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2 **Staff Report Land Development Code Text Amendment**  
3 **ZON-24-0007**  
4

5 Copies of the submitted application are available at the Clay County  
6 Administration Office, 3<sup>rd</sup> floor, located at 477 Houston Street, Green Cove Springs, FL 32043  
7

8 **Owner / Applicant Information:**

<b>Owner:</b> Orange Park Mall LLC	<b>Parcel ID:</b> 0105726-002-01
<b>Phone:</b> (614) 981-0228	<b>Address:</b> 1910 Wells Road
<b>Email:</b> <a href="mailto:bfahrbach@wpgus.com">bfahrbach@wpgus.com</a>	Orange Park FL, 32073-6755
<b>Agent:</b> Brandy Fahrbach, Development Manger	<b>Company:</b> WPG

9  
10 **Introduction:**

11 This application is a proposed text amendment to Article III to add “Hotel” as a Permitted Use in the  
12 Shopping Center Zoning District (BSC).

13 The applicant wishes to develop a Hotel on approximately 2 acres of property owned by the Orange Park  
14 Mall which is located in the Shopping Center District (BSC).

15 **Summary of Proposed Changes:**

16 The applicant has applied to amend Article III, Section 3-27(b) (14) to allow the Hotel use as a Permitted  
17 Use in the Shopping Center District as follows:

18 (14) Hotel  
19

20 **Definitions:**

21 Sec 1-15 (126) Hotel, Motel - A building or group of buildings in which sleeping accommodations are  
22 offered to the public and intended primarily for rental to transients with a daily charge, as distinguished  
23 from multiple-family dwellings and rooming or boardinghouses, where rentals are for periods of a week or  
24 longer and occupancy is generally by residents rather than transients. The building or buildings may include  
25 such ancillary uses as a coffee shop, dining room, restaurant, meeting rooms and other similar uses.

26 FS 509.242 (1)(a) Hotel - A hotel is any public lodging establishment containing sleeping room  
27 accommodations for 25 or more guests and providing the services generally provided by a hotel and  
28 recognized as a hotel in the community in which it is situated or by the industry.

29 A Permitted Use is one which is allowed by right, however the use must fully comply with all of the BSC  
30 district regulations summarized below:  
31

32 **Zoning District Summary for Non-residential Commercial Development:**

33 Shopping Center District (BSC) zoning district is subject to the regulations of Section 3-27 and Section 3-  
34 10 density requirements. Such areas are established to provide for planned commercial facilities with depth  
35 rather than strip type commercial development. The district shall be used for the purpose of providing a  
36 variety of goods and services and not used for single purpose activities.

37 *Density Requirements.* The maximum density of development for land with a BSC zoning  
38 classification shall correspond to a FAR of forty (40) percent.

39 *Lot and Building Requirement.* The principal building(s), accessory structures and other uses shall be  
40 located so as to comply with the following minimum requirements.

41  
42 (1) *Minimum Lot Size and Street Frontage Requirements.* Minimum area is five acres  
43 and 300 feet of street frontage. However, an area which is less than five acres which  
44 area may or may not have street frontage may exist in the BSC District classification  
45 if such area:

46  
47 (i) Has contiguity with an area already within the BSC district classification  
48 which contains five or more acres and has at least 300 feet of street frontage  
49 and is then being used for purposes permitted by the BSC District  
50 classification; and

51  
52 (ii) The area will be used for a purpose permitted within the BSC District  
53 classification consistent with the use of the contiguous five or more acre area  
54 within the BSC District classification.

55  
56 (2) *Side Lot Setbacks:*

57  
58 (i) Side lot line setbacks on property which abuts residential or agricultural  
59 districts shall be not less than twenty-five (25) feet from side property lines. If  
60 said lot is a corner lot, then setbacks should be the same as the front setback.

61  
62 (ii) Where the adjoining lot is also zoned for business, the building may be placed  
63 up to the side lot line, providing the building is constructed in accordance with  
64 the regulations of the applicable Building Code; in all other construction, the  
65 minimum side setback shall be fifteen (15) feet.

66  
67 (3) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or  
68 not less than twenty-five (25) feet when adjacent to multi-family and single-family  
69 residences. If the rear yard does not abut a public street, then access over private  
70 property shall be provided. Access shall be not less than fifteen (15) feet in width, and  
71 shall be unobstructed at all times.

