildings directly incidental to the agricultural pursuits listed above.
 - (ii) Sheds for the storage and repair of the owner's or tenant's farm equipment only, provided the structure does not exceed three thousand (3,000) square feet of gross floor area.
 - (iii) Stand for the sale of products which are raised on the premises.
 - (5) General agricultural pursuits of a variety similar, but not limited to, truck gardens, forestry, crop raising, horticulture, greenhouses, nurseries, groves, apiculture and pisciculture.

-
- (6) The sale of said products and commodities which are raised on the premises. Retail roadside sales permitted only from conforming structures on private property.
 - (7) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
 - (8) Storage of petroleum products.
 - (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
 - (ii) Gasoline to be used by owner of residence not to exceed 50 gallons.
 - (9) Satellite dish receivers for individual use.
 - (10) The parking of commercial vehicles by the owner of the primary residence with a limit of one (1) per acre and a maximum of two (2) vehicles, may be parked in the rear or side yard, except refrigerated vehicles and vehicles carrying hazardous materials.
 - (11) Private boat pier or slip for the use of occupants of principal residential structures of the lot; provided said pier or slip does not interfere with navigation.
- (c) *Conditional Uses.* The following uses are permitted in the AR zoning district subject to the conditions provided in Section 20.3-5.
- (1) Plant nurseries.
 - (2) Riding academies and riding stables.
 - (3) Home occupations.
 - (4) Bird sanctuaries and rehabilitation centers.
 - (5) Swimming pools.
 - (6) Commercial kennels.
 - (7) Radio, television, microwave relay stations or towers and accessory equipment buildings.
 - (8) Aviculture (Commercial or Hobbyist).

-
- (9) Temporary structures or buildings.
 - (10) Mobile homes for medical hardship.
 - (11) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
 - (12) Public and/or private sewer facilities.
 - (13) Private drainage ponds or agricultural livestock ponds.
 - (14) Borrow Pits.
 - (15) Land Application of Domestic Septage.
 - (16) Apiculture (Hobbyist).
 - (17) Land Clearing Debris Disposal Facility.
 - (18) BMX Track (Bicycle Motocross; Non-motorized).
 - (19) Bed and Breakfast Inns.
 - (20) Dwelling unit with kitchen addition for parent, grandparent or child.
 - (21) Recreational Vehicle parking for temporary use.
 - (22) Temporary Living Quarters during construction of a residence.
 - (23) Residential Group Homes.
 - (24) Accessory Dwelling Units.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use or activity which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.

(e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the AR district shall be as follows:

(1) Land with a zoning classification of AR and a land use designation of Agricultural/Residential.

(i) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	One (1) unit per ten (10) acres
<i>Minimum Lot Size</i>	Ten (10) acres or 435,600 square feet

(ii) Subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	
With Clustering and Points	One (1) unit per five (5) acres
Without Clustering and Points	One (1) unit per ten (10) acres

<i>Minimum Lot Size</i>	
With Clustering and Points	One (1) acre or 43,560 square feet
Without Clustering and Points	Nine (9) acres or 392,040 sq. feet

(2) Land with a zoning classification of AR and a land use designation of Rural Residential.

(i) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	One (1) unit per five (5) acres
<i>Minimum Lot Size</i>	Five (5) acres or 217,800 square feet

(ii) Subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	
With Clustering and Points	One (1) unit per acre
Without Clustering and Points	One (1) unit per five (5) acres

<i>Minimum Lot Size</i>	
With Clustering and Points	21,780 square feet
Without Clustering and Points	Four (4) acres or 174,240 sq. feet

(3) Land with a zoning classification of AR and a land use designation of Rural Fringe.

(i) *Maximum Density* One (1) unit per acre

	<i>Minimum Density</i>	43,560 square feet
(4)	Land within a zoning classification of AR and a land use designation of Urban Fringe.	
	(i) <i>Maximum Density</i>	Two (2) units per acre
	<i>Maximum Lot Size</i>	21,780 square feet
(5)	Land within a zoning classification of AR and a land designation of Urban Core.	
	(i) <i>Maximum Density</i>	Two (2) units per acre
	<i>Maximum Lot Size</i>	21,780 square feet
(6)	Land with a zoning classification of AR and a land use designation of Agriculture.	
	(i) Residential development not classified as a subdivision pursuant to Ordinance 85-65, as amended.	
	<i>Maximum Density</i>	One (1) unit per twenty (20) acres
	<i>Minimum Lot Size</i>	Twenty (20) acres
(f)	<i>Lot and Building Requirements.</i> The principal buildings and other lot uses shall be so located as to comply with the following requirements:	
(1)	Minimum Lot Width at Building Line	100 feet
(2)	Minimum Lot Depth	100 feet
(3)	Minimum Front Setback	30 feet
(4)	Minimum Rear Setback	35 feet
(5)	Minimum Side Setback	20 feet*
	*For waterfront properties along Doctors Lake within the Neilhurst Plat, recorded in Plat Book 2, pages 44 through 46, the minimum side setback shall be 5 feet.	
(6)	Minimum Front Yard Setback for Accessory Buildings, Excluding Fences	30 feet
(7)	Minimum Rear Yard Setback for Accessory Buildings	7.5 feet
(8)	Minimum Living Area	750 sq. ft.

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- (9) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet.

 - (10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable.

VI. Proposed Uses within the PS-2 Zoning District

Sec. 3-39. PRIVATE SERVICES (Zone PS-2)

- (a) *Area.* All land described as Zone PS-2 is subject to the regulations of this Section. Such areas are established to provide adequate land for the private sector providing social services and non-profit retreat facilities in open space areas with an emphasis on the enjoyment and preservation of the natural environmental amenities of the land. A site plan conforming to the requirements of Section 27, Ordinance 82-45, as amended, is required and shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit.
- (b) *Uses Permitted.*
- (1) Clubs and lodges, including accessory buildings. On-premise consumption of alcoholic beverage within clubs and lodges by members and approved guests only is permitted, subject to the provisions of this chapter.
 - (2) Golf Courses with or without Driving Ranges.
 - (3) Private Passive Parks.
 - (4) Public and private water, sewer, or electric facilities.
 - (5) Community association buildings and neighborhood activity centers, provided no alcoholic beverages are sold or served on premises.
- (c) *Conditional Uses.* The following uses are permitted in the PS-2 zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Outdoor Shooting Range - Shotguns only.
 - (2) Retreat Centers.
 - (3) Commercial radio, television, microwave relay stations or towers, and accessory equipment buildings.
 - (4) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
 - (5) Recreational facilities.
 - (6) Land Clearing Debris Disposal Facility permitted only in Agricultural, Commercial,

Mining, and Agricultural/Residential land use categories.

- (7) Dog Park.
 - (8) Public Educational Facilities.
 - (9) Youth Camps.
 - (10) Campground/Recreational Park.
 - (1) Animal Clinics with or without caretaker's quarters.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) and (c) above.
 - (2) With respect to Retreat Centers, any activity not permitted under Section 501 (C) (3) of the Internal Revenue Code, private ownership of homes, or sale or service of alcoholic beverages.
- (e) *Site Development Plan.* All uses listed in this Section require a site development plan that shall contain the information required in this Article.
- (f) *Density Requirements* - The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent.
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
- (1) Side lot line setback on property which abuts residential or agricultural districts shall not be less than twenty (20) feet. Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed with four (4) hour party walls as defined by the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall be twenty (20) feet. Access shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall comply with Section 6, Ordinance 82-45, as amended, and shall be twenty-five (25) feet.
 - (4) All structures shall be set back a minimum of 50 feet landward from the ordinary

high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet.

