
ARTICLE XII

**ADMINISTRATION, AMENDMENT
AND ENFORCEMENT**

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Sec. 12-1. INTENT

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

Sec. 12-2. ADMINISTRATION

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

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

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

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

Sec. 12-4. **BOARD OF COUNTY COMMISSIONERS**

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

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

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

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

Sec. 12-5. **PLANNING COMMISSION**

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

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

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

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

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

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

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

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

Sec. 12-6. BOARD OF ADJUSTMENT

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

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

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

established above, provided that no such variance may be granted which allows a use of the property contrary to this code.

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

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

(a) **Purpose**

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

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

(b) **Intent**

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

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

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

(3) **Composition** – The Historic Preservation Board shall be composed of eleven members appointed by the Board from the unincorporated area of the county; one from each commissioner's district and eight at-large members. The majority of the Historic Preservation Board shall demonstrate a concern for historic preservation. When available among applicants

for at-large members, it is preferred to have one member be an architect and one member be a representative from the building industry.

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

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2. Officers shall be elected from nominations received from the nominating committee and/or the floor at the June meeting.
 3. Officer terms shall be one year, commencing on July 1.
 4. No officer shall be elected whose Board term has less than one year remaining.
 5. Officers shall not serve more than two consecutive terms.
- (b) The Historic Preservation Board shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings, and determinations, which shall be of public record.
- (c) The Historic Preservation Board shall keep records of its proceedings, showing the vote of each member (including the Chairman or Vice-chairman), or if absent or failing to vote indicating such fact. The Historic Preservation Board shall keep records of its examinations and other official actions, all of which shall be a public record and shall be filed with the Clerk of the Circuit Court. The building official of the county shall act as an advisor to the Historic Preservation Board and the planning department as its staff.
- (d) Upon written request by at least three members of the Historic Preservation Board, or at such other times as may be necessary, the chairman of the Historic Preservation Board may call an emergency meeting. Such meeting will be noticed in a newspaper of general circulation at least three days in advance of the meeting and shall be open to the public.
- (e) The Historic Preservation Board shall be governed by *Roberts Rules of Order*.

(11) Officers

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

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

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

(15) Meetings

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

(16) Designation of Historic Districts, Landmarks and Sites

(a) Criteria for Designation

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

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

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- v. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.
 - vi. A property or district achieving significance within the past fifty years if it is of exceptional importance.

(b) Incentives for Designation

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

(c) Designation Restrictions

Property owners receiving designation pursuant to this Article shall be subject to the requirements of (18) hereto, prior to the performance of any activity which may affect the historic significance of the site.

(17) Procedures for Designation as a Historic Site

(a) Procedures for Petition for Designation

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

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

The Petition for Designation shall contain the following:

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

5. A list of properties identifying parcel number(s) and owner(s) of record.

(b) Hearing by HP Board

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

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

(c) Owner Petition

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

(d) Non-Owner Petition

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

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

1. Individual Property Designation

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

2. District Designation

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

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

(e) HP Board Recommendation to Board

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

(f) Public Hearing by Board

The designation by ordinance of a historic site, building, district, or archaeological zone shall be noticed pursuant to Section 125.66, Florida Statute.

(g) Applicability

1. After adoption of a Designation Ordinance by the Board, designated structures, sites, districts, and archaeological zones shall remain designated as historically or archaeologically significant to Clay County unless such designation is removed by subsequent ordinance of the Board in accordance with (17)(h) of this Ordinance.
2. An ordinance providing for designation of a structure/building as historically significant shall pertain to the structure/building and not to the site upon which the structure/building is located. The Designation Ordinance may, however, contain conditions to ensure the preservation of the setting in which the structure/building exists if the setting was a significant consideration in the designation of the structure/building.
3. The Ordinance shall specify that the newly designated historic sites, structures, buildings or district shall be maintained on a Historic Sites Map within the Zoning Department. The Historic Sites Map shall show the location of sites and structures/buildings designated as landmarks and shall show the boundaries of Designated Historic Districts. Within such districts, the map shall identify contributing and non-contributing structures.

(h) Procedures for Removal of Designation

Procedures for removal of designation shall be the same as procedures for designation pursuant to (17), hereto, on a form provided by the HP Board.

To be eligible for consideration by the HP Board any alteration undertaken during the period of designation must be identified and inspected by the appropriate building official for verification that such alteration, upon removal of designation, will conform to the requirements of the Standard Building Code.

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

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

(i) Criteria for Removal

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

1. The subject property no longer meets applicable criteria for designation found in (16)(a).
2. Additional information indicates that the subject property does not meet the applicable criteria for designation found in (16)(a).
3. An error in professional judgement was made by the HP Board in the recommendation for designation of the subject property.
4. A procedural error occurred in the original designation process.
5. It has been determined by the HP Board that the property owner has violated a term or condition of a Certificate of Approval.
6. The property owner applies to remove the designation provided that incentives pursuant to (22) have not been availed.

(j) Notification of Designation Action

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

(18) Certificate of Approval

(a) Actions Requiring a Certificate of Approval

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

1. Certificate of Approval for Construction and Reconstruction
2. Certificate of Approval for Alteration, Restoration, Rehabilitation, and Relocation
3. Certificate of Approval for Stabilization
4. Certificate of Approval for Demolition
 - i. When passing upon a Certificate of Approval for demolition, the HP Board shall consider the following criteria:
 - a. The historic or architectural significance of the building or structure.
 - b. The importance of the building or structure to the ambiance of a district, if applicable.
 - c. The difficulty or impossibility of reproducing such a building or structure because of its design, texture, material, detail or unique location.
 - d. Whether the building or structure is one of the last remaining examples of its kind in the neighborhood or in the County.

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- e. The future utilization of the site.
 - f. Whether reasonable measures can be taken to save the building or structure.
 - g. Whether the building or structure is capable of earning a reasonable economic return on its value and whether the perpetuation of the building or structure, considering its physical condition, its location and the anticipated expense of rehabilitation would be economically feasible.

(b) Method of Application

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

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

(c) Standards for Review

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes have acquired historic significance in their own right and shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

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7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 9. New additions, exterior alteration, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(d) Determination by the HP Board

Based on the guidelines and standards for preservation, (18)(c), a complete application for Certificate of Approval, additional plans, drawings, or photographs that describe the proposed alteration, and any other guidelines the HP Board may deem necessary, the HP Board shall, at their next scheduled meeting, approve or deny the application for a Certificate of Approval by the owner or owners of a Designated Historic Landmark, or property within a Designated Historic District. The findings of the HP Board shall be mailed to the applicant and provided to the Building Department within seven (7) days of their decision and shall be accompanied by a Certificate of Approval in case of approval.

