

**Article I**  
**GENERAL PROVISIONS**

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**Section 1-1** **TITLE**

This code shall be hereafter referred to and cited as the “Clay County Land Development Code.”

**Section 1-2** **AUTHORITY**

Authority for this code is hereby granted pursuant to Chapter 163, Florida Statutes, and the following:

- (1) Article VIII, Section (f) of the Constitution of the State of Florida, gives counties the powers of self-government as is provided by general or special law.
- (2) Chapter 125, Florida Statutes, grants to counties the authority and responsibility to adopt and enforce regulation in general.
- (3) Chapter 163, Florida Statutes, requires counties to prepare and adopt a comprehensive plan to manage future development, within their jurisdiction, and to permit only that development which is consistent with the adopted plan, its amendments, and all regulations adopted pursuant thereto.
- (4) Clay County has properly adopted a comprehensive plan, made certain amendments, and enacted certain regulation in conformance with the requirements of Chapter 163, Florida Statutes.
- (5) It is the intent and purpose of Clay County to equitably manage and control public and private development in furtherance of state policy as articulated and expressed in the Constitution of the State of Florida and Chapter 163, Florida Statutes, and elsewhere.

**Section 1-3** **JURISDICTION**

These regulations shall apply to all developments, as herein defined, located within the unincorporated area of Clay County, Florida.

## **Section 1-4 PURPOSE AND INTENT**

The provisions of this code are declared to be the minimum requirements necessary to implement the Clay County Comprehensive Plan and to accomplish the intent, purpose, and objectives of this code. It is the expressed intent of this code to require all development within Clay County henceforth to be in strict compliance with the requirements of this code and to vigorously enforce the requirements of this code. It is hereby declared that the purpose and intent of this code is to:

- (1) Implement state policy as expressed in Chapter 163, Florida Statutes, by strengthening the role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and control future developments; deal effectively with future problems that may result from the use and development of land within the jurisdiction of the Board; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewage, schools, parks, recreational facilities, housing and other requirements and services; and conserve, develop, utilize, and protect natural resources within the county.
- (2) Implement the clearly articulated, affirmatively expressed, and actively supervised state policy that comprehensive plans have the legal status set forth in Chapter 163, Florida Statutes; that no public or private development be permitted except in conformance with comprehensive plans, prepared and adopted in conformity with Chapter 163, Florida Statutes.
- (3) Implement the clearly articulated, affirmatively expressed, and actively supervised state policy to allow counties to adopt and enforce zoning regulations, adopt and enforce subdivision regulations, and adopt and enforce building, plumbing, electrical, gas, fire, safety, and sanitary codes; implement the clearly articulated, affirmatively expressed, and actively supervised state policy to provide public open spaces for recreation and to ensure that the citizens of the county will not have to bear the costs resulting from haphazard subdivision of the land and the lack of authority to require installation by the developer of adequate and necessary physical improvements.
- (4) Further the clearly articulated, affirmatively expressed, and actively supervised State policy found in Chapter 177, Florida Statutes, setting forth the minimum requirements for the regulation and control of the platting of lands and expressly permitting local governments to establish additional provision or regulations by local ordinance, laws, or regulations.

## **Section 1-5 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS**

In addition to the requirements established herein, all developments shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to the following:

- (1) All applicable provisions of Florida law, regulations, or policy.
- (2) Any building and housing codes, and all other applicable laws or policies of the county.
- (3) The Clay County Comprehensive Plan.
- (4) The rules of the Clay County Health Department.

(5) The rules, as applicable, of all regulatory agencies, both State and Federal.

### **Section 1-6 UNLAWFUL ACTIVITY**

It shall be unlawful and subject to the penalties provided herein for any person to:

- (1) Create a residential subdivision for the delivery of lots for homesites without first complying with the provisions of this chapter and filing a plat approved by the Board unless otherwise exempt under the provisions of this code. The platting of commercial property is encouraged but not mandatory.
- (2) Divide property after October 1, 1985 except when platted as a Type II Subdivision, where a resulting lot does not have frontage on a dedicated public right-of-way, approved access easement, or a roadway historically and currently maintained by the county.
- (3) Commence the construction of any improvements required under this code without first having obtained approval of a Final Development Plan or Building Permit or fail to construct or maintain improvements in accordance with an approved Final Development Plan or Building Permit.
- (4) Create a public or private road right-of-way without platting the same in accordance with the applicable provisions of this code.

### **Section 1-7 SUBDIVISION OF LAND**

A subdivision shall be defined as the division of a lot of record as of October 1, 1985, into three or more lots or parcels of land, whether or not improved, upon which a residential structure will be located. The term includes a re-subdivision and when appropriate to the context, relates to the process of subdividing, whereby the term "subdivide" means any act which results in the subdivision of land as defined herein, or to the land subdivided. This definition also includes metes and bounds descriptions of lots of record whether designated by reference to the number or symbol of the lot or parcel, and is intended to apply solely to single-family detached and two or three-family attached housing developments. For purposes of determining whether a lot division constitutes a subdivision of land as described above, property divided from a parent tract that does not result in a buildable lot (as defined in Article III of this Code) shall not be deemed a division of the parent tract.

- (1) **Compliance and Approval** – Any land subdivided as defined in this code shall comply with the applicable terms of this code, except the following:
  - (a) Platted subdivisions of record prior to the effective date of this code.
  - (b) Unrecorded subdivision, provided that said unrecorded subdivisions are shown on a map or survey prepared by a Florida licensed surveyor or engineer, and dated prior to August 27, 1985.  
Such map or survey shall show the lot layouts and roads.
  - (c) Cemeteries, commercial, and industrial developments.

(2) **Approval and Recording of Plats** – No person or agent of a person shall subdivide any land before securing the local government’s approval of a plat designating the areas to be sold or transferred.

(3) **Exemptions** – The following activities shall be exempt from the provisions of this section:

(a) **Creation of equal or larger building sites from lots of record** – The combination or recombination of all or a portion of previously created parcels of record where the newly created or residual parcels comply with all applicable zoning district dimensional criteria or, where applicable, the regulations governing nonconformities.

The combination or recombination of all or a portion of previously platted parcels of record are exempt where none of the newly created or residual parcels contain less area, width or depth than the smallest of the original parcels of record being combines and no streets of any kind or public easements are created, changed or extinguished.

(b) **Boundary Settlements** – Any conveyance between adjoining landowners if:

1. The purpose of the conveyance is to adjust or settle the common boundary line between adjoining landowners;
2. The deed of conveyance or other legal instrument states such purpose and is recorded in the public records of the county; and,
3. The resulting parcel(s) conform to the applicable zoning district dimensional criteria.

(c) **Division by Order of Court** – Any division of land by order of a court of competent jurisdiction.

(d) **Corrective Instrument** – Any conveyance for the purpose of correcting an error made in the language used in an original conveyance.

(4) **Determination of Legal Parcels** – A parcel shall be determined to be legally created in compliance with the regulations of this chapter if the parcel meets one or more of the following:

- (a) The parcel was created under an applicable exemption set forth in this article; or
- (b) The parcel is part of an approved subdivision plat recorded in the official plat book sections of the public records of the county.

### **Section 1-8 BUILDING PERMIT ISSUANCE**

No building permit shall be issued for construction of any improvements on a parcel that was not legally created in compliance with these regulations.