- (5) Corner lots. No structure erected on a corner lot shall be closer than thirty (30) feet to any road.
- (6) No materials, garbage containers or refuse shall be allowed nearer than fifteen (15) feet to a residential or agricultural district. Garbage or refuse shall be containerized and such containers shall be enclosed or screened so as not to be readily visible from any district.
- (7) Height and Size Limitations.
 - (i) No structure shall exceed two stories or thirty-five (35) feet, whichever is more restrictive, unless of fire resistance construction as specified by the applicable Building Code.
 - (ii) Parking requirements shall comply with this chapter.
- (8) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply.
- (9) The provisions of Section 3-39(g)(1) and (g)(8) shall not apply to the existing development on parcels numbered 42-04-25-008814-002-01, 42-04-25-008814-226-00 or 42-04-25-008814-225-00. For these parcels, the side line setback which abuts a residential district shall not be less than five (5) feet.
- (10)
 - (h) *Lighting.* Artificial lighting shall only be allowed to illuminate the parking areas and/or advertising copy and shall be directed away from adjacent residential or agricultural districts.
 - (i) Roadway and size limitations within the Residential Land Use Categories the following minimum road functional classifications and intensity of site development, which is combined square feet of all buildings, shall be met.
 - (1) Clubs and Lodges
 - Local - not permitted
 - Minor Collector and above - no limit

-
- (2) Golf Courses- with or without driving ranges.
Local- not permitted.
Minor Collector- 5,000 square feet.
Major Collector and above- no limit.
 - (3) Campgrounds/Recreational Parks
Local – not allowed
Residential and Minor Collector – 50,000
Major Collector and above – no limit
 - (4) Private Passive Parks
Local- 2,500 square feet.
Minor Collector and above- no limit.
 - (5) Public and Private Water, Sewer, or Electric Facilities
Local- 5,000 square feet.
Minor Collector and above- no limit.
 - (6) Outdoor Shooting Range- Shotguns only
Local- not permitted.
Minor Collector- 3,500 square feet.
Major Collector and above- no limit.
 - (7) Retreat Center
Local- not permitted.
Minor Collector- 5,000 square feet.
Major Collector and above- no limit.
 - (8) Recreational Facilities
Local- not permitted.
Minor Collector- 5,000 square feet.
Major Collector and above- no limit.
 - (9) Dog Park
Local – 2,500 square feet.
Minor Collector and above - no limit
 - (10) Youth Camps
Local and above – no limit

VII. Staff Comments & Recommendation

The applicant has initiated this application to rezone a 1.17 acre parcel at 226 Jefferson Avenue from AR (Agricultural Residential District) to PS-2 (Private Services District) in order to utilize the site for a private club/lodge for the Fraternal Order of Eagles. Under the current AR zoning, a private club is not a permitted use. The site is currently vacant.

The property to the north is zoned RB Single Family Residential. The property to the east is zoned AR Agricultural Residential. The property to the south is zoned RD-4 Multi-family and BB Intermediate Business. The property to the west is zoned BB Intermediate Business.

This parcel is surrounded on two sides with high volume commercial and multi-family. The request to PS-2 would not be as intense as the adjacent commercial and would allow for a transition from commercial to private use to residential, thus not having the same impact as a commercial zoning.

The development of the facility must meet all Clay County land development regulations. This will include, but is not limited to, paved access along Jefferson Avenue to the site, paved parking consistent with the number of required parking spaces and Americans with Disabilities Act, and drainage in accordance with Article VIII of the Clay County Land Development Code. The site must meet the landscaping requirements of Article VI the Clay County Land Development Code including a 20' buffer adjacent to all residential property providing for tree planting and a screening element that could be a fence or wall. The applicant is also aware that a rezoning approval is a separate process from the development review process.

Staff has determined that the request for rezoning from AR to PS-2 for a private club/lodge meets the requirements of Section 20.3-39 of the Clay County Land Development Code as a permitted use and that the request is compatible with the surrounding and overall area. This request is also consistent with the Clay County Comprehensive Plan.

Staff supports the proposed change and recommends **Approval of Z-11-05.**



Clay County Division of Planning & Zoning
Staff Report and Recommendation

Application Number Z-11-06

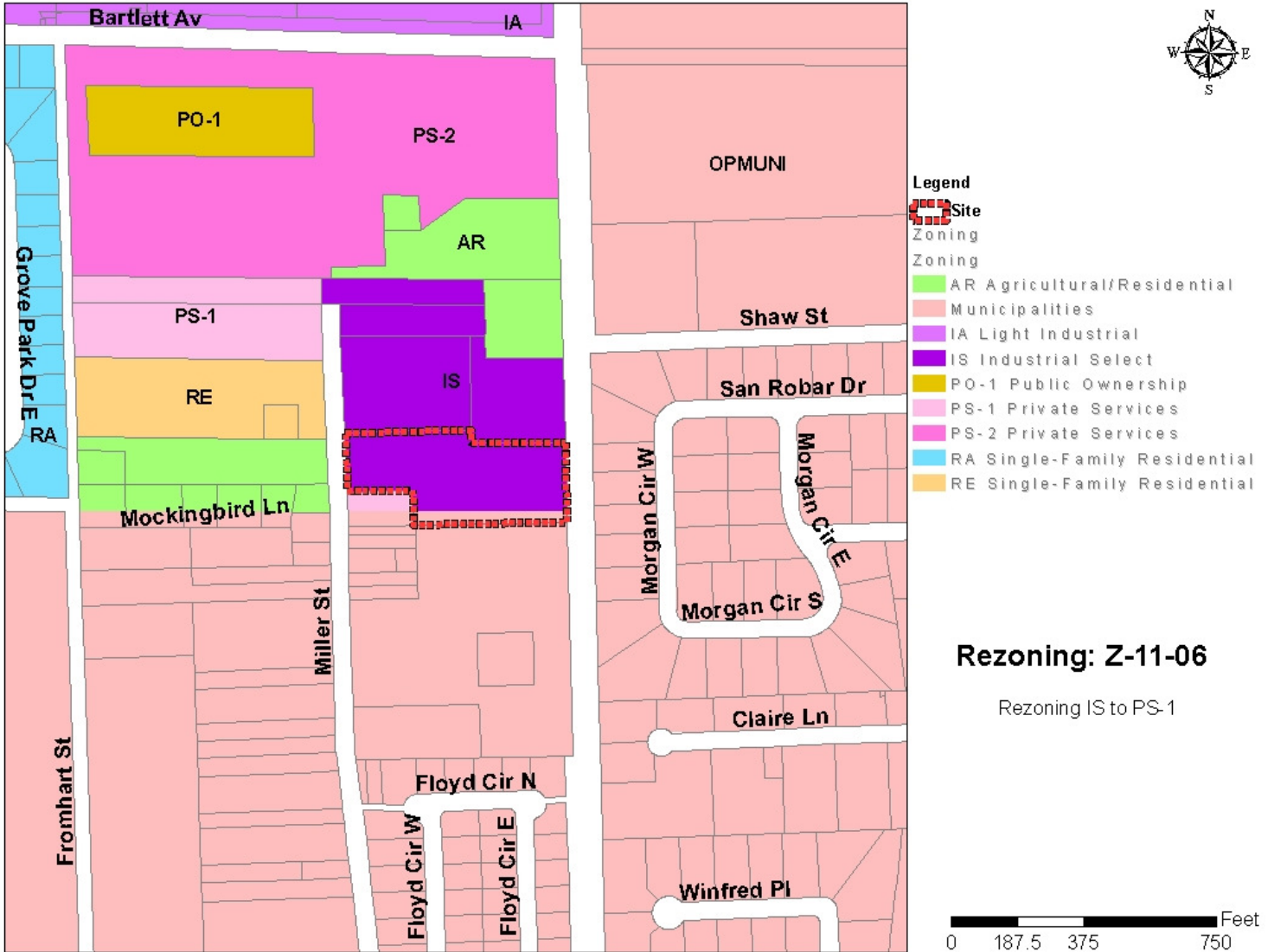
I. Owner / Agent Information

Owner / Petitioner Catherine J. Moore
24651 Misty Lake Drive
Ponte Vedra Beach, FL 32082