(e) Denial of a Certificate of Approval

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

(f) Certificate of Economic Hardship

1. Application for a Certificate of Economic Hardship shall be made on a form prepared by the HP Board. The HP Board shall schedule a public hearing concerning the application and provide notice in the same manner as in (17)(a) of this Article, and any person may testify at the hearing concerning economic hardship.
2. The HP Board may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning the estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the HP Board for changes necessary for the issuance of a Certificate of Approval.

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3. The HP Board shall review all the evidence and information required of an applicant for a Certificate of Economic Hardship and make a determination within forty-five (45) days of receipt of the application whether the denial of a Certificate of Approval has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by (18)(e).

(g) Failure to Obtain a Certificate of Approval

Violations of this section will be reported to the Code Enforcement Department for enforcement in accordance with (25) of this Article.

(19) Archaeological Site Review

Archaeologically sensitive zones within the County shall be defined on an "Areas of Archaeological Sensitivity" Map maintained by the Planning Department as part of the Clay County 2040 Comprehensive Plan. The following procedures shall apply for projects requiring a permit for excavation or other below-grade activity:

- (a) If, in the course of construction, an archaeological site is discovered, whether the site is in an archaeologically sensitive zone or not, the owner of the property shall immediately notify the Planning Department for assistance in consulting with a qualified archaeologist. The archaeologist will perform a survey funded by the property owner to determine the effect that any such project may have on the site.
- (b) Where no effect or adverse effect is found, the project shall proceed following procedures set forth by the County for the activity.
- (c) Where an effect or adverse effect is found, the Planning Department shall refer the information to the HP Board with the results of the professional survey. In making its recommendation, the HP Board shall consider measures to avoid, reduce, or mitigate the effect on cultural or historic sites while taking into consideration the current needs of the property owner and reasonable methods for carrying out the recommended plan. If the HP Board deems that a Certificate of Approval is necessary, the procedures outlined in (18)(a) shall thereupon take effect.
- (d) Penalty for Non-Compliance. Knowing failure to comply with (19) of this Article shall be a second degree misdemeanor punishable as provided by Florida law.

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

- (a) Every owner of designated landmarks, landmark sites or properties in a historic district shall keep in good repair:
 1. All of the exterior portions of such buildings or structures.
 2. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or to otherwise fall into a state of disrepair.
 3. The archaeological integrity of the site, if the property is designated as a historic site by virtue of its archaeological significance.

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- (b) The HP Board may refer violations of this section to the Code Enforcement Department for enforcement proceedings in accordance with (25) of this Article on any building or structure designated under this article so that such building or structure shall be preserved in accordance with the purposes of this article.
 - (c) The provision of this article shall be in addition to the provisions of the building code requiring such buildings and structures to be kept in good repair.

(21) Ordinary Maintenance

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

(22) Incentives for Preserving Significant Structures

The following incentives shall apply to historically significant properties:

- (a) Structures which have been designated as historically significant pursuant to this Article shall be exempt from the provisions of the zoning regulations concerning limitations upon the repair of non-conforming structures, (Sec. 3-11. Non-conforming Uses, Lots and Structures, Clay County Land Development Regulations).
- (b) Structures located in a district which has been designated as a historic district pursuant to this Article shall be exempt from the provisions of the zoning regulations concerning limitations upon the repair of non-conforming structures, provided that such structures have been classified as contributing (Sec. 3-11. Non-conforming Uses, Lots and Structures, Clay County Land Development Regulations).
- (c) Historically designated structures and structures which are located in a designated historical district and which have been classified as contributing shall qualify for the exemption accorded to special historic buildings under the sections of the Standard Building Code (Chapter 1, Paragraph 101.6) and accumulated revisions, provided that the building meets all other requirements of the section to the satisfaction of the Clay County Building Official.
- (d) Owners of historically designated structures and owners of structures classified as contributing to a designated historic district may petition the appropriate Clay County official for any type of use which would serve to perpetuate the viable contemporary use of the historic structure, regardless of whether such use is permitted as a conditional use in the zoning category in which the historic structure is located.

(23) Appeals

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

additional information prior to rendering a final decision. The decision of the Board shall be in writing and a copy of the decision shall be forwarded to the HP Board and the appealing party.

(24) Fees and Penalties

The HP Board may forward proposed processing fees for consideration by the Board, for the review of Applications for Designation, Certificates of Approval, and Certificates of Economic Hardship. Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated historic district without a Certificate of Approval or a Certificate of Economic Hardship shall be subject to enforcement proceedings as cited in (25) hereto. The HP Board may institute any appropriate action or, proceeding in the name of Clay County, enjoin, correct, or abate any violation of this Article.

(25) Enforcement

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

Sec. 12-8. CITIZEN ADVISORY COMMITTEES

- (1) Purpose and Intent** – This section is to codify the responsibilities and duties of the Citizen Advisory Committees established by Resolution 89-21R on March 28, 1989. The intent of this section is to provide a standardized operational framework for the execution of the duties of the Citizen Advisory Committees.
- (2) Establishment** – On March 28, 1989, the Board of County Commissioners adopted Resolution 89-21R establishing five Planning Districts and creating a Citizen Advisory Committee for each such district. On January 25, 2022, by amendment to Resolution 89-21R, the number of Planning Districts was increased to seven.
- (3) Responsibilities** – Members shall hear applications for a change of the Future Land Use or Zoning District designation of properties within their respective Planning District and vote to recommend approval, approval with changes or denial of the application to the Planning Commission.
- (4) Composition** – Each Citizen Advisory Committee shall be composed of six to eleven members. The Board of County Commissioners shall appoint the committee members from residents within the respective planning district.
- (5) Terms of Office** – Committee members shall serve two- year terms on a staggered basis. For the initial terms, committees comprised of size, eight, or ten members shall have half of the members initial terms be set at one year. Committees comprised of seven, nine or eleven members shall have four, five or six members initial terms set respectively at one year.
- (6) Disqualification** – If any member of a Citizen Advisory Committee shall find that private or personal interests are involved in the matter coming before the Committee, the member shall disqualify him or herself from all participation in that matter; or the member may be disqualified by the affirming vote of a simple majority of the Committee members present at the meeting.
- (7) Removal** – Members of a Citizen Advisory Committee may be removed for cause by a majority vote of the entire membership of the Board of County Commissioners. Failure of a member to attend three consecutive meetings may result in the member forfeiting his office and the Citizen Advisory Committees can recommend to the Board of County

