



PURPOSE OF ZONING

Zoning protects the rights of property owners while promoting the general welfare of the community. By dividing land into categories according to use, and setting regulations for these categories, a zoning ordinance can govern private land use and segregate incompatible uses. The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, a zoning ordinance also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed. Zoning does not specify minimum construction standards; these are set forth in separate building codes.

THE NEED FOR REZONING

When a property owner wants to use land in a way that is not permitted by the zoning of his or her property, the owner must request to rezone the property to a district which permits the desired use. A rezoning is a legislative action which is considered through a complex process.

Generally, rezonings are justifiable under one of the following three circumstances:

1. When the requested rezoning is consistent with long range land use plans adopted by the appropriate governing body
2. When there was an error or oversight in the original zoning of the property
3. When changes have occurred to conditions in the vicinity of the property which prevent the reasonable use of the property as currently zoned

INSTRUCTIONS FOR FILING REZONING APPLICATIONS

When an owner chooses to rezone property, an application must be submitted to Clay County to amend the zoning atlas. This process is comprised of 4 steps.

- Step 1 – Filing of the Application
- Step 2 – Development Review Committee Meeting (only for PUD,PCD, PID, PS-5 & BSC)
- Step 3 – Planning Commission Public Hearing
- Step 4 – Board of County Commissioners Public Hearing

This outline will hopefully guide potential applicants through the rezoning process. If you have questions, please contact the Clay County Planning and Zoning Division at (904) 278-4705 or email at clay.zoning@co.clay.fl.us

Step 1 – Filing the Rezoning Application

The first step in the rezoning process is filing the application. The complete application package consists of the following elements:

1. Application (provided by Clay County)
2. Property Ownership Affidavit (provided by Clay County)
3. Agent Authorization (provided by Clay County)(if necessary)
4. Deed to the property being rezoned (provided by owner at their expense)
5. Boundary Survey (provided by owner at their expense)
6. Legal Description of the property (provided by owner at their expense and inserted In the application)
7. Rezoning Fees
8. If rezoning to PUD, PCD, PID, PS-5 or BSC the applicant must submit 4 paper and 1 electronic copy of a proposed site plan and written narrative. The written narrative outline format will be provided by Clay County and the site plan will be provided by the owner, or by an industry professional at the owner's expense.

Applications may be obtained at the Clay County Planning and Zoning Division office located at 477 Houston Street, 3rd Floor, Green Cove Springs, FL 32043. Or you may Download and application by clicking the link below:

[Download Rezoning Application](#)

The Application

Within each section the applicant will provide the following information:

Part I General Information

Name
Mailing Address
Phone
Email

Part II Property Information

Parcel Identification Number
Address of the property to be rezoned
Total acreage of the property to be rezoned

Part III Rezoning Information

The applicant will check whether the requested use is considered to be a permitted or conditional use
The applicant will check the requested zoning district in the section provided
The applicant will state what the property will be used for

Parts IV, V & VI

To be completed by the Planning and Zoning Division Staff

Part VII

Applicant's certification signed by owner or agent

Attachment A-1 Agent Authorization

If the owner chooses to have someone represent him / her through the rezoning process then a signed and notarized copy of the Agent Authorization must be provided.

Attachment A-2 Property Ownership Affidavit

This is an affidavit by the owner stating he / she owns the property being rezoned.

Attachment A-3 Legal Description

The applicant will provide the legal description of the property in the format provided by Clay County. The ordinance number portion will be completed by the Clay County Planning and Zoning Staff.

Fees

Rezoning costs listed below shall not include the cost of newspaper legal notices and sign(s).

The current fee schedule for rezoning applications is as follows:

PUD, PCD, PID Application Fee \$2,200.00 plus \$7.00 per acre

Or

Standard Rezoning Application Fee: \$750.00 plus \$20.00 per acre if greater than 5 acres

All fees are rounded to the nearest acre

Filing

When the application is complete, the owner or agent may file the application along with all the required documents at the Clay County Planning and Zoning Division located at 477 Houston Street, 3rd Floor, Green Cove Springs, FL 32043. The following checklist may be used to verify the application is complete:

	Yes	No	Comments
1. Zoning Application	<input type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County Planning and Zoning Division
2. Ownership Affidavit	<input type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County Planning and Zoning Division
3. Agent Authorization if applicable	<input type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County Planning and Zoning Division Form must be notarized.
4. Deed to the Property	<input type="checkbox"/>	<input type="checkbox"/>	Provided by the owner
5. Boundary Survey of the Property	<input type="checkbox"/>	<input type="checkbox"/>	Provided by the owner
6. Legal Description	<input type="checkbox"/>	<input type="checkbox"/>	Provided by the owner
7. Site Plan and Written Narrative for rezoning to PUD, PCD, PID, PS-5 or BSC	<input type="checkbox"/>	<input type="checkbox"/>	4 paper copies and 1 electronic copy provided by owner.
8. Fee	<input type="checkbox"/>	<input type="checkbox"/>	Established by Clay County but not inclusive of legal advertising fees.