### **Section 1-9 CREATION OF NEW ROAD RIGHTS-OF-WAY**

New road rights-of-way, public or private, shall only be created through the recording of a plat approved pursuant to the provisions of Article II of this code.

### **Section 1-10 SALE OR TRANSFER OF PLATTED LANDS**

It is unlawful for anyone being the owner of any land, or the agent of the owner of any land, to transfer, or convey, whether by deed or agreement for deed or similar instrument, such land, or any portion thereof, when a subdivision as defined herein would result, whether by reference to, or exhibition to, or by any other use of a plat of subdivision of such land or not, without having submitted a plat of such subdivisions to the LPA, obtained Board approval as required by these regulations, and recorded such approved subdivision plat. If such unlawful subdivision results, or if such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be guilty of an offense that, pursuant to Section 125.69, Florida Statutes, shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, shall be punished by a fine not to exceed five-hundred (\$500) dollars or imprisonment in the county jail, not to exceed sixty (60) days, or by both such fine and imprisonment. No land subdivided as defined herein, or situated in any new unrecorded plat may be transferred or sold without first complying with the provisions of this article.

- (1) **Metes and Bounds Description** – The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the provisions of this section.
- (2) **Misrepresentation a Misdemeanor** – Any owner or agent of the owner who falsely represents to a prospective purchaser of real estate that roads and streets, sewers, water systems, fire mains or drainage facilities will be built, constructed, or maintained by the county shall be guilty of an offense that, pursuant to Section 125.69, Florida Statutes, shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, shall be punished by a fine not to exceed five-hundred (\$500) dollars or by imprisonment in the county jail, not to exceed sixty (60) days, or by both such fine and imprisonment.

### **Section 1-11 LOTS OF RECORD**

For a lot of record, which shall mean a piece, parcel, plat or tract of land described by plat, or by metes and bounds or other similar means in a legally recorded deed as of 12:01 a.m., July 1, 1991, otherwise inconsistent with respect to the density requirements established in this code, the county shall allow a maximum of one dwelling unit, subject to development regulations within this code.

- (1) **Minimum Lot Size** – The minimum size of a lot of record eligible for exemption shall be governed by the zoning requirements applicable to the property on June 30, 1991.
- (2) **Vested Lots of Record** – In those instances where this code effects any changes in the density or intensity of land use, or any other change in the use or regulation of land development, certain property owners may be vested for purposes of both consistency and concurrency from such provisions. The vesting of such lots shall adhere to provisions established in Article XI.

## **Section 1-12 DEVELOPMENT PERMIT LIMITATIONS**

The county shall limit the number of residential units to be permitted per year in the following future land use designations. No party shall be issued more than fifty (50) permits, or fifty (50%) percent of the remaining allocation of permits for a given year, whichever is less, per year. In calculating the number of permits issued to a party, permits issued to any entities in which such party owns a legal or beneficial interest shall be attributed to such party. This requirement shall be monitored as part of the Concurrency Management System.

(1) Agriculture Designation Development Permits: Fifty (50) per year

(2) Agriculture/Residential Designation Development Permits: Two hundred fifty (250) per year

## **Section 1-13 MOVING OF BUILDINGS**

No building or structure shall be moved from one lot or premises to another unless such building or structure shall thereupon be made to conform with all provisions of this article as such provisions relate to buildings or structures erected upon the lot or premises to which such building or structure shall have been moved.

## **Section 1-14 CONFLICT WITH OTHER ORDINANCES**

All ordinance or parts of ordinances not specifically in conflict with this article are hereby continued in force and effect, but all ordinances or parts of ordinances in conflict with this article are superseded to the extent of the conflict.

## **Section 1-15 DEFINITIONS**

As used in this code and unless otherwise defined herein or the context clearly requires otherwise, the following terms and phrases shall have the meanings herein ascribed:

- (1) **Abandon** – To discontinue use or occupancy for more than six (6) consecutive months.
- (2) **Abandoned Vehicle** – Any motor vehicle or trailer shall be presumed to be an abandoned vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than sixty (60) days.
- (3) **Abutting Property** – Any property that is immediately adjacent or contiguous to property that may be subject to any hearing required to be held under these regulations or that is located immediately across any road or public right-of-way from the property subject to any hearing under these regulations.
- (4) **Access** – A driveway or other opening for vehicles onto a public street.
- (5) **Access Roadway** – An access roadway is a roadway parallel and adjacent to a collector or higher-level roadway, which provides access to abutting properties and separation from through traffic.

- (6) **Accessory Building or Structure** - A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.
- (7) **Accessory Dwelling Unit** - An accessory dwelling unit (ADU) to promote and encourage workforce housing that is a habitable living unit added to, created within, or detached from a single-family dwelling that provides the basic requirements of living, sleeping, eating, cooking and sanitation. Rev. 05/26/09
- (8) **Accessory Use** - A use that is customarily incidental to the principal use and so necessary or commonly to be expected that it cannot be supposed that the Code intended to prevent it. Accessory uses, unless otherwise provided, shall be located on the same premises as the principal use.
- (9) **Acre** - An acre shall contain forty-three thousand five hundred sixty (43,560) square feet of land or water.
- (10) **Adult Arcade Amusement Center** - Adult Arcade Amusement Center means a business that:
- (a) is located on the premises of a facility that is licensed by the State of Florida pursuant to Ch. 550, Florida Statutes, and
  - (b) operates adult arcade amusement machines, and
  - (c) complies with the provisions of Ordinance 2011-2.
- (10.1) **Adult Arcade Amusement Machine** - Adult Arcade Amusement Machine means an electronic, mechanical, computer or other device which operates by the insertion of coin and may also operate by the use or insertion of other type of monetary consideration or requires the payment of monetary consideration, or a ticket, token, or card that activates the play of a game or multiple games which by application of skill may entitle the person operating the machine to receive points representing a unit of game play on the machine or coupons which may be exchanged for merchandise available for sale to the general public on the premises of the adult arcade amusement center or via catalogs or kiosks produced by an adult arcade amusement center, other than alcoholic beverages and cash, so long as the value of the merchandise does not exceed the amount set forth in Section 849.161(1)(a)1, Florida Statutes; provided, the presence of a device as described hereinabove that requires the payment of monetary consideration for its operation shall result in the presumption that such machine is an adult arcade amusement machine as defined herein; and provided further, an adult arcade amusement machine does not include any machine that presents or depicts photographs, films, motion pictures, videotapes, video cassettes, slides, computer digital graphic recordings, CDs, DVDs or other visual representations, tape recordings, disks or other audio matter, which have as their primary or dominant theme matters depicting, illustrating, describing or relating to any specified sexual activities or any specified anatomical area, as those terms are defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code.
- (11) **Adult Congregate Living Facilities (ACLF)** - Any building or buildings, residence, private home, home, boarding home, home for the aged, or other place licensed and approved by the Florida State Department of Health and Rehabilitative Services as defined by Section 400.402, Florida Statutes.
- (12) **Alley** - Any public or private right-of-way set aside for public travel less than thirty (30) feet in width, which usually abuts the rear of premises, or upon which service entrances or buildings

abut, and not generally used as a thoroughfare by both pedestrians and vehicles, which is not used for general traffic, and is not otherwise designated as a street either officially or by use.

