



Rezoning Application ZON-24-0008

Staff Report

Copies of the application are available at the Clay County Administration Office, 3rd floor, located at 477 Houston Street Green Cove Springs, FL 32043

Owner / Applicant Information

Owner: SEO'S Family Inc. **Address:** 3044 Old Denton Road. Ste 300
Phone: (904) 705-9475 Carrollton, TX. 75007
Email: shinseo@gmail.com

Property Information

Parcel ID: 40-04-25-020631-000-00 **Address:** 749 Kingswood Ave.
Orange Park, Fla. 32065
Current Zoning: BA (Neighborhood Business) **Land Use:** Urban Core 10 (UC 10)
AR (Agricultural/Residential District) Commercial (COM)
Zoning Proposed: PS-3 (Private Services) **Acres:** 5.05 acres.
Commission District: 2 (Commissioner Compere) **Planning District:** Doctors Inlet/
Ridgewood

Background:

The subject property is currently zoned AR (Agricultural/Residential District) and BA (Neighborhood Business). These zones reflect the historical usage and existing conditions of the area, which include low-density residential and neighborhood commercial activities. The current Urban Core 10 FLU designation supports high-density urban development, which is inconsistent with the proposed medical facility use. This is a companion to a requested comprehensive plan amendment (COMP 24-0010) in which the applicant is requesting to change the properties currently adopted future land use map designations UC-10 (Urban Core) and COM (Commercial) to COM only. Once approved the commercial designation accommodates the full range of sales, service, and office activities along arterial highways.

The applicant seeks to rezone 5.05 acres of an 8.09-acre parcel from AR (Agricultural/Residential District) and BA (Neighborhood Business) to PS-3 (Private Services). This rezoning is intended to facilitate the development of a 40-bed physical rehabilitation medical facility on the property. ~~The property subject to this zoning change request has frontage and direct access to Blanding Blvd.~~ The planned access is from Taylor Ave., a detailed boundary survey and legal description has been included in the application.

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Analysis of Proposed Zoning Change:

Current Zoning: The existing zoning of AR and BA is designed to support agricultural/residential uses and neighborhood businesses, respectively. The proposed development of a medical facility is not compatible with these designations, necessitating the rezoning to PS-3.

Proposed Zoning (PS-3): The PS-3 zoning district is intended to provide land for private sector health care services, including hospitals, medical offices, and related facilities. This zoning change aligns with the intended use of the property for a physical rehabilitation medical facility, enhancing the community's health care infrastructure.

The Compliance with PS-3 Zoning Regulations:

Permitted Uses: Under the PS-3 zoning, the land can be used for hospitals, related medical offices, medical facilities, and charitable institutions. The proposed physical rehabilitation facility is a permissible use within this zoning category.

Development Standards: The PS-3 zoning stipulates a floor area ratio (FAR) of 40%, with hospitals allowed up to a maximum of 80% FAR. The proposed development must adhere to these density guidelines. These standards ensure an appropriate transition between different land uses and mitigate potential impacts on surrounding properties.

Site Access and Traffic:

Frontage and Access: ~~The property has direct access to Blanding Blvd, a major thoroughfare that can support the increased traffic generated by a medical facility.~~ Traffic impact studies should be conducted to evaluate the potential effects on local traffic patterns and ensure adequate infrastructure to accommodate the new development. The developers proposed access is on Taylor Avenue.

Community Impact:

Health Care Services: The addition of a 40-bed physical rehabilitation facility will enhance the availability of specialized health care services in the community, providing significant benefits to local residents.

Buffering and Setbacks: The required 25-foot setback minimize any adverse visual and noise impacts on adjacent residential properties, maintaining neighborhood character and quality of life.

Surrounding Zonings and Land Use

The Property is immediately bounded on the north by property under the land use category of UC-10 and COM on the south by property under land use category COM, on the east by property under land use category COM and on the west by property under land use category UC-10 (see Table 1).

