

Planning Commission Meeting
JULY 6, 2010
7:00 p.m.

Call to Order

Pledge of Allegiance

Approval of Minutes from June 1, 2010

Public Hearings

1. Public Hearing to Consider Rezoning Request Z-10-07 - Oakleaf Village Center Re-PUD
2. Z-10-08 495 Blanding Blvd BB-5 to PCD
3. Z-10-09 4584 Mayflower Street BA to BA-2
4. Public Hearing to Consider Revisions to Article III Regarding Metal Accessory Buildings
5. Public Hearing to Consider Article IV - Concurrency
6. Study Hearing (Comprehensive Plan Amendment Cycle 10-2)

Old Business/New Business/Comments

Adjournment

Planning Commission

: 5

Date: 07/06/2010

Public Hearing to Consider Article IV - Concurrency

Submitted By: Holly Parrish, Development Services
Department: Development Services

Information

Subject

Public Hearing to Consider Article IV - Concurrency

Background

This item previously appeared on the June 1st Planning Commission agenda. At that time, Commissioner Riner queried staff regarding the extensions for Concurrency Review Certificates in Section 4-9, specifically stating that the six month extensions were not sufficient during the current economic situation. Staff erroneously responded that the County had addressed this issue in the past and had increased these timeframes. The Planning Commission voted to forward the changes to the BCC for approval with the proviso that the Staff adjust the timeframes pursuant to past action.

After further consideration of the issue following the meeting, it came to Staff's attention that what had been previously discussed was an increase to the timeframe of the initial approval of Concurrency Review Certificates, not extension requests. Consequently, this item was not forwarded to the BCC for their action on June 23rd, but rather returned to the Planning Commission's agenda for further consideration and discussion on July 6th.

Attachments

Link: [Concurrency Ordinance](#)

Link: [Exhibit A](#)

Link: [Planning Commission Memo](#)

Date: 07/06/2010

Public Hearing to Consider Revisions to Article III Regarding Metal Accessory Buildings

Submitted By: Holly Parrish, Development Services
Department: Development Services

Information

Subject

Public Hearing to Consider Revisions to Article III Regarding Metal Accessory Buildings

Background

At the direction of the County Manager, as requested by Commissioner Cummings, staff proposed an amendment to Article III, Zoning and Land Use, to delete the requirement that accessory buildings over 160 square feet in size, and located on lots of one acre in size or less, be constructed of a material other than metal. This provision applies to accessory buildings within the RA, RB, RC, RD, RE and PUD residential zoning districts.

This item was brought before the PRHS committee on June 14th. Staff informed the Committee that, while the direction was to remove the requirement for buildings over 160 feet on lots of one acre or less, the restriction still applies to buildings over 576 square feet located on lots greater than one acre in size. The PRHS committee recommended that staff delete the requirement for all accessory buildings, regardless of lot/building size.

Staff has researched the Codes in St. Johns, Duval and Nassau counties and has found no such restrictions on required finish types for accessory buildings.

Attachments

Link: [Accessory Buildings Ordinance](#)

Planning Commission

: 1.

Date: 07/06/2010

Public Hearing to Consider Rezoning Request Z-10-07 - Oakleaf Village Center Re-PUD

Submitted By: Holly Parrish, Development Services

Department: Development Services

Information

Subject

Public Hearing to Consider Rezoning Request Z-10-07 - Oakleaf Village Center Re-PUD

Background

See attached staff report.

Attachments

Link: [Oakleaf Village Center Staff Report](#)

Link: [Z-10-07 Rezoning Information](#)

Link: [Proposed Written Statement \(by Applicant\)](#)

Link: [Adopted Site Plan](#)

Link: [Proposed Site Plan](#)

Planning Commission

: 6.

Date: 07/06/2010

Study Hearing (Comprehensive Plan Amendment Cycle 10-2)

Submitted By: Sung-Man Kim, Development Services

Department: Development Services

Division: Planning

Information

Subject

Study Hearing (Comprehensive Plan Amendment Cycle 10-2)

Background

Enclosed is the proposed amendment for Cycle 10-2 received during the submittal period December 1, 2009 through May 31, 2010.

Pursuant to LDR Section 12-10 Amendments to the Comprehensive Plan, a study session has been scheduled to be held on July 6, 2010, at 7:00 p.m. or as soon thereafter as can be heard for the Planning Commission to consider the next large scale cycle of Comprehensive Plan Amendments.

The study session has been advertised and is a public hearing. At that time, the Planning Commission, acting as the Local Planning Agency (LPA), will review the amendments and recommend to staff those that warrant further study. At the same meeting the public will have the opportunity to comment on the proposed amendments.

Attachments

Link: [Study Hearing Cover Letter](#)

Link: [Staff Report \(Kindlewood\)](#)

Link: [Summary of Application \(Kindlewood\)](#)

Planning Commission

: 2.

Date: 07/06/2010

Z-10-08

Submitted For: Chad Williams Submitted By: Teresa Capo, Development Services
Department: Development Services Division: Zoning

Information

Subject

Z-10-08 495 Blanding Blvd BB-5 to PCD

Background

n/a

Attachments

Link: [Staff Report](#)

Link: [Written Statement](#)

Link: [Site Plan](#)

Planning Commission

: 3.

Date: 07/06/2010

Z-10-09

Submitted For: Chad Williams Submitted By: Teresa Capo, Development Services
Department: Development Services Division: Zoning

Information

Subject

Z-10-09 4584 Mayflower Street BA to BA-2

Background

n/a

Attachments

Link: [Written Statement](#)

ORDINANCE NO. 2010-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, BEING THE CODIFICATION OF ORDINANCE NO. 93-16, AND COMPRISING THE ZONING AND LAND USE LAND DEVELOPMENT REGULATIONS, AS SAID ARTICLE III HAS BEEN SUBSEQUENTLY AMENDED BY ORDINANCE, BY AMENDING SECTIONS 20.3-16 (RA-SINGLE FAMILY RESIDENTIAL DISTRICT), 20.3-17 (RB-SINGLE FAMILY RESIDENTIAL DISTRICT), 20.3-18 (RC-TWO AND THREE FAMILY RESIDENTIAL DISTRICT), 20.3-19 (RD-MULTIFAMILY RESIDENTIAL DISTRICT), 20.3-20 (RE-SINGLE FAMILY RESIDENTIAL DISTRICT), AND 20.3-33 (PUD-PLANNED UNIT DEVELOPMENT DISTRICT) TO DELETE THE REQUIREMENT THAT THE EXTERIOR FINISH OF CERTAIN ACCESSORY BUILDINGS BE CONSTRUCTED OF A MATERIAL OTHER THAN METAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. As used in Sections 2 through 7 of this ordinance, the term “Article III” shall mean and refer to Article III of the Clay County Land Development Code, being the codification of Ordinance No. 93-16 and comprising the Zoning and Land Use Land Development Regulations of the County, as said Article III of the Clay County Land Development Code has been subsequently amended by ordinance.

Section 2. Subsubsubsections (i), (ii) and (iii) of Subsubsection (1) of Subsection (b) of Section 20.3-16 (*RA-Single Family Residential District*), Article III, is hereby amended in its entirety as follows:

(i) On lots of one acre or less:

~~a. the exterior of any accessory structure having in excess of one hundred sixty (160) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ba. no accessory structure shall exceed the height of the primary structure; and,

eb. all other lot size requirements must be met as established within this Article.

(Additions are underlined; deletions are stricken)

(ii) On lots of more than one but less than two acres:

~~a. the exterior of any accessory structure having in excess of five hundred seventy six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ab. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

be. within rural fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.

cd. all other lot requirements must be met as established within this Article.

(iii) On lots of more than two acres:

~~a. the exterior of any accessory structure having in excess of five hundred seventy six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ab. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

be. within rural fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,

cd. all other lot requirements must be met as established within this Article.

No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and front yards.

(Additions are underlined; deletions are stricken)

Section 3. Subsubsubsections (i), (ii) and (iii) of Subsubsection (1) of Subsection (b) of Section 20.3-17 (*RB-Single Family Residential District*), Article III, is hereby amended in its entirety as follows:

(i) On lots of one acre or less:

~~a. the exterior of any accessory structure having in excess of one hundred sixty (160) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ba. no accessory structure shall exceed the height of the primary structure; and,

cb. all other lot size requirements must be met as established within this Article.

(ii) On lots of more than one acre but less than two acres:

~~a. the exterior of any accessory structure having in excess of five hundred seventy six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ab. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

be. within rural fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.

cd. all other lot requirements must be met as established within this Article.

(iii) On lots of more than two acres:

~~a. the exterior of any accessory structure having in excess of five hundred seventy six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ab. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

(Additions are underlined; deletions are stricken)

be. within rural fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,

cd. all other lot requirements must be met as established within this Article.

No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and front yards.

Section 4. Subsubsubsections (i), (ii) and (iii) of Subsubsection (2) of Subsection (b) of Section 20.3-18 (*RC-Two and Three Family Residential District*), Article III, is hereby amended in its entirety as follows:

(i) On lots of one acre or less:

~~a. the exterior of any accessory structure having in excess of one hundred sixty (160) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ba. no accessory structure shall exceed the height of the primary structure; and,

eb. all other lot size requirements must be met as established within this Article.

(ii) On lots of more than one but less than two acres:

~~a. the exterior of any accessory structure having in excess of five hundred seventy six (576) square feet or interior floor space shall not be constructed of metal, excluding the roof.~~

ab. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

be. within rural fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.

(Additions are underlined; deletions are striken)

cd. all other lot requirements must be met as established within this Article.

(iii) On lots of more than two acres:

~~a. the exterior of any accessory structure having in excess of five hundred seventy six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ab. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

be. within rural fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,

cd. all other lot requirements must be met as established within this Article.

No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and front yards.

Section 5. Subsubsubsections (i) and (ii) of Subsubsection (1) of Subsection (b) of Section 20.3-19 (*RD-Multifamily Residential District*), Article III, is hereby amended in its entirety as follows:

(i) On lots of one acre or less:

~~a. the exterior of any accessory structure having in excess of one hundred sixty (160) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ba. no accessory structure shall exceed the height of the primary structure; and,

eb. all other lot size requirements must be met as established within this Article.

(ii) On lots of more than one acre:

(Additions are underlined; deletions are stricken)

~~a. the exterior of any accessory structure having in excess of five hundred seventy-six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ab. no accessory structure shall exceed the height of the primary structure; and,

be. all other lot requirements must be met as established within this Article.

No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and front yards.

Section 6. Subsubsections (i), (ii) and (iii) of Subsubsection (1) of Subsection (b) of Section 20.3-20 (*RE-Single Family Residential District*), Article III, is hereby amended in its entirety as follows:

(i) On lots of one acre or less:

~~a. the exterior of any accessory structure having in excess of one hundred sixty (160) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ba. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

eb. within rural fringe and rural residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least seven and one half (7-1/2) feet from the side and rear property lines, and in no event shall the height of such accessory structure exceed more than twenty (20) feet from the lowest floor of the primary dwelling.

ec. all other lot size requirements must be met as established within this Article.

(ii) On lots of more than one but less than two acres:

~~a. the exterior of any accessory structure having in excess of five hundred seventy-six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

(Additions are underlined; deletions are stricken)

ab. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

be. within rural fringe and rural residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.

ce. all other lot requirements must be met as established within this Article.

(iii) On lots of more than two acres:

~~a. the exterior of any accessory structure having in excess of five hundred seventy six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

ab. no accessory structure shall exceed the height of the primary structure within urban core or urban fringe land use.

be. within rural fringe and rural residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,

ce. all other lot requirements must be met as established within this Article.

No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and front yards.

Section 7. Subsubsection (1), (2) and (3) of Subsection (m) of Section 20.3-33 (*PUD-Planned Unit Development District*), Article III, is hereby amended in its entirety as follows:

(1) On lots of one acre or less:

~~(i) the exterior of any accessory structure having in excess of one hundred sixty (160) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~

(ii) no accessory structure shall exceed the height of the primary structure;

(Additions are underlined; deletions are stricken)

and,

- (ii) all other lot size requirements must be met as established within this Article.
- (iii) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,
- (iv) maximum rear yard coverage by accessory structures shall be 30%.

(2) On lots of more than one but less than two acres:

- ~~(i) the exterior of any accessory structure having in excess of five hundred seventy-six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~
- (ii) no accessory structure shall exceed the height of the primary structure within urban core, urban fringe or planned community land use; and,
- (iii) within rural fringe, rural residential and agriculture residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.
- (iii) all other lot requirements must be met as established within this Article.
- (iv) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,
- (v) maximum rear yard coverage by accessory structures shall be 30%.

(3) On lots of more than two acres:

- ~~(i) the exterior of any accessory structure having in excess of five hundred seventy-six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.~~
- (ii) no accessory structure shall exceed the height of the primary structure within urban core, urban fringe or planned community land use; and,

(Additions are underlined; deletions are stricken)

- (ii) within rural fringe, rural residential and agriculture residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,
- (iii) all other lot requirements must be met as established within this Article.
- (iv) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,
- (v) maximum rear yard coverage by accessory structures shall be 30%.

No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and front yards.

Section 8. If any section, phrase, sentence or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 9. This ordinance shall become effective as prescribed by Florida general law.

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(Additions are underlined; deletions are stricken)

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 27th day of July, 2010.

**BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA**

BY: _____
W. Travis Cummings
Its Chairman

ATTEST:

Fritz A. Behring
County Manager and Clerk of the
Board of County Commissioners

(Additions are underlined; deletions are stricken)

ORDINANCE NO. 2010_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, REPEALING ARTICLE XI OF THE CLAY COUNTY LAND DEVELOPMENT CODE RELATING TO CONCURRENCY MANAGEMENT FOR PUBLIC SCHOOL FACILITIES; AMENDING ARTICLE IV OF THE CLAY COUNTY LAND DEVELOPMENT CODE, BEING THE CODIFICATION OF CLAY COUNTY ORDINANCE 92-19, AS SUBSEQUENTLY AMENDED, KNOWN AS THE CONCURRENCY MANAGEMENT ORDINANCE, IN ORDER TO UPDATE EXHIBIT 2, *ROADWAY CHARACTERISTICS INVENTORY*, TO REFLECT BEST AVAILABLE DATA; TO ADD PROVISIONS RELATING TO CONCURRENCY MANAGEMENT FOR PUBLIC SCHOOL FACILITIES; PROVIDING FOR SECTION 4-19, SHORT TITLE; SECTION 4-20, AUTHORITY; SECTION 4-21, PURPOSE, FINDINGS AND INTENT; SECTION 4-22, DEFINITIONS; SECTION 4-23, LEVEL OF SERVICE STANDARDS; SECTION 4-24, APPLICABILITY; SECTION 4-25, APPLICATION AND REVIEW PROCEDURES; SECTION 4-26, PROCEDURES FOR DETERMINING AVAILABLE SCHOOL CAPACITY; SECTION 4-27, PROPORTIONATE SHARE MITIGATION AGREEMENTS; SECTION 4-28, SCHOOL DISTRICT WORK PROGRAM AND THE CAPITAL IMPROVEMENT ELEMENT; AND SECTION 4-29, APPEALS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The document attached as Exhibit A is hereby adopted pursuant to this ordinance and shall be codified as Article IV (Concurrency Management) of the unified Clay County Land Development Code (the Code) and as such is numbered to be consistent in format with the Code.

Section 2. If any section, phrase, sentence or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 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 22nd day of June, 2010.

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(Additions are underlined; deletions are stricken)

**BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA**

BY: _____
W. Travis Cummings
Its Chairman

ATTEST:

Fritz A. Behring
County Manager and Clerk of the
Board of County Commissioners

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**Department of Development Services
Engineering Division**

Memorandum

To: Planning Commission
From: Holly Parrish, Development Facilitator
Date: June 24, 2010
Re: Oakleaf Village Center Re-PUD Rezoning

The applicant for the Villages of Argyle (Oakleaf) Development of Regional Impact (DRI) has submitted a rezoning request to modify the site plan for the Oakleaf Village Center parcel located at the intersection of Plantation Oaks Boulevard and Oakleaf Village Parkway. The request proposes to modify the site plan as follows:

Use	Current Site Plan	Proposed Site Plan
Single Family Attached	152	50
Single Family Detached	28	76
Nonresidential	190,000 SF	86,310 SF
Assisted Living	90,000 SF	None

Background

From the PUD's inception in 1999 through 2004, residential uses within the Village Center were allowed only as second floor residential units above retail or office uses. In 2004, the applicant submitted a Re-PUD request to amend the site plan to allow single-family residential and multifamily in the form of townhomes and condominiums. The proposed revision allowed for residential uses on ground floor locations only where the applicant met the following development criteria:

- 1) The Village Center must provide for a range of nonresidential building square footage between 500 SF to 1,500 SF for every residential dwelling.
- 2) The approved site plan must incorporate multiple buildings and include an interconnected street system with parallel or angled parking, pedestrian scale street furnishings, sidewalks and street trees.

- 3) An approved Master Site Plan meeting the development standards must be maintained on file.

According to the Villages of Argyle PUD (the PUD), the Village Center land use category “is intended to provide retail goods and services which serve the daily needs of contiguous residential neighborhoods.” The PUD further encourages the use of Preferred Development Forms to create a compact, pedestrian oriented design through livable streets, regular block and street patterns, mixed housing, connectivity and accessible open space.

The Village Center Preferred Development Forms submitted with the original PUD document (attached as Exhibit A) are designed with buildings placed close to the street and parking provided in an interior courtyard setting. Because single family units were not originally anticipated as part of the Village Center concept, no single family units are shown.

Site Plan Comparison

The 2004 Master Site Plan (attached as Exhibit B) creates a pedestrian oriented community that meets the adopted criteria and follows the Preferred Development Forms design standards, ensuring that the integrity of the Village Center is not compromised. This site plan represents a nonresidential to residential ratio of 1,055 square feet per residential unit and depicts a true mix of uses.

The proposed Master Site Plan (attached as Exhibit C) includes a mix of uses, with the primary use consisting of single family residential. The new site plan proposes a ratio of 581 square feet per residential unit. Nonresidential square footage has been reduced by over 54% (103,690 square feet); residential units have been reduced by only 30% (54 units).

Staff Comments - Residential

The proposed site plan lacks the necessary design components to achieve a true village center design. Typically, residential development within a village center is limited to attached or multifamily uses, or second floor residential units above office or retail.

When single family developments are allowed within a traditional neighborhood setting (adjacent to a village center), they are characterized by reduced setbacks, rear alleys, and on-street parking. Homes are generally allowed on smaller lots because parking and associated impervious surfaces are to the rear of buildings creating a green, pedestrian-oriented streetscape.

The County’s Land Development Code requires a minimum lot width of 60 feet for single family homes. While smaller lot widths (40 feet) are allowed within the Branan Field Master Plan area for single family dwellings, they are only permitted when the homes are accessed by rear alleys.

The existing single-family homes within the Village Center range from 2,915 square feet to over 3,600 square feet with elevations that include raised front porches, recessed garages, and rear

alley access. Prospective floor plans for the new residential portion of the Village Center shared with staff by the applicant, range from 1,000 square feet to 1,100 square feet in size and include single car driveways. The proposed minimum lot size is 3,600 square feet which does not meet the minimum lot size requirement of 4,000 square feet for single family detached homes elsewhere within the PUD.

The predominance of front-loaded, single family units is not in keeping with the character of a village center concept. The applicant had previously agreed (in the original application submittal) to a minimum garage setback of 20 feet from the front property line and a minimum of four feet from the front of the house. While the garage setback would have helped to accommodate parking for the residents, staff was still concerned about the provision of parking to accommodate guests. The deletion of this requirement will effectively create a considerable deficiency in parking for the residential units. A typical car is approximately 16 feet in length. With a ten foot setback, one home will accommodate one car, assuming that the car will be parked in the garage. The driveway, if only ten feet in length, will not accommodate an additional car.

Staff is also concerned that the pedestrian nature of the development will be compromised. The proposed minimum lot width for single-family units within the Oakleaf Village Center is 40 feet. A single-car driveway is 12 feet in width. With no rear alley access, each lot will have a front-loaded driveway encompassing approximately 30 percent of the front yard. Five foot sidewalks will connect the driveways resulting in a streetscape comprised primarily of concrete with very limited greenspace. Because of the reduced setback, it will be necessary to utilize the sidewalk (in combination with the driveway) to accommodate parking for the home, creating conflicts with pedestrians.

Staff Comments - Nonresidential

The DRI encompasses nearly 8,000 acres in both Duval and Clay counties. Staff is concerned with the continued erosion of nonresidential square footage within the Clay County portion of the development. The DRI assigns development rights as follows:

	Clay County	Duval County
Village Center	393,920	0
Business Park	435,000	435,000
Mixed Use Nonresidential	365,486	531,616
General Commercial	465,800	1,230,450
Major Commercial	0	1,145,500
Light Industrial	258,200	0
Total Nonresidential	1,918,406	3,342,566
Total Residential	10,074	3,263
Nonresidential to Residential Mix	190 SF/Unit	1,024 SF/Unit

A summary of the dwelling units and nonresidential square footage developed to date is provided below:

	Clay County	Duval County
Residential Units	4,461	1,183
Nonresidential Square Footage	195,167	2,667,248
Nonresidential to Residential Mix	43 SF/Unit	2,255 SF/Unit

Clearly, these figures illustrate an unbalanced ratio of nonresidential to residential uses. While it appears to be insignificant (103,690 square feet) a reduction of any amount of nonresidential uses within the Clay County portion of this DRI causes concern.

In 2006, the DRI developer submitted a Notice of Proposed Change (NOPC) to amend the land use designation on a portion of Parcel 19 (new Parcel 19B) from Heavy Industrial to Mixed Use and to amend the land use designation on Parcel 20 from Light Industrial to Mixed Use. Both parcels encompassed approximately 230 acres. Staff expressed concern during the NOPC review and public hearing process regarding the shift in land use on these parcels from a job-based use to one that could be utilized for primarily residential development.

While the Mixed Use category requires three different land use types (Residential, Professional Office, and Light Industrial), these percentages are calculated on the overall Mixed Use lands within the DRI. Of the 229 acres designated for Mixed Use within Parcels 19B and 20 in Clay County, 191 acres (83%) have been platted as Forest Hammock, a 701 unit single family residential subdivision.

Misconceptions Regarding Residential Development

The Applicant has taken the initiative to brief area homeowners and the CDD regarding their proposed PUD amendment. While Staff has not been able to attend the meetings, it has come to Staff’s attention that there is evidence of some misconceptions about the uses approved under the current PUD site plan. The first is that the current plan allows apartments, which is not the case. What is identified on the PUD site plan are condominiums. The second misconception is the fear that the current plan would be more conducive to the development of subsidized housing. While what constitutes subsidized housing has not been defined, what is clear is that the proposed plan would be no less likely to have some form of subsidized housing than the existing plan. For example, the proposed units would qualify for programs such as the SHIP first time home buyers program or the Section 8 rental assistance program.

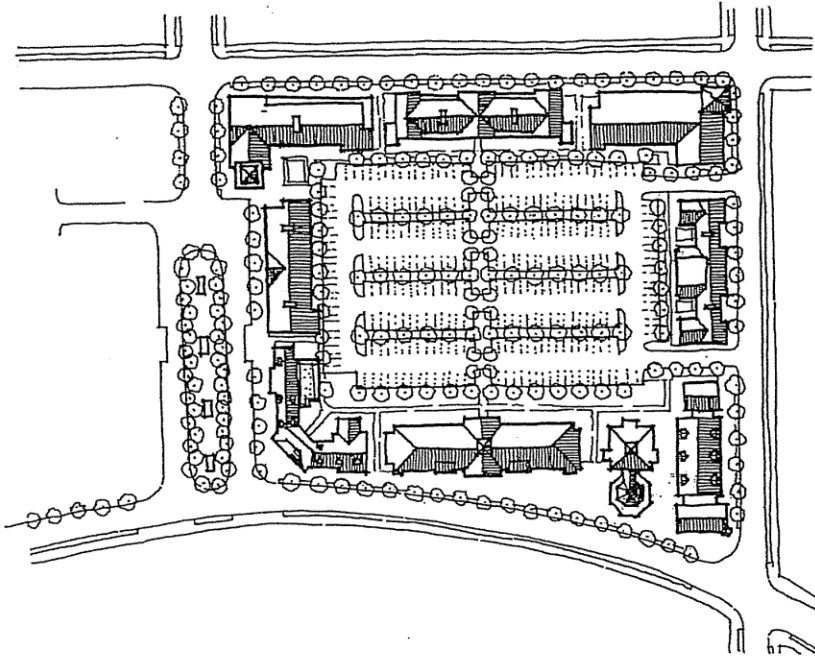
Staff has been contacted by area residents regarding these issues and has advised them accordingly. Given the importance of these issues in the decision making process, Staff thought it prudent to identify them in the report to the Planning Commission and BCC.