72  
73 (5) All structures shall be set back a minimum of 50 feet landward from the ordinary high-  
74 water line or mean high water line, whichever is applicable; for waters designated as  
75 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These  
76 setbacks shall not apply to structures on lots or parcels located landward of existing  
77 bulkheads permitted by the St. Johns River Water Management District or Florida  
78 Department of Environmental Protection.

79

80 *Barriers.* Where the rear of a BSC District abuts or adjoins residentially zoned property, or alleys  
81 adjacent to residentially zoned property, a six (6) foot high solid masonry wall, or a six (6) foot  
82 high opaque permanent privacy fence constructed of steel and wood (not less than 5/8 inch  
83 thickness), or such other materials as in the judgment of the Planning and Zoning  
84 Administrator provide similar appearance and durability, or a six (6) foot high sodded berm,  
85 shall be constructed and adequately maintained along such lot lines. There shall be no access  
86 or opening through the wall, fence or berm. Where a side or sides of the BSC District abuts  
87 or adjoins residentially zoned property, a six (6) foot high solid masonry wall or wood fence  
88 or six (6) foot high berm shall be set in a twenty (20) foot landscaped area. If after the effective  
89 date of these zoning regulations any existing shopping center is classified BSC, the provisions  
90 of this paragraph may be relaxed by the Planning Commission where a showing is made that  
91 said provision unduly restricts a previously planned expansion. Said relaxation may be granted  
92 to allow new structures to be located as close as, but no closer than existing structures to any  
93 property line and to waive or modify the requirements for the six (6) foot high opaque masonry  
94 wall.

95  
96 *Landscaping Requirements.* For developments that commence after January 28, 2003, the provisions  
97 of Article VI of the Clay County Land Development Code, Tree Protection and Landscaping  
98 Standards will apply.  
99

100 *Minimum Off-Street Parking and Loading Requirements.* Must be consistent with Ordinance 82-45,  
101 Section 6, (5) Hotels, which requires 1.2 spaces for each bedroom, plus one (1) additional space  
102 for each two (2) employees.  
103

#### 104 **Staff Review and Analysis:**

105 The Shopping Center District (BSC) is designated for commercial uses supporting retail and service  
106 activities, but the current zoning ordinance does not permit hotels. This proposed text amendment aims to  
107 enhance the BSC district's economic viability and flexibility by promoting mixed-use development and  
108 addressing the demand for short-term accommodations. The BSC districts, which must have an underlying  
109 Future Land Use designation of Commercial (COM), accommodate a full range of sales, service, and office  
110 activities in various settings. These areas are intended for larger-scale, intensive community commercial  
111 uses, concentrated at major intersections and within Activity Centers and Planned Communities, creating  
112 commercial nodes with a mix of retail, office, and hotel uses (FLU POLICY 1.4.1(9)).

#### 113 **Analysis:**

- 114 1. **Economic Impact:** Introducing hotels as a permitted use in the BSC district could stimulate  
115 economic growth by attracting tourists and business travelers. This, in turn, can increase foot traffic  
116 to adjacent retail and service establishments, fostering a more vibrant commercial environment.  
117 Additionally, it can provide job opportunities and contribute to the local tax base.
- 118 2. **Land Use Compatibility:** Hotels are generally compatible with commercial districts, as they serve  
119 a complementary function to existing retail, dining, and entertainment uses. Their inclusion can  
120 enhance the district's appeal and utility, creating a more dynamic and attractive area for residents  
121 and visitors alike.
- 122 3. **Infrastructure and Services:** The existing infrastructure in BSC districts is typically designed to  
123 accommodate high levels of traffic and service demands. The addition of hotels is not expected to

124 significantly strain local infrastructure. However, detailed site-specific assessments would be  
125 required during the development approval process to ensure adequate provisions for utilities,  
126 transportation, and public services.

127 4. **Consistency with Comprehensive Plan:** The proposed amendment aligns with the goals of the  
128 Comprehensive Plan, which advocates for diversified land uses including hotels in commercial  
129 areas to promote economic development. Incorporating hotels into the BSC district supports the  
130 strategic objective of creating mixed-use areas that enhance the urban experience and economic  
131 sustainability.