II. Parcel Zoning Land Use and Other Information

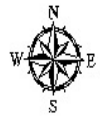
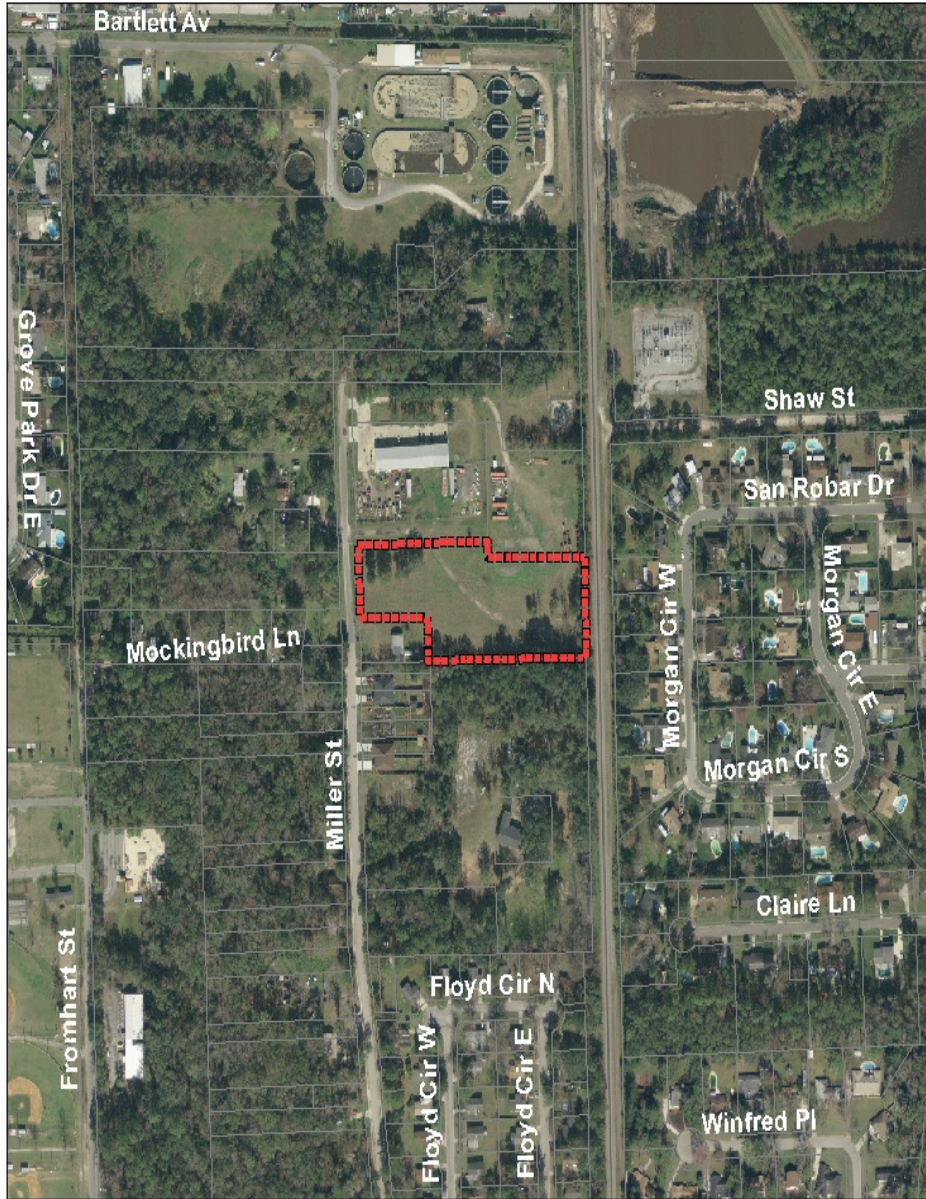
Parcel ID # 41-04-26-019843-000-00
Physical Address Miller Street, Orange Par
Planning District: 2(Doctor's Inlet/Ridgewood)
Commission District: 3 ~~2~~(Commissioner Cummings)
Existing Zoning District: IS (Industrial Select District)
Proposed Zoning District: PS-1(Private Services District)
Future Land Use Category: IND (Industrial)
Acreage: 3.55 acres
Planning Commission Date: July 5, 2011
Board of County Commissioners Date: July 26, 2011

III. Surrounding Zonings



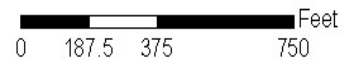
IV. Site Photos & Aerial





Rezoning: Z-11-06

Rezoning IS to PS-1



Existing Uses within the IS Zoning District

Sec. 3-28. INDUSTRIAL SELECT (Zone IS)

- (a) *Area.* All land designated as Zone IS is subject to the regulations of this Section, as well as Sec. 20.3-10. This industrial district is intended for locations which are not feasible for some light or heavy industrial development because of proximity to residential areas. The regulations for this district are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open space, landscaping, and parking areas. Consequently, development is limited to those administrative, wholesaling, and manufacturing activities that can be carried on in a relatively unobtrusive manner. A site plan conforming to the requirements of this chapter shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Light industries, with related offices and showrooms, which manufacture, assemble, process, package, store, and distribute small unit products such as optical devices, precision instruments, electronic equipment, toys, fishing tackle, research facilities and laboratories, and the like. Corporate offices which accommodate twenty-five (25) or more employees shall be allowed in this district.
 - (2) Accessory uses, such as dining and recreational facilities as a convenience to the occupants thereof and their customers and employees, and business offices accessory to the primary industrial use.
 - (3) All of the above uses are subject to the following provisions:
 - (i) Are conducted entirely within an enclosed building and include no outside storage or other similar activities.
 - (ii) Are not dangerous, noxious, or offensive to neighboring uses or the public in general by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter or radiation.
 - (iii) Are provided with off-street loading facilities which are located at the rear or side of the building and visually screened from any abutting public or approved private street or residentially zoned property.
 - (iv) Are provided with off-street parking facilities which are separated from

any abutting public or approved private street by at least an eight foot landscaped strip.

- (v) All structures limited to a maximum of thirty thousand (30,000) square feet gross building area. Buildings larger than the maximum may be permitted following a public hearing to determine the adequacy of the site development plan and compatibility with surrounding area so that it will not be detrimental to the general health or welfare of the surrounding area.
 - (4) Commercial radio, television and microwave transmission and reception facilities, including their accessory uses.
 - (5) Hotels and motels when part of a unified development that is predominantly industrial select in nature.
 - (6) Marinas and boatels when part of a unified development that is predominantly industrial select in nature.
 - (7) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
- (c) *Conditional Uses.* The following uses are permitted in the IS zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Public assembly.
 - (2) Residential dwelling.
 - (3) Land Clearing Debris Disposal Facility.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) and (c) above.
- (e) *Density Requirements.* The maximum density for development on land with the IS zoning classification shall correspond to a floor area ratio (FAR) of fifty (50) percent.
- (f) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
- (1) Side lot line setbacks on property which abuts residential or agricultural districts

shall be not less than twenty-five (25) feet. If it is a corner lot, the side lot line setback shall be the same as the front lot line setback.

- (2) Rear lot line setbacks shall be twenty (20) feet, or twenty-five (25) feet from multi-family and single-family residences. If the rear yard does not abut a public street, then access shall be not less than 20 feet in width and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall in no case be less than 25 feet.
 - (4) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet.
 - (5) Where a district is adjacent to a lot line of property of a residential or agricultural classification, no materials, garbage containers, or refuse shall be allowed nearer than 15 feet to such a residential or agricultural district. Garbage or refuse shall be screened so as not to be readily visible.
 - (6) *Off-Street Parking.* Visitors and customers may be placed in the front. Parking shall be at the side or rear for employees. All parking lots shall be paved. The off-street parking area shall be a minimum of 1.1 spaces per employee at the largest shift. This determination would include, but not be limited to, plans for expansion and type of use in terms of intensity of employment. Each space shall be at least 10 feet by 20 feet. The adequacy of parking provisions will be determined when the site plan is submitted for a building permit.
 - (7) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply.
- (g) *Other Requirements.*
- (1) Access for emergency vehicles shall be 20 feet in width and unobstructed at all times.
 - (2) *Landscaping.* Except as otherwise provided, all portions of any lot not otherwise covered with natural cover, buildings, or parking lots shall be graded,

drained, and landscaped with trees, shrubs, and planted ground cover. Side and rear yard: 20 foot buffer areas shall be planted with trees or hedges as a screen and maintained by the property owner. Such screen shall not be less than three feet at the time of planting and reach a height of six feet within three years.

- (3) *Lighting and Utilities.* Shaded light sources shall be used to illuminate signs, facades, buildings, parking and loading areas, and shall be so arranged as to eliminate glare from roadways and streets, and shall be directed away from properties lying outside the district. Shaded light sources are lighting elements shielded with an opaque shade to direct the light. No neon lights, intermittent, or flashing lights or such lighted signs shall be allowed. All telephone lines shall be placed underground. Secondary electrical distribution lines serving individual installations shall be placed underground. Other high voltage electric lines may be placed underground or on poles, provided that poles are located on private property and have provisions for street lighting brackets. Where underground distribution is utilized, transformers shall be placed on the ground and contained in pad mounts, enclosures, or vaults. Where enclosures or vaults are used, the construction and design shall be compatible with the primary building. The developer must provide landscaping with shrubs and plants to screen pad mounted transformers except for the area in front of the transformer door opening. Small 15KVA transformers may be pole mounted for limited low-power use where circuitry through a pad mount or vault is not available.

(h) *General Provisions.*

- (1) With respect to any parcel zoned IS on August 27, 2002, any use permitted under this section may be undertaken or continued thereon and may lawfully continue thereafter.
- (2) With respect to any parcel zoned IS on August 27, 2002, any non-conforming use then in existence thereon may lawfully continue thereafter, subject to the provisions and limitations set forth in Section 20.3-11 hereof.
- (3) No parcel shall be rezoned to IS unless application therefore has been filed on or before August 27, 2002. This prohibition shall not apply to parcels within any development of regional impact under Chapter 380, Florida Statutes, for which a development order has been issued prior to August 27, 2002, provided that such development order is in effect at the filing of such application, and IS is specifically authorized thereunder.

