

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

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

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

The Board of County Commissioners, in approving any Planned Commercial Development rezoning, may impose special conditions or safeguards so as to insure the proposed development will not have an adverse impact on the public interest.

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

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

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

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

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

(j) *Phase Development.*

- (1) A Planned Commercial Development as defined herein may be developed in phases with the approval of the Board of County Commissioners. In the event the applicant desires to develop a Planned Commercial Development in phases, the applicant shall submit a Schedule of Phases in addition to those items required with the application for zoning. The Schedule of Phases shall contain the following:
 - (i) The number of phases;
 - (ii) The date of commencement for each phase;
 - (iii) The approximate number of acres contained in each phase of development.
 - (iv) A map indicating with reasonable certainty the location of each phase of development.
- (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.
- (3) Multi-County Planned Commercial Development. The requirement of that substantial construction begin within two years of approval of the Planned Commercial Development shall be satisfied by commencing substantial construction in either county.
- (4) Developments on Regional Impact. The requirements of this Section shall be supplemented or superseded by any contrary provisions of a County Development Order for a Development of Regional Impact (DRI), if the County, DRI developer, Florida Department of Community Affairs and appropriate Regional Planning Council have entered a development agreement pursuant to Section 380.032(3) Florida Statutes, modifying this Section.
- (k) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a 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)

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

(1) Land Clearing Debris Disposal Facility.