Legal Advertizing

The Planning & Zoning Division shall place a legal notice of the time and place for the public hearings to be published in a newspaper of general circulation in this County not less than 10 days prior to the public hearing by the Planning Commission. The applicant shall be responsible for the cost of these legal notices. **The newspaper shall determine the cost of these legal notices. This cost is in addition to the rezoning fees. The applicant will be required to demonstrate proof of payment for the legal ad.**

NO rezoning application will proceed to the 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.

Rezoning Signs

The applicant, at his or her cost, shall post sign(s), provided by Clay County, on the property to be rezoned and the sign(s) shall be posted 21 days in advance of the public hearing as instructed. The sign(s) shall be erected in full view of the public on each street side of such land not more than 500 feet apart. Where such land does not have frontage on a public street, the sign 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. Signs shall remain posted on the property until the application has been approved or denied by the Board of County Commissioners. The sign shall be removed after the Board of County Commissioners hearing unless the matter is continued to the next meeting. The cost of the signs shall be determined by Clay County and paid by the applicant at the time of filing the application.

Signs shall not be attached to trees or fences.

Rezoning Scheduling

The rezoning cycle is predetermined for each year. Generally a standard rezoning takes around 30 days to complete while Planned Zonings may take between 60 plus days to process. **The deadline for all applications is the first Friday of each month.** For your convenience, below is a link to download the current rezoning schedule. The closing date is the deadline for rezoning applications. This schedule will also provide dates for the Planning Commission and Board of County Commissioners.

[Download Rezoning Schedule](#)

Step 2 - Development Review Committee(DRC)

If the applicant is rezoning to PUD, PCD, PID, PS-5 or BSC zoning district, a site plan and written narrative (see below) is required in order to proceed with the zoning hearing. Comments made at the meeting will be included in the staff report and recommendation to be heard at the Planning Commission and Board of County Commissioners meetings.

If the applicant is subject to a meeting with the DRC, the County will provide the time, date and location of that meeting for the applicant to attend. The DRC is comprised of various County and State agency representatives that will offer conceptual comments about the proposed project as it relates to various regulations. **THE DRC IS NOT AN APPROVING BODY.** The applicant will use the information provided by the DRC for incorporation into the rezoning request and to use for later approvals.

Site Plan

The applicant is required to provide a site plan that shows general conceptual information about the project. The plan should be conclusive enough to determine the general location, layout, access points, building placement, lot divisions, common areas, park spaces, buffers and other pertinent information. If the DRC requires additional information, another meeting may be held or the site plan may be updated and presented well in advance of the public hearing. The link below is provided to give some example site plans.

[Example Site Plans](#)

Written Narrative

The written narrative or statement is used to provide basic information on the project such as the owner, current zoning, parcel identification, etc. The approved Clay County form may be downloaded below.

[Download Written Narrative](#)

Step 3 – Planning Commission Public Hearing (PC)

The Planning Commission is the local government planning authority which offers its recommendation of approval or denial of the rezoning application to the Board of County Commissioners. The PC is comprised of 7 appointed members and a Clay County School Board representative. **The PC is not an approving body, they are a recommending body to the Clay County Board of County Commissioners.**

A public hearing to consider rezoning applications is required by law. The County staff will present a report of their findings and the applicant will present his / her request. Any member of the public may comment in favor of or opposition to the proposed rezoning when the public hearing has been opened. Generally each member of the public will have 3 minutes to present his / her opinion, testimony or findings related to the application. The Chairman of the PC may alter the speaking times if needed.

After the Public Hearing, the PC will take into consideration the information provided and will make a recommendation to be forwarded to the Clay County Board of County Commissioners.

Generally, the Planning Commission meets on the 1st Tuesday of each month. Each applicant will be given the actual date when the application is formally submitted.

Step 4- Board of County Commissioners Public Hearing (BCC)

The BCC is the final step in the rezoning process. The BCC is charged with the task of approving or denying the rezoning request. The public hearing format is the same as the PC public hearings with the exception that the final judgment on the rezoning matter will occur.

Once the BCC has yielded a verdict on the rezoning, the Planning and Zoning staff will, within 1 week of the meeting, send a letter to the applicant stating the disposition of the rezoning. If the rezoning is approved, the applicant will be entitled to all permitted and conditional uses within the zoning district. **Granting of the rezoning in no way constitutes approval of final development plans. If the purpose of the rezoning is for subsequent development of the property, the applicant is still required to go through development review.** For development review questions please contact Mr. Chad Williams, Zoning Chief / Land Development Manager, at (904) 541-3838.

If you have any additional questions please contact the Planning and Zoning Division at (904) 278-4705 or clay.zoning@co.clay.fl.us