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- Commissioners that the member be removed.
- (8) **Vacancies** – Vacancies on a Citizen Advisory Committee shall be filled, as soon as practical, by the Board of County Commissioners for the unexpired term of the vacating member.
- (9) **Officers** –
- a. The Chairperson shall:
 - 1. Conduct all meetings.
 - 2. Represent the Committee at Planning Commission and Board of County Commissioners meetings.
 - b. The Vice-Chairman shall:
 - 1. Serve as the Chairperson’s assistance.
 - 2. Conduct meetings in the Chairperson’s absence
 - 3. Represent the Committee at Planning Commission and Board of County Commissioners meetings in the Chairperson’s absence
 - c. The Secretary shall:
 - 1. Take minutes of each meeting.
 - 2. Provide a copy of the minutes to the Board of County Commissioners to be attached to its minutes.
- (10) **Administrative Support** – The Director of the Planning & Zoning Division or designee is responsible for overseeing the Citizen Advisory Committees and shall organize and coordinate administrative, professional and technical support as appropriate to the Committees. Staff will be responsible for identifying applications within an active Committee’s boundary, scheduling a meeting of the respective Committee, placing required legal advertisement of the meeting with a newspaper of general circulation and providing an agenda to the Committee members. Staff may occasionally attend Committee meetings.
- (11) **Rules of Procedure** – The Citizen Advisory Committees shall organize and perform their duties as called for herein.
- a. The members of the Citizen Advisory Committees shall elect a chairperson, vice-chairperson and secretary who shall each serve a one-year term.
 - 1. Officers shall be elected from nominations received from the floor at the first meetings of the calendar year.
 - 2. Officer terms shall be one year, commencing on February 1.
 - 3. No officer shall be elected whose Committee term has less than one year remaining.
 - b. A quorum is a simple majority of all sitting Committee members.
- (12) **Meetings** – Meetings of the Citizen Advisory Committees shall be considered public meetings and the following shall apply:
- a. All notices of a Committee meeting shall conform to the requirements of Florida law regarding legal and official advertisements. The advertisement shall be published at least seven (7) days prior to the meeting in a newspaper that is published at least weekly. The notice shall state the Committee’s intent to hear public comments and shall identify the date, time and place of the meeting.
 - b. Minutes of the Committee meetings shall be taken by the Secretary.
 - c. Notice of meetings and the meeting agenda shall be sent to members by email and posted on the County website.
 - d. Members shall not discuss Committee business among themselves except during duly noticed public meetings.

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- e. The Committee shall meet in either a publicly accessible facility within the Committee's Planning District at is ADA accessible or at the Clay County Administration Building.

Sec. 12-9. REZONINGS AND AMENDMENTS TO THE CODE

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

- (a) *Amendment to the Code* means the procedures by which an ordinance of the County is enacted which results in a change to the text of the Code.
- (b) *Applicant* means any owner, or individual legally authorized by the owner of real property to represent such owner's interest in regard to the Rezoning of real property.
- (c) *Clay County Land Development Regulations (LDR)* means ordinances enacted by the Board for the regulation of any aspect of land development and includes any concurrency action, zoning, rezoning, subdivision, environmental, or sign regulation.
- (d) *LDR Zoning Atlas* means the series of official maps of Clay County which depict the boundaries of the various zoning districts assigned to the unincorporated lands of Clay County, Florida and as provided for in section 20.3-2 of the Code.
- (e) *Local Planning Agency* means the Clay County Planning Commission.
- (f) *Rezoning* means the procedures by which an ordinance of the County is enacted which results in a change to the LDR Zoning Atlas. Administrative Rezoning means Rezoning initiated by the Board or the Local Planning Agency. Map Error Rezoning means Administrative Rezoning which corrects scrivener's errors in the LDR Zoning Atlas or corrects zoning classifications assigned in error and inconsistent with the Comprehensive Plan.
- (g) *Zoning Department* means the Zoning Department of Clay County.
- (h) *Zoning Director* means the Director of the Zoning Department or his or her designee.

(2) **Initiation of a Rezoning or of an Amendment to the Code** - The Code and the LDR Zoning Atlas may from time to time be amended, supplemented, changed or repealed. The procedures utilized shall be as follows:

- (a) An Amendment to the Code may be proposed by the Board, the Local Planning Agency, or any other department or agency of the County. Any person or Applicant may request the Board to consider an Amendment to the Code.

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- (b) An Administrative Rezoning may be proposed by the Board, the Local Planning Agency, any other department or agency of the County. An Applicant may request a Rezoning; however, no Applicant shall apply for Rezoning of real property (except as agent for an owner) for which he or she does not hold title.
- (c) All proposals by Applicants for Rezoning shall be submitted in writing to the Zoning Department accompanied by:
1. A completed application on the form furnished by the Zoning Department;
 2. A legal description of the real property;
 3. A copy of the recorded deed of the real property vesting title in the Applicant;
 4. A minimum standards survey of the real property;
 5. A site plan, if applicable for Rezoning applications for zoning classifications: PCD, PUD, PID, RD OR BSC, as described in Article III of the Code; and
 6. Applicable fees as determined by resolution adopted by the Board.
- (d) All Rezoning applications must initially be determined by the Zoning Department to be consistent with the Comprehensive Plan, as defined in Section 20.3-9 of the Code (the Plan), or be accompanied by an application for a Plan amendment, which if granted would render the proposed Rezoning consistent with the Plan. Any application for rezoning which requires first that the Plan be amended, will not become effective unless and until the referenced Plan amendment is approved by the Board and effective pursuant to provisions of Florida law.
- (e) Until the applicable fee and other charges as outlined in this section of Article II have been paid in full by an Applicant, no action of any type shall be taken on an application for Rezoning.
- (3) **General Criteria for Rezoning Application for Rezoning** - In reviewing the proposed application for Rezoning, the following criteria may be considered along with such other matters as may be appropriate to the particular application:
- (a) Whether the proposed change will create an isolated district unrelated to or incompatible with adjacent and nearby districts;
 - (b) Whether the district boundaries are illogically drawn in relation to the existing conditions on the real property proposed for change;
 - (c) Whether the conditions which existed at the time the real property was originally zoned have changed or are changing, and, to maintain consistency with the Plan, favor the adoption of the proposed Rezoning;
 - (d) Whether the affected real property cannot be used in accordance with existing zoning;
 - (e) Whether the proposed Rezoning application is compatible with and furthers the County's stated objectives and policies of the Plan;

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- (f) Whether maintenance of the existing zoning classification for the proposed Rezoning serves a legitimate public purpose;
 - (g) Whether maintenance of the status quo is no longer reasonable when the proposed Rezoning is inconsistent with surrounding land use;
 - (h) Whether there is an inadequate supply of sites in the County for the proposed intensity or density within the district already permitting such intensity or density.
- (4) **General Criteria for Rezoning Amendments to the Code** - In reviewing proposed Amendments to the Code, the following criteria may be considered along with such other matters as may be appropriate to the particular application:
- (a) Whether the proposed amendment is necessary as a result of a change of Florida, is corrective in nature, or is necessary to implement the requirements of the Code or the Plan; and
 - (b) The relationship of the proposed change to the policies and objectives of the Plan with consideration as to whether the proposed change will further the purposes and intent of the Code and the Plan.
- (5) **Rezoning Applications--Public Hearing and Notice Requirements for Rezoning Applications before the Local Planning Agency**
- (a) All ordinances enacting Rezoning shall first be heard at a public hearing before the Local Planning Agency at least seven days after the notice for the hearing is published.
 - (b) In the case of a Rezoning initiated by an Applicant the public hearing before the Local Planning Agency shall take place no later than seventy days following the date upon which the Zoning Director determines that a Rezoning application as submitted to the Zoning Department is complete, unless the Applicant requests additional time.
 - (c) For all Rezoning applications, whether an Administrative Rezoning initiated by the Board or a Rezoning initiated by an Applicant, and prior to the hearing before the Local Planning Agency, the Zoning Director shall prepare and furnish to the Local Planning Agency a Site and Development Plan Report, which shall be considered by the Local Planning Agency. Prior to the close of the public hearing, the Applicant, as applicable, shall have the opportunity and the right to respond to testimony or other evidence presented during the public hearing. After the close of the public hearing, the Local Planning Agency may approve the proposed application, approve the proposed application with modifications, or disapprove the proposed application, or continue the hearing in its discretion to an announced time and date certain without the need for republication of notice, and shall make a report of same to the Board.
 - (d) The report and recommendation of the Local Planning Agency shall be advisory only and shall not be binding upon the Board.