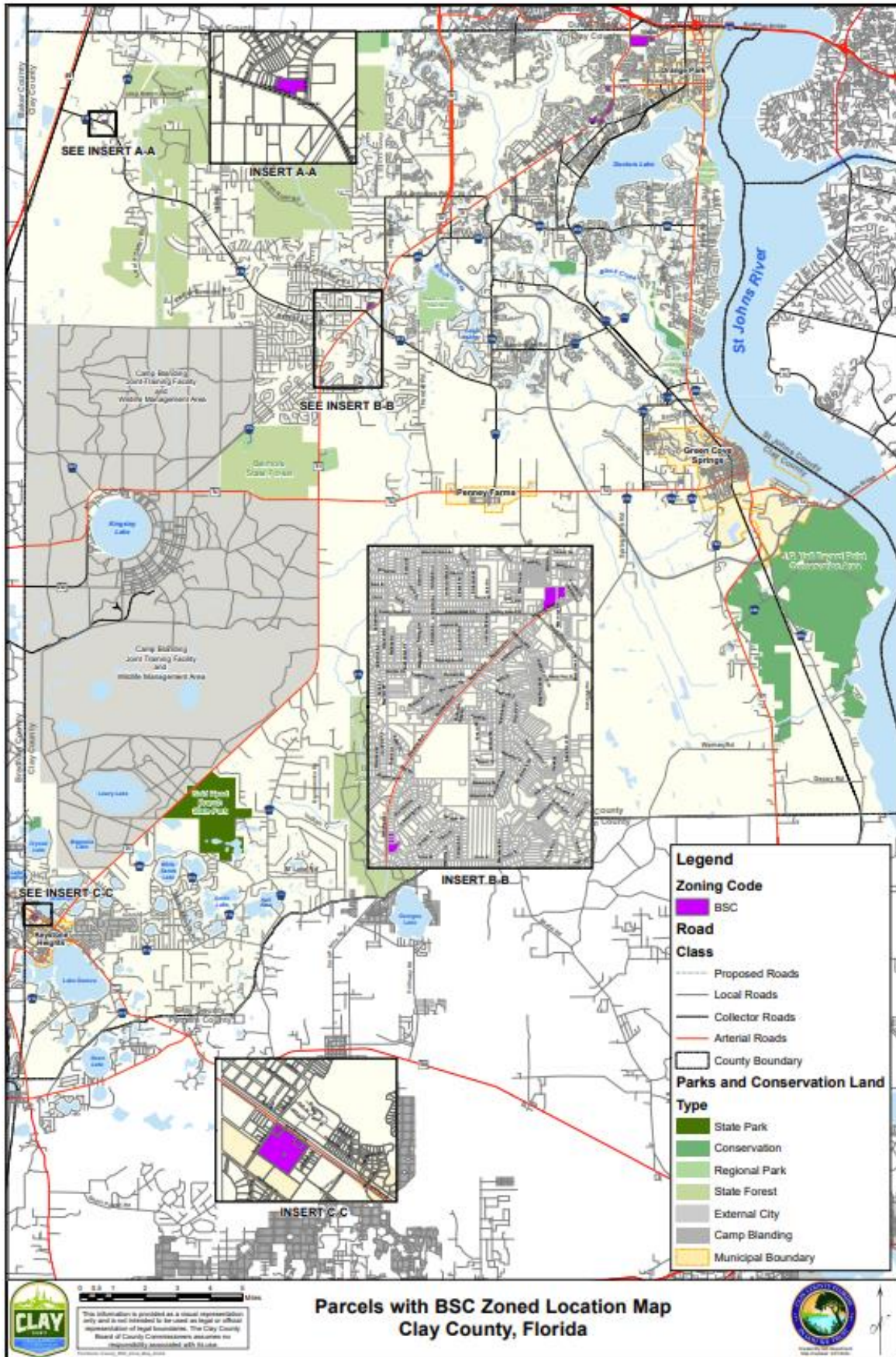
132 The addition of hotels as a permitted use in the BSC district strategically enhances the zoning ordinance by  
133 promoting economic vitality and aligning with broader urban planning goals. This amendment is consistent  
134 with the Commercial FLU designation and fits within the BSC zoning, which requires five acres or  
135 contiguity with an existing BSC area of at least five acres and 300 feet of street frontage. The BSC district's  
136 density, FAR, lot, building, landscaping, and parking requirements ensure design consistency, while barrier  
137 requirements protect adjacent residential developments. Including hotels provides an additional service not  
138 currently available in the BSC districts, fostering a more dynamic and resilient urban environment.