Recommendations

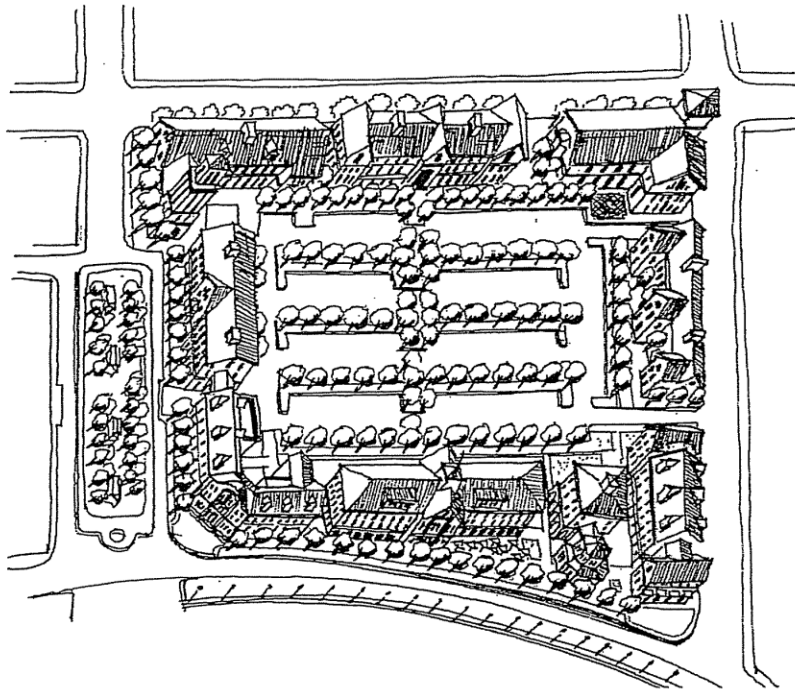
Staff recommends **denial** of the rezoning for the following reasons:

- 1) The proposed site plan and written statement do not meet the intent of the Village Center concept. Several Village Centers are designated within the Clay County portion of the DRI and, as stated previously, these areas are intended to provide retail goods and services which serve the daily needs of contiguous residential neighborhoods.
- 2) The majority of the nonresidential uses lie within the Duval County portion of the DRI; the Clay County portion is saturated with residential development. Staff has significant concerns with the continued erosion of nonresidential lands. The nonresidential uses within the Village Centers are crucial to the viability of the DRI's synergy and to the sustainability of the County's tax base.
- 3) The proposed single family subdivision is not in keeping with the intent of the Village Center concept. The small lot width, proposed single car driveways, and reduced setbacks do not meet the County's minimum required parking standard for a single family home, two spaces, not to mention parking to accommodate guests. The residential streets are destined to become secondary parking lots, compromising the efficient flow of vehicular movement. Additionally, the proposed minimum lot size of 3,600 square feet is not consistent with the required minimum lot size for single family detached homes within the PUD (4,000 square feet).

Should the Board wish to consider an alternative proposal, staff recommends that the PUD be amended to apply the original Village Center standards (Exhibit D) to the remaining unplatted lands within the Oakleaf Village Center. This would allow for the development of retail stores and services and professional offices and would eliminate residential uses with the exception of second floor units above retail and office.



Village Center Plan Drawing



Village Center Axon Drawing

Commercial/Village Center

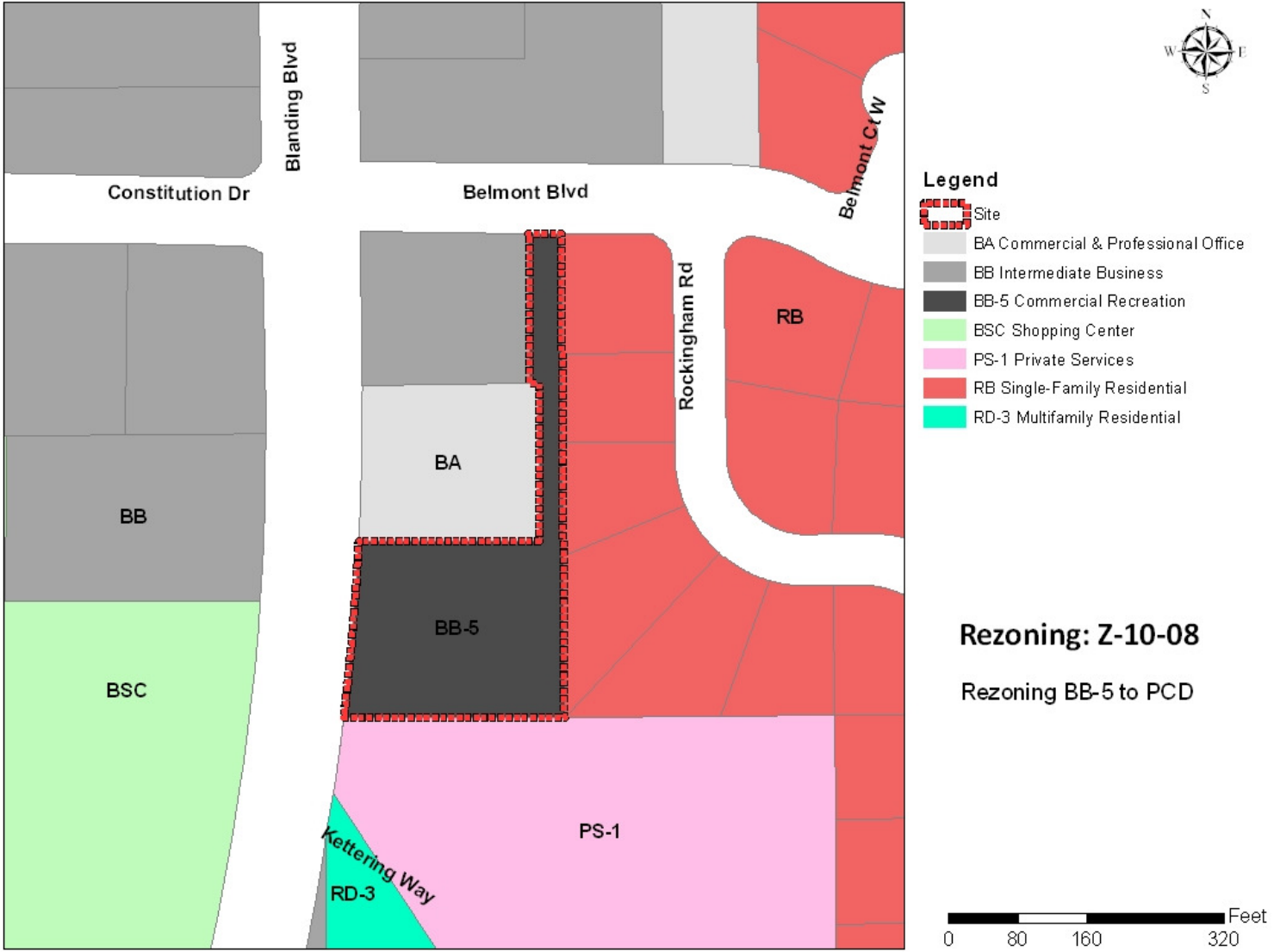
This land use category is intended to provide retail goods and services which serve the daily needs of contiguous residential neighborhoods. The Village Centers allow low intensity retail and office uses which can be developed in freestanding or in shopping center configurations. The shopping centers may be anchored by a food and/or drug store and will contain other supporting retail and office uses. The Preferred Development Forms Section of this PUD encourages a pedestrian-oriented environment in the Village Centers through building orientation, street pattern, setbacks and other criteria.

The following uses shall be specifically allowed without the need to obtain an exception:

- Medical and dental or chiropractor offices and clinics;
- Professional and business offices;
- Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras or photographic supplies, sporting goods, hobby shops and pet shops, musical instruments, florist shops, delicatessens, bakeries (but not wholesale), and similar uses;
- Service establishments such as barber or beauty shops, shoe repair, restaurants, interior decorators, self-service laundries or dry cleaners, tailors or dressmakers, laundry or dry cleaning pickup stations;
- Banks and financial institutions, travel agencies and similar uses;
- Libraries, museums, community centers and other public and civic uses;
- Veterinarians;
- Restaurants with on-premises consumption of alcohol only. These shall not be allowed within 500 feet of the property line of an adjacent school or religious institution;
- Automobile service stations without major repair facilities;
- Essential services including roads, water, sewer, gas, telephone, stormwater, radio, television and electric;
- Convenience markets, or other establishment including the retail sale of beer or wine for off-premises consumption;
- An establishment or facility which includes the retail sale of alcohol, beer or wine for on-premises consumption;
- Churches including a rectory;
- Parks, playgrounds, athletic fields and other recreational uses;
- Day care centers;
- Bed and Breakfast inns; and
- Residential use on second floor above retail or office use.

Also, see Part IV – Development Standards and Part VI – Performance Standards of this PUD document for additional standards for this land use classification.

III. Surrounding Zonings



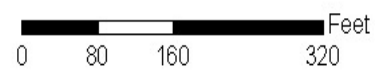
IV. Site Photos & Aerial





Rezoning: Z-10-08

Rezoning BB-5 to PCD



V. Existing Uses within the BB-5 Zoning District

Sec. 3-26.4. COMMERCIAL RECREATION DISTRICT (Zone BB-5)

- (a) *Area.* All land designated as Zone BB-5 is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for commercial activities that require centralized locations within a large service area. A site plan shall be submitted to the Development Review Committee for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Bowling alleys; skating rinks; theaters; miniature golf courses; dance hall; night clubs; bars; and taverns; go-kart tracks.
- (c) *Conditional Uses.* The following uses are permitted in the BB-5 zoning district subject to the conditions provided in Section 20.3-5.
- (1) Outdoor drive-in theaters.
 - (2) Private arenas and auditoriums.
 - (3) All places for the sale of alcoholic beverages for on-premises consumption.
 - (4) Indoor firing range.
 - (5) Bicycle motorcross.
 - (6) Golf driving range.
 - (7) Public assembly.
 - (8) Radio, television, microwave relay stations or towers and accessory equipment buildings.
 - (9) Land Clearing Debris Disposal Facility.
 - (10) 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.
 - (11) Residential dwelling.
 - (12) Sales from vehicles.
 - (13) Hotels and motels.

- (14) Marine facilities which sell gas and serve alcohol.
 - (15) Restaurants that serve alcoholic beverages.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use 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) *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.
Rev. 04/22/08
- (1) Side Lot Setbacks:
 - (i) Side lot setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet from side property lines. If said lot is a corner lot, then setbacks should be the same as the front setback.
 - (ii) 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 Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or not less than twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than fifteen (15) feet in width, and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five feet from front property line.
 - (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. (amended 5/05 – Ord. 05-18)

- (5) Where a business 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 thirty (30) feet to such 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.
- (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
- (7) *Density Requirements.* The maximum density of development of land with a BB-5 zoning classification shall correspond to an FAR of forty (40) percent.
- (8) No outside amplification of sound shall be permitted which can be heard off-site.
- (9) *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 twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center.

VI. Proposed uses within the PCD Zoning District

Sec. 3-31. PLANNED COMMERCIAL DEVELOPMENT DISTRICT (Zone PCD)

- (a) *Intent and purpose.* It is the intent of this district to permit Planned Commercial Developments which are intended to encourage the development of land as planned commercial sites; encourage flexible and creative concepts of site planning; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of conventional commercial zoning districts and to provide a stable environment and use which is compatible with the character of surrounding areas.
- (b) *Permitted uses.* Any non-residential use, including commercial or retail uses, offices, clinics and professional uses, and residential dwellings as an accessory use to the permitted non-residential use for the purpose of providing security for the non-residential use, provided that any use proposed for the site must be approved by the Board of County Commissioners at the time of zoning approval. (Amended 8/27/96 - Ord. 96-35)
- (c) *Minimum Waterfront Setback.* All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)
- (d) *Planned Commercial Development approval procedure.* Approval for a Planned Commercial Development is obtained through a two-step process. The first step is an approval of the Preliminary Site Plan, including use or uses of the site, and rezoning of the land. The second step consists of Final Site Plan approval along with the Developer's Commitment Agreement.
- (e) *Planned Commercial Development zoning and preliminary site plan approval.* The applicant shall submit to the Planning and Zoning Department a request for rezoning to Planned Commercial Development Zoning Classification and a Preliminary Site Plan containing the following exhibits:
 - (1) A vicinity map showing the location of the proposed development and the relationship to surrounding streets and driveways.
 - (2) A site plan indicating location of all proposed structures, buffer areas, wetlands, parking areas, driveway locations and landscaping concepts.
 - (3) Detailed explanation of the proposed use of the property.

The Planning Commission will hold a public hearing on the request and forward their recommendations to the Board of County Commissioners.

The Board of County Commissioners, in approving any Planned Commercial

Development rezoning, may impose special conditions or safeguards so as to insure the proposed development will not have an adverse impact on the public interest.

- (f) *Final site plan approval.* The applicant shall submit, within twelve (12) months from the date of Preliminary Site Plan approval.
 - (1) A Final Site Plan containing all the required submittals in accordance with Section 20.3-33(d) of this Article.
 - (2) A completed Developer's Commitment Agreement containing all conditions imposed during Preliminary Site Plan approval.

The Final Site Plan and the Developer's Commitment Agreement will be reviewed by the Development Review Committee prior to the issuance of any building permit.

- (g) *Revisions of Planned Commercial Development final site plan.* Any major or substantial change in the approved PCD, which affects the intent and character of the development or permitted uses shall be reviewed and approved by the Board of County Commissioners. If the requested changes are deemed to have a substantial effect on adjacent property owners, the Board of County Commissioners shall cause a public hearing to be held prior to official action on said requested change.

Minor changes that do not affect the intent or character of the development may be approved by the Planning and Zoning Director.

- (h) *Planned Commercial Development Time Limitations.*
 - (1) If substantial construction, as determined by the Planning and Zoning Director has not begun within two (2) years after approval of the Planned Commercial Development, the approval of the Planned Commercial Development will lapse.
 - (2) At its discretion and for good cause, the Board of County Commission may extend for one additional year the period for beginning construction. If the approved Planned Commercial Development lapses under this provision, the Planning and Zoning Director shall cause the Planned Commercial Development district to be removed from the Official Zoning Atlas, mail a notice by registered mail of revocation to the owner, and reinstate the zoning district which was in effect prior to the approval of the Planned Commercial Development.
- (i) *Deviation from the Development Plan.* Any unapproved deviation from the accepted Development Plan shall institute a breach of agreement between the applicant and the County. Such deviation may cause the Board of County Commissioners to immediately revoke the Development Plan until such time as the deviations are corrected or become a part of the accepted Development Plan.

(j) *Phase Development.*

- (1) A Planned Commercial Development as defined herein may be developed in phases with the approval of the Board of County Commissioners. In the event the applicant desires to develop a Planned Commercial Development in phases, the applicant shall submit a Schedule of Phases in addition to those items required with the application for zoning. The Schedule of Phases shall contain the following:
 - (i) The number of phases;
 - (ii) The date of commencement for each phase;
 - (iii) The approximate number of acres contained in each phase of development.
 - (iv) A map indicating with reasonable certainty the location of each phase of development.
- (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.
- (3) Multi-County Planned Commercial Development. The requirement of that substantial construction begin within two years of approval of the Planned Commercial Development shall be satisfied by commencing substantial construction in either county.
- (4) Developments on Regional Impact. The requirements of this Section shall be supplemented or superseded by any contrary provisions of a County Development Order for a Development of Regional Impact (DRI), if the County, DRI developer, Florida Department of Community Affairs and appropriate Regional Planning Council have entered a development agreement pursuant to Section 380.032(3) Florida Statutes, modifying this Section.

- (k) *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 twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. (amended Ord. 94-26 - 4/26/94)

(1) Conditional Uses - The following uses are permitted in the PCD Zoning District, subject to the conditions provided in Section 20.3-5.

(1) Land Clearing Debris Disposal Facility.

VII. Staff Comments & Recommendation

The applicant is requesting a change in the zoning from BB-5 to PCD to allow a significantly wider range of activities to be operated from the property. Included on the list of proposed uses are selected BB uses, all of BA, selected BB-5 uses and PS-1 uses.

The property is adjacent to BA (Neighborhood Business District) zoned property to the North. The property to the East is zoned RB (Single Family Residential). The property across Blanding Blvd (SR21) to the West is zoned BB (Intermediate Commercial) & BSC (Shopping Center District).

This site was developed and operated for several years as a restaurant in compliance with the BA zoning and most recently as a batting cage facility in compliance with the BB-5 zoning district, which was approved in 2008. A church is currently operating at the site under the allowance of public assembly within the BB-5 zoning district. The church would like to expand its current public assembly use to include a daycare and thrift store. These expanded uses are not permitted under BB-5 or under public assembly. The request will allow uses such as PS-1, BB, and BA usages (Church/daycare, skating rink, miniature golf, dance hall, sports center, etc.)

Staff has no objection to the BB-5 uses requested or the PS-I request. However, the County no longer rezones to BB so staff cannot support that request. (Sec.20.3-25 (f)(3) No parcel shall be rezoned to BB unless application therefore has been filed on or before November 1, 1999.) The requested BA uses need to be specified to ensure they would be compatible with the site's current configuration. Staff cannot support all the allowable BA uses in the sites current configuration.

The applicant is proposing no improvements to the land, parking lot, islands, or exterior of building at this time other than cleaning, mulching, painting, flowers/bushes, etc.

Staff has determined that the request for rezoning might be supportable if the uses were specified and compliant with the site, drainage was to be improved, and an effort was made to improve the landscaping to be as code compliant as practicable.

Staff objects to the proposed change and recommends **Denial of Z-10-08.**



CLAY COUNTY FLORIDA

Department of Development Services

Planning and Zoning
Division

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32043

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Douglas P. Conkey
District 2
W. Travis Cummings
District 3
T. Chereese Stewart
District 4
Ronnie E. Robinson
District 5

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KH (352) 473-3711
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www.claycountygov.com

MEMORANDUM

DATE: June 17, 2010
TO: Clay County Planning Commission
FROM: Sung-Man Kim, Chief Planner
RE: Large Scale Comprehensive Plan Amendment Cycle 10-2

Enclosed is the proposed amendment for Cycle 10-2 received during the submittal period December 1, 2009 through May 31, 2010.

Pursuant to LDR Section 12-10 Amendments to the Comprehensive Plan, a study session has been scheduled to be held on July 6, 2010, at 7:00 p.m. or as soon thereafter as can be heard for the Planning Commission to consider the next large scale cycle of Comprehensive Plan Amendments.

The study session has been advertised and is a public hearing. At that time, the Planning Commission, acting as the Local Planning Agency (LPA), will review the amendments and recommend to staff those that warrant further study. At the same meeting the public will have the opportunity to comment on the proposed amendments.

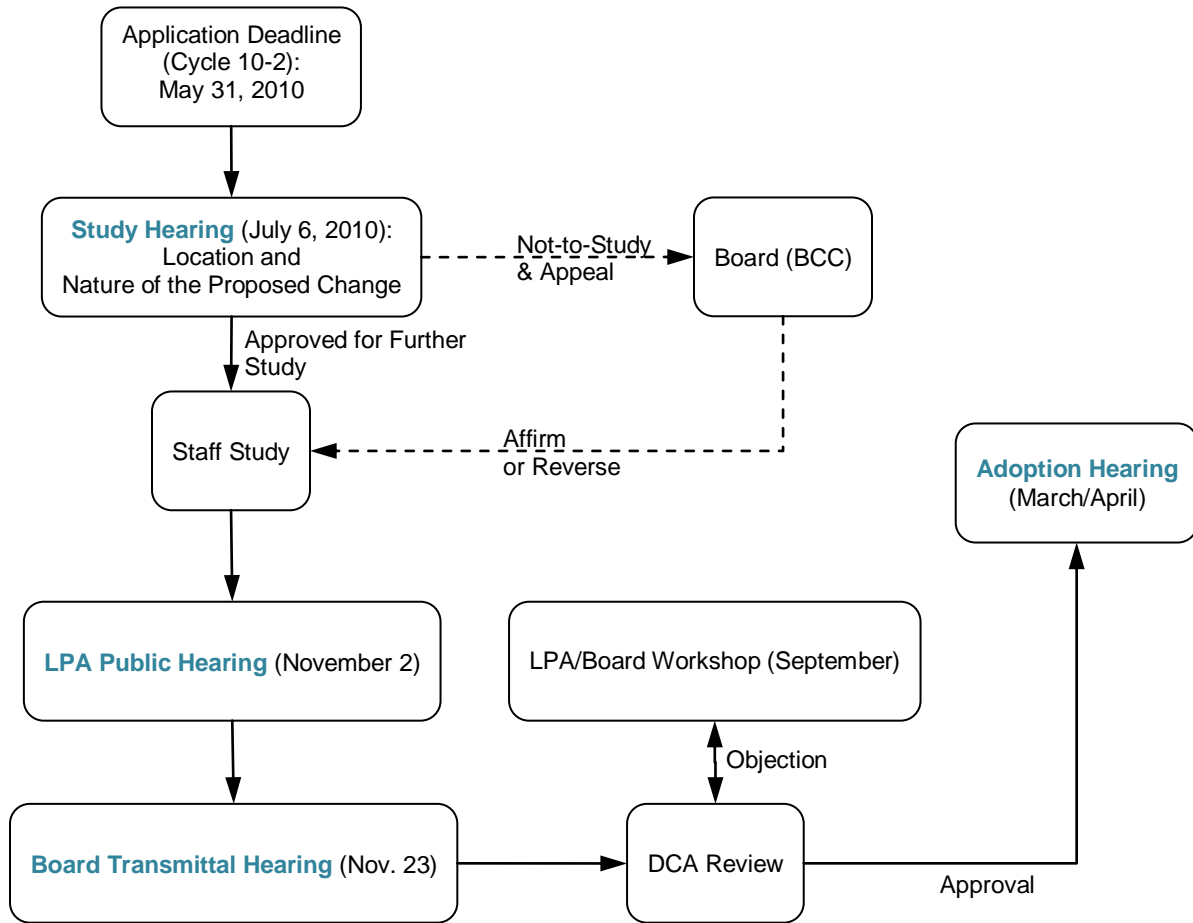
Please be advised that the purpose of the Study Session is to determine whether proposed Comprehensive Plan Amendments should proceed based upon the criteria listed below. The Study Session is not intended to serve a hearing equivalent of the Planning Commission's transmittal hearing.

Criteria for a Recommendation "Not-to-Study"

1. The requested specific plan amendment would plainly violate a goal, objective or policy of the Comprehensive Plan.
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.

Schedule



If you have any questions or concerns, please do not hesitate to contact me.

Thank you.

- cc: Fritz Behring, County Manager
 Mark Scruby, County Attorney
 Frances Moss, Chief Assistant County Attorney
 Chuck Iley, Director of Development Services
 Mike Kloehn, Director of Planning and Zoning Division

Summary of the Applications

	Name	Location	Current Land Use	Proposed Land Use	Acres
10-2-BFMP-1	Kindlewood	East of Branan Field Rd (SR 23); on Kindlewood Drive	BF Traditional Neighborhood	BF Master Planned Community	91



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

Application Number Z-10-09

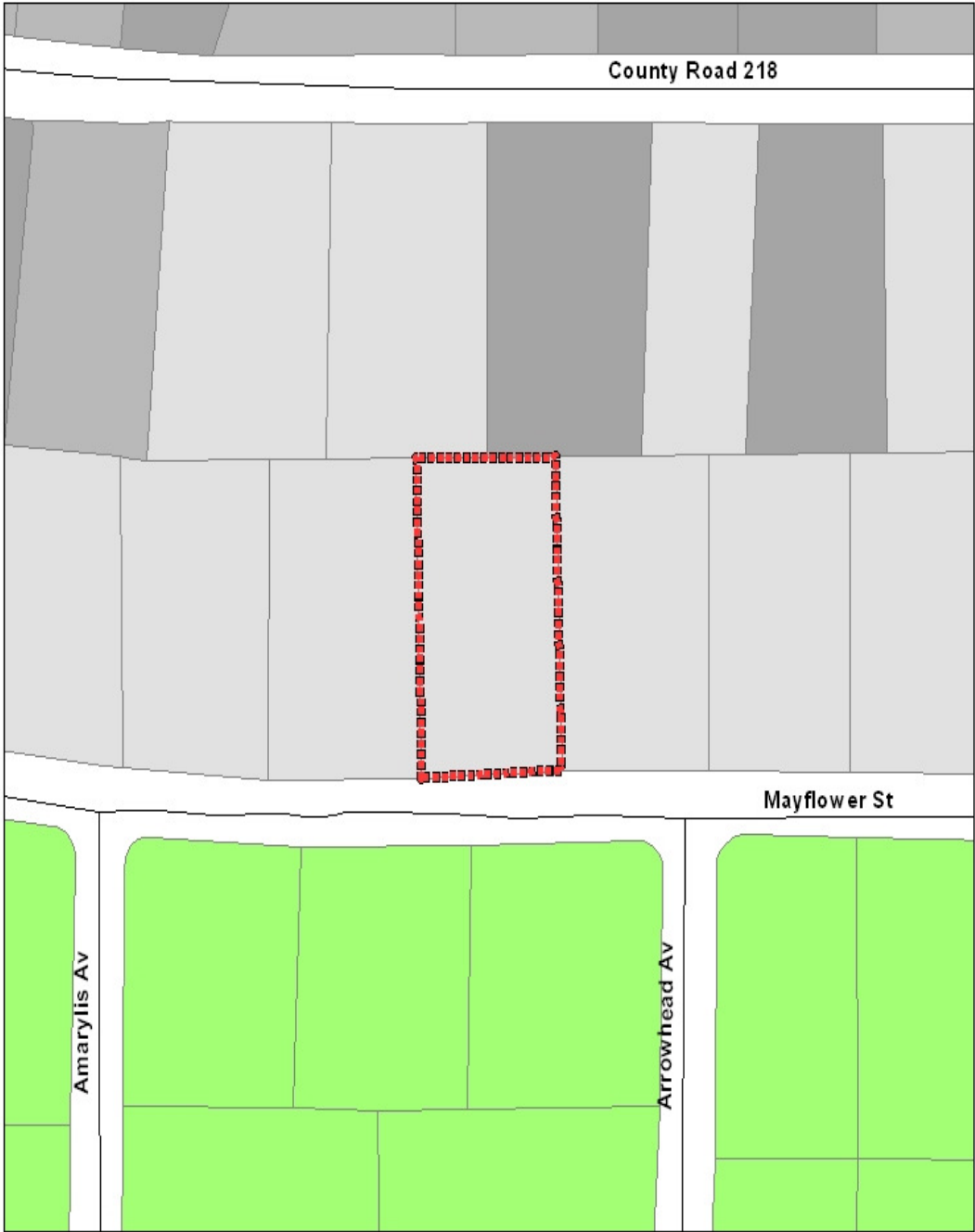
I. Owner / Agent Information

Owner / Petitioner	Shane Spicer 4584 Mayflower Street Middleburg, FL 32068
---------------------------	---

II. Parcel Zoning Land Use and Other Information

Parcel ID #	16-05-24-005954-171-00
Physical Address	4584 Mayflower Street, Middleburg, FL 32068
Planning District:	1 (Middleburg/Clay Hill)
Commission District:	4(Commissioner Stewart)
Existing Zoning District:	BA (Neighborhood Business District)
Proposed Zoning District:	BA-2 (Commercial and Professional Office District)
Future Land Use Category:	C (Commercial)
Acreage:	1.136 acres
Planning Commission Date:	July 6, 2010
Board of County Commissioners Date:	July 27, 2010

III. Surrounding Zonings

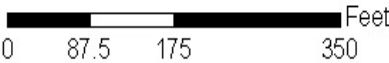


Legend

-  Site
-  AR Agricultural/Residential
-  BA Commercial & Professional Office
-  BA-2 Commercial & Professional Office
-  BB Intermediate Business

Rezoning: Z-10-09

Rezoning BA to BA-2



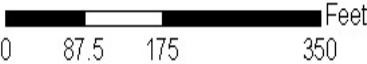
IV. Site Photos & Aerial





Rezoning: Z-10-09

Rezoning BA to BA-2



V. Existing Uses within the BA Zoning District

Sec. 3-24. NEIGHBORHOOD BUSINESS DISTRICT (Zone BA)

- (a) *Purpose and Intent.* This District is to provide a limited commercial facility of a convenience nature, servicing persons residing in adjacent residential areas, and to permit primarily such uses as are necessary to satisfy those basic shopping and service needs which occur frequently and so require retail and service facilities in relative proximity to places of residence.