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- (e) No Rezoning application will proceed to public hearing before the Local Planning Agency until all publication fees for notices have been paid in full and proof of publication provided prior to the hearing. In the event the publication fee is not paid prior to the Local Planning Agency hearing, the matter shall be readvertised and rescheduled to the next available Local Planning Agency meeting at which Rezoning applications may be heard.
 - (f) All notices of a public hearing before the Local Planning Agency for enacting a Rezoning ordinance shall conform to the requirements of Florida law regarding legal and official advertisements. The advertisement shall appear in a newspaper that is published at least weekly.
 - (g) The notice of the public hearing shall state the intent of the Local Planning Agency to consider a rezoning application and shall specify the time date and place of the public hearing; the title or titles of the proposed ordinance; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
 - (h) Notice of the public hearing before the Local Planning Agency shall be in the form required by the Zoning Department, and shall be published once, at the Applicant's expense. The notice shall be published at least seven days prior to the public hearing before the Local Planning Agency.
 - (i) Notice of a public hearing before the Local Planning Agency for enacting a Rezoning ordinance shall be mailed to all owners of real property located within 350 feet of the property line of the real property sought to be rezoned and for Administrative Rezoning, additionally to all owners of real property subject to the Rezoning, as determined by the Property Appraiser's records, and shall state the intent of the Local Planning Agency to consider a Rezoning application, shall specify the time, date and place of the public hearing, the place within the County where such proposed ordinance may be inspected by the public, and shall also advise that interested parties may appear at the meetings and be heard with respect to the proposed ordinance. The notices shall be mailed no later than 15 days prior to the date of the hearing before the Local Planning Agency. One notice containing the dates, times and place of all hearings before the Local Planning Agency and the Board as well as all other required information may be utilized.

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

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

- (a) For Applicant Rezoning, there shall be one public hearing before the Board which shall be held at least ten days after the notice of the public hearing is published. The hearing

before the Board shall take place at a regularly scheduled meeting.

- (b) For Administrative Rezoning, there shall be two public hearings held before the Board at its regularly scheduled meetings. One of the hearings before the Board shall be held after 5:00 p.m. The first hearing shall be held at least seven days after the day that the notice for the first public hearing is published. The second hearing shall be held at least ten days after the first hearing and at least five days after the day that the notice for the second public hearing is published.
- (c) Prior to the close of the public hearing or hearings, as applicable, the Applicant, as applicable, shall have the opportunity and the right to respond to testimony or other evidence presented during the public hearing. After the close of the public hearing or hearings, as applicable, the Board may approve the proposed application, approve the proposed application with modifications, disapprove the proposed application, or continue the public hearing at its discretion to an announced time and date certain without the need for republication of notice.
- (d) No Rezoning application will proceed to public hearing before the Board until all publication fees for notices have been paid in full and proof of publication provided prior to each hearing. In the event the publication fee is not paid prior to the applicable public hearing, the matter shall be readvertised and rescheduled to the next available Board meeting, at which Rezoning applications may be heard.
- (e) All notices of a public hearing for enacting a Rezoning ordinance shall conform to the requirements of Florida law regarding legal and official advertisements. The advertisement shall appear in a newspaper that is published at least weekly. In addition, the following notice requirements will apply:
 - 1. Publication and mailing of notices for Rezoning initiated by an Applicant:
 - (i) The notices of the public hearings shall state the intent of the Board to consider a Rezoning application and shall specify the time, date and place of the public hearing; the title or titles of the proposed ordinance; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
 - (ii) Notice of the public hearing before the Board shall be in the form required by the Zoning Department, and shall be published once, at the Applicant's expense. The notice shall be published at least ten days prior to the public hearing before the Board.
 - (iii) Notice of a public hearing before the Board shall be mailed to all owners of real property located within 350 feet of the property line of the real property sought to be rezoned, as determined by the Property Appraiser's records, and shall state the intent of the Board to consider a Rezoning

application, shall specify the time, date, and place of the public hearing, the place within the County where such proposed ordinance may be inspected by the public, and shall also advise that interested parties may appear at the meetings and be heard with respect to the proposed ordinance. The notices shall be mailed no later than 15 days prior to the date of the hearing before the Board. This requirement may be satisfied by combining the notice with the Local Planning Agency notice as set forth in Section 12-8(5)(i).

2. Publication and mailing of notices for Administrative Rezoning.

- (i) The notice for the first Board hearing shall be published at least seven days prior to the hearing and the notice for the second Board hearing shall be published at least five days prior to the second hearing. The form of the notice shall be as prescribed by the Zoning Department. The notices of the public hearings shall state the intent of the Board to consider an Administrative Rezoning application and shall specify the time, date and place of the public hearings; the title or titles of the proposed ordinance; and the place or places within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. The notice shall contain a location map which indicates the area within the local government covered by the proposed ordinance and may be placed in any portion of the newspaper except where legal notices or classified advertisements appear.
 - (ii) Notice of the public hearing before the Board shall be mailed to all owners of real property subject to the Rezoning and to all owners of real property located within 350 feet of the property line of the real property sought to be rezoned, as determined by the Property Appraiser's records, and shall state the intent of the Board to consider a Rezoning application, shall specify the time, date and place of the public hearings, the place within the County where such proposed ordinance may be inspected by the public, and shall also advise that interested parties may appear at the meetings and be heard with respect to the proposed ordinance. The notices shall be mailed no later than 15 days prior to the date of the first hearing before the Board. This requirement may be satisfied by combining the notice with the Local Planning Agency notice as set forth in Section 12-8(5)(i).
- (f) The ordinance enacting the proposed Rezoning shall become effective as provided by general law.

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

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

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

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

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

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

public hearing before the Board.