VI. Proposed Uses within the PS-1 Zoning District

Sec. 3-38. PRIVATE SERVICES (Zone PS-1)

- (a) *Area.* All land described as Zone PS-1 is subject to the regulations of this Section. Such areas are established to provide adequate land for the private sector providing religious services and educational facilities. A site plan conforming to the requirements of Section 6, Part 12, Ordinance 82-45, as amended, is required and shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit.
- (b) *Uses Permitted.*
- (1) Churches, Synagogues and Temples; together with educational and recreational facilities owned, maintained and operated by any such Church, Synagogue or Temple and accessory thereto; together with rectories, convents and parsonages and social and community uses and activities typically and traditionally accessory thereto.
 - (2) Private schools, preschools, day care centers and seminaries.
- (c) *Conditional Uses* - The following uses are permitted in the PS-1 Zoning District, subject to the conditions provided in Section 20.3-5.
- (1) Land Clearing Debris Disposal Facility permitted only in Agricultural, Commercial, Mining, and Agricultural/Residential land use categories.
 - (2) Public Educational Facilities.
- (d) *Site Development Plan.* All uses listed in this Section require a site development plan that shall contain the information required in Section 6, Part 42, Ordinance 82-45, as amended.
- (e) *Density Requirements* - The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent.
- (f) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
- (1) Side lot line setback on property which abuts residential or agricultural districts shall not be less than twenty-five (25) feet. If said lot is a corner lot, the setback shall be the same as for a front lot line. Where the adjoining lot is also zoned for
-

business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Codes; in all other construction, the minimum side setback shall be fifteen (15) feet.

- (2) Rear lot line setbacks shall be twenty (20) feet. Access shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall comply with Section 6, Ordinance 82-45, as amended, and shall in no case be less than twenty-five (25) feet.
 - (4) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet.
 - (5) No materials, garbage containers or refuse shall be allowed nearer than fifteen (15) feet to a residential or agricultural district. Garbage or refuse shall be containerized and such containers shall be enclosed or screened so as not to be readily visible from off-site.
 - (6) Height and Size Limitations.
 - (i) No structure shall exceed two stories or thirty-five (35) feet, whichever is more restrictive, unless of fire resistance construction as specified by the applicable Building Code.
 - (ii) Parking requirements shall comply with this chapter.
 - (7) Special Requirements. A six foot high solid fence or wall shall surround the play area of preschool and day care centers. (Chain link, wood, brick for the purpose of retaining children; shrubbery is not permitted as a substitute for a fence.)
 - (8) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply.
 - (g) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
-

(h) Roadway and size limitations within the Residential Land Use Categories the following minimum road functional classifications and intensity of site development, which is combined square footage of all buildings, shall be met.

(1) Churches, Synagogues and Temples; together with educational, daycare and recreational facilities.

Local and above - no limit

(2) Preschools

Local - not permitted.

Minor Collector - 3,500 square feet.

Major Collector and above - no limit.

(3) Private Schools

Local - not permitted.

Minor Collector - 3,500 square feet.

Major Collector and above - no limit.

(4) Daycares

Local - not permitted.

Minor Collector - 3,500 square feet.

Major Collector and above - no limit.

(5) Seminaries

Local - not permitted.

Minor Collector - not permitted.

Major Collector - 20,000 square feet.

Minor Arterial and above - no limit.

VII. Staff Comments & Recommendation

The applicant has initiated this application to rezone a 3.55 acre parcel on Miller Street from IS (Industrial Select District) to PS-1 (Private Services District) in order to develop the site for a church. Under the current IS zoning, a church is not a permitted use.

The property to the south and west is located within the Town Limits of Orange Park and has various residential zonings. A portion of the property to the east is also within the Town Limits of Orange Park and is zoned residential. The remaining portion of the neighboring property to the east is zoned PS-1 and is also the location of a church. The property to the north is zoned IS (Industrial Select). The property to the east is AR (Agricultural Residential). The various residential and nonresidential zonings along this section of Miller Street are comparable to this request.

The development of the facility shall meet all county land development regulations. This will include, but is not limited to, paved access, paved parking consistent with the number of required parking spaces and Americans with Disabilities Act, and drainage shall be in accordance with Article VIII of the Clay County Land Development Code. The site shall meet the landscaping requirements of Article VI the Clay County Land Development Code. The applicant is also aware that a rezoning approval is a separate process from the development review process.

Staff has determined that the request for rezoning from IS to PS-1 for a church meets the requirements of Section 20.3-38 of the Clay County Land Development Code as a permitted use and that the request is compatible with the surrounding and overall area. This request is also consistent with the Clay County Comprehensive Plan.

Staff supports the proposed change and recommends **Approval of Z-11-06.**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2009-52, WHICH ADOPTED THE PROCEDURES FOR AMENDMENTS TO THE CLAY COUNTY COMPREHENSIVE PLAN AND WERE CODIFIED AS SECTION 12-10, ARTICLE XII OF THE CLAY COUNTY LAND DEVELOPMENT CODE; AMENDING CERTAIN DEFINITIONS FOR CLARIFICATION; DELETING REGULATIONS ON FREQUENCY AND SCHEDULING OF AMENDMENTS TO BE CONSISTENT WITH CHAPTER 163, PART II, FLORIDA STATUTES (THE ACT); DELETING CONSIDERATION OF REQUESTS FOR PLAN AMENDMENTS TO MINIMIZE REDUNDANCY; DELETING REQUIREMENTS FOR STUDY HEARINGS TO PROMOTE EFFICIENCY IN THE PROCESS FOR FUTURE AMENDMENT REQUESTS; AMENDING THE PLAN AMENDMENT REVIEW PROCESS TO BE CONSISTENT WITH THE ACT; AMENDING REQUIREMENTS FOR LEGAL ADVERTISEMENT AND NOTICE FOR PUBLIC HEARINGS FOR CLARIFICATION; AMENDING REQUIREMENTS FOR TRANSMITTAL OF ADOPTED AMENDMENTS TO REVIEW AGENCIES TO BE CONSISTENT WITH THE ACT; AMENDING REQUIREMENTS FOR RESPONSE TO NOTICE OF INTENT TO BE CONSISTENT WITH THE ACT; DELETING REGULATIONS PERTAINING TO FREQUENCY AND SCHEDULING OF SMALL SCALE AMENDMENTS AND THE REVIEW PROCESS TO MINIMIZE REDUNDANCY; REMOVING REQUIREMENTS FOR CONSIDERATION OF REQUESTS FOR SMALL SCALE AMENDMENTS TO BE CONSISTENT WITH THE ACT; AMENDING THE FEE SCHEDULE FOR COMPREHENSIVE PLAN AMENDMENTS FOR CLARIFICATION; CORRECTING SCRIVENER'S ERRORS AND MAKING NON-SUBSTANTIVE REVISIONS IN FORMATTING AND ORGANIZATION TO IMPROVE READABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, on January 23, 1992, the Board of County Commissioners of Clay County, Florida (the "Board"), adopted Ordinance No. 92-03 which adopted the Clay County 2001 Comprehensive Plan, which was subsequently amended as the Clay County 2015 Comprehensive Plan; and,

WHEREAS, on October 27, 2009, the Board repealed Ordinance No. 92-3 and adopted Ordinance No. 2009-41 which adopted the Clay County 2025 Comprehensive Plan, which as subsequently amended is now referred to as the Clay County 2025 Comprehensive Plan (the "Plan"); and,

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the Board has adopted Ordinance No. 92-17, as amended by Ordinance Nos. 95-8 and 96-22, creating the Procedures Manual For Amendment To The Plan (The “Procedures Manual”); and,

WHEREAS, on October 27, 2009, the Board repealed the Procedures Manual and adopted Ordinance No. 2009-52 creating a new Article XII of the Clay County Land Development Code, which includes in Sec. 12-10 thereof procedures for amendments to the Plan (Sec. 12-10); and,

WHEREAS, House Bill 7207 enacted by the Florida Legislature during its 2011 Regular Session (HB 7207), substantially amended Chapter 163, Part II, Florida Statutes, by, among other items, revising the comprehensive plan amendment adoption procedures thereunder; and,

WHEREAS, the revisions to the comprehensive plan amendment adoption procedures accomplished under HB 7207 require the substantial amendment of Sec. 12-10.

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

Section 1. Sec. 12-10 of the Clay County Land Development Code is hereby amended to read in its entirety as set forth in the document attached hereto as Exhibit A.