- (13) **Alteration** - Any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in wiring, plumbing or heating systems, air conditioning or ventilating systems.
- (14) **Apartment Building** - A building which is used or intended to be used as a home or residence for more than two families in separate quarters.
- (15) **Apiculture** - The keeping, raising and/or breeding of bees.
- (16) **Applicable Building Code** - the most current version of the Florida Building Code. (09/23/08)
- (17) **Applicant** - Any person, business, or corporation that submits an application for a permit.
- (18) **Archaeological Site** - Any location that provides the context for and contains evidence of past human activity as confirmed by the presence of artifacts and or features on or below the ground surface.
- (19) **Archaeological Zone** - A geographically defined area which may reasonably be expected to yield information on local history or prehistory based upon broad prehistoric or historic settlement patterns.
- (20) **Archaeologically Sensitive Zone** - A geographic area defined on the "Areas of Archaeological Sensitivity" Map located in the Planning Department as part of the Data and Analysis of the Historic Element of the Clay County 2025 Comprehensive Plan.
- (21) **Architect** - A person registered and currently licensed to practice Architecture in the State of Florida.
- (22) **Area** - All unincorporated lands within Clay County.
- (23) **Arterial Roadway** - An access roadway is a roadway parallel and adjacent to a collector or higher-level roadway, which provides access to abutting properties and separation from through traffic.
- (24) **Assisted Living Facility**- This type of service is structured for elderly persons who are not necessarily bedridden but who need 24-hour assistance in activities of daily living. Services provided shall include general health care supervision, medication services, housekeeping services, personal services, recreation facilities and transportation facilities.
- (25) **Attached Dwelling** - Two or more dwelling units joined by at least one common wall.
- (26) **Automotive Repair Facilities** - Automotive repair facilities shall include all mechanical and engine overhaul or repair, bodywork, and painting of automotive vehicles.
- (27) **Aviculture** - The keeping, raising and/or breeding of exotic birds.
- (28) **Bar, Cocktail Lounge, or Nightclubs** - Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages, or any place where any

sign visible from public ways exhibited or displayed indicates that alcoholic beverages are obtainable for consumption on the premises.

- (29) **BMX Track (Bicycle Motocross; Non-Motorized)** – The sport of racing bicycles in motocross style on outdoor trails which use a line start and have obstacles.
- (30) **Bikeway** – A paved pathway, usually separated from roadways, designed primarily for the use of bicycles.
- (31) **Block**– A tract of land bound by streets or by a combination of streets, alleys, public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or other definite boundary, and having an assigned number, letter, or other name through which it may be identified.
- (32) **Board** - Board of County Commissioners
- (33) **Board of Adjustment** - A body authorized to hear and decide administrative appeals, and variances from the strict application of this Code.
- (34) **Boatel** – A combination of a motel and marina which is accessible to boats as well as automobiles, and includes boat sales and servicing facilities, overnight accommodations, and eating and drinking facilities.
- (35) **Borrow Pit** - means an excavation in the earth from which natural earth materials are removed and a hole or pit is thereby created which has a depth greater than 15 feet as measured from the mean elevation of the uppermost rim of the excavation.
- (36) **Buffer** - Any object that is used to separate one use from another, or to shield or block views, noise, light or other nuisances.
- (37) **Building** - A structure, either temporary or permanent, having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.
- (38) **Buildable Area**- That portion of a site within the yard area on which a structure or improvements, including driveways and parking lots, may be erected.
- (39) **Buildable Lot Area**- For any lot in which a portion of the lot lies within a stormwater management easement, the minimum buildable depth shall be the minimum setback required in the applicable district plus fifty (50) feet. Rev. 10/94 - Ord. 94-45
- (40) **Building, Height of** - The vertical distance from the grade to the highest point of a flat roof or a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roof.
- (41) **Building, Line** - The line, established by law, beyond which a building shall not extend, except as specifically provided by law, and determined from the extreme support for the roof of the main structure or appurtenance thereto.
- (42) **Building Setback Line** - The line, established by law, beyond which a building shall not extend, except as specifically provided by law.

- (43) **Building, Principal** - A building in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport, shed, garage, or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirement of an accessory building. A detached and structurally independent garage, carport, or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six feet and/or enclosed on one or both sides, including louvers, lattice, or screening shall cause the entire structure to be construed as the principal building and shall be subject to the regulations applicable to the principal building.
- (44) **Building Site** - The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.
- (45) **Business** - Any activity within any vehicle, building, structure, or on any yard, area, lot, premises, or part thereof, or any other place in which one or more persons engage in a gainful occupation.
- (46) **Cemetery** - A place used or to be used, and dedicated or designated for the interring of the dead.
- (47) **Centerline, Highway** - a line running parallel with the highway right-of-way which is half the distance between the extreme edges of the Official right-of-way width as shown on a map approved by the county.
- (48) **Certificate of Approval** - A certificate issued by the Clay County Historic Preservation Board indicating its approval of plans for alteration, construction, removal, or demolition of a Designated Historic Landmark or of a structure within a Designated Historic District.
- (49) **Certified Survey** - A statement regarding accuracy or conformity to specified standards, and signed by a professional Land Surveyor as licensed by the State of Florida.
- (50) **Child Care Center** - An establishment where six or more children, other than members of the family occupying the premises, are cared for away from their own home by day or night. The term includes day nurseries, kindergarten, day care services, day care agency, nursery school, or play school. The term does not include foster homes.
- (51) **Church** - A building used principally as a place wherein persons regularly assemble for religious worship, including sanctuaries, chapels and cathedrals and on-site buildings adjacent thereto, such as parsonages, friaries, convents, fellowship halls, Sunday schools and rectories, but not including day care centers, community recreation facilities, and private primary and/or secondary educational facilities.
- (52) **Clerk of the Board** - The County official responsible for filing for record the original of the final plat after approval and certification.
- (53) **Clinic, Medical or Dental** - An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any

form of the healing arts, whether such person be doctors, chiropractors, osteopaths, chiropodists, naturapaths, optometrists, dentists, or any such profession the practice of which is regulated by the State of Florida. A public clinic is one operated by any governmental organization for the benefit of the general public. All other clinics are private clinics.

- (54) **Club, Night** - A restaurant, dining room, bar, or other similar establishment providing food, refreshments or alcoholic beverages wherein dancing is permitted or paid entertainment is provided.
- (55) **Club, Private** - A premises used for meetings or activities of persons in which use is restricted to members and guests.
- (56) **Clustering** - Pertaining to subdivisions in the Agricultural/Residential and Rural Residential land use categories, an area of open space set aside for additional residential densities.
- (57) **Collector Roadway** - Collector and access roadways provide access to non-residential uses and connect lower order roadways to arterial roadways.
- (a) Residential Collector - The residential collector is the lowest order roadway that can be classified as a collector. This classification provides direct access to individual residential structures, but may give access to limited non-residential uses.
  - (b) Minor Collector - The minor collector connects residential developments to major collector roadways and arterial roadways. This classification of roadway provides direct access to limited commercial and industrial uses but does not provide direct access to individual dwelling units.
  - (c) Major Collector - The major collector is the highest order roadway that can be classified as a collector. This classification of roadway connects major thoroughfares to concentrations of land uses such as the primary connection to a community, large residential development, neighborhood shopping center, or a public facility serving a local audience. Major collectors normally take access from other major collectors, minor arterials, and major arterials and give access to minor collectors and residential collectors. This classification of roadway provides direct access to commercial and industrial uses and does not provide direct access to individual dwelling units
- (58) **Commercial Vehicle** - Any motor vehicle or trailer, one ton or larger, which is used for transportation of materials, equipment, and items other than of private passengers. Rev. 04/22/08.
- (59) **Commission** - The Planning Commission appointed by the governing body or bodies adopting the provision of this part as provided hereinafter.
- (60) **Community Garden** - A parcel of land that is managed and maintained by people to grow and harvest food crops and non-food ornamental crops, such as flowers, for personal or group use, consumption, donation, or limited sale. A community garden may be divided into separate plots for cultivation by one or more individuals, or may be farmed collectively by a group.
- (61) **Comprehensive Plan** - The Clay County Comprehensive Plan, adopted pursuant to the "Local Government Comprehensive Planning and Development Regulation Act of 1986", Chapter 163.3161 et. seq., Florida Statutes, as amended.