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

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

(9) Sign Requirements for Rezonings

(a) All Rezonings with the exception of Map Error Administrative Rezonings shall require signs as follows:

1. One or more signs shall be posted on the property to be rezoned, not less than twenty-one (21) days in advance of the date of the public hearing held before the Local Planning Agency. The sign or signs shall be obtained from the Zoning Department at a cost of \$20.00 for each sign. Such sign or signs shall be erected in full view of the public at intervals of not more than every five hundred (500) feet along all streets on which the land which is the subject of the application has frontage, and shall be maintained by the Applicant, as applicable, until the conclusion of all public hearings including the public hearing held before the Board. The sign or signs to be posted on said land shall measure at least 28 inches in width and 22 inches in height and shall contain substantially the following language in day glow orange with four (4) inch black lettering:

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

2. After the public hearing before the Local Planning Agency, the Applicant, as applicable, shall change the date and time on the signs to the date and time of the public hearing to be held before the Board, using materials provided by the Zoning Department.

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

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

(10) Limitation on the Rezoning of Property

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

Sec. 12-10. VARIANCE

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

- (1) **Initiation** – A request for a variance to any provision within this code may be proposed by any person, the Board, the Planning Commission, or any other department or agency of the county.
- (2) **Submission** – All proposals for a variance to this code shall be submitted in writing to the zoning department accompanied by a site plan, any additional information as requested by the zoning

department and all applicable fees. The Board of Adjustment shall consider only those applications for variances, which have been properly completed, filed by the deadlines specified in this article and for which all applicable fees have been paid.

(3) **Criteria for Review** – The Board of Adjustment may authorize a variance from the terms of this Code when such variance will not be contrary to the public interest of this Code. The Board of Adjustment must first determine whether the need for the variance arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the specific property involved. The Board of Adjustment shall not grant a variance unless it makes a positive finding, based upon substantial competent evidence on the following criteria:

- (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same situation.
- (b) The special conditions and circumstances do not result from the actions of the applicant.
- (c) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same situation.
- (d) The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same situation under the terms of this Code and would cause unnecessary and undue hardship on the applicant.
- (e) The variance granted is the minimum variance possible that will make beneficial use of the land, building or structure.
- (f) The granting of the variance will be in harmony with the general intent of this Code and that such variance shall be injurious to the area involved or otherwise detrimental to the public welfare.

(4) **Granting of Variance**

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

(5) **Public Hearing Requirements** – A public hearing before the Board of Adjustment shall be held at least seven days after the public hearing notice is published in accordance with the procedures established in this article. The hearing before the Board of Adjustment shall be heard at the next

available meeting after submission of a complete application to the zoning department, unless otherwise requested by the applicant.

- (6) **Public Notice Requirements** – Notice of a public hearing before the Board of Adjustment shall be placed in a form required by Florida Law, and shall adhere to the following requirements. No request for amendment shall be considered until such time as all public notice fees have been paid in full and proof of publication has occurred. In the event the publication fee is not paid prior to the applicable public hearing, the matter shall be readvertised and rescheduled to the next available Board of Adjustment meeting at the applicant’s expense.
- (a) **Newspaper Notification** –All notices of a public hearing for a variance shall conform to the requirements of Florida law regarding legal and official advertisements. The notice shall be published at least seven days prior to the public hearing in a newspaper that is published at least weekly. The notice of the public hearing shall state the intent of the Board of Adjustment to consider a variance application and shall specify the time, date and place of the public hearing; and the place or places within the County where the variance request may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed variance. The notice shall be no less than two columns wide by ten inches long and the headline of the notice shall be not less than eighteen-point type. The notice may be placed in any portion of the newspaper except where legal notices or classified advertisements appear.
- (b) **Signage** – The applicant, at his cost, shall post signs on the property in which the variance is requested with said sign(s) being posted not less than twenty-one days in advance of the date of the public hearing by the Board of Adjustment. All required signage shall adhere to the requirements in this section for signage. Said sign, or signs shall be maintained by the applicant and be legible until final determination has been made by the Board of Adjustment.
- (7) **Review Process** – All requests for a variance shall adhere to the following review process.
- (a) **County Staff** – For all requests for a variance to a provision within this code, the staff shall prepare and furnish to the Board of Adjustment a report, which addresses the need for the variance and how the variance adheres to the requirements established in this article. All requests for variances shall initially be determined by the county to be consistent with this code.
- (b) **Board of Adjustment** – After review by the staff and proper public notification in accordance with the requirements established in this section, the Board of Adjustment shall conduct a public hearing on the requested variance in accordance with the procedures established in this article for a quasi-judicial hearing. After the close of the public hearing, the Board of Adjustment shall act upon the variance in one of the following manners:
1. Approve the variance;
 2. Approve the variance with modifications; or,

3. Disapprove the variance.

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

Sec. 12-11. AMENDMENTS TO THE COMPREHENSIVE PLAN

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

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

- (a) **Administrative Head of the LPA.** The administrative head of the LPA shall, as referred to in this document, mean the Director of the Planning and Zoning Division.
- (b) **Amendments.** Any change in the map or text of the Plan adopted in accordance with the procedures outlined in this manual and in accordance with procedures outlined in Sections 163.3184 and 163.3187, Florida Statutes. Corrections, updates or modifications of current costs which are set out as part of the Plan shall not be deemed to be amendments.
- (c) **Board.** As referenced herein the Board shall mean the Board of County Commissioners of Clay County.
- (d) **Capital Improvement.** The physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purpose of this section, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements (163.3164(7) F.S.).
- (e) **Citizen Advisory Committees (CAC).** Committees comprised of interested citizens which review and comment on comprehensive plan amendments and rezoning applications within their respective planning district. There are seven committees; one for each planning district.
- (f) **Clay County Comprehensive Plan or Plan.** The Comprehensive Plan entitled Clay County 2025 Comprehensive Plan developed to meet the requirements of the Growth Management Act of 1985, as amended, Chapter 163, Florida Statutes. The Plan was originally adopted by the Board of County Commissioners on January 23, 1992, by Ordinance No. 92-03.

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- (g) Community. An area which is clearly recognizable as having an existing, homogeneous and distinct character distinguishable from adjacent land outside its boundary.
- (h) Development of Regional Impact (DRI). A development which, because of its scope and size, impacts more than one County and which is required to meet State as well Local Government approvals prior to issuance of any development permits.
- (i) Downtown Revitalization. The physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment (163.3164(17), F.S.).
- (j) Florida Quality Development (FQD). A development which, because of its scope and size, impacts more than one County and which is required to meet State approval prior to issuance of any development permits. Criteria for approval is more stringent than a DRI review.
- (k) In Compliance. Consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, F.S., with the appropriate strategic regional policy plan, with the principles for guiding development in designated areas of critical state concern, and with part III of ch. 369, F.S., where applicable (163.3184(1)(b), F.S.).
- (l) Intensity. An objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services (163.3164(22), F.S.).
- (m) Internal Trip Capture. Trips generated by a mixed-use project that travel from one on-site land use to another on-site land use without using the external road network (163.3164(23), F.S.).
- (n) Land. The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land (163.3164(24), F.S.).
- (o) Level of Service. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility (163.3164(28), F.S.).
- (p) Local Planning Agency. The Local Planning Agency (LPA), otherwise referred to as Land Development Regulation Commission (163.3164(25) F.S.), shall, as referred to in this document, mean the Clay County Planning Commission. The role of the LPA in the process described in this document shall be as specified in 163.3174, F.S., which defines the term “Local Planning Agency;” and as otherwise specified in part II of Chapter 163, F.S. Generally, the role of the LPA in the plan amendment process shall include, but not be limited to the coordination and administration of the process on behalf of the governing body, to serve as the lead agency for evaluating and formulating a

recommendation on all proposed amendments, and to initiate certain amendments to the comprehensive plan as provided for by law.