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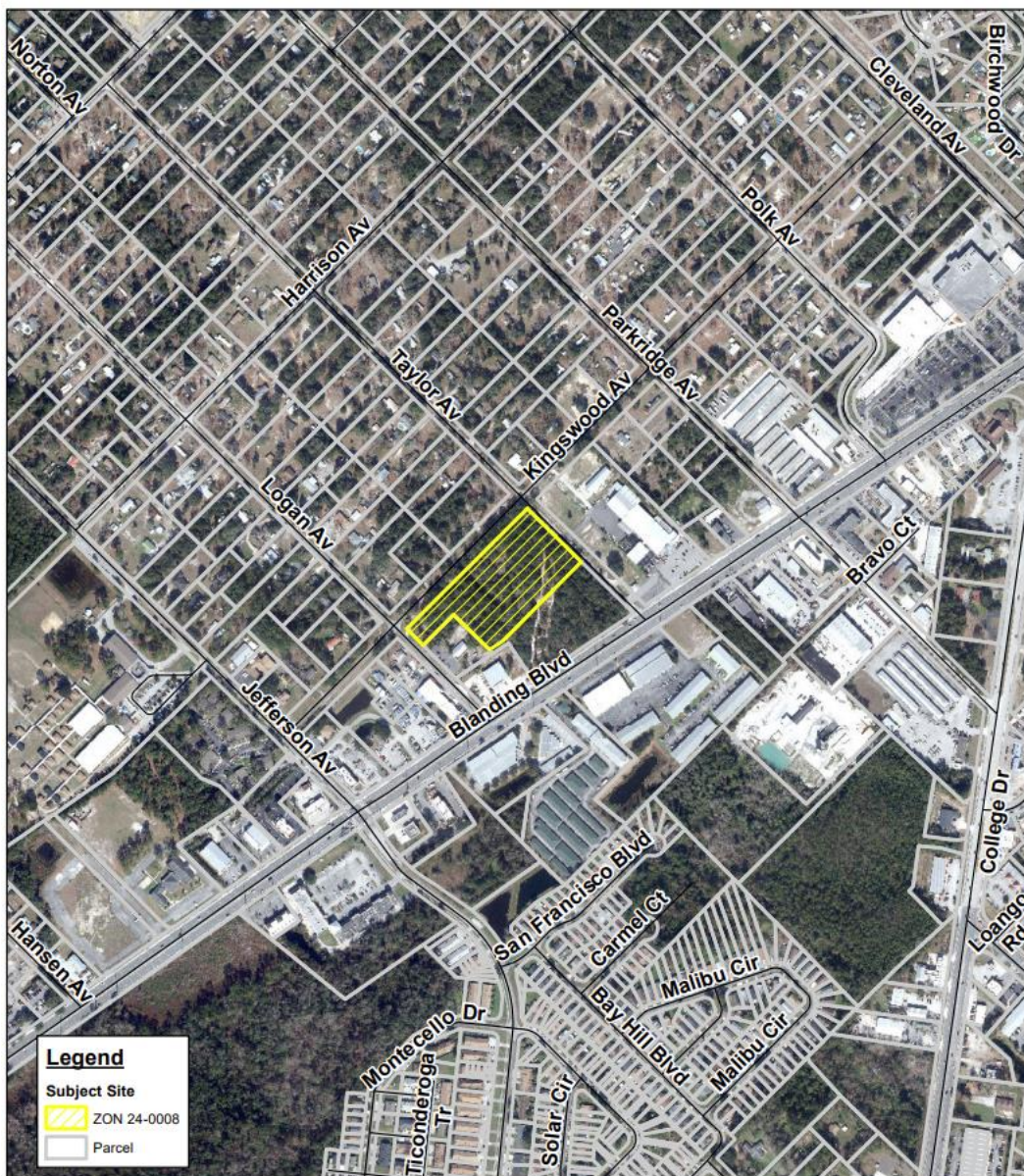
Table 1 – Adjacent Parcel Summary

	Current Land Use Designation	Current Zoning District	Existing Use
North	Urban Core/Commercial (UC10/COM)	BB/RMHP (Intermediate Business/ Residential Mobile Home Park)	Single Family Residential Commercial
South	Commercial (COM)	BB (Intermediate Business)	Commercial
East	Commercial (COM)	BB (Intermediate Business)	Commercial
West	Urban Core (UC-10)	AR (Agricultural Residential)	Single Family Residential