This district is further designed to accommodate commercial development on a scale that is less intensive than that permitted in a BB District.

- (b) *Area.* All land designated as Zone BA is subject to the regulations of this Section and Sec. 20.3-10. Such areas are designed and included to provide local services to contiguous neighborhoods and locations and are anticipated to be on major local streets, but still in close proximity to residential properties and shall, therefore, be limited in scope and size. 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.

- (c) *Uses Permitted.*

- (1) All uses permitted in Sec. 20.3-23.
- (2) Retail stores and shops reasonably related to the day-to-day needs of the area to be serviced limited to: antique; artist's studios; bait and tackle; bakery with baking on premises; bicycle sales and repair; billiard, game or pool room; dance academies (soundproofed and air conditioned); curio; fruit and vegetable retail (packing permitted); hardware; retail clothing; interior decorating; dry cleaners, laundries and laundromats; leather goods; luggage; meat markets (no processing plant); music; newsstands; optical; office supplies; photographic galleries; printing; shoe; sporting goods; stationery and books; travel agencies; restaurants without the sale of beer and wine; drapery; paint and wallpaper; clock sales; rentals; palm reading; banks; financial institutions; animal clinics; veterinary hospitals; drugstores; and grocery stores; provided that no outdoor sales, display, preparation or storage is permitted. (amended 10/12/93 - Ord 93-36)
- (3) Banks and financial institutions with drive-in facilities; drive-in restaurants; the sale of gasoline without garage, car repair, or car wash facilities.
- (4) Retail sales of beer and wine at establishments commonly known as convenience stores only pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation, for off-premises consumption only.

- (5) The above are uses subject to the following limitations:
 - (i) Sale, display, preparation and storage to be conducted within a completely enclosed building.
 - (ii) Products to be sold only at retail.

- (d) *Conditional Uses.* The following uses are permitted in the BA District subject to conditions provided in Section 20.3-5.
 - (1) Restaurants.
 - (2) Bed and Breakfast Inns.
 - (3) Public Assembly.
 - (4) Residential Dwelling.
 - (5) 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, provided that said towers are 200 feet from adjacent residentially zoned property. (Amended 11/26/96 - Ord. 96-58)
 - (6) Seasonal outdoor sales (amended Ord. 93-36, Oct. 1993)
 - (7) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)

- (e) *Uses Not Permitted.*
 - (1) Any use not allowed in (c) or (d) above.
 - (2) Any use 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.

- (f) *Density Requirements.* The maximum density of development for land in the BA zoning classification shall correspond to a floor area ratio (FAR) 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.
Rev. 04/22/08
 - (1) Front lot line setbacks shall in no case be less than twenty-five (25) feet.
 - (2) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will

be 100 feet. (amended 5/05 – Ord. 05-18)

(3) *Side lot line setbacks.*

- (i) For one story building height up to a maximum of twenty-two (22) feet on property which abuts any residential or agricultural district shall be no less than twenty-five (25) feet. If said lot is a corner lot, then setbacks shall be the same as the front setback.
- (ii) For two story building height up to a maximum of thirty-five (35) feet on property which abuts any residential or agricultural district shall be no less than thirty-five (35) feet. If said lot is a corner lot, then setbacks shall be the same as the front setback.
- (iii) Where the adjoining lot is also zoned for business, a one story building at a maximum height of twenty-two (22) feet may be placed anywhere within the required side setback area up to the side lot lines providing that the building is constructed in accordance with the regulations of the applicable Building Code. A two story building with a maximum height of thirty-five (35) feet shall provide the maximum side setback of fifteen (15) feet.

(4) *Rear lot line setbacks.*

- (i) In one story building height up to a maximum of twenty-two (22) feet on property which abuts any zoning district shall be no less than twenty-five (25) feet when adjacent to multi-family and single-family residences.
- (ii) In two story building height up to a maximum thirty-five (35) feet on property which abuts any zoning district shall be no less than thirty-five (35) feet, and no less than twenty-five (25) feet when adjacent to multi-family and single-family residences.

(5) Rear lot line setbacks shall be twenty (20) feet. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall not be less than fifteen (15) feet in width and shall be unobstructed at all times.

(6) 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 fifteen (15) feet to such 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.

(7) *Height limitations.*

- (i) One story construction shall not exceed the building height of twenty-two (22) feet.

- (ii) Two story construction shall not exceed the building height of thirty-five (35) feet.
- (8) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural property.
- (9) No outside amplification of sound shall be permitted which can be heard off-site.
- (10) 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 twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. (amended Ord. 94-26 - 4/26/94)

VI. Proposed uses within the BA-2 Zoning District

Sec. 3-22. COMMERCIAL AND PROFESSIONAL OFFICE DISTRICT (Zone BA-2)

- (a) *Area.* All land designated as Zone BA-2 is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the development of commercial and professional offices and to facilitate the change from residential to commercial usage. A site plan shall be submitted to the Planning and Zoning Department for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Commercial and professional offices having a gross floor area limited to twenty-five hundred (2,500) square feet per building including, but not limited to, offices for doctors, dentists, osteopaths, chiropractors, medical and dental laboratories, attorneys, engineering offices, accounting, auditing and bookkeeping services, real estate sales, insurance companies, finance offices.
 - (2) Building and uses immediately and exclusively accessory to the uses permitted in above, including automobile parking facilities, central heating and cooling systems, emergency generating plants, storage of documents and other property, training schools for employees, living quarters for a custodian or caretaker of the office building or buildings.
 - (3) The above are uses subject to the following limitations:
 - (i) Sale, display, preparation and storage to be conducted within a completely enclosed building.
 - (ii) Products to be sold only at retail.
- (c) *Conditional Uses.* Subject to conditions provided in Section 20.3-5.
- (1) Public assembly.
 - (2) Residential dwelling.
 - (3) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use 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 density of development for land in the BA-2 zoning classification shall correspond to a floor area ratio (FAR) 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.
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- (1) Side lot line setbacks on property which abuts residential or agricultural districts shall not be less than twenty-five (25) feet. If said lot is a corner lot, then setback shall be the same as the front setback.
- (2) 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 Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
- (3) Rear lot line setbacks shall be twenty-five (25) feet. The rear lot area shall be accessible from a public street for emergency vehicles. If the rear yard does not abut a public street, then access over private property shall be provided and shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
- (4) Front lot line setbacks shall in no case be less than twenty-five (25) feet.
- (5) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)
- (6) Where a BA-2 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 fifteen (15) feet to such 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.
- (7) Height and size limitations.
 - (i) One story construction not higher than twenty-two (22) feet.
 - (ii) Gross floor area limited to twenty-five hundred (2,500) square feet per building.
- (8) Lot and building requirements and height and size limitations in the Subsections above shall not be applicable where there are existing structures at the time of rezoning; however, additions and alterations shall comply with the requirements

of this Section.

- (9) Lighting. Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from the adjacent residential or agricultural districts.
- (10) No outside amplification of sound shall be permitted which can be heard off-site.
- (11) 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 twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. (Ord. 94-26 - 4/26/94)

VII. Staff Comments & Recommendation

The applicant is proposing a change in the zoning from BA to BA-2 in order to allow for a single family residence.

The property is surrounded on 3 sides by commercially zoned property. The properties to the north are zoned BB (Intermediate Business District) and BA (Neighborhood Business District). The properties to the east and west are zoned BA (Neighborhood Business District). Across the street to the south, the property is zoned AR (Agricultural/ Residential District).

This site was developed and functioned for many years as a single family building non-compliant with the BA zoning district. The BA-2 zoning district is the only commercial zoning that allows a single family residence without an operating commercial use on the property.

Staff has determined that the request for rezoning would be compatible with the overall surrounding area and consistent with the Comprehensive Plan.

Staff recommends approval of the rezoning application. This parcel is surrounded by residentially developed properties on either side and across the street.

Staff has no objection to the proposed change and recommends **Approval of Z-10-09.**

ARTICLE IV

CONCURRENCY MANAGEMENT

I. CONCURRENCY MANAGEMENT FOR POTABLE WATER, SANITARY SEWER, SOLID WASTE, DRAINAGE, PARKS AND RECREATION, TRANSPORTATION (ROADS) AND MASS TRANSIT

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I. CONCURRENCY MANAGEMENT FOR TRANSPORTATION (ROADS) AND MASS TRANSIT, SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, PARKS AND RECREATION

Sec. 4-1. SHORT TITLE

This article may be referred to and cited as the "Clay County Concurrency Management System."

Sec. 4-2. AUTHORITY

This article is adopted pursuant to Florida Statutes, Chapters 163 and 125; Florida Administrative Code, Rule 9J-5; the Clay County Comprehensive Plan adopted by Ordinance 92-03, as amended; and the Constitution of the State of Florida.

Sec. 4-3. FINDINGS AND INTENT

The Board of County Commissioners of Clay County, Florida (the Board) finds and determines that:

- (a) The requirements and standards of this ordinance are necessary for the health, safety and welfare of the citizens of Clay County and the protection of the environment and natural resources of Clay County.
- (b) It is the intent of the Board to implement the goals, objectives and policies adopted in the Clay County Comprehensive Plan.
- (c) It is the intent of the Board that necessary public facilities and services be available concurrent with the impacts of development.
- (d) It is the intent of the Board that final development orders and permits be issued in a manner which does not result in a reduction of any levels of service below the adopted level of service standards in the Clay County Comprehensive Plan.
- (e) It is the intent of the Board to adhere to and implement the Capital Improvements Element in the Clay County Comprehensive Plan as necessary to maintain the adopted level of service standards in the Clay County Comprehensive Plan.
- (f) It is the intent of the Board to adopt a Concurrency Management System in furtherance of the public benefit while at the same time ensuring that all property owners have a reasonable, beneficial and economic use of their property and that no property is taken without just compensation.
- (g) Not all development or development activity impacts are significant enough to cause the deterioration of the levels of service adopted in the Clay County Comprehensive Plan. It is, therefore, further found that the establishment of a *de minimis* developmental impact which will not cause an unacceptable degradation of levels of service is consistent with the goals, objectives and policies of the Clay County 2001 Comprehensive Plan. The application of this methodology by the establishment and recognition of certain types of *de minimis*

development is found to be substantially related to the preservation of individual property rights in accordance with the State Comprehensive Plan.

Sec. 4-4. APPLICABILITY

- (a) The regulations set forth herein shall apply to all lands and waters within the unincorporated areas of Clay County, Florida and subject to the jurisdiction of the Board. No final development order or final development permit shall be issued unless in accordance with the provisions of this article. In order to develop land, the requirements of this article shall be met and the procedures set forth herein shall be followed.
- (b) This article is supplemental to and does not supersede any applicable state statutes and regulations.

Sec. 4-5. DEFINITIONS

The following definitions shall apply to this ordinance and this ordinance only, except where specifically noted.

- (a) *Applicant or Developer or Owner* means any individual, corporation, business trust, estate trust, partnership, association, two or more persons have a joint or common interest, governmental agency, or any other legal entity, which has submitted an Application for Concurrency Reservation Certificate.
- (b) *Application* means an application presented to the County containing the information required pursuant to this Ordinance.
- (c) *ARTPLAN* is FDOT's planning software for calculating level of service and service volume tables for interrupted flow arterial roadways.
- (d) *Available Capacity* means that portion of the Capacity that has not been used or allocated for use by Development.
- (e) *Capacity or Maximum Capacity* means a maximum and quantifiable ability for a public facility to provide service to its users, calculated relative to a level of service infrastructure standard.
- (f) *Capital Improvement* means a permanent addition, construction or fixture to real property or structures thereon which has an estimated purchase or construction cost of more than fifteen thousand dollars (\$15,000.00).
- (g) *Capital Improvements Element* means that element of the Comprehensive Plan adopted pursuant to Chapter 163 (Part II), Florida Statutes, which is based on the need for public facilities as identified in the other Comprehensive Plan elements and as defined in the applicable definitions for each type of public facility, which estimates the cost of improvements for which the local government has fiscal responsibility which analyzes the fiscal capability of the local government to finance and construct improvements, which adopts financial policies to guide the funding of improvements and which schedules the

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- funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other adopted Comprehensive Plan elements.
- (h) *Commenced* means that point at which actual physical construction of the project begins in concert with the provision of necessary support infrastructure whether such infrastructure improvements are off-site or on-site.
 - (i) *Comprehensive Plan or Plan* means the Clay County Comprehensive Plan adopted pursuant to Ordinance 92-03 on January 23, 1992 by the Board of County Commissioners of Clay County, Florida, as may be amended from time to time.
 - (j) *Concurrency* means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.
 - (k) *Concurrency Management System Data Base* means the data collection, processing and analysis performed by the Department to determine the impacts of development on the adopted level of service standards for potable water, sanitary sewer, solid waste, drainage, parks and recreation, transportation (roads) and mass transit.
 - (l) *Concurrency Management System (CMS)* means the procedures and processes utilized by the Department to assure that final development orders and final development permits are not issued unless the necessary facilities to support the development are available concurrent with the impacts of development.
 - (m) *Concurrency Reservation Certificate (CRC)* means the official document issued by the Department upon finding that an application for the certificate in reference to a specific final development order or final development permit for a particular development will not result in the reduction of the adopted level of service standards for impacted potable water, sanitary sewer, parks and recreation, drainage, solid waste, transportation (roads) and mass transit facilities and services, as set forth in the Plan. A Development Agreement or a Fair Share Agreement entered into between the County and an Applicant pursuant to the provisions of Article 10A of the Clay County Land Development code shall serve as the functional equivalent of a CRC when the possession of a CRC is necessary for commencing or continuing Development.
 - (n) *County* means Clay County, Florida.
 - (o) *Department* is the Clay County Department of Development Services. The Department of Planning and Zoning within the Department of Development Services shall be primarily responsible for the receipt of concurrency applications and the processing of concurrency applications pursuant to this Ordinance.
 - (p) *Development or Project* means the carrying out of any commercial, residential, or other building activity or mining operation, the making of any material change in the use of a structure or land, or the dividing of land into three or more parcels according to a plat of record.

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- (1) The following activities or uses shall constitute development:
- a. A reconstruction alteration of the size or material change in the external appearance of a structure or land.
 - b. A change in the use of land which modifies the demand for any public facility or service.
 - c. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or an increase in the number of businesses, manufacturing establishments or offices in a structure or on land.
 - d. Alteration of a shore or bank of a river or stream, lake, pond or canal, including any coastal construction defined in s. 161.021, FS.
 - e. Commencement of drilling, except to obtain soil samples, mining or excavation on a parcel of land.
 - f. Demolition of a structure as an adjunct to construction
 - g. Clearing of land as an adjunct to construction.
 - h. Deposit of refuse or solid or liquid waste on a parcel of land.

- (2) The following activities or uses shall not constitute development as defined herein:
- a. The impacts of work by a transportation or public works agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
 - b. The impacts of work by any utility and other persons engaged in the distribution or transmission of utilities, for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way or easements any sewers, mains, pipes, cables, utility tunnel, power lines, towers, poles, tracks or the like.
 - c. Maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
 - d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to the enjoyment of the dwelling.
 - e. The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products, raising livestock or for other agricultural purposes.
 - f. A change in the ownership or form of ownership of any parcel or structure.
 - g. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land or other rights in land.
 - h. Short-term or temporary impacts resulting from special events, with a duration of no more than forty-five (45) consecutive days.

(q) *Developer* means any person, or his authorized agent, including a governmental agency who undertakes the development of land.

(r) *Development Agreement* means an enforceable agreement which may include, but is not limited to, Development Agreements entered into pursuant to Section 163.3220, Florida Statutes, or Clay County Ordinance 95-44, as amended, or an agreement or Development

Order issued pursuant to Chapter 380, Florida Statutes. The Development Agreement must guarantee that the Necessary Facilities and services will be in place to support the impacts of the Project.

- (s) *Development Order* means any order issued by the Department granting, denying or granting with conditions an application for approval of a development project or activity. The term "development order" encompasses the following:
- (1) *Preliminary Development Approval* means a preliminary approval given by the County, which does not authorize actual construction, alterations to land or structures or other development. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual approvals where a series of approvals are required before authorization to commence land alteration or construction may be given by the County a CRC is not required prior to the issuance of a preliminary development approval, which term shall include, but not be limited to: an order granting an administrative appeal an amendment to the Future Land Use Map series of the Plan; an amendment to the Plan which affects land use or development standards; an order approving a Development of Regional Impact or a Florida Quality Development; a substantial deviation to a Development of Regional Impact or a Florida Quality Development consistent with the provisions of s.380.06(19), FS; approval of preliminary sketch plans; approval of site plans; an order granting a zoning variance, or exception; a rezoning; and a written determination of consistency with the Plan.
 - (2) *Preliminary Development Order* means an official document issued by the County which authorizes certain types of preliminary development which either would not have an impact on levels of service or would occur at a stage in the development process when the proposed project has not been precisely defined and where the density, intensity and type or use of the ultimate development is not known. A CRC is not required prior to the issuance of a preliminary development order, which terms shall include, but not be limited to: a sign permit; a roofing permit; a plumbing permit; an electrical permit; a grading permit; a site clearing permit; a demolition permit; a septic tank permit; a tree removal permit; a permit for a residential swimming pool; permits for interior renovations in cases where the use or intensity is not changed; and all activities deemed not to constitute development as defined herein.
 - (3) *Final Development Order* means a final approval given by the County for a development project which has been precisely defined in terms of the intensity and use of the project. The final development order authorizes the project, whereas the preliminary development order authorizes specific components of the project. A CRC is required prior to the issuance of a final development order, which term shall include, but is not be limited to: a move-on permit for a manufactured structure which shall include single-family mobile homes as well as mobile homes used for nonresidential purposes; a permit for construction of a single-family dwelling unit; a permit for an addition to any existing single-family dwelling unit; a permit for any non-residential construction including the construction of any additional square footage to an existing non-residential structure; a permit to move a building to a

new site within the unincorporated area of the County; approval of final construction plans for subdivision development; final approval of plats; a home occupation permit; and permits for any modification to an existing structure or site where use or intensity is changed . No final development order shall be issued or granted by any board, commission, department or agency of the County without a CRC unless in accordance with the criteria set forth herein.

- (t) *Director* shall mean the Director of Clay County Department of Development Services, or his designee.
- (u) *Fair Share Program* means the methods and procedures for proceeding with Development despite a failure of a Project to meet transportation concurrency requirements pursuant to the provisions of Clay County Ordinance 04-45, as the same may be amended from time to time. A *Fair Share Agreement* is an Agreement entered into between the County and a Developer pursuant to the requirements of Clay County Ordinance 04-45.
- (v) *FREEPLAN* is FDOT's planning software for calculating level of service and service volume tables for limited-access roadways.
- (w) *Guaranteed Improvement* means a capital improvement guaranteed in an enforceable development agreement entered into pursuant to Chapter 380, F.S. or Section 163.3220, F.S. or Clay County Ordinance 95-44, or as specified in the Capital Improvements Element of the Plan.
- (x) *HIGHPLAN* is FDOT's planning software for calculating level of service and service volume tables for urban two-lane roadways.
- (y) *Highway Capacity Manual 2000 (HCM 2000)* is the latest edition of the authoritative source for methodology for analyzing capacity and service volume for various types of highways and elements under differing conditions and is the standard for highway planning and design published by the Transportation Research Board (TRB).
- (z) *Highway Capacity Software (HCS)* is latest edition of software based on the *Highway Capacity Manual 2000* released by Federal Highway Administration (FHWA) used to analyze signalized intersection and non-signalized intersection capacity.
- (aa) *Level of Service (LOS)* means 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 or service.
- (ab) *Lot* includes the words plot or parcel. A lot or plot is a parcel of land of at least sufficient size to meet the minimum requirements set forth by the county as to use, lot coverage and area and to provide the set backs required by the county. A lot is also defined as a single unit in subdivision or a "lot of record" as that term is defined in the Plan.
- (ac) *Major Roadway Network* means an interconnected system of freeway, arterial and collector roads identified by the County in its Comprehensive Plan and Concurrency Management

System for which the Level of Service standards must be maintained. A list of the road segments comprising the Major Roadway Network is attached hereto as Exhibit 1 and by reference incorporated herein. The Major Roadway Network may only be revised by a Resolution of the Board of County Commissioners of Clay County, Florida.

- (ad) *Mixed Use* means a Development that includes a residential land use and one or more other land uses between which trips can be made without using the off-site road system.
- (ae) *Necessary Facilities* means public facilities and services necessary to accommodate the proposed development while maintaining the adopted LOS standards.
- (af) *Person* means any individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons have a joint or common interest, state agency or any other legal entity.
- (ag) *Public Facilities or Services* means those facilities and services specified in the Plan, as required by S. 163.3177, Florida Statutes, for which level of service standards have been adopted: transportation (roads), potable water, sanitary sewer, solid waste, drainage, parks and recreation and mass transit.
- (ah) *Trip Generation* is the latest edition of the report published by the Institute of Transportation Engineers (ITE) to estimate the number of vehicle trips likely to be generated by a particular land use.
- (ai) *Trip Generation Handbook* is the latest edition supplemental publication published by the Institute of Transportation Engineers (ITE) that offers recommendations on the preferred application of data in *Trip Generation*.

Sec. 4-6. APPLICABILITY AND GENERAL PROVISIONS

- (a) A Concurrency Reservation Certificate (CRC) shall be required prior to the issuance of all final development orders, but not for the preliminary development orders or preliminary development approvals. No final development order shall be issued or granted by any board, commission, department or agency of the county without a CRC unless in accordance with the criteria set forth herein.
- (b) In addition to the required concurrency review and determination for final development order, the Department may review planned development rezoning applications or a substantial deviation to previously approved Development of Regional Impact (DRI) or Florida Quality Development (FQD) pursuant to s. 380.06 (19), F.S. to the extent such deviation subjects the changed portion of the DRI or FQD to concurrency. In those cases where the Department has determined that such an approval could lead to excessive impacts on public facilities and services needed to support the development an advisory opinion may be issued setting forth the basis of such determination. An advisory opinion will contain mitigation options available such as reduction of density or intensity, phasing of the project to match its impacts with planned expansion of public facilities, required improvements to public facilities, or fair share contribution.

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- (c) For purposes of determining concurrency and issuing a CRC pursuant to a final development order, the Department shall utilize the LOS standards set forth in the Plan.
 - (d) Concurrency considerations relating to Developments of Regional Impacts or Florida Quality Developments must be reviewed in accordance with Chapter 380, Florida Statutes and Rule 9J-2, Florida Administrative Code.
 - (e) A CRC cannot be issued for a use or intensity that is inconsistent with the existing land use designation of the property contained on the Future Land Use Map Series in the Plan.
 - (f) A CRC does not vest an applicant for the right to obtain subsequent development approvals for a Development.
 - (g) A Fair Share Agreement entered into between the Applicant and the County pursuant to the requirements of Ordinance 04-45, as amended, shall be deemed a functional equivalent of a CRC for the purpose of obtaining a Final Development Order or a certificate of occupancy.
 - (h) A Development Agreement entered into between the Applicant and the County pursuant to the requirements of Article 10 shall be deemed a functional equivalent of a CRC for the purpose of obtaining a Final Development Order or a certificate of occupancy.
 - (i) A non-residential plat may be approved for recording without a CRC. However, approval of a non-residential plat does not entitle or ensure a CRC for any vertical construction or development within the non-residential plat. A CRC must be obtained prior to issuance of a final development order or permit authorizing vertical construction or development.
 - (j) The Director has the authority to issue a stop work order whenever the Director has determined that factual circumstances indicate that incorrect or inaccurate information was provided to obtain a CRC or development is occurring without a CRC.