Section 2. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed so as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 3. This ordinance shall become effective as prescribed by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

W. Travis Cummings
Its Chairman

ATTEST:

S. C. Kopelousos
County Manager and Clerk of the
Board of County Commissioners

ORDINANCE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY FLORIDA, PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY UNDER ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED BY ORDINANCE 93-16; FROM ITS PRESENT ZONING CLASSIFICATION OF “AR” AGRICULTURAL RESIDENTIAL DISTRICT TO “PS-2” PRIVATE SERVICE DISTRICT; PROVIDING A DESCRIPTION; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Pursuant to the application of Doris Cook, owner of the following described lands, zoning classification of “AR” Agricultural Residential District on the following described land:

A part of Lots 11 and 12, Section 21, RIDGEWOOD, Clay County, Florida according to map recorded in Public Records of said county in Deed Book “Q”, page 663; more particularly described as follows: Commence at the intersection of the centerline of State Road #224 with the centerline of Jefferson Avenue; thence South 45 degrees 31 minutes 06 seconds East 1,237.82 feet; thence North 44 degrees 28 minutes 54 seconds East 25 feet to the northerly boundary of Jefferson Avenue; thence North 45 degrees 31 minutes 06 seconds West 844.10 feet to the Point of Beginning; thence North 28 degrees 08 minutes East, a distance of 343.87 feet; thence South 63 degrees 55 minutes 21 seconds East a distance of 182.79 feet; thence South 41 degrees 02 minutes 06 seconds West a distance of 388.39 feet; thence North 45 degrees 31 minutes 06 seconds West along the North right of way line of Jefferson Avenue a distance of 100 feet to the Point of Beginning, said parcel containing 1.16 acres more or less.

Z-11-05 is hereby changed to “PS-2” Private Services District.

SECTION 2. Effective Date: This Ordinance shall become effective immediately upon receipt of official acknowledgement of the office of the Secretary of State to the Clerk of the Board of County Commissioners, that same has been filed.

SECTION 3. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located.

SECTION 4. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

SECTION 5. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a

record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of _____, 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
CLAY COUNTY, FLORIDA

S.C. KOPELOUSOS
COUNTY MANAGER AND CLERK OF
THE BOARD OF COUNTY COMMISSIONERS

BY: _____
W. TRAVIS CUMMINGS
ITS CHAIRMAN

ORDINANCE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY FLORIDA, PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY UNDER ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED BY ORDINANCE 93-16; FROM ITS PRESENT ZONING CLASSIFICATION OF “IS” INDUSTRIAL SELECT DISTRICT TO “PS-1” PRIVATE SERVICE DISTRICT; PROVIDING A DESCRIPTION; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Pursuant to the application of Catherine J. Moore, owner of the following described lands, zoning classification of “IS” Industrial Select District on the following described land:

A parcel of land situated in the South ½ of Lot 36, Section 5, Orange Park, Clay County, according to plat thereof recorded in Plat Book 1, page 23 of the public records of said county, said parcel being more particularly described as follows:

Commence at the northeast corner of said South ½ of Lot 36; thence on the east line thereof (also being the west line of Brown Avenue) South 01 degree 55 minutes 20 seconds East, 447.10 feet to the Point of Beginning; thence continue on said east line South 01 degree 55 minutes 20 seconds East, 219.93 feet to the south line of Lot 36; thence on said south line North 89 degrees 23 minutes 20 seconds West, 490.28 feet to the east line of those lands described in Deed Book 54, page 185 of public records; thence on said east line North 01 degrees 51 minutes 40 seconds West, 73.65 feet to the north line thereof; thence on said north line North 89 degrees 23 minutes 20 seconds West, 148.00 feet; thence North 01 degree 51 minutes 40 seconds West, 210.00 feet to the south line of those lands described in Official Records Book 995, page 372 of said public records; thence on said south line North 88 degrees 07 minutes 09 seconds East, 368.39 feet; thence South 01 degree 51 minutes 40 seconds East 91.47 feet; thence North 88 degrees 07 minutes 09 seconds East 269.05 feet to the point of beginning. Being 3.55 acres, more or less.

Z-11-06 is hereby changed to “PS-1” Private Services District.

SECTION 2. **Effective Date:** This Ordinance shall become effective immediately upon receipt of official acknowledgement of the office of the Secretary of State to the Clerk of the Board of County Commissioners, that same has been filed.

SECTION 3. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located.

SECTION 4. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

SECTION 5. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of _____, 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
CLAY COUNTY, FLORIDA

S.C. KOPELOUSOS
COUNTY MANAGER AND CLERK OF
THE BOARD OF COUNTY COMMISSIONERS

BY: _____
W. TRAVIS CUMMINGS
ITS CHAIRMAN

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:

- (ea) 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.
- (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.
- (fc) 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.).
- (le) 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.
- (af) Clay County Comprehensive Plan or Plan. The Comprehensive Plan, ~~entitled, Clay County 2025 Comprehensive Plan (herein after "the Plan") consists of eleven elements~~ developed to meet the requirements of the Growth Management Act of 1985, as amended, Chapter 163, Florida Statutes, ~~and Chapter 9J-5, F.A.C.~~ The Plan was originally adopted by the Board of County Commissioners on January 23, 1992, by Ordinance No. 92-03.
- (eg) Community. An area which is clearly recognizable as having an existing, homogeneous and distinct character distinguishable from adjacent land outside its boundary.
- (ph) Community Amendments. Any change to the Future Land Use Map of the Plan in which the applicant(s) act to represent a request on behalf of a community within the

County. Community amendment applications must meet the minimum criteria for a community amendment as established in Section 12-10(3)(b) of this document. Upon a recommendation to “study” or upon a reversal of a recommendation “not to study” by the Board, the application shall be processed as an administrative amendment subject to certain notice requirements of Section 12-10(6)(b).

- ~~(i) Department of Community Affairs (DCA). The State land planning agency responsible for review and approval of the adoption of all local government comprehensive plans and any subsequent amendments to those plans.~~
- (gi) 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.
- ~~(j) 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.).~~
- (hk) 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.
- ~~(l) 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.).~~
- ~~(m) 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.).~~
- ~~(n) 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.).~~
- ~~(o) 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.).~~
- ~~(p) 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.).~~

(dq) Local Planning Agency. The Local Planning Agency (LPA), otherwise referred to as Local Planning Agency 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;” ~~in 163.3187(1)(b), F.S., which provides for the initiation of a plan amendment directly related to a proposed Development of Regional Impact (DRI) or Florida Quality Development (FQD);~~ 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.

(jr) 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.

(ns) Notice of Intent (NOI). The official notification from DCA State Land Planning Agency determining if the amendments to the Comprehensive Plan are in compliance with the Local Government Comprehensive Planning Act.

(t) Objective. A specific, measurable, intermediate end that is achievable and marks progress toward a goal.

(mu) Objections, Recommendations and Comments (ORC) Report. The official review report from DCA State Land Planning Agency of amendments to the Comprehensive Plan. All objections must be addressed and meet with DCA’s State Land Planning Agency’s approval prior to the amendments being found “In Compliance.”

(v) Public Facilities. Major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities (163.3164(38) F.S.).

(w) 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.

~~(x) 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.).~~

~~(e) Small Scale Amendments. Any change to the map(s) of the Plan in which the proposed amendment is a residential land use of ten (10) acres or less and a density of ten (10) units per acre or less or involves other land use categories, singularly or in combination with residential use, of ten (10) acres or less under the following circumstances:~~

- ~~1. The cumulative effect of all small scale amendments within the County shall not exceed sixty (60) acres annually;~~
- ~~2. The proposed amendment does not involve the same property more than once per year; and~~
- ~~3. The proposed amendment does not involve the same owner's property within two hundred (200) feet of property granted a change within the prior twelve (12) months. Text changes are not considered small scale amendments.~~

~~(ky) 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.~~

~~(z) 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) Frequency and Scheduling of Amendments~~

~~(a) Frequency. Adoption of amendments to the Plan shall occur not more than two (2) times during any calendar year except in the following cases:~~

- ~~1. Emergency amendments, as provided for in Section 163.3187(1)(a), provided they receive the approval of all members of the Board. Frequency and scheduling of an emergency amendment shall be described below.~~
- ~~2. Comprehensive plan amendments directly related to a proposed DRI or FQD. Submittal of amendments qualifying under this exception shall include, in addition to items required by Section 12 10.(3)(b), copies of all materials provided by the applicant to the Northeast Florida Regional Council (NEFRC) and to the state land planning agency, the Department of Community Affairs (DCA), for determination of DRI status, and copies of all materials received from NEFRC prior to submittal of the request for plan amendment. Additionally, no~~

request for plan amendment shall be accepted by the LPA prior to the LPA's receipt of the notification of Pre Application Meeting for the proposed DRI from NEFRC. In the case of an FQD, no request for plan amendment shall be accepted by the LPA prior to final filing of an Application for Development Designation (ADD) with the County. Final action by the Board on the plan amendment may be coordinated simultaneously with the development order approval of FQD designation by Clay County. Frequency and scheduling of an amendment directly related to a proposed DRI shall be as described in Section 12-10(2)(e).