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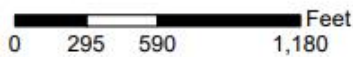
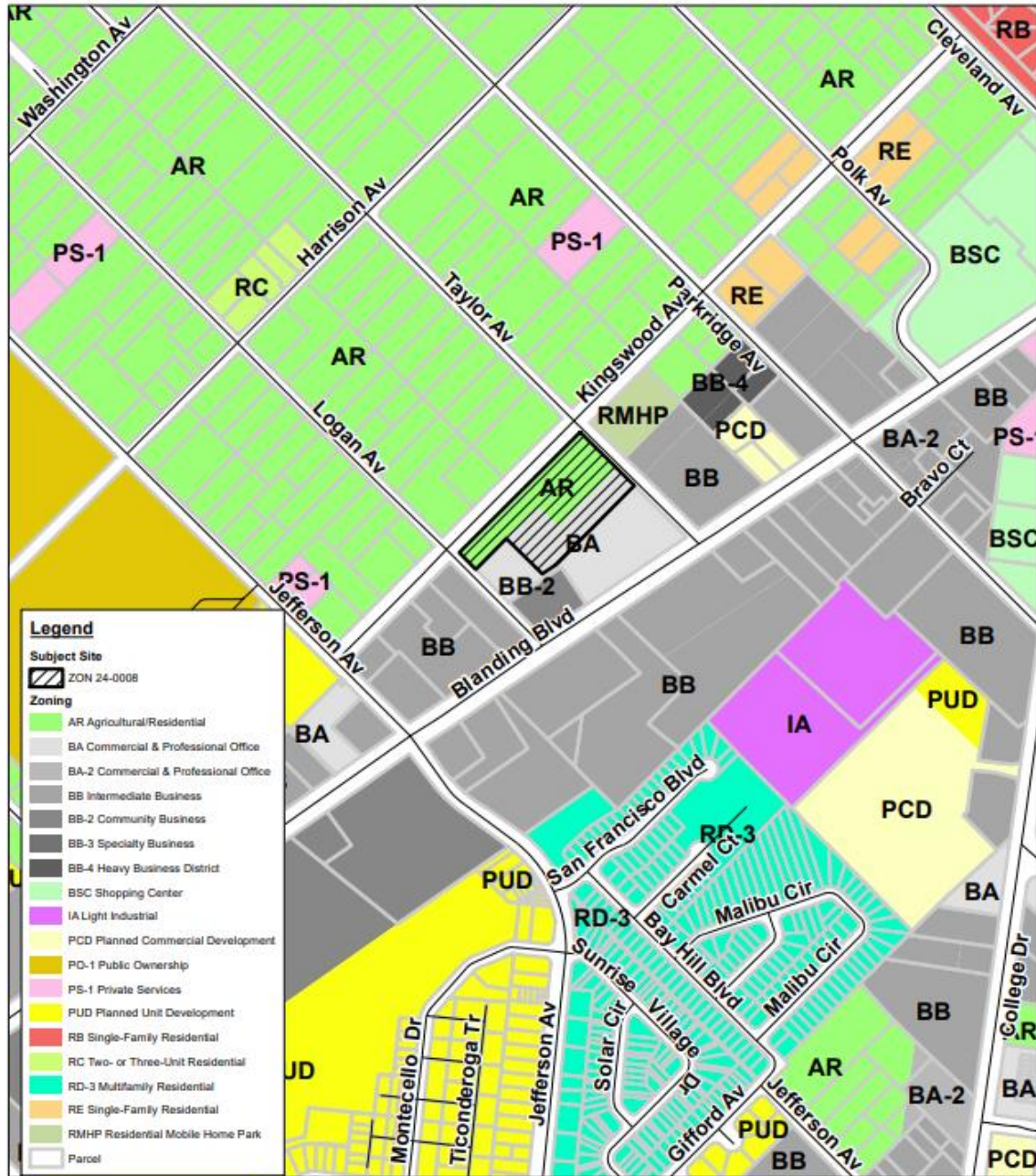
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Figure 1 – Aerial Map



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Figure 1 – Existing Zoning



**Existing Zoning
 Rezoning: ZON 24-0008
 from BA and AR to PS-3**



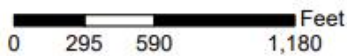
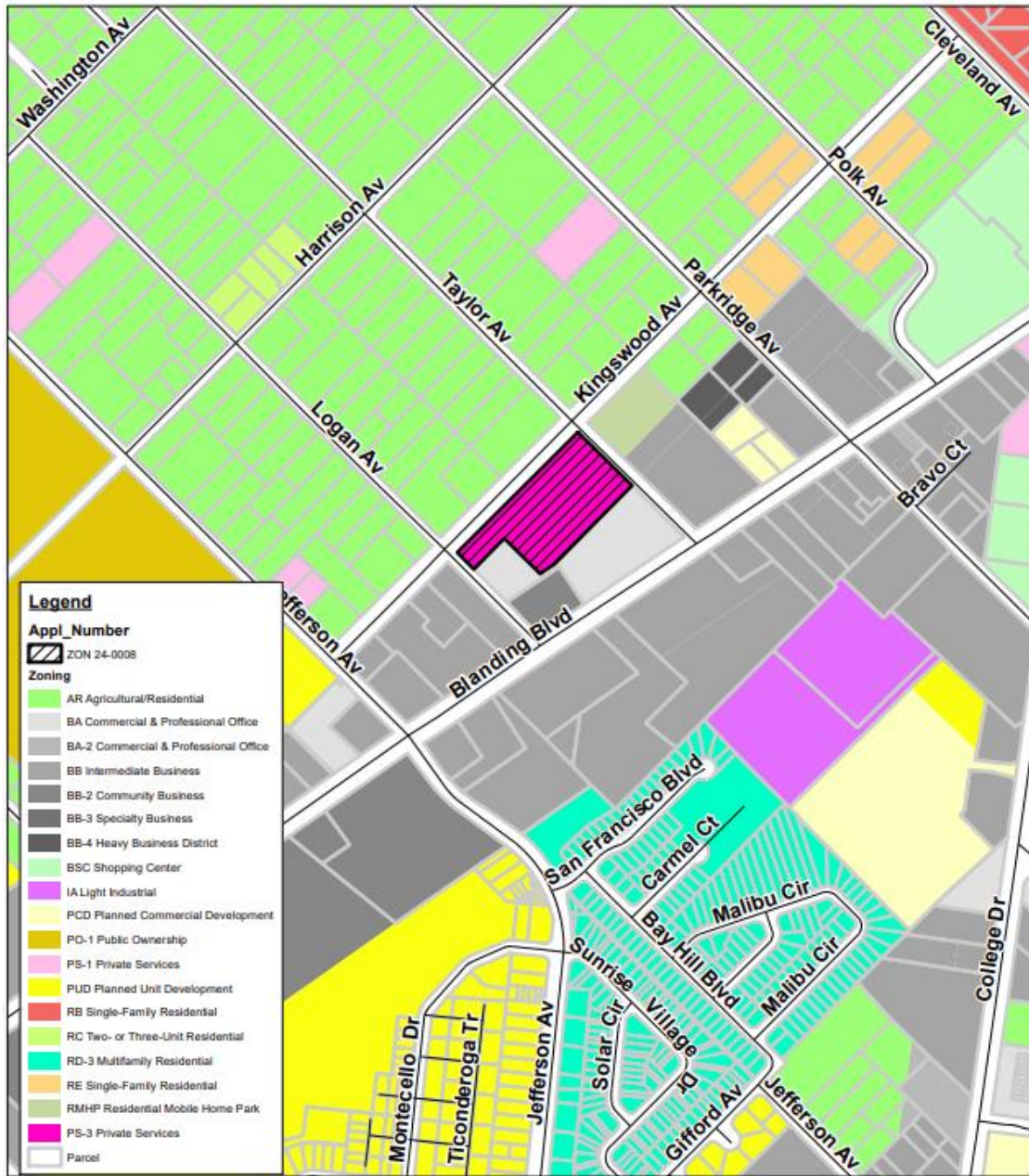
85 Recommendation:

86 Staff recommends approval of ZON 24-0008 as shown on Figure 3.

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Figure 3 – Proposed Zoning



**Proposed Zoning
Rezoning: ZON 24-0008
from BA and AR to PS-3**



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PROPOSED ZONING

Sec. 3-40. PRIVATE SERVICES (ZONE PS-3)

(a) *Area.* All land described as Zone PS-3 is subject to the regulations of this Section. Such areas are established to provide adequate land for the private sector providing health care services. A site plan conforming to the requirements of this chapter is required and shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit.

(b) *Uses Permitted.*

(1) For lands zoned PS-3 as of August 21, 2023, uses permitted are as follows:

(i) Hospitals and related adjacent medical offices and medical facilities, and eleemosynary (charitable) institutions. An incinerator as an accessory use for a hospital only is permitted, for volume reduction of biological and biohazardous waste generated at the hospital only, provided that such incinerator is fully permitted by all applicable state and federally regulatory agencies. (amended 2/24/98 - Ord. #98-8)

(ii) Group homes (privately operated and DHRS licensed):

- (i) Detention Centers;
- (ii) Drug Abuse and Alcohol Treatment Facilities;
- (iii) Intermediate Care Facility (Cluster);
- (iv) Intermediate Care Facility (Intellectually Disabled)

(iii) Institutions for the treatment of psychiatric disorders (DHRS licensed).

(2) For lands rezoned to PS-3 on and after August 22, 2023, uses permitted are limited to the following:

(i) Hospitals and related adjacent medical offices and medical facilities, and eleemosynary (charitable) institutions. An incinerator as an accessory use for a hospital only is permitted, for volume reduction of biological and biohazardous waste generated at the hospital only, provided that such incinerator is fully permitted by all applicable state and federally regulatory agencies.

(c) *Conditional Uses.* The following uses are permitted in the PS-3 zoning district, subject to the conditions provided in Section 20.3-5.

(1) For lands zoned PS-3 as of August 21, 2023, conditional uses are as follows:

(i) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions

- 136 of Section 20.3-46 of the Clay County Land Development Code. (Amended
 137 11/26/96 - Ord. 96-58).
- 138
- 139 (ii) Animal Clinics. Animal Clinics zoned PS-3 on or before February 22, 2011 and
 140 developed consistent with the permitted use under this Section may be undertaken
 141 or continued thereon, and may lawfully continue thereafter. No parcel shall be
 142 rezoned to PS-3 for use as an Animal Clinic unless application therefore has been
 143 filed on or before February 22, 2011. (*Rev. 02/22/11*)
- 144
- 145 (iii) Land Clearing Debris Disposal Facility permitted only in Agricultural,
 146 Commercial, Mining, and Agricultural/Residential land use categories.
 147 (Amended 6/98 - Ord. 98-27)
- 148
- 149 (iv) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
- 150 (2) For lands rezoned to PS-3 on and after August 22, 2023, conditional uses are limited
 151 to the following:
- 152
- 153 (i) Communication Antennas and Communication Towers, including accessory
 154 buildings, tower support and peripheral anchors as governed by the provisions
 155 of Section 20.3-46 of the Clay County Land Development Code. (Amended
 156 11/26/96 - Ord. 96-58).
- 157
- 158 (ii) Public Educational Facilities
- 159
- 160 (d) *Uses Not Permitted.*
- 161
- 162 (1) Any use not allowed in paragraphs (b) or (c), above.
- 163
- 164 (e) *Site Development Plan.* All uses listed in this Section require a site development plan that
 165 shall contain the information required in Section 27, Ordinance 82-45, as amended.
 166
- 167 (f) *Density Requirements* - The maximum density of development for land in this zoning district
 168 shall not exceed an F.A.R. of forty (40) percent, with the exception of lands proposed for
 169 hospital use. Hospitals shall not exceed a maximum FAR of eighty (80) percent. (*Rev.*
 170 *03/23/10*)
- 171
- 172 (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses
 173 shall be located so as to comply with the following minimum requirements.
 174 *Rev. 04/22/08*
- 175
- 176 (1) Side lot line setback on property which abuts residential or agricultural districts shall
 177 not be less than twenty-five (25) feet. If said lot is a corner lot, then setbacks shall be
 178 the same as for front yards. Where the adjoining lot is also zoned for business, the
 179 building may be placed up to the side lot line, providing the building is constructed
 180 with four (4) hour party walls as defined by the applicable Building Code; in all other
 181 construction, the minimum side setback shall be fifteen (15) feet.

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- (2) Rear lot line setbacks shall be twenty (20) feet, or twenty-five (25) feet if adjacent to a residence. Access shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
- (3) Front lot line setbacks shall comply with Section 6, Ordinance 82-45, as amended, and shall in no case be less than twenty-five (25) feet.
- (4) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These setbacks shall not apply to structures on lots or parcels located landward of existing bulkheads permitted by the St. Johns River Water Management District or Florida Department of Environmental Protection.
- (5) No materials, garbage containers or refuse shall be allowed nearer than fifteen (15) feet to a residential or agricultural district. Garbage or refuse shall be containerized and such containers shall be enclosed or screened so as not to be readily visible from off-site.
- (6) Height and Size Limitations. No structure shall exceed two stories or thirty-five (35) feet, whichever is more restrictive, unless of fire resistance construction as specified by the applicable Building Code.
- (7) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (Rev. 02/08/11)
- (h) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
- (i) Roadway and size limitations within the Residential Land Use Categories the following minimum road functional classifications and intensity of site development, which is combined square footage of all buildings, shall be met.
 - (1) Hospitals and Related Adjacent Offices and Medical Facilities
Institutional Map Series
 - (2) Group Homes
 - Local- not permitted.
 - Minor Collector- not permitted.
 - Major Collector- 25,000 square feet.
 - Minor Arterial and above- no limit.

- 231 (3) Institutions for the Insane
- 232 Local- not permitted.
- 233 Minor Collector- not permitted.
- 234 Major Collector- not permitted.
- 235 Minor Arterial- 50,000 square feet.
- 236 Major Arterial and above- no limit.
- 237
- 238 (4) Animal Clinics
- 239 Local- not permitted.
- 240 Minor Collector- 5,000 square feet.
- 241 Major Collector and above- no limit. (Amended 6/98 - Ord. 98-27)
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EXISTING ZONING

Sec. 3-13. AGRICULTURAL/RESIDENTIAL DISTRICT (ZONE AR)

- 247
- 248 (a) *Intent.* All land designated as Zone AR is subject to the requirements of this Section as well
- 249 as the appropriate density and intensity in Sec. 20.3-10. Such uses have been established to
- 250 provide a transition between agricultural and the more urban residential areas; and to create a
- 251 rural residential environmental wherein natural constraints applicable to development can be
- 252 recognized and protected in a manner compatible with the needs of the resident.
- 253
- 254 (b) *Uses Permitted.*
- 255
- 256 (1) Single-family or mobile home dwelling with their customary accessory uses.
- 257
- 258 (2) For lots greater than one (1) acre in size, permitted uses include the non-commercial
- 259 keeping and raising of horses, cattle, sheep, goats, swine and other similar animals.
- 260 (amended 2/94 - Ord. 94-03)
- 261
- 262 (3) For lots of one (1) acre or less in size, permitted uses include the non-commercial
- 263 keeping and raising of horses, cattle, sheep, swine, goats and other similar farm
- 264 animals; provided, however, that no more than two (2) horses, cattle, sheep, swine,
- 265 goats and other large farm animals six (6) months of age or older shall be permitted to
- 266 be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal pen,
- 267 stall, stable, or other similar animal enclosure shall be located nearer than fifty (50) feet
- 268 to the property. (amended 2/94 - Ord. 94-03)
- 269
- 270 (4) Agricultural accessory uses that are customary and incidental to principal agricultural
- 271 use shall be permitted as follows: (amended 2/95 - Ord. 95-2)
- 272
- 273 (i) Accessory buildings directly incidental to the agricultural pursuits listed above.
- 274
- 275 (ii) Sheds for the storage and repair of the owner's or tenant's farm equipment only,
- 276 provided the structure does not exceed three thousand (3,000) square feet of
- 277 gross floor area.
- 278