Sec. 4-7. APPLICATION CONTENT AND SUBMITTAL REQUIREMENTS

- (a) All applicants for a CRC shall file a completed Application, which demonstrates that their Project complies with the LOS standards and concurrency criteria contained in this Article and in the Plan. An application for a CRC shall provide sufficient information to determine the impact of such Development consistent with the concurrency standards, criteria and procedures set forth herein and in the Plan. An Application must include the following information, at a minimum:
 - (1) Name, address, and phone number of Owner(s), Developer and agent, as well as the Owner's written authorization to the agent to act on his or her behalf,
 - (2) Property location, including parcel identification numbers;
 - (3) Project description, including type and amount of Development;
 - (4) The following attachments:

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- a. Proof of ownership (copy of deed or purchase agreement);
 - b. Legal description;
 - c. General site plan including the property boundaries, all Development on property with use and intensity at a level of detail sufficient to identify impacts;
 - d. Phasing schedule, if applicable;
 - e. Major traffic impact study, if required
- (b) The burden of showing compliance with the LOS standards adopted in the Plan shall be upon the Applicant.
- (c) In order to demonstrate compliance with the criteria required by this Article, the applicant for a CRC must utilize the most recent County traffic counts and available as well other related data provided by the Department.
- (d) An Application may be submitted at any time in the development review process but a CRC must be obtained prior to the issuance of a Final Development Order.
- (e) At the request of an Applicant desiring to develop a Major Project as defined by the criteria contained in Section 4-10(d), the Department shall arrange for a pre-application meeting prior to the submittal of an Application to discuss the elements of a major traffic study.
- (f) An Applicant may withdraw its Application for concurrency at any time by submitting a written request to the Department. The withdrawal of an Application will result in the forfeiture of all fees paid and the immediate release of any capacity allocations.

Sec. 4-8. CONCURRENCY RESERVATION/ISSUANCE PROCEDURES

- (a) All applications shall be reviewed on a first-come, first-serve basis. Within 5 business days of an application submittal, the Department will determine whether the Application is complete. If an Application is determined to be incomplete, the Department will notify the Applicant in writing of any deficiencies. No further review will be made until the deficiencies of the Application are remedied and the time limits for performing under this Article will be tolled during this remedial process. If any deficiencies in the Application are not remedied by the Applicant within 30 days of receipt of the above referenced written notification, the Application will be deemed withdrawn.
- (b) Once the Department determines an Application is complete, the Department will review and determine whether to approve or deny the application within 60 days. Upon mutual consent of Applicant and the Department, the review period may be extended for a maximum of 30 days. For Major Projects, the review period is 90 days. Upon mutual consent of Applicant and the Department, the review period may be extended for a maximum of 30 days.
- (c) A determination of concurrency will be made by the Department in accordance with the following procedure:

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- (1) Public Facilities and Services that would serve and are impacted by the proposed Development will be determined.
 - (2) The Available Capacity for each Public Facilities and Services will be determined.
 - (3) The proposed Development's capacity demand for each Public Facilities and Services will be determined.
 - (4) A comparison of the proposed Development's capacity demand with the Available Capacity for each Public Facilities and Services will be made.
 - a. If the proposed Development's capacity demand is less than or equal to the Available Capacity for each Public Facilities and Services, the Application is approved.
 - b. If the proposed Development's capacity demand is greater than the Available Capacity for each Public Facilities and Services, the Application is denied.
- (d) If an Application is approved, a CRC shall be issued. The CRC shall include the following, as a minimum:
- (1) Project name;
 - (2) Property location including parcel identification number(s);
 - (3) Approved uses and intensities;
 - (4) Date of issuance;
 - (5) Expiration periods; and,
 - (6) Conditions, if applicable.
- (e) If an Application is denied, the Applicant shall be notified in writing of the decision reached for each Public Facilities and Services. Within 30 days of the date of denial notification, the Applicant may select one of the following options:
- (1) Accept denial of the application;
 - (2) Reduce the size of the development to a scale for which available capacity is sufficient;
 - (3) Submit a notice of intent to submit additional data for reconsideration. The additional data must be completed and submitted to the Department within 30 days of the date of denial. Any additional data shall be subject to the review of the Department and the Department shall make a decision within 30 days of its submittal. The time for choosing to submit a notice of appeal or attend a pre-

application meeting for a Fair Share Agreement shall be tolled during the time the Department spends reviewing any additional data furnished by the Applicant.

- (f) The Applicant may also select one of the following options within 45 days of the date of denial notification:
- (1) Submit a notice of appeal;
 - (2) Attend a pre-application meeting for the Fair Share Program;
 - (3) Attend a pre-application meeting for a Development Agreement pursuant to Section 163.3220--3243, Florida Statutes, and Clay County Ordinance 95-44, as amended.
- (g) If no selection is made by the Applicant within 30 or 45 days as applicable, in accordance with Section 4-8(e) and (f)(1) above, it shall constitute an acceptance of the denial.

Sec. 4-9. CRC EXPIRATION, EXTENSION, AND MODIFICATION

- (a) A CRC shall expire for any portion of the approved Development that meets any of the following conditions:
- (1) For non-residential and multifamily uses, a building permit has not been issued within twelve months of CRC issuance;
 - (2) For non-residential and multifamily uses, a certificate of occupancy has not been issued within thirty months of CRC issuance;
 - (3) For residential uses and multifamily uses subject to platting requirements, a preliminary plat has not been approved by the Planning Commission within twelve months of CRC issuance;
 - (4) For residential uses and multifamily uses subject to platting requirements, a final plat has not been approved by the Board and recorded in the public records within twenty-four months of CRC issuance;
 - (5) For residential uses, the Board has not approved the final acceptance of all roads and drainage within twenty-four months of CRC issuance, if applicable;
 - (6) The Project is completed as evidenced by the issuance of certificate of occupancy (final inspection) for all buildings and/or residential units within the Project;
 - (7) The Final Development Order expires or is revoked by the County; or
 - (8) The Development Agreement or Fair Share Agreement authorizing the Project expires or is revoked by the County.
- (b) Notwithstanding Section 4-9(a), above, the expiration of a CRC for a proposed Development located within the Lake Asbury Master Development Plan Area shall be tolled beginning May 11, 2004 within the Lake Asbury Master Development Plan Area,

adopted pursuant to Ordinance No. 2004-49, for the duration of said moratorium provided all of the following criteria are met:

- (1) as of May 11, 2004, the CRC was valid and unexpired; and,
 - (2) as of May 11, 2004, a rezoning for the subject property is required to develop at the scale of Development as set forth in the CRC.
- (c) An Applicant may request an extension prior to the expiration of a CRC. Extensions may be granted by the Department subject to the following limitations:
- (1) A maximum of two (2) extensions may be granted for a CRC;
 - (2) The first extension shall be for an additional six (6) months and if necessary the second extension shall be for an additional six (6) months;
 - (3) An extension must be issued for the uses and intensities that are consistent with the current zoning and land use designation of the property. However, if a rezoning application has been filed with the Development Services Department, a three month extension may be granted for the uses and intensity that are consistent with the proposed zoning and land use designation of the property. A provision for three additional months (for a total duration of 6 months) will be allowed provided that the rezoning request is approved by the Board within the initial 3 month extension period; and
 - (4) The second extension request may be granted only if construction has commenced and continued in good faith as evidenced by county inspections.
- (d) An Applicant may request a modification to the approved uses and intensity of CRC. A modification will not alter or extend the expiration period associated with the CRC. Any modification, either individually or cumulatively with other changes, that results in a decreased capacity demand will be immediately reflected in the CMS data base. A modification, either individually or cumulatively with other changes, that would result in an increase capacity demand for roads will require a new Application to be submitted and a new concurrency review to be performed.
- (e) A CRC runs with the land and is transferable from owner to owner of the property for which it was issued. The current property owner may voluntarily surrender a CRC in writing. Upon surrender, any applicable capacity allocations will be immediately released and will be reflected in the CMS data base.

Sec. 4-10. CONCURRENCY CRITERIA – TRANSPORTATION (ROADS) AND MASS TRANSIT

- (a) For purposes of ensuring that the adopted LOS standards for transportation (roads) and mass transit facilities are maintained, the applicant for a CRC must demonstrate that one or more of the following criteria have been met:

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- (1) The Necessary Facilities are in place at the time the CRC application is filed; or
 - (2) The Necessary Facilities are under construction at the time the CRC application is filed; or
 - (3) At the time the CRC application is filed, the Necessary Facilities and services are guaranteed in an enforceable Development Agreement or binding executed contract to be in place at the time a certificate of occupancy is issued; or
 - (4) At the time a CRC application is filed, the Necessary Facilities and services are scheduled to be completed or under actual construction within the third year of the adopted Florida Department of Transportation (FDOT) Five-Year Work Program or within the third year of the County's Capital Improvement Element in the Plan.
- (b) **Mass Transit.** The adopted LOS standard for mass transit facilities are maintained on a countywide basis. A proposed Development is presumed to be concurrent with the mass transit LOS standard.
- (c) **Transportation (Roads).** A concurrency determination for a Project is based upon the impact of the Project upon affected road segments in the Major Roadway Network on a segment-by-segment basis. The Available Capacity for a roadway segment is calculated as: the Maximum Capacity plus Improvement Capacity less Used Capacity less Pending Capacity less Reserved Capacity, assuming the following values and parameters described below:
- (1) The Maximum Capacity of a particular roadway segment identified within the Major Roadway Network shall be based upon such segment's Maximum Service Volume (MSV). The MSV shall be equal to the maximum number of peak hour two-way vehicle trips such segment can sustain without exceeding its adopted level of service standard. The MSV for a particular roadway segment identified within the Major Roadway Network shall be established utilizing the generalized tables published in the latest edition of Florida Department of Transportation's *Quality/Level of Service Handbook*, unless otherwise directed by this Ordinance.
 - (2) The Improvement Capacity for a particular roadway segment is the additional capacity, determined using the generalized tables as described in Section 4-10(c)(1)a, above, resulting from a Guaranteed Improvement scheduled to be in place within the third year of the adopted Florida Department of Transportation (FDOT) Five-Year Work Program, the third year of the County's Capital Improvement Element, a binding executed contract, an enforceable Development Agreement. Excess Capacity created pursuant to the provisions of subsection 6 below shall not be included within the definition of Improvement Capacity nor available to determine Available Capacity pursuant to this Ordinance.
 - (3) The Used Capacity for a particular roadway segment is the most recently approved traffic count for the PM peak hour.

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- (4) The Pending Capacity for a particular roadway segment is the estimated demand for proposed developments for which a final determination has not been made on its concurrency application, fair share application, development agreement application, or appeal.
 - (5) The Reserved Capacity for a particular roadway segment is the estimated demand for proposed Developments (a) that have a valid, unexpired CRC (b) that were completed as evidenced by a certificate of occupancy after the most recent traffic count update, or (c) that are exempt pursuant to Section 4-13.
 - (6) Excess Capacity is defined as the additional capacity created as a result of the construction of a capital improvement after factoring out the Applicant's Development's transportation impact. Any Excess Capacity created for a deficient roadway as a result of an Improvement constructed by an Applicant pursuant to the provisions of the County's Fair Share Program (Clay County Ordinance 2004-45, as amended) or Developer Agreement Procedures and Regulations (Clay County Ordinance 1995-44, as amended) shall not be added to or considered as Improvement Capacity for the applicable deficient roadway links. Excess Capacity created as a result of an Improvement constructed by an Applicant pursuant to the provisions of the County's Fair Share Program or Transportation Impact Fee Program is not subject to investment recouping.
- (d) **Concurrency Criteria.** In order to determine the impact on affected road segments for the purpose of determining concurrency for a Project, the following parameters will be used:
- (1) *Project Classification.* The project classification shall be determined using the new average daily trips generated for a parcel(s) calculated in accordance with Section 4-10(d)(1)a, below.

Classification	New Average Daily Trips
De Minimis	10 or less
Minor	11 to 400
Major	Greater than 400

- a. The new average daily trips will be calculated by applying the appropriate Percent of New Trips factor; no further reductions will be applied, as follows: Average Daily Trip Rate multiplied by Quantity multiplied by Percent of New Trips. The new average daily trips for a parcel(s) will be calculated using the following procedure:
 - 1. Calculate the total new average daily trips for all Development, existing and proposed, that will remain on the parcel(s).
 - 2. Subtract from the total derived in step 1 the following:
 - i. The new average daily trips for the existing Development on the parcel that is not being redeveloped and has been

(4) *Concurrency Infill Area (CIA).*

- a. To promote infill, the Board may create concurrency infill areas that meet the following criteria, as a minimum:
1. Located within an Urban Service Area as defined in the Plan;
 2. Located in or within 2 miles of a Regional Activity Center, as defined in the Plan; and,
 3. A maximum of 15% of the geographical area of the CIA is vacant developable lands.
- b. The following concurrency standards will apply to such designated areas:
1. Project classification will be based on the new average daily trips, calculated as described in Section 4-10(d)(1)a.

Classification	New Average Daily Trips
De Minimis	20 or less
Minor	21 to 500
Major	Greater than 500

2. The traffic impact credit may be granted at 125% of the transportation impact generated by the previously existing development, provided the criteria in Section 4-10(d)(2) has been satisfied.
3. Traffic impacts attributed to a proposed Development shall be evaluated for all whole or partial roadway segments on the Major Roadway Network located within the driving distance indicated below. The distances shall be measured from each project's primary point of access to surrounding roadways that are included in the Concurrency Management System. If a project is not accessed by a roadway link included in the Concurrency Management System, the primary point of access shall be defined as the closest roadway segment included in the Concurrency Management System. The point of access shall not be measured from internal subdivision roads.

Classification	Traffic Impact Area
De Minimis	None
Minor	Nearest ½ mile on the roadway link included in the Concurrency Management System
Major	½ mile

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- c. The following concurrency infill areas are hereby established:
1. Orange Park Concurrency Infill Area as depicted on Exhibit 2 attached hereto.
- (5) *Pre-application Meeting.* A pre-application meeting is optional for a major project prior to the submittal of a major traffic impact study, at the applicant's request. A pre-application meeting is mandatory for applicants who are doing their own major traffic impact study. The purpose of the meeting is to clarify requirements of the major traffic impact study.
- a. The major traffic study shall be performed by the Department or its consultant, unless the Applicant requests in writing to do their own study.
 - b. If the Applicant is doing the major traffic study, the Applicant shall transmit a general description of the proposed development, study methodologies, a site plan and location map to the Department at least 5 working days prior to the scheduled meeting. The requirement for 5 days advance notice may be waived at the discretion of the Department.
 - c. If the Applicant is doing the major traffic study, methodologies and assumptions set forth in this ordinance shall be utilized, except for the following (the Department may agree to alternative methodologies and assumptions).
 1. Format of the major traffic impact study pursuant to Section 4-10(d)(6)d; and
 2. Traffic distribution and assignment technique pursuant to Section 4-10(d)(10);

Alternative methodologies and assumptions agreed upon at the pre-application meeting will be valid for a period of 90 days from the date of the pre-application meeting. Thereafter, the continued use of these methodologies and assumptions must be approved by the Department. Failure of the Applicant to discuss and obtain resolution to the following topics may result in the rejection of the major traffic impact study or a request for additional information:
- (6) *Traffic Impact Study (TIS).* A traffic impact study shall evaluate a proposed development's impact to those roadways shown on the Major Roadway Network and future roadways for inclusion to the Major Road Network that are scheduled to be in place or under construction within the first 3 years of FDOT adopted work program, the first 3 years of the Clay County's Capital Improvement Element, or based on a binding executed contract or enforceable Development Agreement.
- a. A TIS will remain valid for one year; thereafter, the study must be updated with current data.

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- b. A TIS for a multi-phase project shall analyze the impact of each phase through the ultimate build out. The concurrency determination will be based only on the phases for which an Application is being reviewed.
 - c. A minor traffic study shall be prepared by the Department for project's classified as small or minor. The minor traffic study shall include the following:
 1. Project description including uses and intensities;
 2. Impacted roadway segments;
 3. Trip generation for daily and p.m. peak hour;
 4. Percent of new trips; and,
 5. Traffic impact credit, if applicable.
 - d. For project's classified as major, a major traffic study shall be prepared by the County or its consultant, or if requested, by the Applicant. The major traffic study will be required to adhere to the following outline and consist of the following information:
 1. Letter of transmittal (if prepared by consultant);
 2. Title page;
 3. Table of contents;
 4. List of figures and tables. Figures and maps are to be used to the maximum extent possible.
 5. Introduction that includes a description and location of the project in address and map format, size of the project, and a summary of the methodologies agreed to in the pre-application meeting;
 6. Traffic impact area;
 7. Identification of existing conditions for all impacted segments including existing traffic volumes and roadway characteristics;
 8. Identification of future conditions for all impacted segments by including the following:
 - i. Trip generation estimates, daily and pm peak hour;
 - ii. Percent of new trips and internal capture estimates;
 - iii. Traffic distribution and assignment methodology;
 - iv. Impacted segments traffic volumes;
 - v. Roadway needs (identification of proposed improvements and cost);
 - vi. Internal site circulation and access needs;
 9. Appendix, as applicable
 - i. Traffic count data;
 - ii. Trip generation, internal and adjacent street capture worksheets;
 - iii. Trip distribution and assignment worksheets; and

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- (7) *Trip Generation.* The latest edition of the ITE's trip generation shall be used to determine the trip generation rate. Should a use not be included, the Department shall allow a previously approved Trip Generation study of a similar land use that is not more than two years old; or a site-specific trip generation study of the same type or similar land use as approved by the Department.
 - (8) *Percent of New Trips.* The percent of new trips factor shall be obtained from the latest edition of the ITE's *Trip Generation Handbook*. Should this information not be available, the following other sources may be utilized, listed in order of precedence, provided that the Department reviews such studies for technical accuracy and approves their use beforehand:
 - a. A previously approved study of a similar land use or a published study, as approved by the Department; or
 - b. A site-specific origin/destination survey of an identical or similar land use, use as approved by the Department at the pre-application meeting. The results are subject to the Department's review and approval.
 - (9) *Internal Capture.* The use of an internal capture factor will be allowed for certain types and sizes of mixed-use developments. Internal capture factors must be obtained from the latest edition of the ITE's *Trip Generation Handbook*.
 - (10) *Trip Distribution and Assignment Technique.* The distribution and assignment of project traffic will be made utilizing a gravity model, which conforms with accepted traffic engineering principles, as approved by the department;
 - (11) *Level of Service (LOS) Standards.* The LOS standard used for concurrency determination must be consistent with the capital improvements element of the Comprehensive Plan. Where an improvement based on a Development Agreement is relied upon to achieve the acceptable LOS standard, default on the Development Agreement by any party to the Development Agreement other than the County will be identified as a basis for reconsideration and if necessary, invalidation of the development order and/or CRC that was issued in reliance on the Development Agreement.
 - (12) *Alternative Maximum Service Volume.* The Applicant may perform an alternate MSV analysis for non-Strategic Intermodal System roadway segments that exceeds 90 percent of the MSV at the adopted LOS standard, to provide for a more detailed evaluation of capacity. The alternative MSV analysis will be performed in accordance with accepted traffic engineering principles and techniques using ARTPLAN, FREEPLAN, or HIGHPLAN, whichever is appropriate. The County will review any alternative MSV analysis but is not obligated to utilize it for a determination of actual service volume.

(13) *Traffic Counts.*

- a. On an annual basis, the Department will update the CMS data base with the most recent traffic counts provided by the Department or its consultant.
- b. Traffic counts will be made for a consecutive period of 72 hours excluding legal holidays, Mondays, Fridays or other days as specified by the Department. Friday, weekend, or holiday counts may be required for land uses active on weekends, as determined by the Department. The data will include a summary of traffic volumes by direction in 15-minute increments, a.m., p.m. and other peak hours and volumes, the peak-hour-to-daily-traffic ratio, and the daily and peak hour directional counts.

Sec. 4-11. CONCURRENCY CRITERIA – SANITARY SEWER, SOLID WASTE, DRAINAGE AND POTABLE WATER FACILITIES

- (a) For purposes of ensuring that the adopted LOS standards for sanitary sewer, solid waste, drainage and potable water facilities are maintained, the applicant for a CRC must demonstrate that one or more of the following criteria have been met:
 - (1) The Necessary Facilities are in place at the time the CRC application is filed; or
 - (2) The Necessary Facilities are under construction at the time the CRC application is filed; or
 - (3) At the time the CRC application is filed, the Necessary Facilities and services are guaranteed in an enforceable Development Agreement or binding executed contract to be in place at the time a certificate of occupancy is issued.
- (b) **Solid Waste.** The adopted LOS standard for solid waste facilities are maintained on a countywide basis. A proposed Development is presumed to be concurrent with the LOS standard for solid waste facilities. The issuance of a CRC does not preclude the owner from paying any applicable solid waste user fees.
- (c) **Drainage (Stormwater).** A proposed Development is presumed to be concurrent with the LOS standard for drainage (stormwater) facilities provided the Applicant signs a affidavit stating that the drainage calculations and construction plans for the proposed development will adhere to the adopted LOS standard in the Plan.
- (d) **Potable Water.** For the purposes of this Article, the Available Capacity for a Potable Water facility will be calculated as the Maximum Capacity plus Improvement Capacity less Used Capacity less Pending Capacity less Reserved Capacity, assuming the following values:
 - (1) The Maximum Capacity is the design capacity for the facility.

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- (2) The Improvement Capacity is the additional Capacity resulting from a Guaranteed Improvement scheduled to be in place or under actual construction within one year of the date of the CRC application.
 - (3) The Used Capacity is the peak flow of the facility as provided in the most recent Annual Capacity Statement.
 - (4) The Pending Capacity is the estimated demand for proposed Developments for which a final determination has not been made on its concurrency application, Fair Share application, Development Agreement application, or appeal.
 - (5) The Reserved Capacity is the amount of reserved flow for actual connections that are prepaid or are the subject of a binding agreement with the utility provider and demand from proposed Developments that have a valid, unexpired CRC.
- (e) **Sanitary Sewer.** For the purposes of this Article, the Available Capacity for a sanitary sewer facility will be calculated as the Maximum Capacity plus Improvement Capacity less Used Capacity less Pending Capacity less Reserved Capacity, assuming the following values:
- (1) Maximum Capacity is the design Capacity for the facility.
 - (2) Improvement Capacity is the additional Capacity resulting from a Guaranteed Improvement scheduled to be in place or under actual construction within one year of the date of the CRC application.
 - (3) Used Capacity is the peak flow of the facility as provided in the most recent Annual Capacity Statement.
 - (4) Pending Capacity is the estimated demand for proposed Developments for which a final determination has not been made on its concurrency application, Fair Share application, Development Agreement application, or appeal.
 - (5) Reserved Capacity is the amount of reserved flow for actual connections that are prepaid or are the subject of a binding agreement with the utility provider and demand from proposed Developments that have a valid, unexpired CRC or its functional equivalent.
- (f) The Owner of a proposed Development shall be responsible for entering into a binding agreement with the utility provider for extending and connecting to water and sewer facilities. The Owner shall be responsible for the payment of all related fees and charges.
- (g) The Owner of a proposed Development served by a private well or septic tank must provide all applicable approvals from the Clay County Health Department or other applicable permitting agency, as appropriate, upon obtaining a Final Development Order or permit.

Sec 4-12. CONCURRENCY CRITERIA – PARKS AND RECREATION FACILITIES

- (a) For purposes of ensuring that the minimum LOS standards for parks and recreational facilities set forth in the Plan are maintained, the applicant for a CRC must demonstrate that one or more of the following criteria have been met:
- (1) The Necessary Facilities are in place at the time the CRC application is filed; or
 - (2) The Necessary Facilities are under construction at the time the CRC application is filed; or
 - (3) At the time the CRC application is filed, the Necessary Facilities and services are guaranteed in an enforceable Development Agreement or binding executed contract which requires that the Necessary Facilities and services will be in place at the time a certificate of occupancy is issued ; or
 - (4) At the time the CRC application is filed, the Necessary Facilities are scheduled to be in place or under actual construction in the first year of the County’s Schedule of Capital Improvements.
- (b) The adopted LOS standard for parks and recreational facilities is maintained on a countywide basis.
- (c) Nonresidential developments are not required to meet the LOS standard for parks and recreational facilities.
- (d) If the County is unable to maintain the adopted LOS standard for parks and recreational facilities, each Applicant for a residential Development proposal will be required to submit data on the Project’s parks and recreation demand. A residential Development shall be presumed concurrent with the parks and recreational LOS, if the Surplus Inventory is equal to or greater than the project’s demand. If the project’s demand exceeds the Surplus Inventory, a CRC may be issued subject to the condition that at the time a certificate of occupancy is issued for the proposed Development the Necessary Facilities are dedicated to or acquired by the County.
- (e) For the purpose of determining concurrency, the Surplus Inventory for Parks and Recreational Facilities is calculated as Current Inventory plus Improvement Inventory less Countywide Demand, assuming the following values:
- (1) The Current Inventory includes all facilities within the County that are owned and operated by local, state, or federal agencies or have been dedicated to the County from private sources through a binding contract.
 - (2) The Improvement Inventory is the additional Parks and Recreational Facilities that will be dedicated or owned and operated by local, state, or federal agencies as programmed in the first year of the County’s Schedule of Capital Improvements, a binding executed contract, or an enforceable Development Agreement.

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- (3) Countywide Demand is the parks and recreational facilities needed to support the projected county population in a given year. The population projections provided in the most recent Annual Capacity Statement shall be used.
 - (4) The Project's demand is the demand needed to support the population of the proposed Development. The proposed Development's population is calculated by multiplying the number of dwelling units by the median person per dwelling unit as provided in the Plan.