- (q) Local Planning Agency (LPA) Staff. The LPA Staff shall, as referred to in this document, mean the Director of the Planning and Zoning Division and all staff of the division.
- (r) Northeast Florida Regional Council (NEFRC). The regional agency created pursuant to Chapter 186, F.S., responsible for planning in a seven county region of Northeast Florida.
- (s) Notice of Intent (NOI). The official notification from State Land Planning Agency determining if the amendments to the Comprehensive Plan are in compliance with the Local Government Comprehensive Planning Act.
- (t) Objective. A specific, measurable, intermediate end that is achievable and marks progress toward a goal.
- (u) Objections, Recommendations and Comments (ORC) Report. The official review report from State Land Planning Agency of amendments to the Comprehensive Plan. All objections must be addressed and meet with State Land Planning Agency's approval prior to the amendments being found "In Compliance."
- (v) Public Facilities. Major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities (163.3164(38) F.S.).
- (w) Reviewing Agencies. The state land planning agency; the appropriate regional planning council; the appropriate water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of plan amendments relating to public schools, the Department of Education; in the case of plans or plan amendments that affect a military installation, the commanding officer of the affected military installation; and in the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services.
- (x) Sector Plan. The process authorized by s. 163.3245, F.S., in which one or more local governments engage in long-term planning for a large area and address regional issues through adoption of detailed specific area plans within the planning area as a means of fostering innovative planning and development stratifies, furthering the purposes of s. 163.3164, F.S., and part I of Chapter 380, F.S., reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts (163.3164(42), F.S.).
- (y) Strategic Regional Policy Plan (SRPP). Developed by each Regional Planning Council, this plan is a long range guide for physical, economic and social development of a comprehensive planning district which identifies regional goals and policies.

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- (z) Urban Service Area. Areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element (163.3164(50), F.S.).

(2) The Plan Amendment Review Process.

- (a) Pre-application Conference. Pre-application conferences with the LPA staff are required for potential applicants to obtain information concerning the proper land use plan classifications and to avoid unnecessary petitioning for plan amendments.

(b) The Plan Amendment Process.

1. Expedited State Review Process (standard review process): All amendments except as provided in paragraph (2)(b)2 and (2)(b)3. This process requires minimum one (1) LPA public hearing and two (2) public hearings (a transmittal hearing and an adoption hearing before the Board of County Commissioners).
2. State Coordinated Review Process: Plan amendments that are in an area of critical state concern (380.05, F.S.); a rural land stewardship area (163.3248, F.S.); a sector plan (163.3245, F.S.); or a comprehensive plan based on an evaluation and appraisal (163.3191, F.S.). This process requires minimum one (1) LPA public hearing and two (2) public hearings (a transmittal hearing and an adoption hearing before the Board of County Commissioners).
3. Small Scale Amendment Process: Plan amendments that qualify as small-scale development amendments. This process requires minimum one (1) LPA Public hearing and one (1) public hearing (an adoption hearing before Board of County Commissioners). A small scale amendment may be adopted under the following conditions:
 - a. The proposed amendment involves a use of 50 acres or fewer;
 - b. If the proposed amendment site is located within a rural area of opportunity as defined under Florida Statute 288.0656(2)(d) for the duration of such designation, the acreage limit is raised to a maximum of 100 acres; and
 - c. The proposed amendment does not involve a text change to the goals, objectives, and policies of the Plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use amendment shall be permissible.

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- (c) Application Submittal. Once a plan amendment proposal has been prepared, a completed application package including the applicable fees is required to be submitted. The applicant may also choose to concurrently submit an application for a re-zoning.
1. Plan Amendment Fees. The schedule of reasonable application and review fees to defray the costs associated with the processing of plan amendments is provided in Section 12-10(6). These fees cover staff time required for research, preparation, and/or other costs associated with processing of the plan amendment.
 2. Comprehensive Plan Amendment Form. An appropriate comprehensive plan amendment form shall be completed and be submitted with required attachments.
- (d) Sufficiency Review. One original paper copy of an application and one electronic copy of an application, both with all requisite attachments, are required at the time of submittal. An application will be deemed either “sufficient” or “insufficient” for processing within 3 business days after receipt. This is to ensure inclusion of all required information. If an application is determined to be insufficient, an applicant will be requested to provide missing information within 1 week from the receipt of county planning staff’s notification.
- (e) Withdrawal of Petition. The requesting party (or authorized agent) may withdraw a request for a plan amendment at any time by filing a written notice thereof to the Administrative Head of the LPA staff. If the withdrawal of a proposed amendment occurs at any time after the Board has submitted said amendment to the State Land Planning Agency for review, the Board shall provide notice of the withdrawal to the State Land Planning Agency.
- (f) LPA Staff Review. The LPA staff will study the proposed amendment area(s) for compliance and consistency with the Data and Analysis, and Goals, Objectives and Policies of the Plan, regulations implementing the Plan, and with professional planning principles and standards and will make recommendations to the LPA for approval, approval with amendment(s), or disapproval of the proposed amendment at the LPA public hearing required in Section 12-10(2)(h) below.
- (g) Citizen Advisory Committees (CAC) Meetings. The LPA staff may meet with the appropriate CAC as part of the review of the proposed amendment. The CAC meeting will be advertised and open to the public. Additional meetings may be scheduled, if necessary.
- (h) LPA Public Hearing. At the LPA’s public hearing conducted pursuant to s. 163.3174(4)(a), Florida Statutes, the LPA shall consider the public’s input concerning the proposed amendment(s) and take action to concur with, amend or reverse the LPA staff’s recommendation and state their reasons for concurrence with, amendment of, or reversal of staff’s recommendation by simple majority. At this public hearing, the LPA staff shall present its findings and recommendations on its study of the plan amendment requests to the LPA. The LPA shall publish notice of the date, time, place, purpose of the public hearing, and the place or places within the County where the proposed plan