- 279 (iii) Stand for the sale of products which are raised on the premises.
 280
 281 (5) General agricultural pursuits of a variety similar, but not limited to, truck gardens,
 282 forestry, crop raising, horticulture, greenhouses, nurseries, groves, apiculture and
 283 pisciculture.
 284
 285 (6) The sale of said products and commodities which are raised on the premises. Retail
 286 roadside sales permitted only from conforming structures on private property.
 287
 288 (7) Garage sales will be allowed up to a maximum of two garage sales within any calendar
 289 year. The duration of each garage sale shall be a maximum of 72 hours and may be
 290 conducted only within daylight hours. No sign advertising a garage sale may be placed
 291 on any public right-of-way.
 292
 293 (8) Storage of petroleum products.
 294
 295 (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
 296
 297 (ii) Gasoline to be used by owner of residence not to exceed 50 gallons.
 298
 299 (9) Satellite dish receivers for individual use.
 300
 301 (10) The parking of commercial vehicles by the owner of the primary residence with a limit
 302 of one (1) per acre and a maximum of two (2) vehicles, may be parked in the rear or
 303 side yard, except refrigerated vehicles and vehicles carrying hazardous materials.
 304
 305 (11) Private boat pier or slip for the use of occupants of principal residential structures of
 306 the lot; provided said pier or slip does not interfere with navigation.
 307
 308 (c) *Conditional Uses.* The following uses are permitted in the AR zoning district subject to the
 309 conditions provided in Section 20.3-5.
 310
 311 (1) Plant nurseries.
 312 (2) Riding academies and riding stables.
 313 (3) Home occupations.
 314 (4) Bird sanctuaries and rehabilitation centers.
 315 (5) Swimming pools.
 316 (6) Commercial kennels.
 317 (7) Radio, television, microwave relay stations or towers and accessory equipment
 318 buildings. (Ord. 95-53 - 11/28/95)
 319 (8) Aviculture (Commercial or Hobbyist).
 320 (9) Temporary structures or buildings.
 321 (10) Mobile homes for medical hardship.
 322 (11) Communication Antennas and Communication Towers, including accessory buildings,
 323 tower support and peripheral anchors as governed by the provisions of Section 20.3-46
 324 of the Clay County Land Development Code. (Amended 11/26/96 - Ord.96- 58).
 325 (12) Public and/or private sewer facilities.
 326 (13) Private drainage ponds or agricultural livestock ponds.
 327 (14) Borrow Pits (amended 2/95 - Ord.95-2)

- 328 (15) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)
 329 (16) Apiculture (Hobbyist) (Amended 2/25/97 - Ord. 97- 11)
 330 (17) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
 331 (18) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
 332 (19) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
 333 (20) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 –
 334 Ord. 03-40)
 335 (21) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
 (22) Temporary Living Quarters during construction of a residence (amended 11/07 –
 Ord.2007-66)
 336 (23) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 337 (24) Accessory Dwelling Units. *Rev. 05/26/09*
 338 (25) Rural Event Centers. *Rev. 02/23/16*
 339 (26) Horse Hotels. *Rev 10/27/20*
 340
 341 (d) *Uses Not Permitted.*
 342
 343 (1) Any use not allowed in (b) or (c) above.
 344
 345 (2) Any use or activity which would create any obnoxious, corrosive, or offensive noise,
 346 gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to
 347 other surrounding properties or to the welfare and health of the citizens in the area.
 348
 349 (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in
 350 the AR district shall be as follows:
 351
 352 (1) Land with a zoning classification of AR and a land use designation of
 353 Agricultural/Residential.
 354
 355 (i) Residential development not classified as a subdivision pursuant to Ordinance
 356 85-68, as amended.
 357
 358 *Maximum Density* One (1) unit per ten (10) acres
 359 *Minimum Lot Size* Ten (10) acres or 435,600 square feet
 360
 361 (ii) Subdivision pursuant to Ordinance 85-68, as amended.
 362
 363 *Maximum Density*
 364 With Clustering and Points One (1) unit per five (5) acres
 365 Without Clustering and Points One (1) unit per ten (10) acres
 366
 367 *Minimum Lot Size*
 368 With Clustering and Points One (1) acre or 43,560 square feet
 369 Without Clustering and Points Nine (9) acres or 392,040 sq. feet
 370
 371 (2) Land with a zoning classification of AR and a land use designation of Rural
 372 Residential.
 373
 374 (i) Residential development not classified as a subdivision pursuant to Ordinance

375 85-68, as amended.
 376
 377 *Maximum Density* One (1) unit per five (5) acres
 378 *Minimum Lot Size* Five (5) acres or 217,800 square feet

379
 380 (ii) Subdivision pursuant to Ordinance 85-68, as amended.