Sec. 4-13. EXEMPTIONS

- (a) A Development vested pursuant to the Clay County Vested Rights Ordinance,. Verification of compliance with said policies shall be made by the Department. Further, the owner or developer of the property shall be required to obtain a Vested Property Certificate (VPC) in accordance with the procedures adopted in the Vested Rights Ordinance.
- (b) Applications for permits or approvals that do not constitute as Development;
- (c) Single-family residence or duplex on a Lot in an existing or approved subdivision or on a Lot of record;
- (d) A Development which creates no additional impact on roads including, but is not limited to, the following:
 - (1) Any addition or accessory structure to a residence that will not result in an increase to the number of trips from that of the existing use or a previously approved use;
 - (2) Interior renovations or replacement structures with no change in use or increase in the number of dwelling units or square footage;
 - (3) Interior completion of a structure that will not result in an increase to the number of trips from that of the existing use or a previously approved use;
 - (4) Temporary trailers;
 - (5) Communication towers;
 - (6) *De Minimis* development, as determined in accordance with Section 4-14.
 - (7) Any replacement or repair of a residence or commercial enterprise which has been compromised or destroyed provided that the replaced or repaired use does not result in any increase to the number of trips from that of the prior use if the replacement or repair occurs within five years of the date the residence or commercial enterprise was damaged or destroyed.

Sec. 4-14. DEMINIMUS DETERMINATION

Not all development or developmental activity impacts are significant enough to cause deterioration in the levels of service as adopted in the Plan. An Applicant may submit an application in the form specified by the Department for a determination of a proposed Development's *de minimis* classification. The Department shall review the Development proposal and render a decision within five (5) working days. If the development proposal meets the *de minimis* criteria established in the Section 4-10(d) of this Article, the Application will be approved, the proposed Development will be classified as *de minimis* and no further concurrency review will be required. If the Application is denied, the Department will indicate the proper Project Classification described in Section 4-10(d) for the proposed Development.

Sec. 4-15. INFORMAL CONCURRENCY REVIEW

For all Development Proposals, except those that require major traffic studies, an Applicant may request an Informal Concurrency Review that provides Available Capacity information for a Development proposal. Within 10 business days, the Department will issue a report pertaining to the availability of Public Facilities and Services at the time of issuance. The report will be non-binding and state that Public Facilities and Services may not be available at the time of any subsequent concurrency review or application. An Informal Concurrency Review will not be construed to guarantee the availability of adequate facilities at the time that subsequent development permit applications or concurrency applications are submitted. An Informal Concurrency Review will not form the basis for the application or issuance of a CRC nor will it result in the reservation of capacity.

Sec. 4-16. ADMINISTRATIVE

In order to provide potential CRC Applicants or other interested parties with information on Available Capacity and in order to administer the Article, the Department shall maintain records of all CRC as inputted into a CMS Data Base and shall develop and maintain procedures to monitor cumulative concurrency capacity reservations and to maintain system security. The Department shall maintain and make available to the public the following inventories and reports:

- (a) *Annual Capacity Statement (ACS)*. The Department shall publish an Annual Capacity Statement indicating current capacity information for each public facility or service. The Annual Capacity Statement shall be adopted in January of each year.
- (b) *Roadway Characteristics Inventory* - The inventory shall contain the following information for each roadway segment identified in the Major Roadway Network, as a minimum: roadway functional classification, number of lanes, length, area type, traffic counts (AADT and PM peak hour), traffic count date (month/year), traffic count source, K-factor, responsible agency, signals per mile.
- (c) *Roadway Capacity Analysis Report* – A report containing capacity information for each roadway segment on the Major Roadway Network including the following information, as a minimum: maximum capacity (maximum service volume), used capacity, improvement capacity, pending capacity, reserved capacity, and available capacity. This inventory will be updated with new information on a periodic basis.

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- (d) *Trip Generation* is the latest edition of the report published by the Institute of Transportation Engineers (ITE) to estimate the number of vehicle trips likely to be generated by a particular land use. *Trip Generation* includes the *Project Threshold Table* which is a table containing example maximum development sizes by land use category for the project classification based on the Trip Generation Parameters Table.
 - (e) *Potable Water Inventory* - The inventory shall contain the following information for each water treatment facility: facility name, maximum capacity, improvement capacity, used capacity, pending capacity, and reserved capacity.
 - (f) *Sanitary Sewer Inventory* - The inventory shall contain the following information for each water treatment facility: facility name, maximum capacity, improvement capacity, used capacity, pending capacity, and reserved capacity.
 - (g) *Parks and Recreation Inventory* - The inventory shall contain the following information for each park and recreational facility: type of facility, current inventory, improvement inventory, and countywide demand.

Sec. 4-17. APPEALS

- (a) An Applicant for a CRC may appeal any technical determination made by the Department regarding concurrency criteria applied under Sections 4-10 and 4-11. The appeal shall be made by filing a notice of appeal with the Department within 30 days of the issuance of the written decision being appealed. The notice of appeal shall include:
 - (1) A statement of the determination to be reviewed and the date of the determination;
 - (2) The specific error alleged as the grounds of the appeal; and,
 - (3) Supplemental information supporting the appeal, if any.
- (b) A hearing on the appeal before the hearing officer shall be scheduled for a date no more than ninety (90) days subsequent to the filing of a notice of appeal accompanied by a receipt evidencing payment of the required fee. The applicant shall be given at least fifteen (15) days written notice of the scheduled hearing date.
- (c) The appellant shall have the burden of proof to establish by a preponderance of the evidence that there was an error in the technical determination made by the Department or any of the reviewing entities in applying the regulations and methodology of Sections 4-10 and 4-11 or the adopted level of service standard.
- (d) No person aggrieved by any technical determination by the Department or any reviewing entity pursuant to this article in applying the provisions of this article to any application or request for the issuance of a final development order or final development permit may apply to the court for relief unless he has first exhausted all administrative remedies provided for herein.

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- (e) The Department shall utilize a hearing officer as supplied by the state Department of Administrative Hearing (DOAH), or a hearing officer who is mutually agreed upon by the Department and the Applicant. Upon the appointment of a hearing officer in an appeal, the applicant, the Department and review personnel are prohibited from communicating ex parte with the hearing officer regarding the pending appeal. No Hearing Officer shall act as agent or attorney or be otherwise involved with any matter, which will come before the County during the term of the Hearing Officer's appointment. Further, no Hearing Officer shall initiate or consider ex parte or other communication with any party of interest to the hearing concerning the substance of any proceeding to be heard by the Hearing Officer.
- (f) All hearings conducted by a Hearing Officers shall be in accordance with the following; and with such other procedures as the Board may adopt and amend from time to time by resolution, and as the parties may otherwise stipulate.
- (1) The Department will be custodian of all documents, including the application, the concurrency decision, and the record of the proceedings. The Department will provide for the recording and preservation of all testimony in the proceeding electronically. If any party desires to obtain a full or partial transcript of the hearing, such person shall provide a certified court reporter and shall pay all related costs.
 - (2) At the hearing the applicant shall present evidence in support of the application or appeal. The burden shall be upon the applicant to show entitlement to the requested CRC.
 - (3) At the applicant's option and with the concurrence of the Hearing Officer, stipulations and sworn affidavits may be submitted in lieu of testimony before the Hearing Officer, provided all matters asserted in sworn affidavits are supported or corroborated by other non-hearsay testimony.
 - (4) The applicant and appropriate county staff, and public and witnesses with relevant testimony shall appear and may be heard at the hearing. Testimony shall be limited to matters directly relating to the concurrency criteria standards set forth herein. Reasonable cross-examination of witnesses shall be permitted, but questioning shall be confined as closely possible to the scope of direct testimony.
 - (5) The Hearing Officer shall be guided by the previously adopted Comprehensive Plan, the adopted Clay County Comprehensive Plan, the Clay County land development regulations, this Article, the Code of Ordinances of the County, and established case law as the same shall be applicable.
 - (6) Within thirty (30) calendar days of the conclusion of the hearing, the Hearing Officer shall issue to the Department a written decision that shall affirm, affirm with conditions relating to the application of the concurrency criteria, reverse, or remand for further consideration the decision of the Department. The Hearing Officer's determination shall include appropriate findings of fact, conclusions of law, and decisions in the matter. A copy of the decision shall be provided to the Clerk of the Board and the applicant.

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- (7) The decision of the Hearing Officer shall be final, subject to judicial review.
 - (g) In addition to the requirements of paragraph (f) above, the Hearing Officer shall have the authority and responsibility to:
 - (1) Determine the manner and order in which evidence will be presented; determine the applicability and relevance of all materials, exhibits, and testimony; and to exclude irrelevant immaterial, or repetitious matter.
 - (2) Administer oaths to witnesses.
 - (3) Determine the length of time to be allowed for the presentation of a case, and provide for a reasonable amount of cross-examination of witnesses.
 - (4) Determine whether or not to allow the parties to submit written findings of fact and conclusions of law following the hearing, and set a timetable for so doing, if allowed.

Sec. 4-18. FEES

(a) The schedule of fees, listed below, shall be paid by the Applicants at the time of Application submittal.

- (1) De Minimis Determination \$25.00
- (2) CRC Application

<u>Project Classification</u>	<u>Fee</u>
Small-scale	\$100.00
Minor	\$250.00
Major	\$250.00*

* plus Transportation Review Fee for the development of a Major Traffic Study required pursuant to this ordinance, as follows: The Department will retain a consultant who is knowledgeable in transportation analysis to assist the county in the review of the transportation portion of the CRC application. The applicant shall pay a \$800 fee for such consulting services. The applicant may also conduct their own traffic study, which will then be reviewed for accuracy by the Department's consultant. The fee for applicant traffic studies with Department consultant review is \$600.

- (3) Extension Request \$100.00
- (4) Modification Request \$25.00
- (5) Informal Concurrency Review \$25.00

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- (6) Appeals shall require a processing fee of \$250.00, The County shall retain or employ hearing officers as required for implementation of this Article. All expenses associated with the hearing officer appeal process shall be the responsibility of the non-prevailing party, including all court reporters and transcription fees. To secure payment, the applicant shall deposit with the County in the form of cash an amount equal to the estimated cost for such hearing officer services. In the event the amount deposited is insufficient to cover the cost of the hearing officer services, the applicant shall be notified and shall deposit additional funds estimated to be sufficient to cover the hearing officer fees to be incurred within ten (10) working days of written notification from the County. Failure to deposit the funds indicated within ten (10) working days shall cause the suspension of staff and hearing officer review and the time for performance by the County of any obligations under this ordinance shall be tolled. In all cases, any outstanding balance shall be paid in full prior to any final action by the hearing officer. With respect to funds deposited in excess of the final costs or in cases where the County is the non-prevailing party, the entire deposit shall be refunded to the applicant within ten (10) days of the rendition of a decision by the hearing officer.
- (b) The Board of County Commissioners may revise the fees set forth in this Section by resolution, as it deems necessary.

Roadway Characteristics Inventory, January, 2010

Exhibit 1

Clay County, Florida

Link No.	Roadway	Segment	Agency	Length (Miles)	Lanes	Facility Type	Area Type	Adopted LOS	Gen. Tables MSV
1	US 17	Dr. Inlet Bridge to Raggedy Pt Dr	FDOT	1.7	6 - DIV	Prin. Arterial	Urban	D	4,950
1.1	US 17	Raggedy Point Dr. to CR 220	FDOT	1.4	6 - DIV	Prin. Arterial	Urban	D	4,950
2	US 17	CR 220 to Water Oak Lane	FDOT	2.2	6 - DIV	Prin. Arterial	Urban	D	6,800
3	US 17	Water Oak Ln to Black Crk Bridge	FDOT	2.7	4 - DIV	Prin. Arterial	Urban	D	4,540
3.1	US 17	Black Creek Bridge to CR 209	FDOT	0.8	4 - DIV	Prin. Arterial	Urban	D	4,540
4	US 17	CR 209 to Green Cove Springs	FDOT	1.8	4 - DIV	Prin. Arterial	Urban	D	4,540
5	US 17	SR 16 to Putnam County Line	FDOT	10.2	4 - DIV	Highway	Rural	B	2,800
6	US 17	Doctors Inlet Bridge	FDOT	0.5	6 - DIV	Prin. Arterial	Urban	D	4,950
7	US 301	Duval County Line to CR 218	FDOT	2.5	4 - DIV	Highway	Transition	C	4,190
8	US 301	CR 218 to Bradford County Line	FDOT	3.1	4 - DIV	Highway	Rural	B	2,800
9	SR 16	Green Cv Sprgs to Penney Farms	FDOT	5.0	2	Prin. Arterial	Urban	D	1,310
10	SR 16	Penney Farms to SR 21	FDOT	4.0	2	Highway	Transition	E	2,580
11	SR 16	SR 21 to CR 215	FDOT	4.7	4 - DIV	Highway	Rural	D	5,140
12	SR 16	CR 215 to End of 4 lane	FDOT	1.1	4 - DIV	Highway	Rural	D	5,140
13	SR 16	End of 4 lane to SR 230	FDOT	2.3	2	Highway	Rural	D	1,340
14	SR 16	SR 230 to Bradford County Line	FDOT	2.3	2	Highway	Rural	D	1,340
15	SR 16	Shands Bridge	FDOT	1.3	2	Highway	Transition	E	2,580
16	SR 21	Duval County Line to Wells Rd	FDOT	0.2	6 - DIV	Prin. Arterial	Urban	E	5,080
17	SR 21	Wells Rd to Kingsley Ave	FDOT	1.7	6 - DIV	Minor Arterial	Urban	E	4,920
18	SR 21	Kingsley Ave to Suzanne Ave	FDOT	0.7	6 - DIV	Minor Arterial	Urban	E	4,920
19	SR 21	Suzanne Ave to College Dr	FDOT	2.0	6 - DIV	Minor Arterial	Urban	E	4,920
20	SR 21	College Dr to Knight Boxx Rd	FDOT	1.7	6 - DIV	Prin. Arterial	Urban	E	5,080
21	SR 21	Knight Boxx Rd to Old Jennings Rd	FDOT	1.1	4 - DIV	Prin. Arterial	Urban	E	3,390
22	SR 21	Old Jennings Rd to SR 23	FDOT	1.4	4 - DIV	Prin. Arterial	Urban	E	3,390
23	SR 21	SR 23 to CR 220	FDOT	1.8	4 - DIV	Prin. Arterial	Urban	E	3,390
24	SR 21	CR 220 to Long Bay Rd	FDOT	0.8	4 - DIV	Prin. Arterial	Urban	E	3,390
24.1	SR 21	Long Bay Rd to CR 218	FDOT	1.3	4 - DIV	Prin. Arterial	Urban	E	3,390
25	SR 21	CR 218 to CR 215	FDOT	1.9	4 - DIV	Prin. Arterial	Urban	E	3,390
26	SR 21	CR 215 to SR 16	FDOT	4.3	2	Highway	Transition	E	2,580
27	SR 21	SR 16 to CR 315	FDOT	7.7	2	Highway	Rural	D	1,340
28	SR 21	CR 315 to Bradford County Line	FDOT	14.1	2	Highway	Rural	D	1,340
29	SR 23 (Branan Field Rd)	Duval County Line to Oakleaf Plantation Pkwy	FDOT	2.14	2	Prin. Arterial	Urban	D	1,560

Roadway Characteristics Inventory, January, 2010

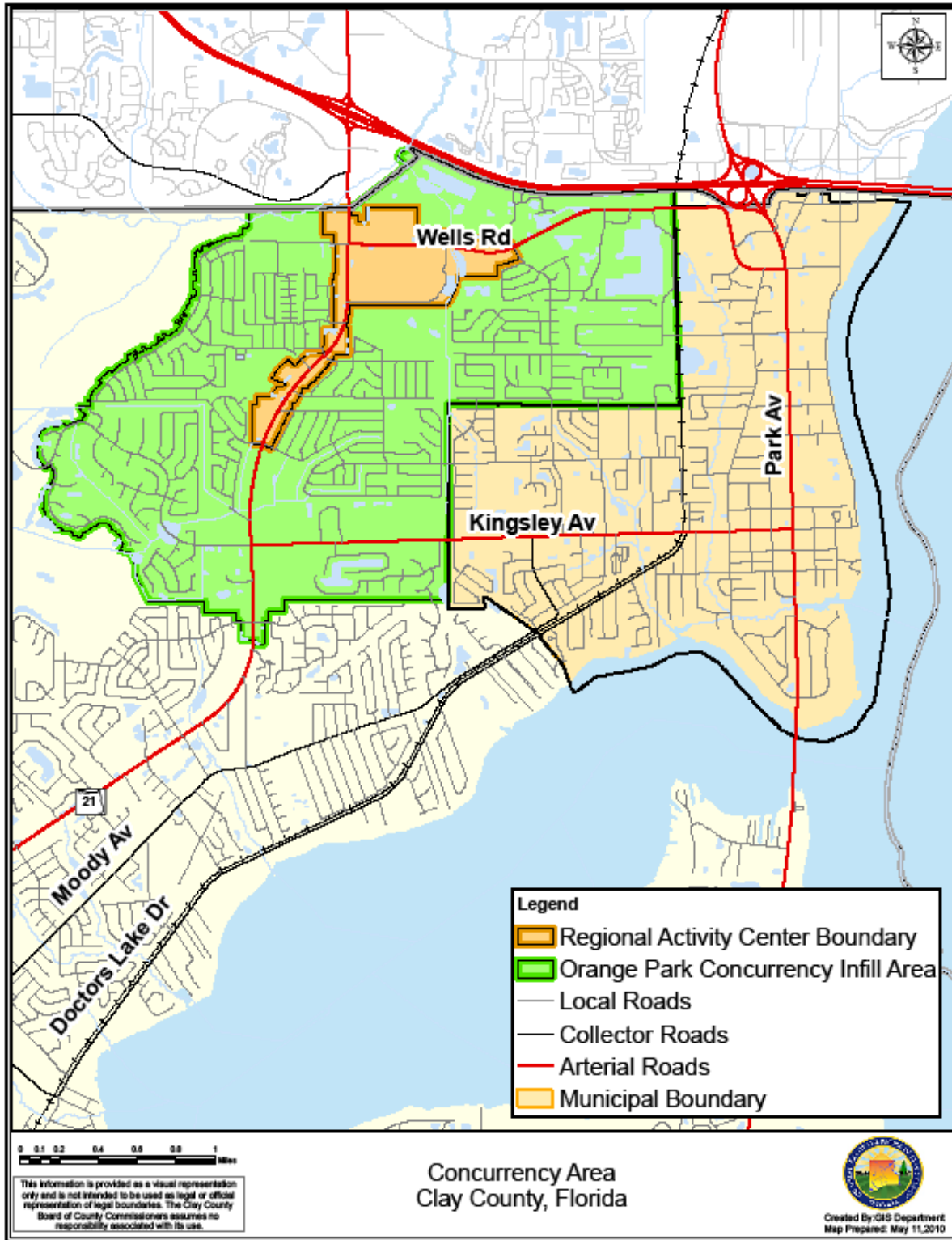
Clay County, Florida

Link No.	Roadway	Segment	Agency	Length (Miles)	Lanes	Facility Type	Area Type	Adopted LOS	Gen. Tables MSV
29.1	SR 23 (Branan Field Rd)	Oakleaf Plantation Pkwy to Old Jennings Rd	FDOT	2.81	2	Prin. Arterial	Urban	D	1,560
30	SR 23	Old Jennings Rd. to SR 21	FDOT	0.8	2	Prin. Arterial	Urban	D	1,560
31	SR 100	Bradford County Line to CR 214	FDOT	2.7	2	Minor Arterial	Rural	C	740
32	SR 100	CR 214 to Putnam County Line	FDOT	2.2	2	Highway	Rural	C	740
33	SR 224 (Kingsley Ave)	SR 21 to Orange Park	FDOT	1.0	4 - DIV	Minor Arterial	Urban	E	3,270
34	SR 230	Bradford County Line to SR 16	FDOT	3.7	2	Major Collector	Rural	D	1,190
35	CR 209	SR 21 to CR 220	COUNTY	1.4	4 - DIV	Major Collector	Urban	D	3,390
36	CR 209	CR 220 to CR 739	COUNTY	1.2	4 - DIV	Major Collector	Urban	D	3,390
37	CR 209	CR 739 to CR 739B	COUNTY	3.8	2	Major Collector	Urban	E	1,610
38	CR 209	CR 739B to CR 315B	COUNTY	2.7	2	Major Collector	Urban	E	1,610
38.1	CR 209	CR 315B to US 17	COUNTY	0.6	2	Major Collector	Urban	E	1,610
39	CR 218	SR 16 to CR 739	COUNTY	3.3	2	Major Collector	Rural	D	1,340
40	CR 218	CR 739 to Thunder Rd	COUNTY	2.5	2	Major Collector	Urban	E	1,610
41	CR 218	Thunder Rd to SR 21	COUNTY	1.9	2	Major Collector	Urban	E	1,610
42	CR 218	SR 21 to S Mimosa Ave	COUNTY	2.0	2	Major Collector	Urban	E	1,610
43	CR 218	S Mimosa Ave to US 301	COUNTY	10.5	2	Major Collector	Urban	E	1,610
44	CR 220	US 17 to W Lake Shore Dr	COUNTY	1.2	6 - DIV	Major Collector	Urban	D	5,080
45	CR 220	W Lake Shore Dr to Swimming Pen Creek Bridge	COUNTY	0.5	4 - DIV	Major Collector	Urban	D	3,390
46	CR 220	Swimming Pen Creek Bridge to College Dr	COUNTY	1.7	4 - DIV	Major Collector	Urban	D	3,390
47	CR 220	College Dr to Knight Boxx Rd	COUNTY	1.4	4 - DIV	Major Collector	Urban	D	3,390
48	CR 220	Knight Boxx Rd to CR 209	COUNTY	1.4	2	Major Collector	Urban	E	1,800
48.1	CR 220	CR 209 to Baxley Rd	COUNTY	1.2	2	Major Collector	Urban	E	1,610
49	CR 220	Baxley Rd to SR 21	COUNTY	1.8	2	Major Collector	Urban	E	1,610
50	CR 220-B (Knight Boxx)	SR 21 to CR 220	COUNTY	1.2	4	Major Collector	Urban	E	3,120
51	CR 224 (College Dr)	SR 21 to CR 220A	COUNTY	1.6	4 - DIV	Major Collector	Urban	E	3,390
52	CR 224	CR 220A to CR 220	COUNTY	1.1	4 - DIV	Major Collector	Urban	E	3,390
53	CR 315	US 17 to CR 315B	COUNTY	0.8	2	Minor Collector	Urban	E	1,480

Roadway Characteristics Inventory, January, 2010

Clay County, Florida

Link No.	Roadway	Segment	Agency	Length (Miles)	Lanes	Facility Type	Area Type	Adopted LOS	Gen. Tables MSV
53.1	CR 315	CR 315B to US 16	COUNTY	3.4	2	Minor Collector	Urban	E	1,480
53.2	CR 315B	CR 209 to CR 315	COUNTY	0.5	2	Minor Collector	Urban	E	1,480
54	CR 739	CR 209 to CR 739B	COUNTY	2.2	2	Minor Collector	Urban	E	3,120
55	CR 739	CR 739B to CR 218	COUNTY	1.0	2	Minor Collector	Urban	E	1,480
56	CR 739-B (Sandridge Rd)	CR 209 to CR 739	COUNTY	3.8	2	Minor Collector	Urban	E	1,480
57	Doctors Lake	Orange Park to Greenridge Rd	COUNTY	2.6	2	Minor Collector	Urban	E	1,480
58	Doctors Lake	Greenridge Rd to Peoria Rd	COUNTY	1.8	2	Minor Collector	Urban	E	1,480
59	Moody Rd	Doctors Lake Dr to Suzanne Ave	COUNTY	1.5	2	Minor Collector	Urban	E	1,480
60	Moody Rd	Suzanne Ave to Peoria Rd	COUNTY	2.0	2	Minor Collector	Urban	E	1,480
61	Old Jennings	SR 21 to SR 23	COUNTY	1.2	4	Minor Collector	Urban	E	3,120
61.1	Old Jennings	SR 23 to Long Bay Rd	COUNTY	2.0	2	Minor Collector	Urban	E	1,480
62	Peoria Rd	College Dr to Moody Rd	COUNTY	0.2	2	Minor Collector	Urban	E	1,480
63	Peoria Rd	Moody Rd to Doctors Lake Dr	COUNTY	0.6	2	Minor Collector	Urban	E	1,480
64	Wells Rd	SR 21 to Orange Park	COUNTY	2.0	4 - DIV	Minor Arterial	Urban	E	3,270
65	Cheswick Oaks Ave	Duval County Line to End of Pavement	COUNTY	1.0	2	Major Collector	Urban	E	1,610
66	Baxley Rd	SR 21 to CR 220	COUNTY	0.5	2	Minor Collector	Urban	E	1,480
67	Long Bay Rd	Old Jennings Road to SR 21	COUNTY	2.7	2	Minor Collector	Urban	E	1,480



II. CONCURRENCY MANAGEMENT FOR PUBLIC SCHOOL FACILITIES

Sec. 4-19. SHORT TITLE

This article may be referred to and cited as the "Clay County Public School Concurrency Management Ordinance."

Sec. 4-20. AUTHORITY

This article is adopted pursuant to Florida Statutes, Chapters 163 and 125; Florida Administrative Code, Rule 9J-5; the Clay County Comprehensive Plan adopted by Ordinance 92-03, as amended; and the Constitution of the State of Florida.

Sec. 4-21. PURPOSE, INTENT AND FINDINGS

(a) The purpose and intent of this Ordinance is:

- (1) To implement the provisions of the Clay County Comprehensive Plan related to the adequacy of Public School Facilities as new residential growth occurs.
- (2) To ensure that public schools needed to support new development will meet Level of Service Standards.
- (3) To ensure that the County and the School District annually adopt a financially-feasible Work Program to accommodate new residential development, based on the School District's ability to provide adequate Public School Facilities to new development.
- (4) To ensure that no Development Proposal is approved that would generate demands that exceed the capacity of public schools at the Level of Service Standards.
- (5) To ensure that adequate Public School Facilities will be in place or under actual construction as new development occurs, or within 3 years after the issuance of a building permit as defined herein, as provided by state statute, by providing a mechanism to implement Proportionate Share Mitigation for Public School Facilities where needed.
- (6) To establish uniform procedures for the review of School Concurrency Applications subject to the standards and requirements of this Ordinance.
- (7) To establish a method whereby the impacts of development on Public School Facilities can be mitigated by the cooperative efforts of the public and private sectors.
- (8) To encourage development in areas where Public School Facilities are adequate and/or planned in the Work Program as provided for and required by state law.
- (9) To ensure that all applicable legal standards and criteria are incorporated into these procedures and requirements.