139 **Recommendation:**

140 Staff recommends approval of ZON 24-0007 a proposed text amendment to Article III to include “Hotel”  
141 as a permitted use in the Shopping Center District (BSC). This change is expected to foster economic  
142 development, enhance land use compatibility, and support the objectives outlined in the Comprehensive  
143 Plan.

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### BSC Zoning Districts



**PROPOSED ZONING TEXT AMENDMENT**

**Sec. 3-27. SHOPPING CENTER DISTRICT (ZONE BSC)**

- (a) *Area.* All land designated as Zone BSC is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for planned commercial facilities with depth rather than strip type commercial development. The district shall be used for the purpose of providing a variety of goods and services and not used for single purpose activities.
- (b) *Uses Permitted.*
- (1) Retail outlets for the sale of food and beverage; wearing apparel; home furnishings and appliances, including repair strictly incidental to sales; office equipment; hardware; toys; sundries and notions; books and stationery; leather goods and luggage; jewelry (including water repair, but not pawn shop); art; cameras or photographic supplies (including camera repair); sporting goods; hobby shops and pet shops (but not animal kennel or veterinarian); musical instruments; television and radio (including repair incidental to sales); florist or gift shop; delicatessen; bake shop (but not wholesale bakery); drugs; and similar products. Areas, including food gardens or similar facilities within the structure, designated for the consumption of food and beverages shall be separated from the path of the principal pedestrian movement. Food gardens or similar facilities shall be confined to areas separated from public view by partition or screening from the principal pedestrian path used by the general public.
  - (2) Service establishments, such as barber or beauty shop; shoe repair shop; restaurant, including drive-in restaurant; interior decorator; photographic studio; dance or music studio; reducing salon or gymnasium; self-service laundry or dry cleaning pick-up station; radio or television station; radio or television repair shop; and similar uses.
  - (3) Banks and financial institutions (including drive-in banks and financial institutions); travel agencies; employment offices; newspaper office (but not printing establishment), and similar establishments; photo processing, including drive-in.
  - (4) Professional, governmental, and business offices.
  - (5) Demonstration classrooms for grades Kindergarten through twelve, and adult/community education classrooms.
  - (6) Commercial recreation facilities in completely enclosed soundproof building, such as indoor motion picture theater, billiard parlor, swimming pool, night club, bowling alley, and similar uses.
  - (7) Miscellaneous uses such as telephone exchange, commercial parking lots, and parking garages.
  - (8) Automotive service stations and service centers. Automotive service stations or service centers shall be so located within the shopping center that there will be no interference with pedestrian traffic.
  - (9) Permitted Accessory Uses and Structures. Permitted are uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal

219 uses and structures, and which do not involve operations or structures not in keeping  
220 with the character of the district; provided, however, that garbage and trash shall be  
221 kept in closed containers and that such containers shall not be visible.  
222

223 (10) All of the above uses are subject to the requirement that all sales, service, storage, and  
224 display shall be within completely enclosed buildings, and that no goods shall be  
225 produced on the premises except for sale at retail on the premises. Temporary outside  
226 sales and displays shall be permitted for special events with written permission from  
227 the Planning and Zoning Department. Approval will require confirmation that the  
228 temporary sales/display area will not interfere with traffic circulation or ingress/egress,  
229 create parking problems or otherwise create safety hazards. *Rev. 05/26/09*  
230

231 (11) Night clubs, bars, taverns, and other establishments wherein alcoholic beverages are  
232 sold for on-premises consumption, when in compliance with the provisions of Section  
233 3-47. (*Rev. 05/24/11*)  
234

235 (12) Storage sheds with retail showroom, wherein onsite light assembly is permitted but no  
236 manufacturing, subject to the requirements of (9) and (10) above.  
237

238 (13) Amphitheaters  
239

240 (14) Hotel  
241

242 (c) *Conditional Uses.* The following uses are permitted in the BSC zoning district, subject to the  
243 conditions provided in Section 20.3-5.  
244

245 (1) Public Assembly.  
246

247 (2) Communication Antennas and Communication Towers, including accessory buildings,  
248 tower support and peripheral anchors as governed by the provisions of Section 20.3-46  
249 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).  
250