3. ~~Small scale amendments, as provided for in Section 163.3187(1)(e). Frequency and scheduling of a small scale amendment shall be as described in Section 12-10(9). All proposed amendments not falling under the exceptions listed in 1 through 3 above shall be submitted, reviewed and, if appropriate, adopted pursuant to all Sections of this document except for Sections 12-10(2)(b) and 12-10(2)(c).~~

(b) ~~Frequency and Scheduling of Emergency Amendments. For emergency amendments as defined above, early submittal and consideration by the Board may occur. In order to qualify for this procedure, the requesting party shall submit a letter to the Chairman of the LPA, at the official address of the LPA, identifying those circumstances which would enable the proposed amendment to be classified as an emergency. At the next regularly scheduled meeting of the LPA occurring no less than ten (10) working days after receipt of such a letter by the LPA, the LPA staff shall present this request to the LPA and make a recommendation to the LPA for acceptance or denial of the request as an emergency plan amendment. The LPA staff may also, pursuant to 12-10(3) of this document, recommend that the request not be studied.~~

~~Upon receiving the staff recommendation, the LPA may vote to initiate an early amendment to the plan provided that it has been demonstrated that the request meets the definition for emergency amendment as found in 163.3187, F.S. Adoption of a "not to study" recommendation by the LPA may be appealed to the Board as provided for in Section 12-10(4)(a) of this document. If, upon appeal, the Board reversed the recommendation of the LPA, the LPA shall immediately resume study of the proposed amendment, notwithstanding language in Section 12-10(4)(a) regarding time constraint on resumption of study. Upon initiation of a plan amendment pursuant to this Section, deadlines established in Section 12-10(2)(d) below shall no longer apply to the proposed amendment.~~

~~Procedures specified in Sections 12-10(3), 12-10(4), 12-10(5) and 12-10(6) and all subsections therein shall apply to requests submitted pursuant to this Section. Notwithstanding procedure established in these Sections, however, adoption of emergency plan amendments shall be by a vote of approval of all members of the Board.~~

(c) ~~Frequency and Scheduling of Amendments Directly Related to a Proposed Development of Regional Impact or Florida Quality Development. Upon receipt of all materials required in Sections 12-10(2)(a)2 and 12-10(3)(b), and upon receipt of a letter to the Chairman of the LPA requesting early consideration of an amendment to the plan directly related to a proposed DRI or FQD, the staff of the LPA shall, at the next regularly scheduled meeting of the LPA occurring no less than ten (10) working days after receipt of such a letter by the LPA, present such request to the LPA and make a recommendation to the LPA for acceptance or denial of~~

~~the request for early plan amendment. The LPA staff may also, pursuant to Section 12-10(4), recommend that the request not be studied. Upon receiving staff's recommendation the LPA may vote to initiate an early amendment to the Plan, provided that it has been demonstrated that the proposed amendment involves property which is part or all of property for which a DRI Application for Development Approval (ADA) or FQD ADD has been filed or will be filed. Adoption of a "not-to-study" recommendation by the LPA may be appealed to the Board, as provided for in Section 12-10(4)(a). If, upon appeal, the Board reverses the recommendation of the LPA, then the LPA staff shall immediately resume study of the proposed amendment, notwithstanding language in Section 12-10(4)(a) regarding time constraints on resumption of study. Upon initiation of a plan amendment by the LPA pursuant to this Section, deadlines established in Section 12-10(2)(d) below shall no longer apply to the proposed amendment.~~

~~Procedures specified in Sections 12-10(3), 12-10(4), 12-10(5) and 12-10(6) and all subsections therein shall apply to requests submitted pursuant to this Section. Procedures for adoption of an amendment directly related to a proposed DRI or FQD shall be the same as for adoption of all other amendments to the Plan, as specified in and as provided for in Section 12-10(6). Such amendments may be considered at the same time as the ADA or ADD.~~

~~Nothing in this document shall be deemed to require favorable consideration of a proposed plan amendment solely because it is related to a DRI or FQD.~~

~~(d) Deadline for Submittal of Plan Amendment Request and Hearing Dates. Amendment requests submitted between December 1 and May 31, inclusive, shall have formal review beginning June 1. Community Amendment applications submitted pursuant to Section 12-10(3)(b) must be submitted by May 15. Requests submitted during this period shall be set for transmittal review at a Planning Commission public hearing on the first Tuesday in November. The transmittal hearing before the Board for these submittals shall be set for the fourth Tuesday in November. Requests submitted during this period will be set for hearing and final adoption consistent with the schedule established in Rule 9J-11, F.A.C.~~

~~Requests submitted between June 1 and November 30, inclusive, shall have formal review beginning December 1. Community Amendment applications submitted pursuant to Section 12-10(3)(b) must be submitted by November 15. Requests submitted during this period shall be set for transmittal review at a Planning Commission public hearing on the first Tuesday in May of the following year. The transmittal hearing before the Board for these submittals shall be set for the fourth Tuesday in May. Requests submitted during this period will be set for hearing and final adoption consistent with the schedule established in Rule 9J-11, F.A.C.~~

~~The six (6) month period between the deadline for receipt of requests and the transmittal hearing before the board established above for staff review may be, upon unanimous vote of the Board, reduced, if, at the recommendation of the LPA staff, review of all applications for amendment received for a particular amendment cycle could be completed in the reduced time.~~

(e) ~~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(15). These fees cover staff time required for research, preparation, and/or other costs associated with processing of the plan amendment.

(f) ~~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 DCA for review pursuant to Section 12-10(5)(e), the Board shall provide notice of the withdrawal to DCA.

(3) ~~**Consideration of Request for Plan Amendment**~~

(a) ~~Who Can Request a Plan Amendment?~~ Any plan amendment can be initiated by the Board or the LPA. Plan amendment for parcels of real property may also be initiated by persons who own property on which the amendment is being requested, or by a representative of persons having the written consent of the property owner. Plan amendments for parcels of real property may also be initiated by persons residing on, or owning or leasing a business on, real property within unincorporated Clay County, if such person has the written consent of the property owner.

~~Plan amendments not associated with specific parcels of real property, where textual changes to an element or to elements of the plan are requested, or where change affecting large regions of Clay County is requested, may be initiated by the LPA, the Board, or by and other interested party.~~

~~Any of the aforementioned, when making a plan amendment request, shall be referred to herein as the requesting party.~~

(b) ~~Community Amendments.~~ Plan amendments which meet the following criteria may be initiated as a Community Amendment if approved by the Board.

1. ~~An applicant seeking a Community Amendment shall submit an application on a form provided by staff that shall identify the location, size, and ownership pattern of the area proposed for amendment. The community must be located adjacent to a land use category of the same or greater intensity as that being requested.~~

2. ~~The amendment area shall be at least two hundred (200) acres in size and must contain at least one hundred (100) parcels in separate ownership.~~

3. ~~The area must have an existing homogeneous and distinct character as evidenced by zoning, uses and densities and a fairly obvious and logical boundary which distinguishes it from adjacent areas.~~

4. ~~Upon LPA approval to "study" pursuant to Section 12-10(4) or upon reversal on appeal by the Board of a "not to study" recommendation, the applicant shall provide evidence of overall community support for the land use change. A petition form will be prepared by the staff describing the proposed change. The applicant shall provide a list of all property owners~~

~~within the community based on the Property Appraiser's most current tax rolls. The applicant will be responsible for circulating the petition throughout the amendment area. The original boundary of the community amendment may be modified as a result of the survey efforts as long as it continues to meet the definition of a community and meets with the final approval of the staff. Approval signatures shall represent at least fifty (50) percent of the total number of owners and fifty (50) percent of the total number of acres within the final community boundary.~~

~~5. Petitions must be submitted within thirty (30) days following the LPA Study hearing or following the appeal hearing at which the Board reversed the LPA recommendation, whichever is applicable.~~

~~6. If all of the criteria can be met within subsections 12-10(3)(b) above, the community amendment will be included in the cycle for which the LPA study hearing was held. Failure to obtain sufficient signatures shall require withdrawal from the current amendment cycle. The applicant will be allowed to resubmit the amendment during the subsequent amendment cycle. Planning staff will be responsible for revising all applicable data and analysis in the comprehensive plan including map and table revisions. Staff will also attend any hearings and workshops associated with the amendment. Applicants will be responsible for the posting of signs for the public hearings.~~