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- (10) To ensure that approval of Development Proposals will not adversely affect the public health, safety, and general welfare of existing and future residents of the County.
- (b) In adopting this Ordinance, the Board hereby finds and determines as follows:
- (1) The availability of Public School Facilities is necessary for the public health, safety, and general welfare of existing and future residents of the County.
 - (2) New growth and development within the County has an impact on the School Capacity of Public School Facilities, which impact can be mitigated by the timing and sequencing of development as provided herein.
 - (3) The School District has prepared and adopted a financially-feasible Work Program to provide the Public School Facilities needed to accommodate projected rates of growth, which Work Program will be reviewed and updated annually to reflect changes in the County's growth rate, available financial resources, and other relevant factors; and said updates will be incorporated into the Comprehensive Plan so that Level of Service Standards are maintained.
 - (4) The Level of Service Standards for each level or type of school are necessary for the protection of the public health, safety and welfare, and will not unduly inhibit new growth and development within the County.
 - (5) The impacts on Public School Facilities resulting from new development for which capacity does not exist may be mitigated by measures that either reduce projected impacts on, or increase the School Capacity of, Public School Facilities.
 - (6) This Ordinance is necessary so that continued growth does not outstrip the School District's ability to plan for and fund necessary Public School Facilities.

Sec. 4-22. DEFINITIONS

The words, terms, and phrases used in this Ordinance shall be defined as follows:

- (a) *Applicant or Developer or Owner* means any individual, corporation, business trust, estate trust, partnership, association, two or more persons who have a joint or common interest, governmental agency, or any other legal entity, which has submitted an Application for a Concurrency Reservation Certificate.
- (b) *Application* means an application presented to the County containing the information required pursuant to this Ordinance.
- (c) *Available School Capacity* means that portion of total public School Capacity that remains available for the Development Proposal after the following are subtracted: Current Student Enrollment; those student stations reserved by a Finding of Available School Capacity in the applicable School Concurrency Service Area; and those student stations reserved for Exempt Development.

(d) *Concurrency Service Area or CSA* is the geographical area in which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

(e) *Core Cafeteria Capacity* means the total number of student stations allocated for the cafeteria, which is the cafeteria plus any contiguous multi-purpose area combined.

(ef) *Cost per Student Station Estimate* means for each type of Public School Facility, an estimate of the cost of providing Public School Facilities for a public school student, as established in the School District’s Work Program. “Cost per Student Station Estimate” shall include all costs of providing instructional and core capacity including land, design, buildings, equipment and furniture, and site improvements. The cost of ancillary facilities that generally support the School District and the capital costs associated with the transportation of students shall not be included in the Cost per Student Station Estimate used for Proportionate Share Mitigation.

(fg) *Current Student Enrollment* means the number of students enrolled in all Existing Public School Facilities operated by the School District in a given school year as counted at the Fall FTE.

(gh) *Development Proposal* means an application for any approval of the following types of residential development, or a phase thereof or amendments thereto: final plat approval for single-family or townhome development, construction plan approval for multifamily (apartments and condos) development, or the functional equivalent thereof.

(hi) *Development Review Table* – a schedule maintained by the School District and the County that tracks the availability of School Capacity over time.

(ij) *Director* means the Director of Planning and Zoning.

(jk) *Dwelling Unit* means a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping, sanitary, and kitchen facilities.

(kl) *Educational Facilities Plan (EFP)* - The School District’s annual comprehensive capital planning document, that includes long range planning for facility needs over a five-year, ten-year and twenty-year planning horizon, which includes the Five-Year Facility Work Plan which is annually adopted by Clay County School Board, County and municipalities for school concurrency.

(lm) *Exempt Development* – a development that meets the exemption criteria outlined in Policy 3.2 of the Public School Facilities Element.

(mn) *Existing Public School Facilities*– Public School Facilities that are already constructed and operational at the time that the School District Designee makes a finding regarding School Capacity.

(no) *Finding of Available School Capacity* – a determination by the School District Designee that Public School Concurrency exists, based on the projected impacts of the Development Proposal.

A Finding of Available School Capacity may be based upon an executed Proportionate Share Mitigation Agreement.

- | (~~op~~) *Finding of No Available School Capacity* - a determination by the School District Designee that Public School Concurrency does not exist, based on the projected impacts of the Development Proposal and the failure of the applicant to proffer an acceptable Proportionate Share Mitigation Agreement.
- | (~~pq~~) *Florida Inventory of School Houses (FISH) Capacity* - The report of the permanent and relocatable capacity of existing public school facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on a percentage (100% elementary, 90% middle and 95% high) of the total number of existing student stations and a designated size for each program.
- | (~~qr~~) *Full-Time Equivalent (FTE) Student Count – Fall Semester* - A fall semester count of all “full-time equivalent” students, pursuant to Chapter 1011.62, F.S.
- | (~~rs~~) *Level of Service (LOS)* – the comparison of public school enrollment to School Capacity in a given Concurrency Service Area.
- | (~~st~~) *Level of Service Standard (LOS Standard)* – the Level of Service applied to a Concurrency Service Areas that are adopted in the Public Schools Interlocal Agreement and the Public Schools Facilities Element for each level or type of Public School Facility.
- | (~~tu~~) *Long-Term Concurrency Management System (LTCMS)* - a ten-year plan established to provide the necessary enrollment relief required to achieve and maintain the adopted LOS for public schools.
- | (~~uv~~) *Planned Public School Facilities* – Public School Facilities in the School District’s Work Program that will be in place or under actual construction within three (3) years after the approval of the Development Proposal.
- | (~~wv~~) *Proportionate Share Mitigation* – A developer improvement or contribution identified in a binding and enforceable agreement between the Developer, the School Board and the local government with jurisdiction over the approval of the development order to provide compensation for the additional demand on deficient public school facilities created through the residential development of the property, as set forth in Section 163.3180(13)(e), F.S.
- | (~~wx~~) *Proportionate Share Mitigation Agreement* – a voluntary, legally-binding commitment to provide Proportionate Share Mitigation to ensure Public School Concurrency can be achieved, where School Capacity would not otherwise be adequate to support the demand resulting from approval of a Development Proposal at the time the Development Proposal is being considered. The Applicant, School District and the County shall be parties to a Proportionate Share Mitigation Agreement.
- | (~~xy~~) *Public School Concurrency* – as provided in Section 163.3180(13)(e), F.S., a finding that the necessary Public School Facilities to maintain Level of Service Standards are in place or are

scheduled in the Work Program to be under actual construction within three (3) years of approval of a Development Proposal.

- | (yz) *Public School Facilities* –public school buildings provided by the School District, as defined by the most current edition of the Florida Inventory of School Houses (FISH), published by the Florida Department of Education, Office of Educational Facilities, or land for a Public School Facility.
- | (zaa) *Public Schools Interlocal Agreement* – the interlocal agreement between the County, non-exempt municipalities, and the School District, pursuant to § 163.31777, F.S. which establishes standards and procedures for a coordinated, uniform Public School Concurrency program throughout Clay County and which coordinates the provision of Level of Service Standards for Public School Facilities.
- | (aab) *School Board* – The governing body of the School District of Clay County, a body corporate pursuant to Section 1001.41, F.S.
- | (abc) *School Capacity* – the demand that can be accommodated by a Public School Facility at the Level of Service Standard, as determined by the School District.
- | (aed) *School Concurrency Application* – an application for the School District to make a Finding of Available School Capacity and issue a School Concurrency Reservation Letter.
- | (ade) *School Concurrency Deficiency Letter* - a determination by the School District Designee that Public School Concurrency has not been achieved, based on the projected impacts of the Development Proposal.
- | (aef) *School Concurrency Reservation Letter* - a reservation of School Capacity made by the School District after a Finding of Available School Capacity. The reservation shall be indicated on the Development Review Table.
- | (afg) *School Concurrency Reservation Certificate* - the official document issued to the applicant by the Director or the Director’s Designee upon receipt of the School Concurrency Reservation Letter by the School District.
- | (agh) *School District* – the School District of Clay County.
- | (ahi) *School District Designee* – a person or committee designated to act on behalf of the School District, and to make determinations regarding whether Public School Concurrency has been achieved for School Concurrency Applications submitted to the School District by the Director.
- | (ajj) *Total Public School Facilities* – Existing Public School Facilities and Planned Public School Facilities.
- | (ajk) *Work Program* – a five-year Facility Work Plan that is financially feasible, as defined by state statute, and which is adopted by the School District and the County and incorporated into the Capital Improvement Element of the County’s Comprehensive Plan. The Facility Work Plan itemizes Planned Public School Facilities and includes the following:

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- (1) all Planned Public School Facilities, including new construction, expansions, and renovations that will create additional capacity, whether provided by the School District or through Proportionate Share Mitigation;
 - (2) existing and projected enrollment of Public School Facilities;
 - (3) the year in which each Planned Public School Facility will be undertaken;
 - (4) the source of funding for each Planned Public School Facility and the year in which the funding becomes available;
 - (5) the capacity created by each Planned Public School Facility; and
 - (6) necessary data and analysis supporting the proposed Work Program.

Sec. 4-23. LEVEL OF SERVICE STANDARDS

The Level of Service Standards applicable to Public School Facilities shall be as set forth in the Public Schools Interlocal Agreement and the Public School Facilities Element of the Comprehensive Plan.

Sec. 4-24. APPLICABILITY

- (a) **Generally.** Except as otherwise specifically provided, the provisions of this Ordinance shall apply only to completed applications submitted on or after the effective date of this Ordinance, as follows:
 - (1) **Residential Development.**
 - a. Unless exempt or age-restricted, all residential development shall be subject to public school concurrency.
 - b. Before approval of any Development Proposal, or phase thereof, either (A) a valid and unexpired School Concurrency Reservation Certificate or (B) a Proportionate Share Mitigation Agreement executed by the Applicant and the School District, must be obtained. A School Concurrency Reservation Certificate may only be authorized by the County based on a Finding of Available School Capacity and receipt by the County of a School Concurrency Reservation Letter that is dated no earlier than one (1) calendar year prior to the date of the School Concurrency Reservation Certificate.
 - c. At the request of a potential applicant for a Development Proposal, a non-binding Finding of Available School Capacity may be made by the School District at any time prior to the filing of an application for a Development Proposal. However, in no event will any Development Proposal be approved prior to the County receiving a Finding of Available School Capacity and a School Concurrency Reservation Letter from the School Board.

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- d. Notwithstanding the foregoing, neither a Finding of Available School Capacity nor a School Concurrency Reservation Certificate is required for any residential development in which occupancy is restricted by deed to persons over the age of eighteen (18) years, for a period of at least thirty (30) years.
- (2) **Nonresidential Development.** A Finding of Available School Capacity is not required for the nonresidential component of any Development Proposal.

Sec. 4-25. APPLICATION AND REVIEW PROCEDURE

- (a) **When required.** Subject to the requirements of this section, a School Concurrency Application must be submitted in conjunction with any Development Proposal. No Development Proposal will be approved by the County unless a Finding of Available School Capacity and the School Concurrency Reservation Letter is first obtained.
- (b) **Requirements for School Concurrency Application.**
- (1) *Pre-Submittal Meeting with School District Designee.* Prior to submission of a School Concurrency Application, the Applicant shall meet with the School District Designee to confirm the scope and applicability of this Ordinance and to identify potential Public School Facility deficiencies that may need to be mitigated. At or following the pre-submittal meeting, the School District Designee shall:
- a. Identify Available School Capacity;
 - b. Provide other relevant and available information regarding demand for Public School Facilities and Available School Capacity;
 - c. Summarize the scope of the School Concurrency Application requirements, which shall include, but not necessarily be limited to, the information listed in paragraph (b)(2) of this section; and
- (2) *General School Concurrency Application Requirements.* The School Concurrency Application shall include:
- a. Name, address, and phone number of the applicant;
 - b. Property location, including parcel identification numbers and vicinity map;
 - c. A description of the Development Proposal, including type, intensity and amount of development, adequate to determine the number and type of public school students generated by the Development Proposal;
 - d. A phasing schedule for any Development Proposal;
 - e. A description of any past or proposed Public School Facility dedicated, constructed, or funded in order to mitigate the public school impacts of the Development Proposal;

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- f. A calculation of any school impact fees that will be assessed prior to the issuance of a building permit for a residential unit;
 - g. In the event that there is not Available School Capacity to accommodate the Development Proposal, a proposed Proportionate Share Mitigation Agreement, using the form provided by the School District, and a description of the proposed Proportionate Share Mitigation option(s) being utilized; and
 - h. Other relevant information required by the School District that is needed to evaluate the School Concurrency Application and to make a finding with regard to Available School Capacity.
- (c) **Completeness review.** Within five business days after its receipt, the Director or his Designee will determine whether the School Concurrency Application is complete and complies with the submission requirements set forth in this section. If the School Concurrency Application is complete and the submission requirements have been met, the Director will forward the School Concurrency Application to the School District Designee for review and a finding with regard to Available School Capacity. If the School Concurrency Application is not complete, the Director will notify the Applicant of its deficiencies in writing. No further review will be made until the deficiencies of the Application are remedied. Time limits for performing under this Article will be tolled during the remedial process. If any deficiencies in the Application are not remedied by the Applicant within 30 days of receipt of the above referenced written notification, the Application will be deemed withdrawn. At the time that the School Concurrency Application is determined to be complete, the Director shall send it to the School District for review.

Sec. 4-26. PROCEDURES FOR DETERMINING AVAILABLE SCHOOL CAPACITY

- (a) **Identification of Available School Capacity.** Within 30 business days of the submission to the Director of a complete School Concurrency Application, a revised School Concurrency Application, or a proffered Proportionate Share Mitigation Agreement, the School District Designee shall prepare a written report that:
- (1) Identifies Available School Capacity in the relevant Concurrency Service Area, pursuant to the terms of this Ordinance and the applicable Public Schools Interlocal Agreement;
 - (2) Identifies any previously dedicated, constructed, or funded Public School Facility accepted as Proportionate Share Mitigation for the public school impacts of the Development Proposal; and
 - (3) Based on information provided by the Applicant and its own data and Work Program, states whether Public School Concurrency can be achieved for each type of Public School Facility sufficient to accommodate the Development Proposal.
- (b) **Determination of Available School Capacity.** The School District Designee shall make a finding with regard to Available School Capacity in accordance with the requirements of this Ordinance and the Public Schools Interlocal Agreement, based on the methodology below:

(1) The School District Designee will measure Available School Capacity for each school level, based on the School Capacity of the Concurrency Service Area in which a Development Proposal is located. If School Capacity is not available in the affected Concurrency Service Area, the School District Designee shall determine whether there is Available School Capacity in any contiguous Concurrency Service Area.

(2) For each school type (elementary, middle and high), the School District shall use the following calculation methodology to determine if there is Available School Capacity:

a. *Formula for Total Public School Facilities*

Total Public School Facilities =
Existing Public School Facilities + Planned Public School Facilities

b. *Formula for Available School Capacity*

Available School Capacity =
School Capacity - (Enrollment + Reserved)

School Capacity = the lesser of FISH capacity or core cafeteria capacity.

Enrollment = Student enrollment as counted at the Fall FTE.

Reserved = Students generated from residential developments pursuant to the approval of a School Concurrency Reservation Certificate.

(3) If a Finding of Available School Capacity is based upon the capacity of one or more contiguous Concurrency Service Areas, then the School District Designee will recommend to the School Board the means and timeframes within which the impacts of the Development Proposal will be shifted to the contiguous Concurrency Service Area. If more than one Concurrency Service Area has capacity, the School District Designee shall recommend to the School Board which Concurrency Service Area will receive the impacts of the Development Proposal. Methods to shift impacts may include, but are not necessarily limited to:

- a. redistricting;
- b. transportation plans;
- c. operational adjustments; or
- d. terms or conditions agreed to by the Applicant.

(c) **Finding of Available School Capacity**

(1) Where, based on the standards and methodologies set forth herein, the School District determines that adequate capacity is available, the School District shall issue a Finding of Available School Capacity.

(2) Upon issuance of a Finding of Available School Capacity, the School District and County Designees shall allocate the amount of School Capacity to be required by the

Development Proposal on the Development Review Table. It shall be reduced if, and to the same extent that, the Development Proposal is amended to reduce the impacts on Public School Facilities. The School District Designee shall issue a School Concurrency Reservation Letter to the County upon a Finding of Available Capacity and record the School Concurrency Reservation on the Development Review Table. Within 5 days of receipt of the School Concurrency Reservation Letter, the County will issue, to the applicant, a School Concurrency Reservation Certificate.

- (3) If a Finding of Available School Capacity is based on a Public School Facility provided through Proportionate Share Mitigation, final approval of the Development Proposal shall not be given by the County until the execution of a Proportionate Share Mitigation Agreement by the Applicant and the School Board, pursuant to section 4-27 of this Ordinance. Upon approval of the Development Proposal, the County shall execute the Proportionate Share Mitigation Agreement.

(d) **CRC Expiration, Extension, and Modification**

- (1) A CRC shall expire for any portion of the approved Development that meets any of the following conditions:
- a. For multifamily uses, a building permit has not been issued within one year of CRC issuance;
 - b. For multifamily uses, a certificate of occupancy has not been issued within thirty months of CRC issuance;
 - c. For single-family residential uses, a preliminary plat has not been approved by the Planning Commission within one year of CRC issuance;
 - d. For single-family residential uses, a final plat has not been approved by the Board and recorded in the public records within twenty-four months of CRC issuance;
 - e. For single-family residential uses, the Board has not approved the final acceptance of all roads and drainage within twenty-four months of CRC issuance, if applicable;
 - f. The Project is completed as evidenced by the issuance of certificate of occupancy (final inspection) for all buildings and/or residential units within the Project.
 - g. The Final Development Order expires or is revoked by the County.
 - h. The Development Agreement or Fair Share Agreement authorizing the Project expires or is revoked by the County.
- (2) An Applicant may request an extension prior to the expiration of a CRC. Extensions may be granted by the Department subject to the following limitations:

-
- a. A maximum of two (2) extensions may be granted for a CRC;
 - b. The first extension shall be for an additional six (6) months and, if necessary, the second extension shall be for an additional six months;
 - c. An extension must be issued for the uses and intensities that are consistent with the current zoning and land use designation of the property. However, if a rezoning application has been filed with the Development Services Department, a three month extension may be granted for the uses and intensity that are consistent with the proposed zoning and land use designation of the property. A provision for three additional months (for a total duration of 6 months) will be allowed provided that the rezoning request is approved by the Board within the initial 3 month extension period; and
 - d. The second extension request may be granted only if construction has commenced and continued in good faith as evidenced by county inspections.
- (3) The deadlines in this Section may be extended through the execution of a Development Agreement pursuant to Article X of the Clay County Land Development Code. (Rev. 02/24/09)
- (e) **Finding of No Available School Capacity; Proportionate Share Mitigation Agreements**
- (1) If the School District Designee determines that no Available School Capacity exists to accommodate the Development Proposal and no Proportionate Share Mitigation Agreement has been accepted for the School District's and County's execution, pursuant to subsection (3)c. below, the School District Designee shall issue a School Concurrency Deficiency Letter, and no School Concurrency Allocation shall be reserved on the Development Review Table.
 - (2) Upon the receipt from the School District Designee of a School Concurrency Deficiency Letter, the Director or Director's designee shall forward the School Concurrency Deficiency Letter to the applicant within five business days of the denial. The notice must state the reasons for the denial and any actions that the applicant may take voluntarily to receive a Finding of Available School Capacity.
 - (3) Upon issuance of a School Concurrency Deficiency Letter, an applicant may:
 - a. submit a Development Proposal for a reduced amount of development for which Available School Capacity exists;
 - b. submit an amended Development Proposal that includes the following:
 1. a proposed phasing schedule setting forth the amount, location, and timing of development associated with each proposed phase;

-
2. a showing that Available School Capacity will exist for each phase of development; and
 3. other additional information or materials identified by the School District Designee as necessary to ensure Public School Concurrency;
- c. proffer a Proportionate Share Mitigation Agreement signed by all parties, pursuant to section 4-27 of this Ordinance, which shall fully mitigate the impact of the Development Proposal on Public School Facilities; or
 - d. wait until School Capacity may exist for the Development Proposal pursuant to the Work Program.

Sec. 4-27. PROPORTIONATE SHARE MITIGATION AGREEMENTS

- (a) **Applicability.** The provisions of this section shall apply to an applicant that either has received a School Concurrency Deficiency Letter or wishes to proffer Proportionate Share Mitigation.
- (b) **Options for Proportionate Share Mitigation.** If the applicant chooses to enter into a Proportionate Share Mitigation Agreement, he or she shall provide one or more of the following Proportionate Share Mitigation options:
 - (1) Contribution of land and/or a monetary payment in conjunction with the provision of additional school capacity; or
 - (2) Provision of additional student stations through the donation of buildings for use as a primary or alternative learning facility; or
 - (3) Provision of additional student stations through the renovation of existing buildings for use as learning facilities; or
 - (4) Construction of permanent student stations or core capacity; or
 - (5) Construction of a school in advance of the time set forth in the School District's EFP; or
 - (6) Construction of a charter school designed in accordance with School District standards, providing permanent capacity to the District's inventory of student stations. Use of a charter school for mitigation must include provisions for its continued existence, including but not limited to the transfer of ownership of the charter school property and/or operation of the school to the School Board.

Proportionate Share Mitigation must be identified in a Work Program, unless the School District has committed itself in a Proportionate Share Mitigation Agreement to include the mitigation in the Work Program during the next annual update to the Work Program.

In exchange for the mitigation banking of funds for the construction of a public school facility, the developer shall have the right to sell capacity credits for school capacity in excess of what was required to serve the proposed residential development for use within the same affected

Concurrency Service Area. The developer shall provide a letter to the School District Designee authorizing the transfer of credits within the School Concurrency Service Area. The School District Designee shall monitor all transfers of capacity credits.

The applicant and the School District shall consult on the options available for mitigating the Concurrency Service Area affected by the Development Proposal. The agreed upon mitigation shall be described in an exhibit to the Proportionate Share Mitigation Agreement.

- (c) **Determination of Amount of Proportionate Share Mitigation Required.** The amount of Proportionate Share Mitigation required from an applicant shall be calculated by applying the student generation rate multiplier to the Cost per Student Station Estimate for each school type (elementary, middle and high) for which there is not sufficient School Capacity. The minimum Proportionate Share Mitigation obligation for a Development Proposal shall be determined by the following formulas:

- (1) *Formula for Number of Student Stations to Be Mitigated*

$$\begin{aligned} &\text{Number Of New Student Stations Required For Mitigation (By School Type)} = \\ &\text{Available School Capacity for the Development Proposal} - \\ &[\text{Number of Dwelling Units Generated by Development Proposal} \\ &(\text{By Housing Type}) \times \text{Student Generation Multiplier} \\ &(\text{By Housing Type and School Type})] \end{aligned}$$

- (2) *Formula for Cost of Mitigation*

$$\begin{aligned} &\text{Cost of Proportionate Share Mitigation} = \\ &\text{Number of New Student Stations Required for Mitigation} \\ &(\text{By School Type}) \times \text{Cost Per Student Station (By School Type)}. \end{aligned}$$

The full cost of Proportionate Share Mitigation shall be required from the Development Proposal.

- (d) **Proportionate Share Mitigation Agreement.** Within 30 days of the issuance of the School District report identifying lack of availability of school capacity, the applicant shall attend a pre-application meeting with all affected agencies for which adequate school capacity does not exist to discuss mitigation options. Thereafter, the applicant shall have 30 days to submit an application for proportion share mitigation and enter into a negotiation period with the School Board not to exceed ninety days in an effort to mitigate the impact from the development through the creation of additional school capacity. Upon identification and acceptance of a mitigation option deemed financially feasible by the School Board, the developer shall enter into a binding and enforceable agreement with the School Board. The County shall then execute the agreement.

The agreement shall provide mitigation that is at least proportionate to the demand for Public School Facilities to be created by the additional or new residential units in the Development Proposal, and for which there is no Available School Capacity. However, this mitigation may not be provided unless it is first accepted by the School District. Any mitigation that is provided for in a Proportionate Share Mitigation Agreement must satisfy the demand created by the

additional or new residential units, and shall be directed by the School District toward a Planned Public School Facility identified in the Work Program.

The School District shall agree to amend the Work Program during the next annual update to include the School Capacity improvement being offered as Proportionate Share Mitigation. The applicant and School District must sign the Proportionate Share Mitigation Agreement before a Finding of Available School Capacity is issued. Approval of the Development Proposal shall be contingent upon the County's execution of the Proportionate Share Mitigation Agreement.

Failure to enter into an agreement with the School Board within the ninety (90) day negotiation period shall result in the issuance of a denial letter. This time period may be extended by mutual agreement of the parties.

- (e) **Impact Fee Credit.** Impact fee credits shall be given pursuant to Section 16-66 of the School Impact Fee Ordinance.
- (f) Notwithstanding anything contained in this Ordinance to the contrary, as to multiphased Development or Developments of Regional Impact approved by the County pursuant to Chapter 380.06, F.S., the timing for a Finding of Available Capacity, the timing of the issuance of or the duration of Concurrency Reservation Certificates and other matters related to reservations of capacity associated with Concurrency Management for Public School Facilities shall be governed by the terms of an executed Proportionate Share Mitigation Agreement or Development Agreement pursuant to Article X of the Clay County Land Development Code. (Rev. 02/24/09)

Sec. 4-28. SCHOOL DISTRICT WORK PROGRAM AND THE CAPITAL IMPROVEMENT ELEMENT

- (a) **Work Program.**
 - (1) *Purpose.* The purpose of the School District's Work Program is to implement the requirements of Section 1013.33, F.S. and to ensure the provision of adequate Public School Facilities as new residential development occurs in the County.
 - (2) *Annual Updates and Monitoring Reports.* Pursuant to the Public Schools Interlocal Agreement, the County will review, comment, and participate in the development of the School District's Work Program and will provide input with respect to the Work Program's consistency with the Comprehensive Plan.