- (62) **Concept Plan** - An informal sketch or drawing showing proposed development and description of use.
- (63) **Conditional Use** - Uses permitted in applicable zoning districts subject to the conditions specified in Section 20.3-5.
- (64) **Conservation Areas** - Lands that will provide for the conservation and protection of Clay County's natural resources in order to prevent any degradation to those resources.
- (65) **Contiguous Properties** - Two or more properties joined together by a common boundary.
- (66) **Continuing Care Facility** - This type of service offers elderly persons the entire range of services, including independent living, assisted living, and skilled nursing care.
- (67) **Contributing Structure** - A structure in a historic district that contributes to the district's historical significance through location, design, setting, materials, workmanship, feeling and association, and which shall be afforded the same consideration as landmarks.
- (68) **Country Club** - A land area and building containing recreational facilities, clubhouse and uses accessory thereto, open only to members and their guests for a membership fee. Country clubs shall be interpreted to include multi-purpose recreational clubs as well as golf courses, tennis clubs and similar membership recreational facilities.
- (69) **County** - The term "County" shall mean Clay County, a legal political subdivision of the State of Florida.
- (70) **County Engineer** - The person duly designated and appointed by the Board of County Commissioners to provide engineering advice on engineering related matters.
- (71) **County Planning and Zoning Director** - Administrator of the Planning and Zoning Division charged with the primary responsibility for the administration of the Comprehensive Plan and Zoning Code.
- (72) **Coverage of a Lot by Buildings** - That percentage of lot area that is or may be covered or occupied by buildings.
- (73) **Cul-de-sac** - A local street with only one outlet with a turnaround at one end.
- (74) **Dedication** - The donation of property from an applicant or property owner to a homeowners association, the County, or another public or private entity.
- (75) **Demolition** - The intended destructive removal of a building, whole or in part, from its site.
- (76) **Density** - A measure of the intensity of residential development per unit area of land herein expressed as the number of dwelling units per acre.
- (77) **Depth of Lot** - The depth of a lot is the depth between its mean front street line and its mean rear line.
- (78) **Designated Historic District** - All buildings, objects, sites and structures located in a district that has been designated by ordinance pursuant to the County's Historic Preservation Ordinance.

- (79) **Designated Historical Landmark** - Any building, object, site or structure designated by ordinance pursuant to the County's Historic Preservation Ordinance.
- (80) **Designation Ordinance** - An ordinance of the Board approving a Petition for Designation.
- (81) **Developer** - Any individual or legal entity that proposes a project under the terms of this ordinance.
- (82) **Development** - The carrying out of any building activities or mining operation or the making of any material change in the use or appearance of any structure or land and/or the dividing of land into three or more parcels. (Cross reference: 380.04 F.S.)
- (83) **Development Order** - Any order granting, denying, or granting with conditions an application or a development permit (Cross reference 380.04 F.S.)
- (84) **Development Permit** - Any building permit, zoning permit, site plan approval, special exception approval, plat approval, rezoning, certification, variance or other action having the effect of permitting development. (Cross reference: 380.031(4) F.S.)
- (85) **Development Review Committee** - A committee consisting of, but not limited to, a representative of the Zoning Department, Planning Department, Engineering Department, Public Works Department, Public Safety Department, Health Department, Clay County School Board, Soil/Water Conservation Service, Utility Company, and the Sheriff's Department, for the purpose of reviewing Land Development proposals and other related issues.
- (86) **Distance** - Unless otherwise specified herein, all distances shall be measured in a straight line from point to point.
- (87) **District** - A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structure, objects, or area, which are united by past events or aesthetically by plan or physical development.
- (88) **Dog Kennel** - An establishment for the boarding, sale of, training of or treatment purposes, excepting in a dog hospital, dog beauty parlor, or pet shop as allowed by these regulations. The keeping of five or more dogs, six months or older, for the above purposes shall constitute a dog kennel.
- (89) **Drainage Retention Area**- A reservoir which provides temporary storage of storm water runoff and disposes of same by soil percolation.
- (90) **Drive-in Restaurant or Refreshment Stand** - Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises.
- (91) **Driveway** - A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

- (92) **Due Public Notice** - Used in connection with the phrase "public hearing" or "hearings with due public notice" shall mean publications of notice of the time, place, and purpose of such hearing at least twice in a newspaper of general circulation in the area, with the first such publication to be at least fifteen (15) days prior to the date of the hearing, and the second such publication to be at least five (5) days prior to the date of the hearing. Affidavit proof of the required publication shall be presented at the hearing.
- (93) **Dwelling, General** - Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking and sanitary facilities.
- (94) **Dwelling, One Family or Single Family** - A building containing only one dwelling unit. For regulatory purposes, the term is not to be construed as including mobile homes, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.
- (95) **Dwelling, Two Family or Duplex** - One building containing only two dwelling units.
- (96) **Dwelling, Multiple Family** - A building containing three or more dwelling units.
- (97) **Dwelling, Multiple Dwelling Use** - For purposes of determining whether a lot is in multiple dwelling use, the following considerations shall apply:
- (a) Multiple dwelling uses are considered a dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, may involve a group of dwelling units intended to be rented and maintained under central ownership and management or cooperative apartments, condominiums, and the like.
  - (b) Any multiple dwelling in which dwelling units are available for rental periods of less than one week shall be considered a tourist home, a motel, a motor hotel, or hotel as the case may be.
- (98) **Dwelling Unit**- A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen.
- (99) **Easement** - A grant by a property owner of title to the right of use of his land by another party for a specific purpose.
- (100) **Economic Hardship** - A condition resulting from the denial of a Certificate of Approval, inflicting excessive financial burden upon the owner.