~~(e) Form and Content of Request for Amendment. All requests for plan amendment shall be submitted in writing to the Administrative Head of the LPA. Requests involving a specific parcel or parcels of real property shall include the land use category or categories being requested and the legal description(s) of each proposed land use category if different than the legal description for the entire parcel. The name(s) and address(es) of the owner(s), and vicinity map showing the specific location of the property shall also be provided. The request shall also include, for amendments being requested on specific parcels of real property, a copy of the deed(s) for property or properties on which a change is being requested. Where the requesting party is not the owner(s) of the property as specified on the deed(s) submitted for the request, a letter from said owner(s) consenting to the plan amendment request shall also be provided.~~

~~— The request shall make clear the purpose, scope and provisions of the proposed amendment and shall specify the exact change believed to be needed in the Plan. The LPA may develop a standardized form to be used for this purpose. The LPA staff may request additional information as may be necessary to determine the accuracy of statements of fact submitted by the requesting party as rationale for the proposed amendment. The LPA staff may also request additional information if the information provided by the requesting party is insufficient to analyze the proposed amendment.~~

~~(d) Review for Consistency with the Comprehensive Regional Policy Plan. Prior to action by the LPA, the requesting party may, at his option, request a letter of initial review from the NEFRC to be included as part of the LPA packet, as outlined in Section 29D-5, F.A.C.~~

~~(e) LPA Staff's Responsibilities. 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. With each submittal of the plan amendment request, the LPA staff shall enter into a log the date, location and nature of the request and map its location on the Future Land Use Map, if applicable. Additionally, any information presented by the requesting party, and any comment made by the LPA staff at this pre-application conference, shall be recorded at the pre-application conference and same shall be placed in the plan amendment file at time of official receipt of an associated plan amendment request.~~

~~(f) Public Participation Requirements. During review of the proposed amendment by the LPA or the Board, the public shall be given opportunities to review the proposal and/or alternatives, if any, at the office of the LPA staff, to respond verbally and in writing, and to discuss the proposal in open meetings and public hearings as provided herein.~~

~~— Prior to the initiation of the formal review process for an amendment, the LPA, upon receiving a staff recommendation, shall establish a public participation plan (PPP) at their meeting described in Section 12-10(4) below. The PPP proposed by the LPA staff shall take into consideration the nature of the amendment and the impact on affected parties and shall identify the limits of the extended study area if applicable. The PPP shall be consistent with the PPP adoption in the Plan and shall include at least one (1) of the following:~~

- ~~1. The LPA shall notify and provide information on the proposed amendment to those representatives of the media who have filed a written request for such notice with the LPA.~~
- ~~2. The LPA staff may meet with and brief interested parties during the review of the proposed plan amendment.~~
- ~~3. The LPA may establish ad hoc advisory committees to aid in the review of the proposed comprehensive plan amendment.~~

~~The LPA staff shall report to the LPA and the Board on the extent of public participation, under the above referenced PPP, during the LPA's and Board's formal consideration of the proposed plan amendment.~~

~~(4) LPA Determines Which Requests are Studied~~

~~— At the next regularly scheduled meeting subsequent to each of the deadlines previously established in Section 12-10(2)(d) for receipt of plan amendment requests, the LPA staff shall inform the LPA of the number of requests which have been received during the preceding six (6) month period. Notice of this meeting shall be sent to the requesting party no less than fifteen (15) days prior to the meeting date. The LPA staff shall present to the LPA the location and nature of the proposed change of each plan amendment request using the Future Land Use Map (FLUM) which collectively shows all plan amendment requests. The LPA staff shall then recommend which requests should be studied and give reasons for doing so. The LPA shall consider the LPA staff's recommendation, the petitioner's reasons for requesting a change, and where applicable, the aerial photographs of the area requested for amendment in determining which requests should be studied.~~

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- ~~The LPA staff may recommend that plan amendment requests not be studied based upon a finding that at least one (1) of the criteria listed in Section 12-10(4)(c) exists.~~
- ~~In order to promote public participation in the plan amendment process, those representatives of the media filing written notice requesting receipt of information pursuant to Section 12-10(3)(e) above shall be informed of the LPA meeting referred to in this section. Additionally, the LPA staff shall present a proposed PPP, as required under Section 12-10(3)(e), to the LPA. The LPA shall adopt a PPP as presented by staff, or as amended by the LPA, prior to the study of the proposed amendment. Where the adopted public participation includes notice to parties representing the media, notification to the media of the LPA meeting described in this section shall satisfy this requirement of the PPP.~~
- ~~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 to be considered for study 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 proposed for study. The advertisement shall be published once in a newspaper of general circulation in the area with the publication not less than seven days prior to the hearing. The advertisement shall appear in a newspaper that is published at least five (5) days a week.~~
- ~~(a) Appeals to the Board. If the LPA determines that a plan amendment request does not warrant study, the requesting party may appeal this recommendation to the Board by filing a notice of appeal as described below, within five (5) days of the LPA's adoption of a not to study recommendation. The applicant shall submit to the Board, and simultaneously to the County Manager, a notice of appeal, consisting of a letter to the County Manager requesting reversal of the LPA's recommendation and inclusion of the request into the plan amendment process along with background material and the LPA's resolution stating reasons for its recommending "not to study." The County Manager shall log and place the request on the Board's agenda, and inform the requesting party and the LPA of the agenda's date. The Board may reverse or affirm the LPA's recommendation. If the LPA's recommendation is reversed, the amendment request is referred back to the LPA for review in accordance with Section 12-10(5) of these procedures and shall be included in the current plan amendment review process only if the Board's action occurs within thirty (30) days following the LPA's adoption of a "not to study" recommendation.~~
- ~~(b) Criteria to be Cited. When the LPA recommends "not to study," or upon appeal, the Board votes "not to study," each body shall specifically state its reason(s) which shall be based upon the criteria specifically listed in (c) below. When a recommendation of "not to study" is reversed by the Board, criteria listed in (c) below shall also be the basis of such decision.~~
- ~~(c) Criteria for a Recommendation "Not to Study." The LPA staff and the LPA shall utilize the following criteria in making a determination and recommendation "not to study."~~
- ~~1. The requested specific plan amendment would plainly violate a goal, objective or policy of the Comprehensive Plan.~~

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- ~~2. The area proposed for amendment fails to comply with an applicable locational requirement of the Future Land Use Element of the Plan.~~
 - ~~3. The requested amendment is entirely within the Conservation Designation as defined in the Conservation Element and cannot be developed under State law or local regulations as requested in the proposed amendment.~~
 - ~~4. The requested amendment involves an area which was the subject of a similar prior request, which prior request was either withdrawn following the LPA's recommendation for denial pursuant to Section 12-10(5)(b), or which the Board denied or voted "not to study," and there has not been such a change in circumstances as would necessitate the present review. A similar prior request shall be defined as one which requested the same land use category or a more intensive category of the same land use which has been considered or acted on by the Board within the last three hundred sixty five (365) days.~~
 - ~~5. The requested amendment would generate internal inconsistencies within the Plan, for which a resolution would have an unacceptably adverse impact on the general public.~~
 - ~~6. The requested amendment would plainly be inconsistent with the adopted Strategic Regional Policy Plan.~~
 - ~~7. The requested amendment would generate inconsistencies with the requirements of Chapter 163, F.S. or 9J-5, F.A.C.~~

(52) 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.
- (af) LPA Staff Review. ~~With the LPA’s directions given in Section 12-10(4), the LPA staff may establish the context within which each plan amendment request should be considered based on the FLUM, Data and Analysis, and Goals, Objectives and Policies of the Plan in assessing the combined impact of the requests. The LPA staff may~~

~~identify general study areas encompassing those areas requested for amendment and may include additional substantive or geographic areas for study.~~

~~—~~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(~~52~~)(~~b~~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.

(b) 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 ~~in the form of a resolution adopted~~ 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. ~~In making its recommendations, the LPA staff shall indicate:~~

- ~~1. Plan amendment requests which are combined or expanded substantially or geographically for study because of the similarity of the nature or location of the requests;~~
- ~~2. Recommendations on proposed land use changes which are different from those requested by the requesting party; and~~
- ~~3. Other issues or areas which were added for study and consideration.~~

~~—~~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 seventen (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.

~~A mailing to the Citizen Advisory Committees (CAC) Chairperson and Vice Chairperson and other interested community groups shall be made consistent with the adopted PPP. 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, realtors and builders organizations as well as interested persons requesting inclusion.~~

~~Prior to the LPA public hearing outlined in this section, 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 and shall occur at least fourteen (14) days prior to the LPA public hearing. Additional meetings may be scheduled, if necessary.~~

~~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 ~~identified in Sections 12-10(5)(d) through 12-10(6), notwithstanding schedules for plan amendment review and adoption described in Section 12-10(2)(d).~~~~

~~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.~~

~~(e) LPA Official Documents. 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.~~

~~(di) Board Transmittal Hearing (Not applicable to Small Scale Amendments). The Board shall, at a regularly scheduled meeting following the LPA public hearing ~~as set out in Section 12-10(2)(d),~~ 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)(bh)]. The first public hearing shall be held on a weekday approximately 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(~~62~~)(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(~~63~~)(a) and (b).