Considering the input of the County, the School District shall amend the Work Program annually by October 1 to include the immediately subsequent fifth year of Public School Facilities. Each annual update shall address the status of Public School Facilities, including, but not limited to:

- a. The Available School Capacity by Concurrency Service Area;
- b. Anticipated increases in residential development within County and the incorporated municipalities within the County;

-
- c. The existing and projected Level Of Service for each Concurrency Service Area by year for the 5 year planning period;
 - d. For each Concurrency Service Area and each year of the 5-year planning period, the financial feasibility of providing the needed school facilities to achieve and maintain the Level of Service Standard;
 - e. The current need for any Public School Facilities resulting from changes in population trends, employment growth, or other relevant factors;
 - f. The rate and location of Exempt Development;
 - g. Any amendments necessary to effectuate the purpose and intent of this Ordinance and state law, including any demand assumptions, need factors, and other matters recommended by the School District for reconsideration or revision; and
 - h. The projected financing for any additional School Capacity resulting from the factors set forth in subsections a. through e., above.

(b) **Capital Improvement Element.** The Capital Improvement Element of the County Comprehensive Plan shall be amended each year by December 1 to reflect the most recent update to the Work Program.

Sec. 4-29. APPEALS

A person substantially affected by a School Board's adequate capacity determination made as a part of the School Concurrency Process may appeal such determination through the process provided in Chapter 120, F.S.

A person substantially affected by a local government decision made as a part of the School Concurrency Process may appeal such decision using the process identified in the local government's regulations for appeal of development orders.

**PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN
AMENDMENT PACKET**

Cycle 10-2

(Submitted 12-1-2009 through 5-31-2010)

ELEMENT	<u>Future Land Use of Branan Field Master Plan</u>
TYPE OF AMENDMENT	<u>2025 Future Land Use Map / Branan Field Master Plan Map</u>
AMENDMENT NUMBER	<u>10-2-BFMP-1 Kindlewood</u>

Location

The subject properties are located on Kindlewood Drive, East of SR23 (Branan Field Road) in the Doctors Inlet/Ridgewood Planning District and are approximately 91 acres in size.

Proposed Change and Purpose

The applicant is proposing to change the future land use designation of the property from BF TN (Traditional Neighborhood: 4 units to 10 units per acre, with an average gross density of 5 units per acre) to BF MPC (Master Planned Community: 1 unit per 3-acre to 12 units per acre, with an average density of 3 units per acre).

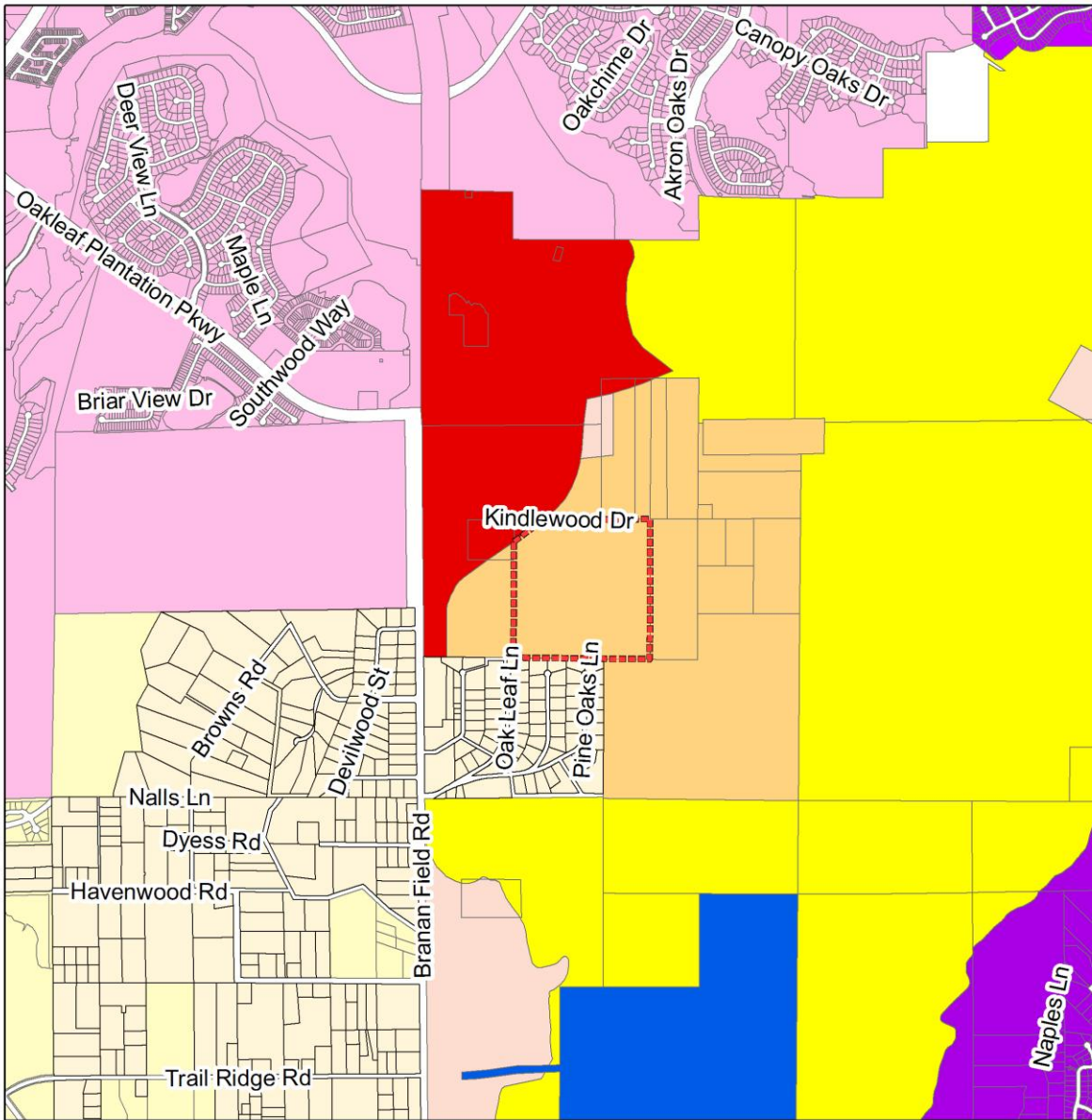
Supporting Data and Analysis

The applicant has submitted data to support the request. Applicant's submission is available for review in the Planning Department.

Staff Recommendation

It is recommended for further study.

Existing Land Use




Amendment #: 10-2-BFMP-2 Kindlewood

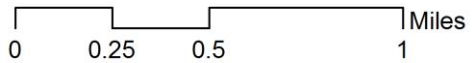
Proposed Land Use: BF Master Planned Community
Current Land Use: BF Traditional Neighborhood

Number of Acres: 91
June 10, 2010
Sung-Man Kim, Chief Planner

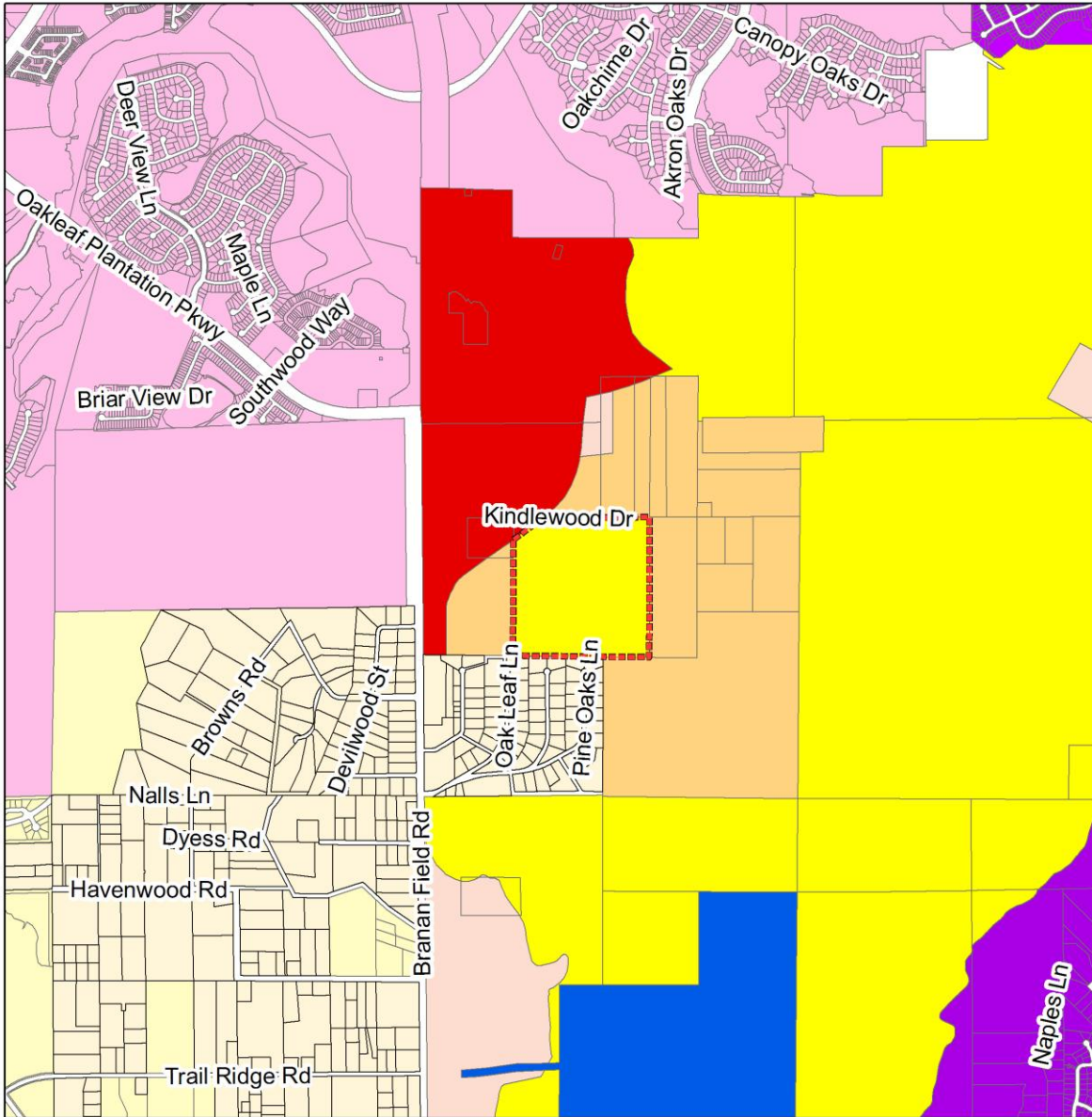


Legend

 10-2-bfmp-1 Kindlewood



Proposed Land Use




Amendment #: 10-2-BFMP-2 Kindlewood

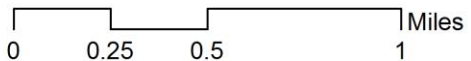
Proposed Land Use: BF Master Planned Community
 Current Land Use: BF Traditional Neighborhood

Number of Acres: 91
 June 10, 2010
 Sung-Man Kim, Chief Planner



Legend

 10-2-bfmp-1 Kindlewood



PRELIMINARY REVIEW WRITTEN STATEMENT
Non-Residential

*** PLEASE NOTE ***

THERE WILL BE NO CHANGES TO THE LAND, PARKING LOT, ISLANDS OR EXTERIOR OF BUILDING AT THIS TIME OTHER THAN IMPROVEMENTS LIKE CLEANING, MULCHING, PAINTING, FLOWERS/SHRUBS ETC.

1. Owner Contact Information:

495 Blanding LLC. (Rosely Kanner)
8286 Western Way Circle, Unit 2
Jacksonville, Fl. 32256
Email: rosely.kanner@gmail.com
Phone (904) 403-6422

2. Applicant Contact Information:

Pastor Rodney Williams
Faith Life Church
5327 Otter Ln.
Middleburg, Fl. 32068
Email: pastorrod@faithlife.us
Phone: (904) 386-1424

3. Name of Development: Faith Life Church

4. Parcel Identification Number: 18-04-26-020264-121-00

5. Future Land Use Category: PCD

6. Zoning: Land Use: All PS-1, BB & BA usages (Church/Daycare, skating rink, miniature golf, dance hall, sports center etc.)

7. Existing Site Description:

A. Vegetation: grass, shrubs and one (1) tree.

B. Soils: fresh dark A/3 soil with a little red clay mixed in

C. Jurisdictional Land: No Jurisdictional lands and all land is upland or highlands

D. Drainage: Land has a retention pond in front and side of building and all drainage runs into it.

E. FEMA Flood Zone: no flood zone information available.

8. Proposed Development:

Site Narrative:

A. Total Acres Of Site: 1.42

B. Number Of Buildings: 1

C. Building Height: Single Story

D. Type of Construction: Wood Frame

E. Gross Square Feet: 61,855.20

F. Number of Parking Spaces: 54 total

G. Number of Parking Spaces Proposed: 54 total

H. Number of Handicap Spaces: 3

I. Bicycle Parking Shown: No

9. Ground Coverage in Square Feet & Percent of Site:

A. Building: 6,100

B. Impervious: 20,000sf

C. Retention / Detention Pond: 11,587.5 = 18.5%

10. Landscaping:

A. Landscaped Vehicle Use Area: 40,000

B. % of Vehicle Use Area Landscaped: 3%

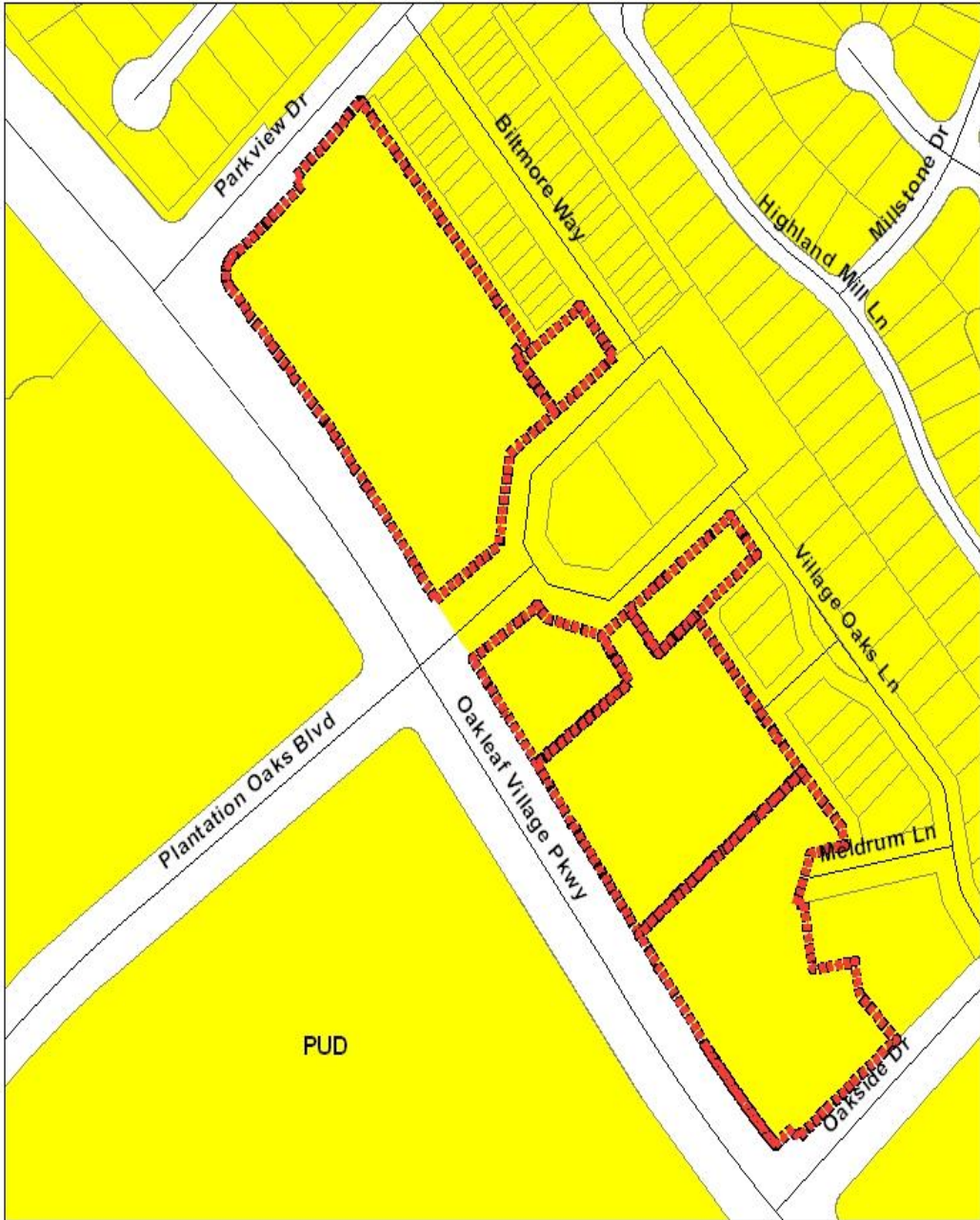
11. Utility Service:

A. Sewage Treatment: Clay Utility

B. Water Supply: Clay Utility

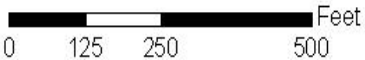
C. Electricity: Clay Electric

III. Surrounding Zonings



Legend
Site
PUD Planned Unit Development

Rezoning: Z-10-07
Rezoning PUD to Re-PUD



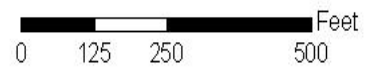
IV. Site Photos & Aerial







Rezoning: Z-10-07
Rezoning PUD to Re-PUD



V. Uses within the PUD Zoning District

Sec. 3-33. PLANNED UNIT DEVELOPMENT (Zone PUD)

- (a) *Intent and Purpose.* It is the purpose of this Section to permit Planned Unit Developments which are intended to encourage the development of land as planned communities; encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open area; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of this Regulation; provide for the efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and provide a stable environment character compatible with surrounding areas.
- (b) The following terms, phrases, words, and derivations shall have the following meanings:
- (1) *Common Open Space.* An area of land, or an area of water, or combination of land and water within the area of a Planned Unit Development which is designated and intended for the use or enjoyment of residents of the Planned Unit Development in common. Common open space may contain such recreation structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the Planned Unit Development.
 - (2) *Gross Acreage.* The total number of acres within the perimeter boundaries of a Planned Unit Development.
 - (3) *Land Owner.* The legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development; the holder of an option or a contract to purchase or a person having possessory rights of equal dignity will be deemed to be a land owner for the purpose of this Regulation, so long as the consent to the Planned Unit Development of the owners of the fee simple title in the land concerned is obtained.
 - (4) *Net Acreage.* The total number of acres within the perimeter boundaries of a Planned Unit Development, excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, and recreation areas.
 - (5) *Plan.* The proposal for development of a Planned Unit Development, including a plot of subdivision, all covenants, grants of easement, and other conditions relating to use, location and bulk of buildings, density development setbacks, common open space, and public facilities. The plan shall include such information as required by Paragraph (c) below.

(c) *Procedure for Approval of a Planned Unit Development.* The procedure for obtaining a change in a zoning district for the purpose of undertaking a Planned Unit Development shall be as follows:

(1) *Planned Unit Development Zoning and Master Plan.* The applicant shall submit to the Board of County Commissioners a request for change to a Planned Unit Development zoning classification and a proposed Master Land Use Plan containing the following exhibits:

(i) A vicinity map showing the location of the proposed Planned Unit Development, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, and existing land use on the site and surrounding areas.

(ii) A boundary survey map indicating with reasonable certainty the location of each zoning classification.

(iii) A topographic survey. The most recent U.S.G.S. topographic survey may be utilized if no better topographic information is available.

(iv) A Master Plan showing or describing the proposed land uses, lot sizes (for residential uses), building setbacks, open spaces, and streets and thoroughfares.

(v) A table showing acreage for each category of land use and total acreage; a table of proposed maximum and average densities and setbacks for residential land uses.

(2) Thereafter, the application shall be processed as any other zoning application in accordance with the provisions of these Regulations. The Board of County Commissioners may approve, disapprove, or modify and approve the proposed Master Plan.

(d) *Final Development Plan.* If rezoning approval for the Planned Unit Development is granted, within 12 months the applicant shall submit to the Planning and Zoning Department for approval a Final Development Plan covering all of the approved Master Plan. The Final Development Plan shall include the following exhibits:

(1) A map drawn to scale of 100 feet to one inch by a registered surveyor and/or engineer showing:

(i) The location of existing property or right-of-way lines, both for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains,

and any public utility easements.

- (ii) Wooden areas, streams, lakes, marshes, and any other physical conditions affecting the site.
- (iii) Width, location, and names of surrounding streets.
- (iv) Surrounding land use.
- (v) Proposed streets and street names and other vehicular and pedestrian circulation systems, including off-street parking.
- (vi) The use, size, and location of all proposed building sites.

(2) *Statistical Information:*

- (i) Total acreage of the site.
- (ii) Maximum building coverage expressed as a percent of the area.
- (iii) Area of land devoted to recreation purposes expressed as a percent of the total site area. Recreation space must be equal to or greater than 10 percent of the net acreage. Of this 10 percent, 4 percent must be for usable recreation purposes as defined by the growth management plan.
- (iv) Calculated density for the proposed section.

(e) *Revision of Planned Unit Development.* Any proposed major or substantial change in the approved Planned Unit Development which affects the intent and character of the development, the density or land use pattern, the location or dimension of streets, or similar substantial changes shall be reviewed by the Board of County Commissions. A request for a revision requires a written statement demonstrating the reasons the revisions are necessary or desirable. Changes which do not affect the intent or character of the development will be submitted to the Planning and Zoning Department for approval.

(f) *Planned Unit Development Time Limitations.*

- (1) If substantial construction, as determined by the Planning and Zoning Director has not begun within two years after approval of the Planned Unit Development under Section hereof, the approval of the Planned Unit Development will lapse.
- (2) At its discretion and for good cause, the Board of County Commission may extend for one additional year the period for beginning construction. If the

approved Planned Unit Development lapses under this provision, the Planning, Zoning and Building Administrator shall cause the Planned Unit Development district to be removed from the Official Zoning Map, mail a notice by registered mail of revocation to the owner, and reinstate the zoning district which was in effect prior to the approval of the Planned Unit Development.

- (g) *Deviation from the Development Plan.* Any unapproved deviation from the accepted Development Plan shall institute a breach of agreement between the applicant and the County. Such deviation may cause the Board of County Commission to immediately revoke the Development Plan until such time as the deviations are corrected or become a part of the accepted Development Plan.
- (h) *Minimum Acreage.* For residential uses, the minimum size parcel to be considered for Planned Unit Development shall be five acres. However, if the Planned Unit Development is to include a combination of non-residential uses and residential uses, the parcel must contain a minimum of twenty (20) acres.
- (i) *Phase Development.*
 - (1) A Planned Unit Development as defined herein may be developed in phases with the approval of the Board of County Commission. In the event the applicant desires to develop a Planned Unit Development in phases, the applicant shall submit a Schedule of Phases in addition to those items required in Paragraph (c) above with the application for zoning.

The Schedule of Phases shall contain the following:

- (i) The number of phases;
 - (ii) The date of commencement for each phase;
 - (iii) The approximate number of acres contained in each phase of development.
 - (iv) A map indicating with reasonable certainty the location of each phase of development.
- (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.
 - (3) Multi-County Planned Unit Development. The requirement of that substantial

construction begin within two years of approval of the Planned Unit Development shall be satisfied by commencing substantial construction in either county.

- (4) Developments of Regional Impact. The requirements of this Section shall be supplemented or superseded by any contrary provisions of a County Development Order for a development of regional impact (DRI), if the County, DRI developer, Florida Department of Community Affairs and appropriate Regional Planning Council have entered a development agreement pursuant to Section 380.032(3) Florida Statutes, modifying this Section.

- (j) *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 twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. (amended Ord. 94-26 - 4/26/94)

- (k) *Permitted Uses.*
 - (i) Any residential use or, in the case of a mixed use PUD, any nonresidential use, provided that each proposed use must be approved by the Board of County Commissioners at the time of zoning approval.

 - (ii) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way. *Rev. 04/22/08*

- (l) Conditional Uses - The following uses are permitted in the PUD Zoning District, subject to the conditions provided in Section 20.3-5.
 - (1) Land Clearing Debris Disposal Facility. (Amended 6/98 - Ord. 98-27)

 - (2) Public Educational Facilities (Amended 10/99 - Ord. 99-55)

 - (3) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)

 - (4) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).

 - (5) Home Occupations. *Rev. 04/22/08*

 - (6) Swimming Pools. *Rev. 04/22/08*

- (7) Residential Group Homes. *Rev. 04/22/08*
- (8) Accessory Dwelling Units. *Rev. 05/26/09*
- (m) *Accessory Structure* – Within the residential portions of planned unit developments, customary accessory structures shall be permitted subject to the following:
 - (1) On lots of one acre or less:
 - (i) the exterior of any accessory structure having in excess of one hundred sixty (160) square feet of interior floor space shall not be constructed of metal, excluding the roof.
 - (ii) no accessory structure shall exceed the height of the primary structure; and,
 - (iii) all other lot size requirements must be met as established within this Article.
 - (iv) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,
 - (v) maximum rear yard coverage by accessory structures shall be 30%.
 - (2) On lots of more than one but less than two acres:
 - (i) the exterior of any accessory structure having in excess of five hundred seventy-six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.
 - (ii) no accessory structure shall exceed the height of the primary structure within urban core, urban fringe or planned community land use; and,
 - (iii) within rural fringe, rural residential and agriculture residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.
 - (iv) all other lot requirements must be met as established within this Article.
 - (v) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,

(vi) maximum rear yard coverage by accessory structures shall be 30%.