- (101) **Electronic Game Promotion** - A sweepstakes or other game promotion which utilizes electronic equipment and a drawing by chance conducted in connection with the sale of a consumer product or service which utilizes electronic equipment.
- (102) **Electronic Equipment** - Any electronic or mechanical device intended and used for a single player at a time provided by or on behalf of an operator of an electronic game promotion that is used or adopted for use to conduct and/or reveal the results of a game promotion or sweepstakes or drawing by change conducted in connection with the sale of a consumer product or service that displays results by simulating a game or games ordinarily played on a slot machine.
- (103) **Electronic Game Promotions Center** - Any place or premises an Electronic Game Promotion is conducted and is permitted pursuant to Ordinance 2011-2.
- (104) **Engineer** - A person registered and currently licensed to practice Professional Engineering in the State of Florida.
- (105) **Excavation** - means the digging, stripping or removal by mechanical process from their normal location of natural earth materials, including rock, stone, minerals, shell, sand, clay, marl, muck and soil, creating a hole, including borrow pits. An excavation does not include any type of processing, manufacturing or other activity that converts the natural materials into a product.
- (106) **Family** - One or more persons occupying a single dwelling unit, providing that unless all members are related by law, blood, adoption, or marriage, no such family shall contain over six persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.
- (107) **Fence (Or Wall)** - A freestanding structure of any commonly used material, such as wood, polyvinyl chloride (pvc), chain link, wrought iron, or combination of materials erected for confinement, screening or partition purposes. Rev. 04/22/08
- (108) **Flea Market** - A sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales. Rev. 02/24/09
- (109) **Flood Prone Land** - Land that is subject to flooding due to the effects of a 100 or 500-year storm event, as identified by the Federal Emergency Management Association (FEMA) on the Flood Insurance Rate Maps (FIRM) for Clay County.
- (110) **Floor Area Ratio (FAR)** - The gross floor area of all buildings on a lot divided by the lot area.
- (111) **Floor Area** - The total horizontal surface of a specific floor; the total area of all floors in a multi-story building, computed from the outside building walls of each floor with balcony and mezzanine areas computed separately and added to the total.
- (112) **Foster Homes** - A dwelling unit which is licensed by the State Department of Health and Rehabilitative Services (HRS) or a successor agency to provide a family living environment for the placement of either children or adults.

- (113) **Frontage** - Distance measured along a public highway or road right-of-way except in water-abutted property.
- (114) **Future Land Use Map** - The Future Land Use Map series of the 2025 Comprehensive Plan.
- (115) **Garage, Private** - An accessory structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.
- (116) **Garage, Repair** - A structure for the storage, care, repair, or refinishing of motor vehicles, or a structure containing a public shop, or where automobile mechanical service is provided.
- (117) **Garage Sales** - "Garage Sale" is hereby defined to mean any sale or offering for sale of personal property by a person or persons of a family or other household unit, said personal property having been acquired, possessed, and used by the family or household for personal, as opposed to business or commercial use, when such sale is to be or is conducted at the present residence of such family or household. "Garage Sale" shall include sales commonly referred to as "Patio Sales", "Driveway Sales", "Yard Sales", and other such sales.
- (118) **Governing Body** - The Board of County Commissioners of Clay County.
- (119) **Group Homes** - A generic term used by HRS for a variety of facilities in residential home environments to facilitate the deinstitutionalization/normalization process. Constant supervision either through a paid staff or subsidized family is provided. These facilities range in size from four to forty-five (45) residents of all ages. SPECIFIC TYPES OF GROUP HOMES ARE:
- (a) **Adult Congregate Living Facility**: Facilities range from small homes to large boarding houses. These are privately owned facilities licensed by HRS. The facilities may be any size. The clients are age eighteen (18) or over, are ambulatory and have only minor to moderate disabilities. Two types of these facilities are authorized by Statute, Type I does not supervise self-administered medications for residents while Type II provides this personal service.
  - (b) **Adult Residential Treatment Facilities**: These facilities include group homes and apartments that serve clients being moved from state hospitals back to the community. The facilities provide a gradual rehabilitation where the client moves from a group home with a high level of supervision (24 hours) to an independent apartment setting where staff can still monitor the client's situation regularly. The facilities are usually individual apartments with one to four person capacity grouped into clusters with a central administration/service facility. These facilities house between eight (8) and twenty (20) clients. The clients are ambulatory with non-severe behavior disorders and varying levels of daily living skills.
  - (c) **Child Care Facilities**: These facilities include several types of units from small homes to large facilities which provide services such as psychiatric, educational, behavior correction, and adoption placement. These facilities are privately owned and licensed by HRS. They vary in number of residents clients and contain children age six to seventeen (17). The clients are generally ambulatory and serve various types of disabilities.

- (d) Delinquent Youth Home: These are either private family homes or homes with salaried house-parents all of whom provide 24 hour supervision and support to troubled youth. The youth attend public schools and participate in community activities. The maximum capacity of these facilities is seven children under the age of 17. The vast majority of the facilities have much fewer clients.
- (e) Detention Centers: A residential setting providing continuous surveillance and locked, high security for delinquent adolescents. The age range of the clients is generally from 10 to 17. The facility capacity ranges from 17 to 168.
- (f) Drug Abuse and Alcohol Treatment Facilities: These facilities range in service from small (two client minimum) with intensive care to large (45 client maximum) with moderate long term care. These facilities are staffed 24 hours per day by professionals. The clients range in age from adolescent to elderly.
- (g) Intermediate Care Facility (Cluster): A specialized type facility that cares for moderate to severely disabled and retarded clients. The facility system is based upon a grouping of small residential homes which form a "cluster" around a main habilitation/nursing care unit facility. The capacity of these facilities is up to 24 clients of all ages. The clients are generally non-ambulatory with more severe disabilities. These facilities are staffed 24 hours per day by professionals.
- (h) Intermediate Care Facilities (Mentally Retarded): A facility which provides nursing type care to more severely disabled clients. The facility may be any size and may be private profit, non-profit, or state operated. The clients are generally non-ambulatory and have high degrees of retardation.
- (i) Spouse Abuse Homes: A facility licensed by HRS to temporarily house spouses and their children while more permanent housing is found. The facilities are generally operated by non-profit organizations, churches, or charitable groups. The clients receive food, legal counseling, and other related services during the residency period which is usually less than one week and seldom exceeds one month. The capacity of such facilities is usually less than 12 at any given time. There is a permanent resident/manager with three to five staff members during the day.
- (j) Youth Halfway House: State-operated treatment facilities for delinquent adolescents. Clients live in the facility and may attend public schools in the community and can be employed outside of the facility. These facilities house from 20 to 25 clients ages 14 to 17. Some facilities provide school on site.
- (k) Residential Group Home: Private facilities, primarily single-family homes, with the exception of homes that provide care for the developmentally disabled, located within a residential community, providing care for no more than eight unrelated individuals. Residential group homes must be located such that the distance between any two group homes is not less than 1,000 feet. Rev. 04/22/08

(120) **Heirs** - Any person related to the head of household or their spouse through either adoption or by blood to the third degree.

- (121) **Historic Preservation Board ("HP Board")** - A board of qualified citizens created by the Board to implement the authority of the County's Historic Preservation Ordinance and fulfill the tasks set forth therein.
- (122) **Historic Property or Historic Resources** - Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. The properties may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state.
- (123) **Historic Site** - A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that may yield information on history or prehistory.
- (124) **Home Occupation** - A use conducted entirely within a dwelling and carried on by the family residing therein, which use is residential in nature, is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.
- (125) **Hospital** - An institution licensed by the State of Florida which provides primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities.
- (126) **Hotel, Motel** - A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with a daily charge, as distinguished from multiple-family dwellings and rooming or boardinghouses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. The building or buildings may include such ancillary uses as a coffee shop, dining room, restaurant, meeting rooms and other similar uses.
- (127) **Improvements** - Street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street name signs, landscaping, permanent reference monuments, permanent control points and any other improvement required by the Board.
- (128) **Independent Community Overlay Zone** - Zones established in order to protect and encourage the improvement of owner-occupied, low-income housing areas that have historically existed as independent communities in accordance with Future Land Use Policy 1.16 of the Clay County Comprehensive Plan.
- (129) **Independent Living Facility** - This type of service is structured for elderly persons who are not bedridden and can still perform most routine daily tasks for themselves. It does not include general health care supervision, medication services or skilled nursing care.
- (130) **Industry** - Any activity involving the manufacturing or treatment of any commodity, including the assembling, packaging, and processing of any items. Any commodity which is changed in form, size, shape, texture, or appearance is deemed to be an industrial process.