~~The Board shall, immediately following within ten (10) days from the transmittal hearing, transmit six (6) copies of the complete proposed plan amendment with appropriate supporting data and analysis to the DCA reviewing agencies and to any other unit of local government (agency), which has filed a written request with the Board, for written comment. ~~The Board shall also transmit a copy of the complete plan amendment to the Department of Environmental Protection (DEP), the St. Johns River Water Management District (SJRWMD), the NEFRC, and to any other unit of local government or government agency that has filed a written request with the governing body for such plan amendment.~~~~

(~~e~~) Agency Review. DCA Review.—Within five (5) days of receipt of any comments including the Objections, Recommendations and Comments (ORC) Report from ~~DCA~~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 ~~and Board~~ with a copy of the report.

(~~f~~) Effect and Legal Status of Comments.—Any ~~objections, recommendations or~~ 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.

(~~g~~) Optional LPA/Board Workshop. Following the receipt of ~~DCA's Reviewing Agency~~ comments or the ORC Report, the Board may schedule a joint LPA/Board workshop ~~to consider DCA's ORC Report~~ concerning the proposed plan amendment(s). This meeting ~~shall be mandatory only in instances where DCA has recorded objections to the proposed amendment~~ may be requested by LPA, Board, and/or the head of LPA staff, and shall be held prior to the Board adoption hearing.

~~Objections~~ The ORC Report issued raised by ~~DCA~~ 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.

(6) Board Adoption Hearing.

~~For those amendments which are reviewed by DCA, within sixty (60) days of receipt of DCA's written comments, the Board shall hold a public hearing to adopt, adopt with changes, or determine not to adopt the proposed amendment. The Board, upon receipt of written comments from the state land planning agency (DCA), shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or Section 163.3191, F.S., (Evaluation and Appraisal of Comprehensive Plan) plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the Board shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The 60 day time period shall not apply to concurrent plan amendment with a proposed project directly related to a Development of Regional Impact. 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 ~~those amendments which are not reviewed by DCA~~Small Scale Amendments, the Board may advertise a public hearing to adopt the amendment immediately after the LPA Public Hearing upon receipt of DCA's notification.

(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 ~~of the ordinance~~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(~~63~~)(a) above, the following requirements shall apply:

1. If the Board initiates the Plan Amendments, A at least thirty (30) days prior to the LPA public hearing ~~required by Section 12-10(5)(b)~~, 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.

(74) Transmittal of Adopted Copy to DCA-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. Copies of the adopted plan amendment shall be transmitted to DCA consistent with the requirements of Chapter 163.3187(7), F.S.~~

(85) Response to Notice of Intent.

~~The Board shall respond to DCA's the State Planning Agency's Notice of Intent as prescribed in Chapter 163.3184, F.S.~~

(9) Frequency and Scheduling of Small Scale Amendments

~~(a) Definition. A small scale amendment shall be defined as any change to the map(s) of the Plan in which the proposed amendment is a residential land use of ten (10) acres or less and a density of ten (10) units per acre or less or involves other land use categories, singularly or in combination with residential use, of ten (10) acres or less and further provided that:~~

- ~~1. The cumulative effect of small scale amendments shall not exceed sixty (60) acres annually;~~
- ~~2. The proposed amendment does not involve the same property more than once per year; and~~
- ~~3. The proposed amendment does not involve the same owner's property within two hundred (200) feet of property granted a change within the prior twelve (12) months. Text changes are not considered small scale amendments.~~

~~(b) Frequency. Plan amendments related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of plan amendments provided the cumulative effect of small scale amendments does not exceed sixty (60) acres annually.~~

~~(c) Deadline for Submittal of Plan Amendment Request and Hearing. Requests for small scale amendments shall be submitted at least sixty (6) days prior to the LPA public hearing.~~

~~(d) Small Scale Amendment Fees. The fee for review of applications for small scale amendments is provided in Section 12-10(15) of this document. The fee covers staff time required for research, preparation and/or other costs associated with processing of the application.~~

~~(e) Withdrawal of Petition. Withdrawal of a request for a small scale amendment shall occur as specified in Section 12-10(2)(f) of this document.~~

(10) Consideration of Request for Small Scale Amendments

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- ~~(a) Who Can Request a Small Scale Amendment? A small scale amendment can be initiated by the Board or the LPA. Amendments for parcels of real property may also be initiated by persons, or representatives of persons having the written consent of the property owner for which the amendment is being requested provided that:~~
- ~~1. The proposed amendment does not involve the same property more than once per year; and~~
 - ~~2. The proposed amendment does not involve the same owner's property within two hundred (200) feet of property granted a change within the prior twelve (12) months.~~
- ~~(b) Form and Content of Request for Amendment. Small scale amendment requests shall be submitted in accordance with Section 12-10(3)(b) of this document. In addition, all real property within two hundred (200) feet of the parcel for which the amendment is requested that is under the same ownership shall be identified by the requesting party.~~
- ~~(c) Review for Consistency with the Strategic Regional Policy Plan. Prior to action by the LPA, the applicant may, as an option, submit a letter of initial review from the NEFRC as outlined in Section 29D-5, F.A.C.~~
- ~~(d) LPA Staff's Responsibility. A pre-application conference with the LPA staff is required in accordance with Section 12-10(3)(e) of this document.~~
- ~~(e) Public Participation Requirements. During a review of the proposed amendment by the LPA or the Board, the public shall be given opportunities to review the proposal and/or alternatives, if any, at the office of the LPA staff, to respond verbally and in writing, and to discuss the proposal in open meetings and public hearings as described herein.~~

~~(11) The Plan Amendment Review Process~~

- ~~(a) LPA Staff Review. The LPA staff will study the proposed amendment area(s) for compliance and consistency with the Data and Analysis, Goals, Objectives and Policies of the Plan, Land Development Regulations, 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 (b) below.~~
- ~~(b) LPA Public Hearing. The LPA shall consider the public's input and the LPA staff's recommendation concerning the proposed amendment in its recommendation to the Board.~~

~~— The LPA shall publish notice of the date, time, place, title of the ordinance, 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 proposed. The advertisement shall be published once in a newspaper of general circulation in the area not less than seven (7) 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 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 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.~~

- (c) ~~LPA Official Document. Copies of all documents and correspondence relative to the LPA's processing of, or recommendations regarding, a small scale amendment shall be maintained in the offices of the LPA staff.~~

(12) Board Adoption Public Hearing

~~Small scale plan amendments require only one (1) public hearing before the Board, which shall be an adoption hearing. The Board shall adopt, adopt with changes or determine not to adopt the proposed amendment. The public hearing shall be held on a weekday approximately five (5) days after the day the advertisement is published.~~

- (a) ~~Format of Legal Advertisement for Small Scale Amendments. The format of legal advertisement for small scale amendments shall be as described in Section 12-10(6)(a).~~

~~To enhance public awareness and participation in the Board public hearing, when plan amendments 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 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.~~

(13) Transmittal of Adopted Copy to DCA

~~Copies of the adopted small scale plan amendment shall be transmitted to DCA consistent with the requirements of Chapter 163.3187, F.S.~~

(14) Response to Notice of Intent

~~The Board shall respond to DCA's Notice of Intent as prescribed in Chapter 163, F.S.~~

(15) 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 prior to the submittal deadline for amendments established in Section 12-10(2)(d) and upon application for small scale plan amendments. All fees assessed under the authority of this ordinance shall be collected by the

Planning and Zoning Division for deposit in the ~~Municipal Service Fund~~ Clay County Board of County Commissioners (CCBOCC).

3. Fees collected for ~~small scale~~ plan amendment applications shall be non-refundable upon receipt unless approved pursuant to the BCC resolution on Clay County Development Services Fee Schedule. ~~Fees collected for map changes other than for small scale amendments and text changes shall be eligible for a fifty percent (50%) refund if the Planning Commission recommendation pursuant to Section 12-10(4) is "not to study" and the recommendation is not reversed on appeal to the Board.~~

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 ~~objections raised by DCA~~ the reviewing agency's comments that relate to a requesting party's amendment shall be subject to the fee for consulting services outlined above.²

(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 sixty thirty (60/30) days prior to the LPA public hearings identified in Section 12-10(42)(h) and 12-10(11)(b). 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.