amendment may be inspected by the public. The advertisement shall also advise that interested parties may appear at the meeting and be heard regarding the amendments to be considered for transmittal. The advertisement shall be published once in a newspaper meeting the requirements of Florida law regarding legal and official advertisements in the area not less than ten (10) days prior to the date of the hearing. The advertisement shall appear in a newspaper that is published at least weekly. To enhance public awareness and participation at the LPA public hearing, when plan amendments involving land use changes are to be considered, a sign or signs shall be posted on the property for which the proposed amendment is sought informing the public of the substance of the proposed action, indicating the date, time and place of the LPA public hearing and informing the public where additional information may be obtained. Said posting shall be accomplished at least twenty-one (21) calendar days prior to the LPA public hearing. The use of factual information by the requesting party at the LPA public hearing, which is beyond the scope of either that submitted to the LPA staff at time of application, or received and accepted by the LPA staff subsequent to submittal of the plan amendment request, shall constitute grounds for continuation of the public hearing until such time as the LPA staff can analyze such information. Any continuance for this reason may result in delay of the amendment process. Copies of all documents and correspondence relative to the LPA's processing of, or recommendations regarding, a plan amendment shall be maintained in the offices of the LPA staff and made available for public review.

- (i) Board Transmittal Hearing (Not applicable to Small Scale Amendments). The Board shall, at a regularly scheduled meeting following the LPA public hearing hold the first public hearing which shall be the transmittal hearing on the proposed plan amendment. The procedures for the transmittal hearing shall be the same as for the LPA public hearing [Section 12-10(5)(h)]. The first public hearing shall be held on a weekday at least seven (7) days after the day that the advertisement is published. The intention to hold and advertise a second public hearing at the adoption phase [Section 12-10(2)(1)] shall be announced at the first public hearing. The procedure for transmittal of a plan amendment shall require an affirmative vote of not less than a majority of the Board. Notice requirements for the first public hearing shall be as outlined in Section 12-10(3). The Board shall, within ten (10) days from the transmittal hearing, transmit the complete proposed plan amendment with appropriate supporting data and analysis to reviewing agencies and to any other unit of local government (agency), which has filed a written request with the Board, for written comment.
- (j) Agency Review. Within five (5) days of receipt of any comments including the Objections, Recommendations and Comments (ORC) Report from the State Land Planning Agency, the Chairman of the Board shall forward a copy to the Administrative Head of the LPA who shall provide the LPA with a copy of the report. Any comments or the ORC Report to the proposed plan amendment which are submitted by the reviewing agencies are public documents, a part of the permanent records in the matter, and admissible in any proceeding in which the Plan may be at issue.
- (k) Optional LPA/Board Workshop. Following the receipt of Reviewing Agency comments or the ORC Report, the Board may schedule a joint LPA/Board workshop concerning the proposed plan amendment(s). This meeting may be requested by LPA, Board, and/or

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

- (1) Board Adoption Hearing. The Board shall hold its second public hearing, which shall be a hearing on whether to adopt, adopt with changes, or determine not to adopt one or more comprehensive plan amendments. The second public hearing shall be held on a weekday at least five (5) days after the day that the advertisement is published. If the second hearing is not held within 180 days after receipt of agency comments or the ORC Report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to 380.06, F.S. For Small Scale Amendments, the Board may advertise a public hearing to adopt the amendment immediately after the LPA Public Hearing.

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

NOTICE OF CHANGE OF LAND USE

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

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

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

(b) Notice to Affected Property Owners. In addition to the notice requirements established in Section 12-10(3)(a) above, the following requirements shall apply:

1. For all Future Land Use Map (FLUM) Amendment applications, whether an Administrative FLUM Amendment initiated by the Board or a FLUM Amendment initiated by an Applicant, notice of the public hearings before the Local Planning Agency and the Board shall be mailed to all owners of real property subject to the FLUM Amendment and to all owners of real property located within 350 feet of the property line of the real property subject to the FLUM Amendment, as determined by the Property Appraiser's records, and shall state the intent of the Local Planning Agency and the Board to consider a FLUM Amendment application, shall specify the time, date and place of the public hearings, the place within the County where such proposed ordinance may be inspected by the public, and shall also advise that interested parties may appear at the meetings and be heard with respect to the proposed ordinance. One notice containing the dates, times and place of all hearings before the Local Planning Agency and the Board as well as all other required information may be utilized and shall be mailed no later than 15 days prior to the date of the hearing before the Local Planning Agency.
2. To enhance public awareness and participation in both of the Board public hearings, when plan amendments involving land use changes are to be considered, a sign or signs shall be posted on the property for which the proposed amendment is sought informing the public of the substance of the proposed action, indicating the date, time and place of the Board public hearing and informing the public where additional information may be obtained. Said posting shall be accomplished at least twenty-one (21) calendar days prior to each of the Board public hearings.
3. Prior to official action by the Board to amend the Plan, notice of the proposed change shall be mailed to the applicable CAC Chairpersons and Vice Chairpersons and other community groups that have registered an interest with the LPA staff. The mailing shall include the date, time and place of the public hearings; a brief description of the purpose of the public hearing and the name, phone number and address of the individual who can best discuss the items to be considered. Written comments shall be encouraged and response forms provided. The mailing list shall include civic groups, business organizations, realtor and builder organizations as well as interested persons requesting inclusion.

(4) **Transmittal of Adopted Copy to Review Agencies.**

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

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

(6) **Fee Schedule for Comprehensive Plan Amendments.**

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

1. Fees shall be as provided in the Clay County Development Services Fee Schedule approved by BCC resolution as it may be amended from time to time.
2. Fees shall be due in full upon application for plan amendments. All fees assessed under the authority of this ordinance shall be collected by the Planning and Zoning Division for deposit in the Clay County Board of County Commissioners (CCBOCC).
3. Fees collected for plan amendment applications shall be non-refundable upon receipt unless approved pursuant to the BCC resolution on Clay County Development Services Fee Schedule.
4. In addition to the foregoing fees, all hearing and notice publications costs shall be paid by the requesting party. Notice and publication costs will be billed directly to the requesting party by the newspaper and must be paid prior to the applicable public hearing. If the advertisement includes any administrative amendment(s) being undertaken by the County as well as the changes proposed by the requesting party, the publication costs will be borne by the County. If the cost of such advertisement is greater than that necessitated by the administrative amendment(s) alone, the cost shall be paid by the requesting party, or if the advertisement includes two or more privately initiated plan amendments, the publication costs will be divided proportionally between the requesting parties.

- (b) **Additional Review Fees.** The County may retain or employ consultant who are knowledgeable in transportation and environmental analyses to assist the County in the review of the amendment application and in making recommendations to the Board on the proposed amendment prior to transmittal. The requesting party shall pay the reasonable cost for such consulting services. To secure payment, the applicant shall deposit with the County in the form of cash or surety bond an amount equal to the estimated cost for such consulting services. In the event the amount deposited is insufficient to cover the cost of consulting services, the requesting party shall be notified and shall within ten (10) working days of written notification from the County, deposit

additional funds estimated to be sufficient to cover the consulting fees to be incurred. Failure to deposit the funds indicated within ten (10) working days shall cause the suspension of staff review. In all cases, any outstanding balance shall be paid in full prior to any action by the Board. Funds deposited in excess of the final cost of consulting services shall be refunded to the requesting party within ten (10) days of the Board transmittal hearing. If applicable, the staff response to the reviewing agency's comments that relate to a requesting party's amendment shall be subject to the fee for consulting services outlined above.