381
 382 *Maximum Density*
 383 With Clustering and Points One (1) unit per acre
 384 Without Clustering and Points One (1) unit per five (5) acres

385
 386 *Minimum Lot Size*
 387 With Clustering and Points 21,780 square feet
 388 Without Clustering and Points Four (4) acres or 174,240 sq. feet

389
 390 (3) Land with a zoning classification of AR and a land use designation of Rural Fringe.

391
 392 (i) *Maximum Density* .One (1) unit per acre
 393 *Minimum Density* 43,560 square feet

394
 395 (4) Land within a zoning classification of AR and a land use designation of Urban Fringe.
 396 (amended 2/94 - Ord. 94-03)

397
 398 (i) *Maximum Density* Two (2) units per acre
 399 *Maximum Lot Size* 21,780 square feet

400 (5) Land within a zoning classification of AR and a land designation of Urban Core (10).

401
 402 (i) *Maximum Density* Two (2) units per acre
 403 *Maximum Lot Size* 21,780 square feet

404
 405 (6) Land with a zoning classification of AR and a land use designation of Agriculture.
 406 (amended 7/02 – Ord. 02-36)

407
 408 (i) Residential development not classified as a subdivision pursuant to Ordinance
 409 85-65, as amended.

410
 411 *Maximum Density* One (1) unit per twenty (20) acres
 412 *Minimum Lot Size* Twenty (20) acres

413
 414 (f) *Lot and Building Requirements.* The principal buildings and other lot uses shall be so located
 415 as to comply with the following requirements:

416
 417 (1) Minimum Lot Width at Building Line 100 feet

418
 419 (2) Minimum Lot Depth 100 feet

420
 421 (3) Minimum Front Setback 30 feet

422
 423 (4) Minimum Rear Setback 35 feet

- 424
425 (5) Minimum Side Setback 20 feet*
426 *For waterfront properties along Doctors
427 Lake within the Neilhurst Plat, recorded in
428 Plat Book 2, pages 44 through 46, the minimum
429 side setback shall be 5 feet.
430
431 (6) Minimum Front Yard Setback for Accessory Buildings, 30 feet
432 Excluding Fences
433
434 (7) Minimum Rear Yard and Side Setback for Accessory Buildings 7.5 feet
435
436 (8) Minimum Living Area 750 sq. ft.
437 (amended 2/95 - Ord. 95-2)
438
439 (9) All structures shall be set back a minimum of 50 feet landward from the ordinary high
440 water line or mean high water line, whichever is applicable; for waters designated as
441 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These
442 setbacks shall not apply to structures on lots or parcels located landward of existing
443 bulkheads permitted by the St. Johns River Water Management District or Florida
444 Department of Environmental Protection.
445
446 (10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high
447 water line or the mean high water line, whichever is applicable. Lot width shall be
448 measured by the chord terminated by the property corners at the ordinary high water
449 line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)
450

451 **Sec. 3-24. NEIGHBORHOOD BUSINESS DISTRICT (ZONE BA)**
452
453

- 454 (a) *Purpose and Intent.* This District is to provide a limited commercial facility of a convenience
455 nature, servicing persons residing in adjacent residential areas, and to permit primarily such
456 uses as are necessary to satisfy those basic shopping and service needs which occur frequently
457 and so require retail and service facilities in relative proximity to places of residence.
458

459 This district is further designed to accommodate commercial development on a scale that is
460 less intensive than that permitted in a BB District.
461

- 462 (b) *Area.* All land designated as Zone BA is subject to the regulations of this Section and Sec.
463 20.3-10. Such areas are designed and included to provide local services to contiguous
464 neighborhoods and locations and are anticipated to be on major local streets, but still in close
465 proximity to residential properties and shall, therefore, be limited in scope and size. A site plan
466 conforming to the requirements of this chapter shall be submitted to the Planning and Zoning
467 Department for administrative review and approval prior to obtaining a building permit for all
468 uses within this District.
469