(3) On lots of more than two acres:

(i) the exterior of any accessory structure having in excess of five hundred seventy-six (576) square feet of interior floor space shall not be constructed of metal, excluding the roof.

(ii) no accessory structure shall exceed the height of the primary structure within urban core, urban fringe or planned community land use; and,

(iii) within rural fringe, rural residential and agriculture residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,

(iv) all other lot requirements must be met as established within this Article.

(v) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,

(vi) maximum rear yard coverage by accessory structures shall be 30%.
(Amended 7/03 – Ord. 03-74)

No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and front yards. *Rev. 04/22/08*

(n) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)

(o) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

VII. Staff Comments & Recommendation

See attached staff report.



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

Memorandum

To: Planning Commission

From: Mike Kloehn, AICP

Date: June 23, 2009

Re: LDR Article IV

This item previously appeared on the June 1st Planning Commission agenda. At that time, Commissioner Riner queried staff regarding the extensions for Concurrency Review Certificates in Section 4-9, specifically stating that the six month extensions were not sufficient during the current economic situation. I erroneously responded that the County had addressed this issue in the past and had increased these timeframes. The Planning Commission voted to forward the changes to the BCC for approval with the proviso that the Staff adjust the timeframes pursuant to past action.

After further consideration of the issue following the meeting, it came to my attention that what had been previously discussed was an increase to the timeframe of the initial approval of Concurrency Review Certificates, not extension requests. Consequently, this item was not forwarded to the BCC for their action on June 23rd, but rather returned to the Planning Commission's agenda for your further consideration and discussion on July 6th.

I apologize for the inconvenience. Staff will be prepared to fully discuss the issue on July 6th.

AFI VILLAGE CENTER
PLANNED UNIT DEVELOPMENT

I. INTENT OF PLAN

It is the intent of the plan that the property consisting of approximately 12 acres as described by the legal description attached hereto (the “Property”) complete the development of the AFI Village Center, a portion of which has been improved. The Plan incorporates attached and detached residential housing and flexible non-residential space for retail and office uses in accordance with specific development standards and performance criteria (the “Project”).

The Project will incorporate the following elements:

1. interconnected streets with sidewalks on both sides of most streets as further described below;
2. integrated business and retail uses to accommodate needs of neighborhood and community;
3. reduced front yard setbacks that create the scale and proportion of more intimate people-friendly streets;
4. active and passive open space that is shared by the community rather than by a select few; and
5. availability of alleys to allow rear-home garages.

The Property is situated in Clay County on the east side of Oakleaf Village Parkway between Parkview Drive and Oakside Drive. The Property will be developed as shown on the PUD Master Plan prepared by Toco Engineering, LLC dated May 17, 2010 (the “Plan”), a copy of which is attached hereto as Exhibit “A”. The Property is part of the AFI Village Center under the Planned Unit Development Villages of Argyle adopted under Ordinance 2004-10 as amended and is currently unimproved, with the exception of drainage improvements. The Property is dissected by Plantation Oak Boulevard and adjacent to the alleys on the north side of the Property. The development pursuant to this PUD will complement neighboring development and will be consistent with that envisioned by the original PUD. The development is planned to promote community interaction with pedestrian-friendly streets with homes and businesses oriented toward public open space that is both scenic and functional.

II. CURRENT ZONING

The Property is currently zoned PUD, has a Land Use Designation of Planned Community and is part of the Villages of Argyle Development of Regional Impact.

III. OVERVIEW DEVELOPMENT DESCRIPTION

The Property will be developed pursuant to the Plan and the following development criteria:

RESIDENTIAL

Up to 14 Attached Single-Family Residential Homes and up to 55 Detached Single-Family Residential Homes may be developed in the locations depicted on the Plan. Minimum lot and yard requirements shall be as follows:

ATTACHED LOTS

Minimum lot width	20 feet
Minimum lot depth	75 feet
Maximum lot coverage	80 percent
Front yard setback	5 feet minimum
Minimum side yard setback, Interior End Lot	6 feet between exterior walls, minimum 3 feet between eaves (<i>See Note 2</i>)
Minimum side yard, Corner Lot	3 feet minimum (<i>See Note</i>)
Minimum side yard setback, Interior Lot	0 feet
Minimum rear yard setback	5 feet
Maximum height of structure	45 feet - max.3 stories (<i>See Note 1</i>)

DETACHED HOME LOTS

Minimum lot width	40 feet
Minimum lot depth	90 feet
Maximum lot coverage	70 percent
Front yard setback	10 feet min; 20 feet max
Minimum side yard setback	6 feet between exterior building walls and 3 feet between eaves (<i>See Note 2</i>)
Minimum rear yard setback	10 feet
Maximum height of structure	35 feet

Note 1: Any buildings with stories above two, inclusive of garage level, will be sprinkled with a NFPA 13 D sprinkling system.

Note 2: Side street setbacks shall be the same as side yard setbacks.

NON-RESIDENTIAL

This land use category is intended to provide retail goods and services which serve the daily needs of contiguous residential neighborhoods. The non-residential portions allow low intensity retail and office uses which can be developed in freestanding or in shopping center configurations. The shopping centers may be anchored by a food and/or drug store and will contain other supporting

retail and office uses. As the Plan shows, the Project includes three (3) commercial parcels, two of which front on Oakleaf Village Parkway and Plantation Oaks Boulevard and one of which fronts on Oakleaf Village Parkway and Oakside Drive. The following uses shall be specifically allowed:

- Medical and dental or chiropractor offices and clinics;
- Professional and business offices;
- Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras or photographic supplies, sporting goods, hobby shops and pet shops, musical instruments, florist shops, delicatessens, bakeries (but not wholesale), and similar uses;
- Service establishments such as barber or beauty shops, shoe repair, restaurants, interior decorators, self-service laundries or dry cleaners, tailors or dressmakers, laundry or dry cleaning pickup stations;
- Banks and financial institutions, travel agencies and similar uses;
- Libraries, museums, community centers and other public and civic uses;
- Veterinarians;
- Restaurants with on-premises consumption of alcohol only. These shall not be allowed within 1000 feet of the property line of an adjacent school or within 500 feet of the property line of a religious institution, as measured to the entrance of the restaurant;
- Automobile service stations without major repair facilities;
- Essential services including roads, water, sewer, gas, telephone, stormwater, radio, television and electric;
- Convenience markets, or other establishment including the retail sale of beer or wine for off-premises consumption;
- An establishment or facility which includes the retail sales of alcohol, beer or wine for on-premises consumption;
- Churches including a rectory;
- Parks, playgrounds, athletic fields and other recreational uses;
- Day care centers;
- Bed and Breakfast inns; and
- Residential use on second floor above retail or office use.

The site development standards for the non-residential parcels are:

Minimum Lot Size:	none
Maximum Lot Coverage:	100%
Minimum Setbacks:	0; except that along any boundary with a residential parcel, the minimum setback shall be 5 feet
Maximum Building Height:	100 feet
Parking:	Parking spaces shall be shared among all parking for non-residential uses and with the parking provided north of the government use parcel and the parking provided along Plantation Oaks

Boulevard, Meldrum Lane, Meldrum Way and Village Oaks Lane east of Meldrum Way. The overall parking requirement when coupled with the shared parking spaces shall be provided at the rate of one (1) parking space for every three hundred (300) square feet of non-residential space, except that any restaurant facility that allows on-site dining shall provide for parking at the rate of one (1) parking space for every 12 dining spaces in addition to the square footage determination.

Landscape Buffers:

Non-residential uses shall be separate from any adjacent residential parcel by a natural vegetative or planted landscape buffer that averages at least three (3) feet wide and has a height when mature of not less than average of six (6) feet. Buffers may include a solid masonry wall, opaque wood fence, the use of which will reduce the width of the required vegetative buffer by two (2) feet.

Building Orientation:

Buildings constructed on the non-residential parcels shall be oriented toward the external streets with parking located internal from the building.

IV. DEVELOPMENT SPECIFICATIONS

a. Vehicular Access/Roadway.

The roadway connections planned for the Property include four access points to Plantation Oaks Boulevard, one access point to Oakleaf Village Parkway, one access point to Oakside Drive and two access points to Parkview Drive, all as depicted on the Plan. Access onto Parkview Drive from the alley shall be one way onto Parkview Drive and shall include a “Do Not Enter” sign at the intersection. Subject to the right of way widths set forth below, internal roadways will be constructed in accordance with Clay County design criteria. Minimum right of way width will be 50 feet for streets and 24 feet for alleys. Except for alleys, all roads and streets within the Project may be dedicated to the County as public roads.

Pavement sections for the 50 foot right of way widths shall be 20 foot minimum and 12 foot for alleys. Alley paving may be of either concrete or asphalt.

Fire hydrant placement within the Project will be subject to the approval of the Clay County Public Safety Department. On units accessed by alleys, addresses will be prominently displayed on both the front and rear of each building.

b. Sidewalks.

Five-foot (5') sidewalks shall be constructed on both sides of the streets as shown on the Plan. Additionally, a mid-block sidewalk as shown on the Plan shall be constructed to provide a separate pedestrian access to the neighborhood meeting/greeting and mail center. Common area sidewalks shall be constructed as part of the development work. Sidewalks along the front and/or side of the lots shall be constructed by the homebuilder as part of the building construction. All sidewalks along roadways shall be constructed within the roadway right of ways and the midblock sidewalk and any other common area sidewalks shall be conveyed to the County, or a not for profit owners association.

c. Signage.

Neighborhood identification monuments, not to exceed twelve feet (12') in height or fifty square feet (50 s.f.) each, may be constructed at the roadway connection to Oakleaf Village Parkway. Monuments may have indirect illumination. In addition, temporary signage regarding lot and home sales (i.e., "For Sale" signs, "Model Home" signs, information signs, etc.) shall be allowed during the construction and sales term of the development. Two (2) double faced monument signs shall be permitted for each non-residential parcel which may be up to 150 square feet (150 s.f.) for each side of each sign. Each store, office, restaurant and other non-residential uses shall be entitled to identification signage on the building with no one identification sign exceeding fifty square feet (50 s.f.). In addition, directional signage shall be permitted as allowed by Clay County's signage ordinance.

d. Utilities.

All utilities shall be underground and will be provided by JEA, Clay Electric Cooperative and such other providers of cable and telephone as the covenants and restrictions applicable to the Property shall allow. Electric and sewer lines may be located in rear alleys or streets, and water and reuse lines may be located in streets.

e. Phasing.

The development will be accomplished in multiple phases as market conditions warrant. However, in any event, all development will be completed on or before December 31, 2020.

f. Stormwater/Drainage.

Stormwater will be retained offsite within the existing stormwater management system, which has been master-planned and constructed to serve the Project. All stormwater management facilities and structures shall be operated and maintained by the neighborhood association or the CDD.

g. Neighborhood Association.

A neighborhood association will be established to address or the CDD will be responsible for maintenance of alleys, identification monuments, streetscape and common areas within the

residential portions of the Project. The association documents will provide for annual assessments and reserve of estimated costs to fund the association's maintenance responsibilities. An architectural review board will be established to address architectural details.

V. GOVERNING PROVISIONS

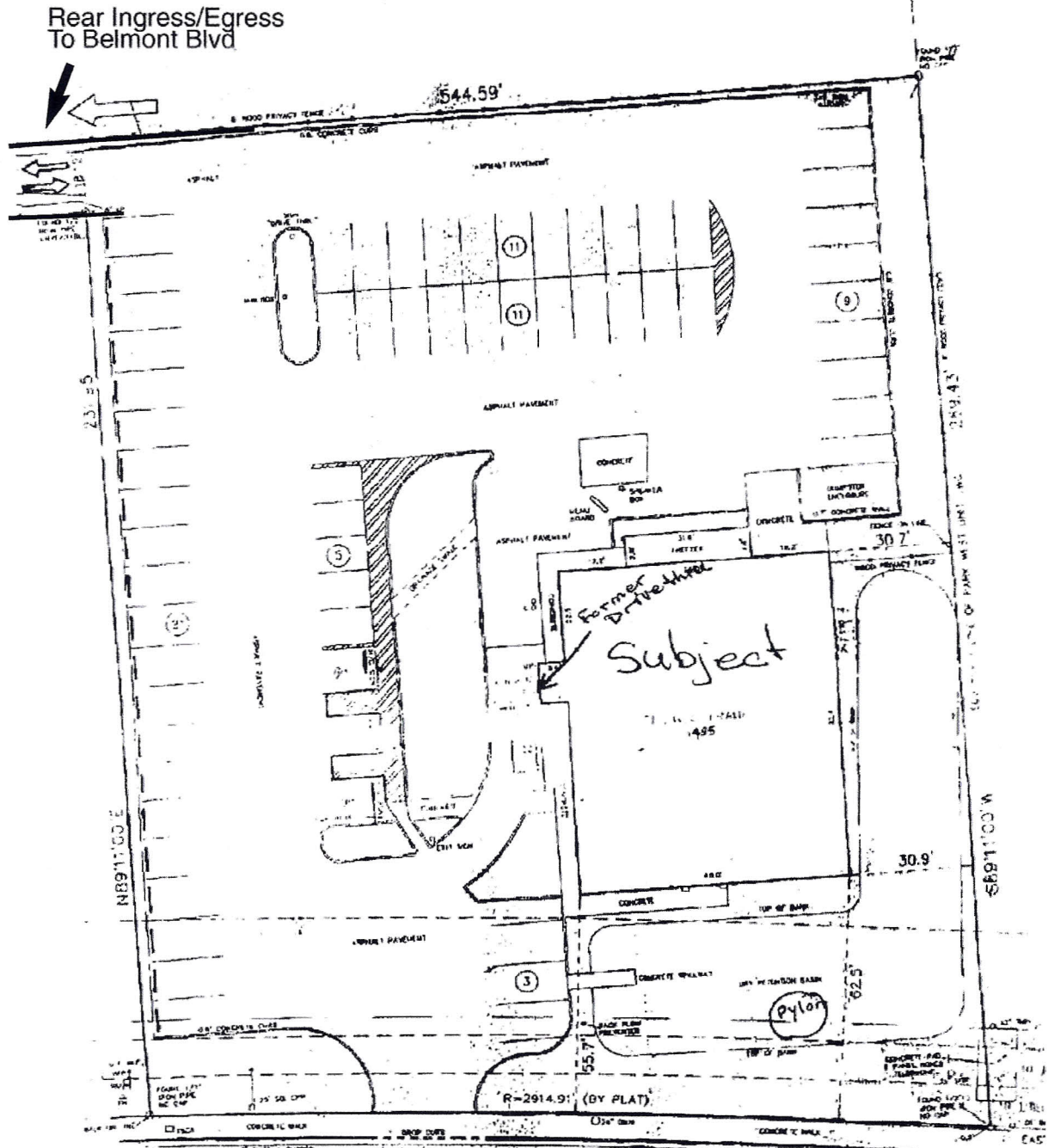
To the extent that any of the provisions contained herein conflict with any provision set forth in or which may otherwise be implied from any regulation, policy, ordinance, or land development regulation enacted by Clay County, the terms, conditions and specifications contained in the PUD Master Plan and in this narrative description of the Project shall govern. But in all events, the applicable Florida Building Code shall control.

Respectfully submitted,

Tocoi Engineering, LLC
165 Wells Road, Suite 202
Orange Park, Florida 32073

EXHIBIT "A"

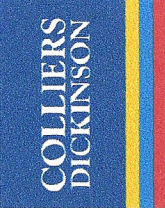
PUD Master Plan



R=2853.52' ARC=210.52'
 (CHORD) N04°26'39"E 210.48'
BLANDING BOULEVARD
(STATE ROAD NO. 21)
 (100' RIGHT OF WAY)

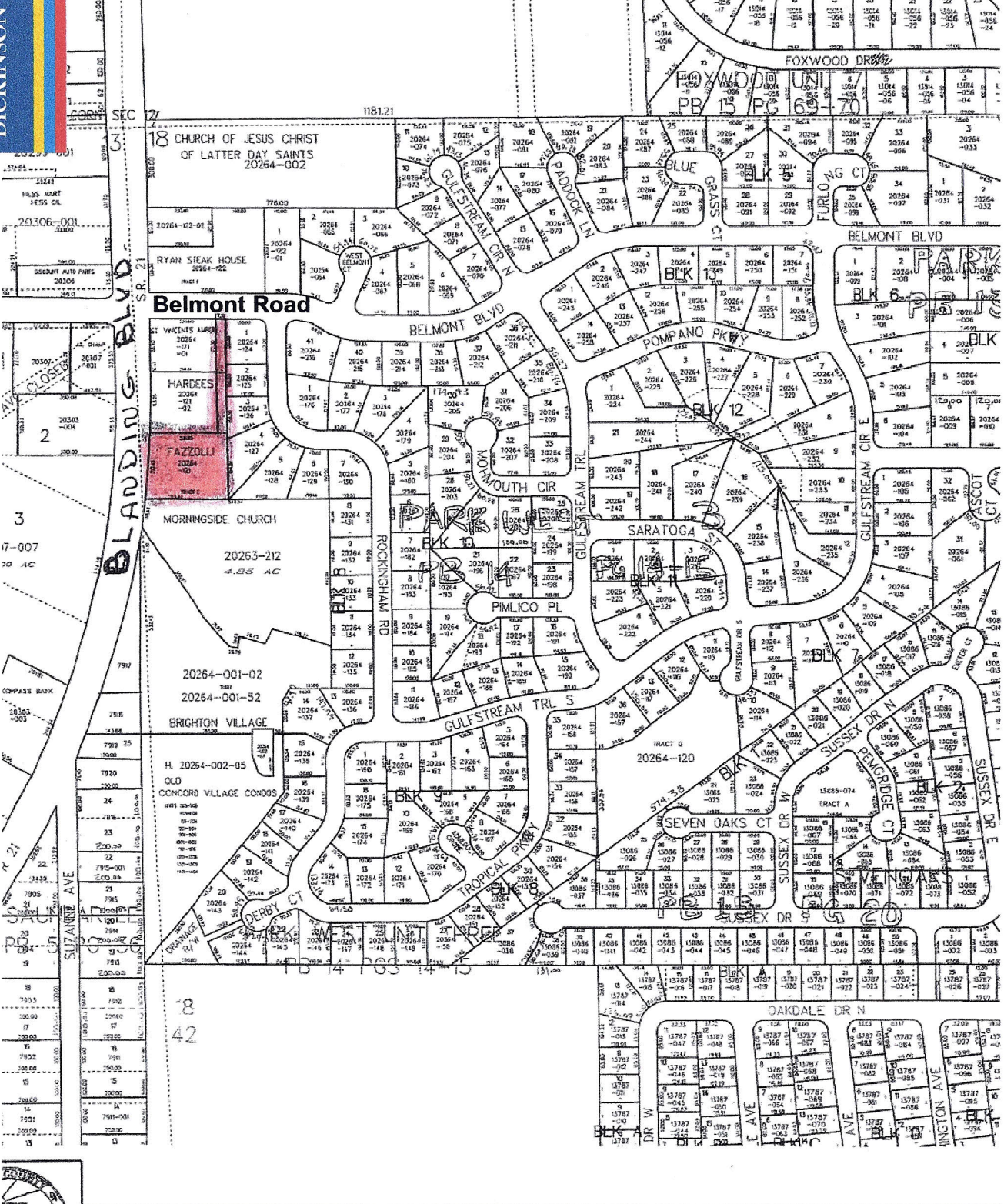
Front Ingress and Egress
 (second Entrance in "Rear" from Belmont)
 (which has a lighted intersection
 driveway to and from subject from Belmont)

3132



495 Blanding Boulevard

Jacksonville Map



THIS GRAPHIC REPRESENTATION OF OWNERSHIP DOES NOT CONSTITUTE A SURVEY. THIS COMPPOSITE WAS CREATED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE FOR USE IN THE PROPERTY APPRAISERS OFFICE. THIS OFFICE DOES NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS.

- PARCEL BOUNDARIES
- - - - - HISTORICAL BOUNDARIES
- ▬ SPECIAL TAXING DISTRICT BOUNDARIES
- ▬ JURISDICTIONAL BOUNDARIES

Executive Summary

This application for a large-scale amendment to the Clay County Comprehensive Plan proposes to revise the Brannan Field Master Plan Future Land Use Map ("FLUM") designation of property owned by Taylor Woodrow Homes Florida Inc., now known as Taylor Morrison of Florida, Inc. (the "Owner"), from Traditional Neighborhood ("TN") to Master Planned Community ("MPC"). The approximately 91 acres subject to this application is commonly known as Kindlewood.

The Kindlewood community is located along Kindlewood Drive east of Brannan Field Road in the Brannan Field Master Plan District. The Owner has previously obtained approval from Clay County for the construction of 200 small-lot single-family homes with alleys and 172 townhomes on the property, with a minimum density of four (4) dwelling units per acre as required by the existing TN future land use designation. Of the approved units, the Owner has platted 107 single-family lots within approximately 44 acres of the Property (density of 2.4 units per acre). The density that would be required within the remaining 47 acres to meet the four-unit-per-acre minimum density required by the TN category would be 282 units, or 6 units per acre.

The Owner is seeking this Comprehensive Plan amendment in order to reduce the required residential density for the undeveloped portion of the Kindlewood community. The proposed MPC future land use category permits residential densities from one (1) unit per three (3) acres up to six (6) units per acre within its Suburban Zone areas. The Owner is proposing to construct no more than 300 larger-lot single-family homes (which includes the 107 single-family platted lots) primarily without alleys on its 91 acres. By eliminating the alleys and other traditional neighborhood design characteristics required in TN areas, the Owner will be able to develop larger lots within the undeveloped portions of the neighborhood, to a density of 4.1 units per acre, and eliminate townhouse units altogether. Many of the existing homeowners within the neighborhood support the proposed FLUM change to MPC because they desire to have their community include only single-family residences.



SITE DEVELOPMENT DATA:

LIVING UNITS:	28 LOTS
SINGLE FAMILY:	50 LOTS
TOWNHOMES:	102 UNITS
CONDOMINIUM:	100 UNITS
ASSISTED LIVING:	100 UNITS

DEVELOPMENT INFORMATION:

TOTAL SITE:	23.26 ACRES
TOTAL NUMBER OF BLDGS:	107 BLDGS
BUILDING HEIGHT:	100' MAX
GROSS SF (NON-RESIDENTIAL):	190,000 SF
GROSS SF (ASSISTED LIVING):	90,000 SF
BLDG FOOTPRINT SF:	301,422 SF (27.39%)
IMPERVIOUS SURFACE:	464,488 SF (42.21%)
TOTAL IMPERVIOUS:	765,910 SF (70.09%)
VEHICULAR USE AREA:	420,504 SF
VUA IMPERVIOUS:	347,526 SF
VUA PERCENT LANDSCAPED:	17.35%

REQ'D PARKING DATA:

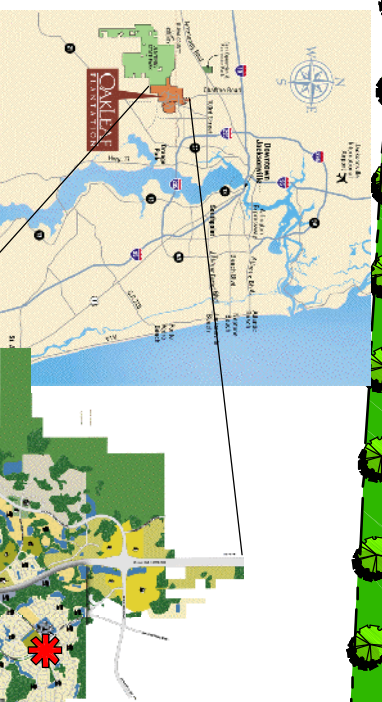
OFFICE:	285 SPACES
RETAIL:	204 SPACES
RESTAURANT:	100 SPACES
LIBRARY:	61 SPACES
DAYCARE:	34 SPACES
ASSISTED LIVING:	43 SPACES
REQ'D PARK (20% SHARED):	584 SPACES
REQ'D RESIDENTIAL PARK:	312 SPACES

PROVIDED PARKING:

ON-STREET PARALLEL:	96 SPACES
ON-STREET ANGLED:	223 SPACES
OFF-STREET COMMON LOT:	339 SPACES
OFF-STREET COVERED:	61 SPACES
OFF-STREET LOT / GARAGE:	32 SPACES
OFF-STREET TH / SF:	144 SPACES
HANDICAP:	16 SPACES
TOTAL PROVIDED PARKING:	911 SPACES

LEGEND

	COMMUNITY PAVILIONS
	OFFICE WITH OFFICE ABOVE
	RETAIL WITH OFFICE ABOVE
	RESTAURANTS
	CONDOMINIUMS
	DAYCARE
	ASSISTED LIVING
	LIBRARY
	SINGLE FAMILY
	TOWN HOMES

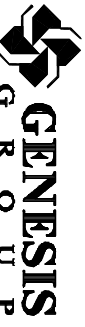


CDD EXHIBIT

OWNED BY:
THE HUTTONSON COMPANIES
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 JACKSONVILLE, FL 32202
 PHONE: (904) 588-7710 FAX: (904) 588-2885

DESIGNED BY:
MICHAEL, ANTONOPoulos AND ASSOCIATES, INC.
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DATE: 11/18/04



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ASSISTED LIVING DOES NOT COUNT AS A DWELLING UNIT OR NON-RESIDENTIAL USE PER P.U.D. MODIFICATION DATED 1.27.2004. (Z-04-06)

