

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

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

- (1) *Planned Unit Development Zoning and Master Plan.* The applicant shall submit to the Board of County Commissioners a request for change to a Planned Unit Development zoning classification and a proposed Master Land Use Plan containing the following exhibits:
 - (i) A vicinity map showing the location of the proposed Planned Unit Development, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, and existing land use on the site and surrounding areas.
 - (ii) A boundary survey map indicating with reasonable certainty the location of each zoning classification.
 - (iii) A topographic survey. The most recent U.S.G.S. topographic survey may be utilized if no better topographic information is available.
 - (iv) A Master Plan showing or describing the proposed land uses, lot sizes (for residential uses), building setbacks, open spaces, and streets and thoroughfares.
 - (v) A table showing acreage for each category of land use and total acreage; a table of proposed maximum and average densities and setbacks for residential land uses.
- (2) Thereafter, the application shall be processed as any other zoning application in accordance with the provisions of these Regulations. The Board of County Commissioners may approve, disapprove, or modify and approve the proposed Master Plan.
- (d) *Final Development Plan.* If rezoning approval for the Planned Unit Development is granted, within 12 months the applicant shall submit to the Planning and Zoning Department for approval a Final Development Plan covering all of the approved Master Plan. The Final Development Plan shall include the following exhibits:
 - (1) A map drawn to scale of 100 feet to one inch by a registered surveyor and/or engineer showing:
 - (i) The location of existing property or right-of-way lines, both for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and any public utility easements.

- (ii) Wooden areas, streams, lakes, marshes, and any other physical conditions affecting the site.
 - (iii) Width, location, and names of surrounding streets.
 - (iv) Surrounding land use.
 - (v) Proposed streets and street names and other vehicular and pedestrian circulation systems, including off-street parking.
 - (vi) The use, size, and location of all proposed building sites.
- (2) *Statistical Information:*
- (i) Total acreage of the site.
 - (ii) Maximum building coverage expressed as a percent of the area.
 - (iii) Area of land devoted to recreation purposes expressed as a percent of the total site area. Recreation space must be equal to or greater than 10 percent of the net acreage. Of this 10 percent, 4 percent must be for usable recreation purposes as defined by the growth management plan.
 - (iv) Calculated density for the proposed section.
- (e) *Revision of Planned Unit Development.* Any proposed major or substantial change in the approved Planned Unit Development which affects the intent and character of the development, the density or land use pattern, the location or dimension of streets, or similar substantial changes shall be reviewed by the Board of County Commissions. A request for a revision requires a written statement demonstrating the reasons the revisions are necessary or desirable. Changes which do not affect the intent or character of the development will be submitted to the Planning and Zoning Department for approval.
- (f) *Planned Unit Development Time Limitations.*
- (1) If substantial construction, as determined by the Planning and Zoning Director has not begun within two years after approval of the Planned Unit Development under Section hereof, the approval of the Planned Unit Development will lapse.
 - (2) At its discretion and for good cause, the Board of County Commission may extend for one additional year the period for beginning construction. If the approved Planned Unit Development lapses under this provision, the Planning, Zoning and Building Administrator shall cause the Planned Unit Development district to be removed from the Official Zoning Map, mail a notice by registered mail of revocation to the owner, and reinstate the zoning district which was in effect prior to the approval of the Planned Unit Development.

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

The Schedule of Phases shall contain the following:

- (i) The number of phases;
 - (ii) The date of commencement for each phase;
 - (iii) The approximate number of acres contained in each phase of development.
 - (iv) A map indicating with reasonable certainty the location of each phase of development.
- (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.
 - (3) Multi-County Planned Unit Development. The requirement of that substantial construction begin within two years of approval of the Planned Unit Development shall be satisfied by commencing substantial construction in either county.
 - (4) Developments of Regional Impact. The requirements of this Section shall be supplemented or superseded by any contrary provisions of a County Development Order for a development of regional impact (DRI), if the County, DRI developer, Florida Department of Community Affairs and appropriate Regional Planning

Council have entered a development agreement pursuant to Section 380.032(3) Florida Statutes, modifying this Section.

- (j) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (Rev. 02/08/11)

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

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

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

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

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

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

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

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

 - (7) Residential Group Homes. Rev. 04/22/08

 - (8) Accessory Dwelling Units. Rev. 05/26/09

- (m) *Accessory Structure – Within the residential portions of planned unit developments, customary accessory structures shall be permitted subject to the following:* (Rev. 07/27/2010)

- (1) On lots of one acre or less:
 - (i) no accessory structure shall exceed the height of the primary structure; and,
 - (ii) all other lot size requirements must be met as established within this Article.
 - (iii) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,
 - (iv) maximum rear yard coverage by accessory structures shall be 30%.

- (2) On lots of more than one but less than two acres:
 - (i) no accessory structure shall exceed the height of the primary structure within urban core, urban fringe or planned community land use; and,
 - (ii) within rural fringe, rural residential and agriculture residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.
 - (iii) all other lot requirements must be met as established within this Article.
 - (iv) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,
 - (v) maximum rear yard coverage by accessory structures shall be 30%.

- (3) On lots of more than two acres:
 - (i) no accessory structure shall exceed the height of the primary structure within urban core, urban fringe or planned community land use; and,
 - (ii) within rural fringe, rural residential and agriculture residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,
 - (iii) all other lot requirements must be met as established within this Article.
 - (iv) minimum setbacks for accessory structures shall be five (5) feet from side

and rear property lines; and,

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

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

- (n) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)
- (o) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