- 470 (c) *Uses Permitted.*
471

- 472 (1) All uses permitted in Sec. 20.3-23.
473
474 (2) Retail stores and shops reasonably related to the day-to-day needs of the area to be
475 serviced limited to: antique; artist's studios; bait and tackle; bakery with baking on
476 premises; bicycle sales and repair; billiard, game or pool room; dance academies
477 (soundproofed and air conditioned); curio; fruit and vegetable retail (packing
478 permitted); hardware; retail clothing; interior decorating; dry cleaners, laundries and
479 laundromats; leather goods; luggage; meat markets (no processing plant); music;
480 newsstands; optical; office supplies; photographic galleries; printing; shoe; sporting
481 goods; stationery and books; travel agencies; restaurants without the sale of beer and
482 wine; restaurants selling alcoholic beverages limited to beer and wine; drapery; paint
483 and wallpaper; clock sales; rentals; palm reading; banks; financial institutions; animal
484 clinics; veterinary hospitals; drugstores; and grocery stores; provided that no outdoor
485 sales, display, preparation or storage is permitted. (amended 10/12/93 - Ord 93-36)
486
487 (3) Banks and financial institutions with drive-in facilities; drive-in restaurants; the sale of
488 gasoline without garage, car repair, or car wash facilities.
489
490 (4) Retail sales of beer and wine at establishments commonly known as convenience stores
491 only pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the
492 Florida Department of Business Regulation, for off-premises consumption only.
493 (5) The above are uses subject to the following limitations:
494 (i) Sale, display, preparation and storage to be conducted within a completely
495 enclosed building.
496 (ii) Products to be sold only at retail.
497
498 (d) *Conditional Uses.* The following uses are permitted in the BA District subject to conditions
499 provided in Section 20.3-5.
500
501 (1) Bed and Breakfast Inns.
502
503 (2) Public Assembly.
504
505 (3) Residential Dwelling.
506
507 (4) Communication Antennas and Communication Towers, including accessory buildings,
508 tower support and peripheral anchors as governed by the provisions of Section 20.3-46
509 of the Clay County Land Development Code, provided that said towers are 200 feet
510 from adjacent residentially zoned property. (Amended 11/26/96 - Ord. 96-58)
511
512 (5) Seasonal outdoor sales (amended Ord. 93-36, Oct. 1993)
513
514 (6) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
515
516 (7) Day Care Centers.
517
518 (8) Medical Marijuana Treatment Center Dispensing Facility
519
520 Medical Marijuana Treatment Center Dispensing Facility

- 521
522 (e) *Uses Not Permitted.*
523
524 (1) Any use not allowed in (c) or (d) above.
525
526 (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor,
527 smoke, dust, fumes, vibration, or light, and which would be detrimental to other
528 surrounding properties or to the welfare and health of the citizens in the area.
529
530 (f) *Density Requirements.* The maximum density of development for land in the BA zoning
531 classification shall correspond to a floor area ratio (FAR) of forty (40) percent.
532
533 (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses
534 shall be located so as to comply with the following minimum requirements.
535 *Rev. 04/22/08*
536
537 (1) Front lot line setbacks shall in no case be less than twenty-five (25) feet.
538
539 (2) All structures shall be set back a minimum of 50 feet landward from the ordinary high
540 water line or mean high water line, whichever is applicable; for waters designated as
541 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These
542 setbacks shall not apply to structures on lots or parcels located landward of existing
543 bulkheads permitted by the St. Johns River Water Management District or Florida
544 Department of Environmental Protection.
545
546 (3) *Side lot line setbacks.*
547
548 (i) For one story building height up to a maximum of twenty-two (22) feet on
549 property which abuts any residential or agricultural district shall be no less
550 than twenty-five (25) feet. If said lot is a corner lot, then setbacks shall be the
551 same as the front setback.
552
553 (ii) For two story building height up to a maximum of thirty-five (35) feet on
554 property which abuts any residential or agricultural district shall be no less
555 than thirty-five (35) feet. If said lot is a corner lot, then setbacks shall be the
556 same as the front setback.
557
558 (iii) Where the adjoining lot is also zoned for business, a one story building at a
559 maximum height of twenty-two (22) feet may be placed anywhere within the
560 required side setback area up to the side lot lines providing that the building
561 is constructed in accordance with the regulations of the applicable Building
562 Code. A two story building with a maximum height of thirty-five (35) feet
563 shall provide the maximum side setback of fifteen (15) feet.
564
565 (4) *Rear lot line setbacks.*
566
567 (i) In one story building height up to a maximum of twenty-two (22) feet on
568 property which abuts any zoning district shall be no less than twenty-five (25)
569 feet when adjacent to multi-family and single-family residences.

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- (ii) In two story building height up to a maximum thirty-five (35) feet on property which abuts any zoning district shall be no less than thirty-five (35) feet, and no less than twenty-five (25) feet when adjacent to multi-family and single-family residences.
 - (5) Rear lot line setbacks shall be twenty (20) feet. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall not be less than fifteen (15) feet in width and shall be unobstructed at all times.
 - (6) Where a district is adjacent to a lot line of property of a residential or agricultural classification, no materials, garbage containers or refuse shall be allowed nearer than fifteen (15) feet to such a residential or agricultural district. Garbage or refuse shall be containerized and such containers shall be enclosed or screened so as not to be readily visible.
 - (7) *Height limitations.*
 - (i) One story construction shall not exceed the building height of twenty-two (22) feet.
 - (ii) Two story construction shall not exceed the building height of thirty-five (35) feet.
 - (8) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural property.
 - (9) No outside amplification of sound shall be permitted which can be heard off-site.
 - (10) Visual Barrier: Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (Rev. 02/08/11)