- (131) **Infrastructure** – A term that applies to any or all of the following: streets, drainage, water and sewer lines, and other such facilities necessary to the proper functioning of an urban community.
- (132) **Junk** - The term "junk" shall include the term "junk yards", and shall include old and dilapidated automobiles, trucks, tractors, trailers, or other vehicles which are inoperative or unlicensed, or any parts thereof; used or scrap building or contractor's material or equipment including, but not limited to: tanks, casks, cans, barrels, drums, boxes, piping, bottles, glass, old iron machinery, rags, paper, mattresses, beds, bedding, household appliances, or any other miscellaneous materials, items or substances which are discarded, abandoned, or unusable for the purposes customarily intended, and are found stored, kept, handled, or displayed for sale within the county limits.
- (133) **Land Clearing Debris** - Rocks, soils, tree remains, trees and other vegetative matter that normally results from land clearing or land development operations for a construction project. Land Clearing Debris does not include yard waste or any other vegetative matter from lawn maintenance, from commercial or residential landscape maintenance, from right-of-way or easement maintenance, from farming or nursery operations, or from any other sources not related directly to a construction project.
- (134) **Land Clearing Debris Disposal Facility** - Any facility exclusively for the disposal of Land Clearing Debris.
- (135) **Landfill** - A disposal site employing engineering method of disposing of solid waste (includes garbage, refuse, yard trash and clean debris) in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.
- (136) **Landmark**- A building, object, site or structure of the highest historical, cultural, architectural, or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Clay County.
- (137) **Land Surveyor** – A land surveyor duly registered in the State of Florida under the authority of Chapter 472, Florida Statutes, who is in good standing with the Florida State Board of Professional Surveyors and Mappers.
- (138) **Living Area** - That area of a dwelling unit enclosed, which is protected from the elements and heated, including interior halls, closets, utility and storage areas, but excluding carports, screened porches, unenclosed and unheated areas.
- (139) **Livestock** – Shall include all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. (Amended 9/03 – Ord. 03-87)
- (140) **Local Government Initiated Petition** - Petition for designation initiated by the Board or its appointed agencies, including the HP Board and the Clay County Historic Commission.
- (141) **Local Planning Agency (LPA)** – The Planning Commission of Clay County.
- (142) **Lot** - A piece, parcel, plot, or tract of land shown on a recorded plat or any piece of land described by a legally recorded deed, occupied or to be occupied by one principal building and its accessory buildings, and including the open spaces required under this Resolution.

- (a) Corner. Any lot situated at the junction of and abutting on two or more intersecting streets, roads, or public highways. If the angle of intersection of the direction lines of two highways is more than 135 degrees, the lot fronting on said intersection is not a corner lot.
- (b) Double Frontage. Any lot having frontage on two parallel or approximately parallel streets, roads, or other thoroughfares.
- (c) Interior. Any lot which is not a corner lot.
- (d) Lots with open water frontage may choose to make the waterside the front of the lot.

(143) **Lot Depth** – The horizontal distance, measured at the building setback line, between the two property lines of a lot.

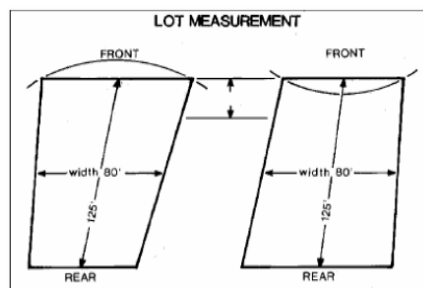
(144) **Lot of Record** - A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat prior to July 1, 1991.

(145) **Lot Lines**

- (a) Front. In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this Ordinance provided it is so designated by the building plans, which meet the approval of the Clay County Planning Commission.
- (b) Rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

Where a portion of a lot lies within a stormwater management easement shown on a plat, the rear lot line shall be said easement. (amended 10/94 - Ord.94-45)

- (c) Side. A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot separating a lot from another lot or lots is an interior side lot line.
- (d) If a lot line is curved, the measurement shall be taken from the midpoint of a straight line connecting the points where the curved lot line intersects other lot lines. Depth and width measurements are illustrated by the following diagram.



- (146) **Lot Width at the Building Line** - The distance between the side lot lines, measured at the front building line and parallel to the front lot line.
- (147) **Manufactured Building** – A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building.
- (148) **Manufactured Home** - A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. The term single-family dwelling shall include manufactured homes when placed on permanent foundations.
- (149) **Marine Facilities** - Shall include the following terms and definitions:
- (a) **Boatyard**. This facility is intended to provide complete construction and repair services for all manner of marine craft in addition to such dry storage as may be found complimentary to the primary use. Docking of pleasure for residential purposes is prohibited.
  - (b) **Marina/Boatyard**. The purpose of this operation is to provide boat repair and storage services. The fueling of resident and transient craft is permitted. Docking of pleasure craft for residential purposes is limited to not more than 40 boats and is considered as an accessory use.
  - (c) **Marina/Commercial Boatdock/Yacht Club**. The primary purpose of this facility is wet storage and the docking of pleasure craft for residential purposes. Such attendant social and commercial uses such as a yacht club, restaurant, lounge and ship's chandler are considered as an accessory use. Parking facilities are permitted.
  - (d) **Marina/Boatel**. A marina/boatel may include a full spectrum of residential accommodations including, but not limited to, powered pleasure craft, other floating residential uses, and on-shore motel facilities with attendant restaurant and lounge as accessory uses.
- (150) **Median Block Line** - The distance between a district boundary line running parallel to a street, highway, road, alley, railroad right-of-way, or public water from the centerline thereof.
- (151) **Mini-Warehouses** - A building or group of buildings in a controlled access compound that contains equal or varying size of individual compartmentalized, and controlled access stalls or lockers for the dead storage of the customer's goods or wares.
- (152) **Mixed Use** - A real estate project characterized by two or more uses developed in conformance with a coherent plan which stipulates the type and scale of uses.
- (153) **Mobile Home** - Any vehicle without independent motive power which is designed for housing accommodations and transportation over the highways on a chassis under carriage, which is an integral part thereof, but does not include travel trailers or recreational units as defined by Section 320.01, Florida Statutes. This definition shall include any unit which meets the criteria above and is certified by the Department of Safety and Motor Vehicles as meeting requirements of (USAS) A-119.2 as prescribed in Chapter 320, Florida Statutes.