251 (3) Residential Dwellings. (Amended 8/27/96 - Ord. 96-35)  
252

253 (4) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)  
254

255 (2) Seasonal Outdoor Sales. *Rev. 05/26/09*  
256

257 (3) Mobile Businesses.  
258

259 (4) Medical Marijuana Treatment Center Dispensing Facility  
260

261 (d) *Uses Not Permitted.*  
262

263 (1) Any use not allowed in (b) or (c) above.  
264

265 (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor,  
266 smoke, dust, fumes, vibration, or light, and which would be detrimental to other  
267 surrounding properties or to the welfare and health of the citizens in the area.  
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- 270 (e) *Density Requirements.* The maximum density of development for land with a BSC zoning  
271 classification shall correspond to an FAR of forty (40) percent.  
272
- 273 (f) *Lot and Building Requirement* The principal building(s), accessory structures and other uses  
274 shall be located so as to comply with the following minimum requirements.  
275 *Rev. 04/22/08s.*
- 276
- 277 (1) *Minimum Lot Size and Street Frontage Requirements.* Minimum area for  
278 consideration to rezoning to BSC District classification is five acres and 300 feet of  
279 street frontage. However, an area which is less than five acres which area may or may  
280 not have street frontage may nonetheless be rezoned to BSC District classification if  
281 such area:  
282
- 283 (i) Has contiguity with an area already within the BSC district classification  
284 which contains five or more acres and has at least 300 feet of street frontage  
285 and is then being used for purposes permitted by the BSC District  
286 classification; and  
287
- 288 (ii) The area to be rezoned will be used for a purpose permitted within the BSC  
289 District classification consistent with the then use of the contiguous five or  
290 more acre area within the BSC District classification.  
291
- 292 (2) *Side Lot Setbacks:*  
293
- 294 (i) Side lot line setbacks on property which abuts residential or agricultural  
295 districts shall be not less than twenty-five (25) feet from side property lines. If  
296 said lot is a corner lot, then setbacks should be the same as the front setback.  
297
- 298 (ii) Where the adjoining lot is also zoned for business, the building may be placed  
299 up to the side lot line, providing the building is constructed in accordance with  
300 the regulations of the applicable Building Code; in all other construction, the  
301 minimum side setback shall be fifteen (15) feet.  
302
- 303 (3) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or  
304 not less than twenty-five (25) feet when adjacent to multi-family and single-family  
305 residences. If the rear yard does not abut a public street, then access over private  
306 property shall be provided. Access shall be not less than fifteen (15) feet in width, and  
307 shall be unobstructed at all times.  
308
- 309 (4) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45,  
310 as amended, and shall in no case be less than twenty-five feet from front property line.  
311
- 312 (5) All structures shall be set back a minimum of 50 feet landward from the ordinary high  
313 water line or mean high water line, whichever is applicable; for waters designated as  
314 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These  
315 setbacks shall not apply to structures on lots or parcels located landward of existing  
316 bulkheads permitted by the St. Johns River Water Management District or Florida  
317 Department of Environmental Protection.  
318
- 319 (g) *Barriers.* Where the rear of a BSC District abuts or adjoins residentially zoned property, or  
320 alleys adjacent to residentially zoned property, a six (6) foot high solid masonry wall, or a six



321 (6) foot high opaque permanent privacy fence constructed of steel and wood (not less than 5/8  
322 inch thickness), or such other materials as in the judgment of the Planning and Zoning  
323 Administrator provide similar appearance and durability, or a six (6) foot high sodded berm,  
324 shall be constructed and adequately maintained along such lot lines. There shall be no access  
325 or opening through the wall, fence or berm. Where a side or sides of the BSC District abuts  
326 or adjoins residentially zoned property, a six (6) foot high solid masonry wall or wood fence  
327 or six (6) foot high berm shall be set in a twenty (20) foot landscaped area. If after the effective  
328 date of these zoning regulations any existing shopping center is classified BSC, the provisions  
329 of this paragraph may be relaxed by the Planning Commission where a showing is made that  
330 said provision unduly restricts a previously planned expansion. Said relaxation may be granted  
331 to allow new structures to be located as close as, but no closer than existing structures to any  
332 property line and to waive or modify the requirements for the six (6) foot high opaque masonry  
333 wall.

334  
335 For all development commenced on or after January 28, 2003, the provisions of this  
336 subsection shall not apply. For developments that commence after this date, the provisions  
337 of Article VI of the Clay County Land Development Code (the Tree Protection and  
338 Landscaping Standards) will apply. (Rev. 02/08/11)

339  
340 (h) *Minimum Off-Street Parking and Loading Requirements.* Must be consistent with Section 6,  
341 Ordinance 82-45, as amended.