- (c) Sign Cost. If signs are required to be posted, payment shall be due upon receipt of the signs. The cost shall be as provided in the Planning and Zoning Division. The requesting party shall be responsible for posting and maintaining signs at the location(s) identified by the Planning and Zoning Division.
- (d) Hardship Exemption. The Board of County Commissioners may reduce or eliminate all or a portion of the fees identified above for hardship. Prior to the submittal to the LPA staff of an application to amend the Plan for which the requesting party is seeking a hardship exemption, the requesting party shall apply for the exemption with the LPA staff. The exemption application must be received thirty (30) days prior to the LPA public hearings identified in Section 12-10(2)(h). The LPA staff shall schedule a public hearing for the request of hardship exemption at a time certain before the Board within thirty (30) days of receipt of the request. The requesting party shall appear and present the request. All fees not waived shall be due as for all like applications to amend the Plan.

Sec. 12-12. APPEALS FROM ADMINISTRATIVE DECISIONS

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

- (1) **Review of Administrative Orders** – In exercising its power of Review of Administrative Orders, the Board of Adjustment may, upon appeal and in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of any regulation within this code. An affirmative vote of four of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative official or to decide in favor of an applicant on a matter upon which the Board has the authority to act.
- (2) **Appeals from decision of Administrative Official** – An appeal to the Board of Adjustment may be taken by any aggrieved person, Board, or any other department or agency of the county affected by any decision of an administrative official under any land development regulation enacted pursuant to this act. Such appeal shall be taken within thirty days after rendition of the

order, requirement, decision or determination by filing with the zoning director a notice of appeal specifying the grounds for the appeal. Upon notification of the filing of the appeal, the county shall transmit to the Board of Adjustment all the documents, plans, papers, or other materials constituting the records upon which the appeal has been requested.

- (3) **Stay of Work** – An appeal to the Board of Adjustment stays all work on the premises and all proceedings to the action appealed from, unless the county staff shall certify to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, but only after show of good cause.
- (4) **Judicial Review** – Any person(s) jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, Board, commission, or governing body, may apply to the circuit court in the judicial circuit where the Board of Adjustment is located for judicial relief within thirty days of the decision by the Board of Adjustment. Review in the Circuit Court shall be either by a trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules. The election of remedies shall lie with the appellant.
- (5) **Interpretations** – The Board of Adjustment is authorized to interpret the Zoning Atlas and to pass upon disputed questions of lot lines or district boundary lines and similar questions. An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the zoning director. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Atlas, the following rules shall apply:
- (a) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - (b) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries;
 - (c) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines; and
 - (d) Where a district boundary divides a lot or where distances are not specifically indicated on the Zoning Atlas, the boundary shall be determined by measurement, using the scale of the Zoning Atlas.
 - (e) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley by virtue of such vacation or abandonment.

Sec. 12-13. SIGNAGE REQUIREMENTS

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

- (1) **Location** – All signs shall be erected in full view of the public on each street side of the land not more than five hundred feet apart.

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- (2) **Maintenance** – All signs shall be maintained by the applicant until the conclusion of all public hearings. After a public hearing before the Planning Commission, the applicant shall be responsible for changing the date and time on the signs to reflect the date and time of the public hearing before the Board.
- (3) **Size** – The sign(s) to be posted shall measure at least twenty-eight inches in width and twenty-two inches in height.
- (4) **Content** – All signs shall contain, substantially, the following language with the title in four inch black lettering and the remaining text in minimum one inch black lettering, and stating “REZONING”, “NOTICE OF PUBLIC HEARING”, “LAND USE CHANGE” OR “VARIANCE”, as applicable:

[INSERT APPLICABLE TITLE]
A PUBLIC HEARING CONCERNING [INSERT IF APPLICABLE
“THE REZONING OF”, “A LAND USE CHANGE FOR” OR “A
VARIANCE FOR” THIS PROPERTY [IF A REZONING OR LAND
USE CHANGE, INSERT “TO _____”, AND FILL IN
THE BLANK WITH THE APPLICABLE DESIGNATION] WILL
BE HELD _____, AT _____ P.M. IN THE BOARD OF
COUNTY COMMISSIONERS MEETING ROOM, CLAY
COUNTY ADMINISTRATION BUILDING.

- (5) **Large Parcels** – In the event that eleven or more signs are required, thereby causing an undue hardship on the applicant, the applicant may seek to post large signs in accordance with the following requirements.
- (a) **Process** – Approval to install large signs on large parcels shall be gained from the Zoning Department at least ten (10) days prior to the deadline for posting the signs.
- (b) **Location** – Large parcel signs shall be placed at strategic locations or major entrances to the property in question. Location of these larger signs will be specified by the Zoning Department at the time permission is granted. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land for which rezoning is sought.
- (c) **Content** – Large signs will be similar to color and wording as the smaller official zoning signs but may include a detailed map of the area to be zoned.
- (d) **Size** – Large-scale signs shall have a minimum size of four feet by eight feet.
- (e) **Maintenance** – Large-scale signs shall be maintained by the applicant and be legible until final determination has been made by the Board.

Sec. 12-14. **HEARINGS**

Under the law of Florida, a hearing on a land use matter may be legislative or quasi-judicial. Although Florida law often provides specific direction as to whether specific types of hearings are quasi-judicial or legislative, as a general guideline, if the hearing is for the purpose of establishing land use policy that

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

(1) Legislative Hearings

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

(2) Quasi-Judicial Hearings

- (a) Participants – For purposes of this section, the participants shall mean the county manager or designee, the applicant, the representatives of bona fide groups organized in support of or opposition to the application, and the county attorney or designee. Any other person may be granted permission by the Chairman to be a participant, but only for good cause and upon request made at the commencement of the proceeding. Good cause requires a showing of a substantial interest in the subject of the application and a material risk of suffering some special damage or injury not common to all persons similarly situated as a consequence of a decision on the application. Any person to whom such permission has been granted shall be classified as a specially affected party. Each participant in a quasi-judicial proceeding shall have the right to:
 - 1. Present the participant’s decision by oral and documentary evidence. This shall not include a right to compel testimony or production of non-public or confidential documents;
 - 2. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;

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

Sec. 12-15. ENFORCEMENT

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

Sec. 12-16. PERMIT REVOCATION

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

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

Sec. 12-17. JUDICIAL REVIEW

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

Sec. 12-18. LEGAL STATUS OF THIS ARTICLE

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