- (154) **Motocross (MX) Motorized** – A form of motorcycle racing held in contained off-road tracks. The activity may also include All Terrain Vehicles and other forms of motorized vehicles.
- (155) **Mudbogging** – The use of a vehicle to engage in what is commonly known as mudbogging, which includes traveling across terrain that is chosen for such travel because of its wet or muddy characteristics. As used in these articles, mudbogging is a recreational activity which is operated for commercial purposes.
- (156) **Mylar** – A double-matte surface transparent stable bass drafting medium at least 0.003 inch thick.
- (157) **Noise Alleviation Structures** - Any structure built or used for the purpose of alleviating noise.
- (158) **Nonconforming Building or Structure** - A structure or building the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to this ordinance, but which would be prohibited or further restricted under these terms.
- (159) **Nonconforming Use (Lawful)** - A use or activity which was lawful prior to the adoption, revision or amendment of this Chapter, but which would be prohibited or further restricted under these terms.
- (160) **Nonconformity, Site-Related** - A characteristic of a site, such as off-street parking or loading, lighting, landscaping, drainage or similar matters which do not satisfy current County standards, as established.
- (161) **Non-Contributing Structure** - A building, object, site, or structure located in a historic district that, standing alone, possesses no historical significance.
- (162) **Nursing or Convalescent Home** - A public or private facility, operated for profit or not, presently licensed by the State, which provide maintenance, personal care or nursing for a period exceeding twenty-four hours to three or more ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the operator.
- (163) **On-site Sewage Disposal System** – Any domestic sewage treatment and disposal facility including standard subsurface systems, greywater systems, laundry wastewater systems, and alternative or experimental systems, installed or proposed to be installed on land of the owner, or on other land to which the owner or owners have the legal right to install a system approved by the Clay County Health Department in accordance with Chapter 10D-6, Florida Administrative Code.
- (164) **Opaqueness** - The percentage used to determine the amount of opaqueness required to visually protect neighboring property from potential loss of use or diminishment of land value.
- (165) **Open Space** - A required exterior open area clear from the ground upward devoid of residential and commercial buildings, accessory structures and impervious areas, except however, those buildings and structures used exclusively for recreational purposes.
- (166) **Ordinary Repairs or Maintenance** - Work done to prevent deterioration of, decay, of, or damage to a building or structure by restoring the building or structure to (as nearly as practical) its condition prior to such deterioration, decay or damage.

- (167) **Outside Storage** - The storage or display, outside of a completely enclosed building, of merchandise offered for sale or rent as a permitted use or of equipment, machinery, and materials used in the ordinary course of a permitted use.
- (168) **Owner of Record** - Any person(s), firm(s), joint venture, corporation(s), or any other legal entity having legal title to the land regulated under Article III.
- (169) **Parking Space** - An area specifically and permanently designated for the parking or storage of vehicles.
- (170) **Party Wall** - A common shared wall between two separate structures, buildings, or dwelling units.
- (171) **Passive Recreation** - Those recreational opportunities afforded by such natural resources as the native flora, fauna, and aesthetic appeal of a natural setting and requiring minimum development to utilize and enjoy such resources.
- (172) **Peak Hour Traffic** - The largest number of vehicles passing over a designated section of a street during the busiest one-hour period during a 24-hour period.
- (173) **Permanent Control Point (PCP)** - A secondary horizontal control monument identified as a metal marker with the point of reference marked thereon or a four-inch-by-four-inch concrete monument a minimum of 24 inches long with the point of reference marked thereon. PCPs shall bear the registration number of the surveyor filing the plat of record.
- (174) **Permanent Reference Monument (PRM)** - A metal rod a minimum of 24 inches long, or a 1-1/2 inch diameter metal pipe a minimum of 24 inches long, either of which shall be encased in a solid block of concrete or set in natural bedrock a minimum of six inches in diameter and extending a minimum of 18 inches below the top of the monument or a concrete monument four inches by four inches and a minimum of 24 inches long with the PRM marked thereon. The PRM shall bear the registration number of the surveyor certifying the plat of record and the PRM shall be placed in the top of the monument.
- (175) **Permitted Use** - Any use specifically designated as a "permitted use" in a zoning district and subject to the restriction applicable to that zoning district.
- (176) **Petition for Designation** - A petition or application submitted to the HP Board requesting designation by County ordinance of a building, structure, site, district, or archaeological zone as historically or archaeological significant.
- (177) **Phase** - A portion of a development delineated in the overall concept plan.
- (178) **Pisciculture** - The keeping, raising and/or breeding of fish.
- (179) **Plat** - A map or delineated representation of a subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable section of the Code.
- (a) **Preliminary Plat** - A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability, but is not in final form for recording, and the details are not completely computed.

(b) **Final Plat** – A plat accepted for recording in the official public records of Clay County, Florida.

- (180) **Planned Unit Development** - A Planned Unit Development (PUD) is a land area greater than five acres under unified control which is planned and programmed in a single development or by a series of pre-scheduled development phases according to an officially approved final development plan. Such PUD does not necessarily correspond to property development and use regulations of the standard zoning district in which the property was previously placed. A PUD must also include a program for the provision, maintenance, and operation of all area improvements, facilities, and necessary services for the common use of all occupants.
- (181) **Point of Compound Curvature (PCC)** – The point where two circular curves have a common point of tangency, the curves lying on the same side of the common tangent.
- (182) **Point of Curvature (PC)** – The point on a line where a tangent stops and a curve begins.
- (183) **Point of Reverse Curvature (PRC)** – The point where two circular curves have a common point of tangency; the curves lying on opposite sides of the common tangent.
- (184) **Point of Tangency (PT)** – The point on a line where a curve ends and becomes tangent.
- (185) **Pond** - means an excavation in the earth from which natural materials are removed for use either on-site or off-site and a hole or pit is thereby created which has a depth of 15 feet or less as measured from the mean elevation of the uppermost rim of the excavation and which is designed for and actually used for:
- (a) Boating, swimming, fishing, educational or other recreational purposes, or
  - (b) The watering of livestock, commercial production of fish or other bona fide agricultural activity.
- (186) **Portable Storage Structure** – Any container, storage unit or other portable structure, other than an accessory building complying with all building and land use requirements, that is used for the storage of personal property, household or yard debris or any kind and which is located for such purposes outside an enclosed building. (Rev. 02/08/11)
- (187) **Premises** - Any lot, plot, parcel, or tract of land with or without a building or buildings, or structure or structures thereon.
- (188) **Preservation** - The identification, evaluation, recording, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, or maintenance, of historic properties.
- (189) **Primary Employer** – shall mean any employer within the County within any of the following categories:
- (a) **Industrial**
  - (b) Warehouse
  - (c) Medical Office
  - (d) General Office
  - (e) Office Park; or
  - (f) Research and Development Center