342  
343 (i) *Site Plan Requirements.* As part of the supplemental data required to complete an application  
344 for a public hearing for BSC zoning, a site development plan shall be submitted; and, if the  
345 application is approved, the shopping center shall be built substantially in accordance with  
346 such a plan.

347  
348 (j) *Obtaining Preliminary Site Plan Approval.*

349  
350 (1) *Criteria for Site Plan Approval.* The site plan submitted for such development as  
351 defined in this Section shall provide that the proposed lot sizes, density, setback  
352 provisions, and other factors are in conformity with the requirements of the Clay  
353 County Zoning Regulations and other applicable ordinances and laws, and that such  
354 plan and use is in harmony with adjacent and surrounding land use and with the land  
355 use character in the proposed area. In addition to such general considerations, site plan  
356 shall be approved only after a consideration of the following factors which are deemed  
357 to be additional conditions upon the use of land for purposes for which a site plan is  
358 required as provided in this Section under the Clay County Zoning Regulations.

359  
360 (i) The ingress and egress to the property and proposed structures, both pedestrian  
361 and vehicular, shall be so controlled to provide safe traffic control and flow  
362 within the property and between adjoining property and existing public roads  
363 and rights- of-way.

364  
365 (ii) The drainage of the property shall be in conformity with the established plan  
366 of drainage within the surrounding area, and must not alter said established  
367 drainage so as to adversely affect the public land or adjoining property.

368  
369 (iii) All methods of utility connection shall be indicated and shall be in conformity  
370 with the standards and requirements for connection to utility companies  
371 proposed to serve the property whether said utility companies are public or

372 private.  
373  
374 (iv) All off-street parking shall be indicated and shall provide safe traffic control  
375 and flow to the property and between the property, adjoining property, and  
376 existing public roads and rights-of-way.  
377  
378 (v) The proposed use of the property shall be in conformity with, and compatible  
379 to, the character of the surrounding property; and shall not substantially  
380 interfere with the safety, light, air, and convenience of the surrounding private  
381 and public property.  
382  
383 (vi) All recreational areas, open space, setbacks, parking areas, and accessory  
384 structures shall be so landscaped, located, and constructed so as not to interfere  
385 with the use or potential use of surrounding property both public and private.  
386  
387 (2) *Compliance with the Plan.*  
388  
389 (i) Upon the approval of the site plan and the issuance of a building permit, the  
390 center shall be built substantially in accordance with the site plan. If after such  
391 approval should the owner/applicant or his successors desire to make any  
392 changes to said site plan, such changes shall first be submitted to the Planning  
393 and Zoning Department. If the department deems that there is a substantial  
394 change or deviation from that which is shown on the approved site plan, the  
395 owner/applicant or his successor shall be required to return to the County  
396 Commission where it is determined that the public interest warrants same.  
397  
398 (ii) Upon final approval of a site plan, a designation of such approval shall be  
399 incorporated on the Official Zoning Map of Clay County and that approval  
400 shall become a binding condition on the use of the land encompassed by the  
401 approved site plan under the applicable land use classification.  
402  
403 (3) *Other Requirements.*  
404  
405 (i) *Ownership of Property.* Property proposed for rezoning to a BSC District  
406 classification shall be owned or controlled by single person, group of persons,  
407 partnership trust, corporation or other legal entity including, but without  
408 limitations, banks, savings and loan associations, Massachusetts Business or  
409 Voluntary Trust, retirement trust, pension trusts or funds, insurance  
410 companies and similar type organizations, or a single entity consisting of more  
411 than one of the foregoing. The applicant shall provide a certification which  
412 may be in the form of a report from a title insurer licensed to do business  
413 within the State of Florida or a duly authorized agent thereof or an opinion of  
414 an attorney licensed to do business within the State of Florida acting as  
415 counsel representing the entity which owns or controls the property to the  
416 effect that such entity or its successors and assigns have the unrestricted right  
417 to impose upon the property all of the covenants and conditions required by  
418 the BSC District classification. Unless manifestly impractical, the property  
419 sought to be rezoned shall not be divided by any dedicated rights-of-way for  
420 streets or alleys, provided that rights-of-way for easement and utilities and  
421 private ingress or egress are permitted.  
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- (ii) *Non-conformities.* Lands shall not be eligible for rezoning to BSC classification until a showing is made that all existing non-conformities will be eliminated prior to site development plan approval by the Planning Commission as a condition precedent to issuance of a building permit.