- (190) **Processing** - Processing shall include manufacturing or industrial processing involving the change of physical products, materials or commodities in form or composition, and shall include packaging or packing, assembling, mixing, heating, handling, grading, or treating.
- (191) **Public or Private Utility, Limited** - A facility, used in the transmission or delivery of a public or private utility, in which the facility is relatively small in scale and can be compatible with residential and other low intensity uses. Limited utility uses include, but are not limited to, electrical substations, distribution facilities and transformers; individual water or wastewater treatment plants.
- (192) **Public or Private Utility, Major** - A centralized facility for the provision of a public utility that is of sufficient scale and intensity to warrant special site considerations to limit the impact on surrounding properties. Major utility uses include, but are not limited to electrical generating plants and facilities; water and wastewater treatment and disposal facilities which are part of a county or regional system; landfills; public utilities supply yards; and other major community infrastructure of such scale and intensity to warrant special site considerations in order to protect adjacent properties as specified above.
- (193) **Private Subdivision** - The subdivision of lands as defined herein which may result in lots, roadways, drainage facilities or recreation areas which are designated on the plat for maintenance in perpetuity by a homeowners association or individual landowners.
- (194) **Qualified Target Industry Business** - shall mean a new or expanding business in the County that has a positive economic and fiscal impact on the County and meets the requirements of Section 288.106, Florida Statutes, or its statutory successor in function, as a Qualified Target Industry Business.
- (195) **Reconstruction** - The authentic reproduction of a building or site that once existed.
- (196) **Recreational Vehicle** - Any vehicle-type unit, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, said vehicles shall include travel trailers and fifth wheel travel trailer, camping trailer, truck camper, motor home van conversion and the park trailer.
- (197) **Rehabilitation** - The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.
- (198) **Residential** - The term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area, or piece of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant.
- (199) **Restaurant** - Any establishment where the principal business is the sale of food, desserts or beverages to the customer in a ready-to-consume state.
- (200) **Restoration** - The reconstruction of the original form of a building or structure by recovering the form and details of that structure and its setting as it appeared at a particular period of time.

- (201) **Restrictive Covenants** – Private regulations recorded with the final plat which limit or otherwise govern the use, intensity, and development patterns of land within a subdivision or parcel of land for a specified time.
- (202) **Re-subdivision** – A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or legally recorded plat or instrument prior to the adoption of any regulations controlling subdivisions.
- (203) **Retail Sales and Services** - Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community.
- (204) **Right-of-way (ROW)** - Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, public utilities, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.
- (205) **Roadway** – The graded or paved portion of a street available for vehicular traffic.
- (206) **Rooming House / Co-living house** - A building in which sleeping accommodations are offered to the public where rentals are for a period of a week or longer & occupancy is generally by residents rather than transients.
- (207) **Rural Road Section** – A paved street having an open drainage system, i.e., utilizing swales rather than curves and gutters for drainage.
- (208) **School** - A private or public institution conducting regular academic instruction at kindergarten, elementary, secondary, vocational, collegiate, or post-graduate levels operated by a governmental or non-governmental organization, which is licensed by the State of Florida.
- (209) **Screening** - A method of visually shielding or obscuring an abutting or nearby structure or use from another by fencing, walls, berms, densely planted vegetation, or other means.
- (210) **Setback** - The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or sides of the building including porches, carports, and accessory uses subject to yard encroachment provisions of this Chapter. For lot fronts on curvilinear streets the front setback shall be measured from a line perpendicular to the chord line to the nearest point of a structure. When two (2) or more lots under one (1) ownership are used, the exterior property lines shall be used in determining setbacks.
- (211) **Shopping Center** - A group of retail stores or service establishments planned & developed as a unit by one operator, owner, organization or corporation for sale or for lease upon the site on which they are built.
- (212) **Sidewalk** – The separate concrete or asphalt portion of a right-of-way intended for pedestrian use.
- (213) **Sight Triangle** - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- (214) **Site** - The location of a significant event, activity, building, structure, or archaeological

resource where the significance of the location and any archaeological remains outweigh the significance of any existing structures.

- (215) **Site Plan** - An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed single phase development.
- (216) **Skilled Nursing Care Facility** - This type of service is structured for elderly persons who are primarily bedridden and need assistance in almost all activities of daily living, including skilled nursing care.
- (217) **Skirting** - A border constructed of aluminum, masonry units, pressure treated wood or other suitable material installed between the perimeter walls of a mobile home and the grade below.
- (218) **Standard Details** - Standard construction details and specifications developed and promulgated by the County Engineer for highway construction, paving, drainage, and related facilities approved and adopted by the Board of County Commissioners.
- (219) **Stormwater Management Plan** - A plan for the management of stormwater as required by the most current revision of Chapter 17-25, Florida Administrative Code and the St. Johns River Water Management District administering Chapter 40C-4, Florida Administrative Code.
- (220) **Street** - A public or private right-of-way which affords the principal means of access to abutting property.
- (221) **Structural Alterations** - Any substantial change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.
- (222) **Structure** - Anything vertically constructed or erected with a fixed location on the ground, or attached to something having or requiring a fixed location on the ground, excluding bulkheads. (09/23/08)
- (223) **Subdivision** - The division and recording in accordance with law of a parcel of land into three or more lots or blocks for the purpose of transfer of ownership for development, sale, or lease.
- (224) **Survey Data** - All information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.
- (225) **Temporary Structure** - A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- (226) **Townhouse** - A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.
- (227) **Trailers** - Any portable or mobile structure or vehicle so constructed, arranged, and designed as to provide temporary or permanent occupancy for living quarters, storage, or office purposes, or for use as an accessory building, regardless of whether equipped with wheels or resting on any type of temporary or permanent foundation, and including trailers identified as house trailers or mobile homes.

- (228) **Transitional Reservation Area (TRA)** - The clustered area of open space in subdivisions set aside for use as agriculture (except mining), passive recreation, or preservation of natural areas.
- (229) **Unincorporated Areas** - Any land in Clay County not lying within the boundaries of a duly incorporated village, town, municipality, or other governmental unit.
- (230) **Use** - The purpose for which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained.
- (231) **Variance** - Used in connection with the provisions of this act dealing with zoning, means a modification of the zoning ordinance regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of a presence of non-conformities in the zoning district or classification or in adjoining zoning districts or classifications.
- (232) **Waterfront Lot Front Yard Determination** - A lot that has frontage on a known navigable body of water such as a river, lake, or canal whereas the front yard may be either the waterfront side or the street side of the principal building, as determined by the property owner/applicant at the time of permitting.
- (233) **Waters** - This term shall include, but not be limited to: rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, whether surface or subsurface, and whether navigable or non-navigable.
- (234) **Water Management Structure** - A facility which provides for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.
- (235) **Water Quality** - The characteristics of water as set forth in Chapter 17-3, Florida Administrative Code, together with physical, chemical, and biological characteristics of water that affect the propagation of fish, wildlife, aquatic plants, and animals.
- (236) **Water Supply (Individual)** - A well which is used only by individual family living units including private homes, duplexes, and multiple family buildings of four family units or less.
- (237) **Wetlands** - Swamps and wet woodlands characterized by hydric soils, specific vegetation and plant communities.
- (238) **Yard** - An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by a portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line or chord line and each corner of the structure shall be used.
- (a) **Front** - The yard extending across the entire width of the lot between the front lot line and each side wall corner of the building. On corner lots one yard abutting a street shall

be designated the front yard. For waterfront lots see Waterfront Lot Front Yard Determination.

- (b) Rear - The yard extending across the entire width of the lot between the rear lot line and each side wall corner of the principal building.
- (c) Side - The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the rear and front wall corners of the principal building. Where a side yard abuts a street, the depth of the side yard shall be the same as the front yard. Rev. 04/22/08

**ARTICLE I - GENERAL PROVISIONS**

05/25/2010, 02/08/2011, 01/10/2012, 05/08/2012, 10/22/2013, 07/14/2015,  
04/25/2017, 03/26/2019

CLAY COUNTY LAND DEVELOPMENT CODE