



# Staff Report for Rezoning Application ZON 24-0031

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

## Owner Information

|   |  |
|---|--|
| <b>Parcel #:</b> 36-04-23-000382-001-00           | <b>Address:</b> 5400 CR 218, Middleburg, FL      |
| <b>Owner:</b> Mickey Hall                         | <b>Address:</b> 1477 Rivers Road, Middleburg, FL |
| <b>Agent:</b> Susan Fraser (SLF Consulting, Inc.) | <b>Email:</b> slfraser@bellsouth.net             |

## Property Information (all parcels)

**Current Zoning:** BA-2 (Commercial & Professional Office District) and AR (Agricultural/Residential)  
**Land Use:** COM (Commercial) and RR (Rural Residential)  
**Zoning Proposed:** BB-2 (Community Business District) **Total Acres:** 2.23 of the 3.23 acres  
**Commission District:** 4 (Commissioner Condon) **Planning District:** Middleburg-Clay Hill

## Background

The Applicant is requesting to change the zoning district of the 2.23 acre portion of the subject parcel, located Northeast of CR 218 extension and within the Clay Hill Overlay; south of the intersection of Mallard Rd and CR 218 extension. (Figure 2) Currently a mobile home sits on the land that is to the Northeast section of the parcel, designated for residential.

This total piece of property was adopted with “split” zoning when the County adopted the initial Comprehensive Plan in 1991. The Southwest portion of the property was assigned a Commercial zoning district and the Northeast portion a residential district. The commercial portion of the parcel is currently in the BA-2 zoning district, which allows for a variety of office and professional uses limited to 2,500 sf per building. The surrounding properties are zoned either BB, BA or BA-2, there is currently no BB-2 zoning district in the area. The BB-2 zoning district allows for a variety of uses similar to those permitted in the BB zoning district. However, BB-2 also allows for a convenience store with gas pumps as well as health clubs that the BB zoning district does not permit. The Land Development Code does not allow for properties to re-zone to the BB district any longer.

The property is also within the Clay Hill overlay which has design standards for non-residential zoned properties. The result would be any structure that was developed on the property regardless of use would have to incorporate the vernacular style outlined in the Overlay. Currently the BA-2 zoning district limits non-residential buildings to 2,500 sf; typically, the Florida Vernacular style is indicative of smaller structures made of wood with natural elements. Although the Clay Hill overlay does allow provide options for larger

40 structures, in doing so, that amount of exterior treatments increase, in order to ensure the  
41 aesthetic standard is met.

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43 The zoning and future land use of the parcels surrounding the subject parcel is provided in  
44 the table below and are primarily residential to the east and industrial to the west. Existing  
45 uses in the area are primarily residential and agricultural.

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|                          | <b>ZONING</b>                                | <b>FUTURE LAND USE</b> |
|--------------------------|--|------------------------|
| North                    | AR - Agricultural/Residential                | RR – Rural Residential |
| East                     | BB - Intermediate Business District          | COM - Commercial       |
| West                     | BB - Intermediate Business District          | COM - Commercial       |
| South<br>(Across SR 218) | BA-2 – Commercial and Professional<br>Office | COM - Commercial       |

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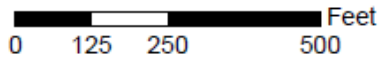
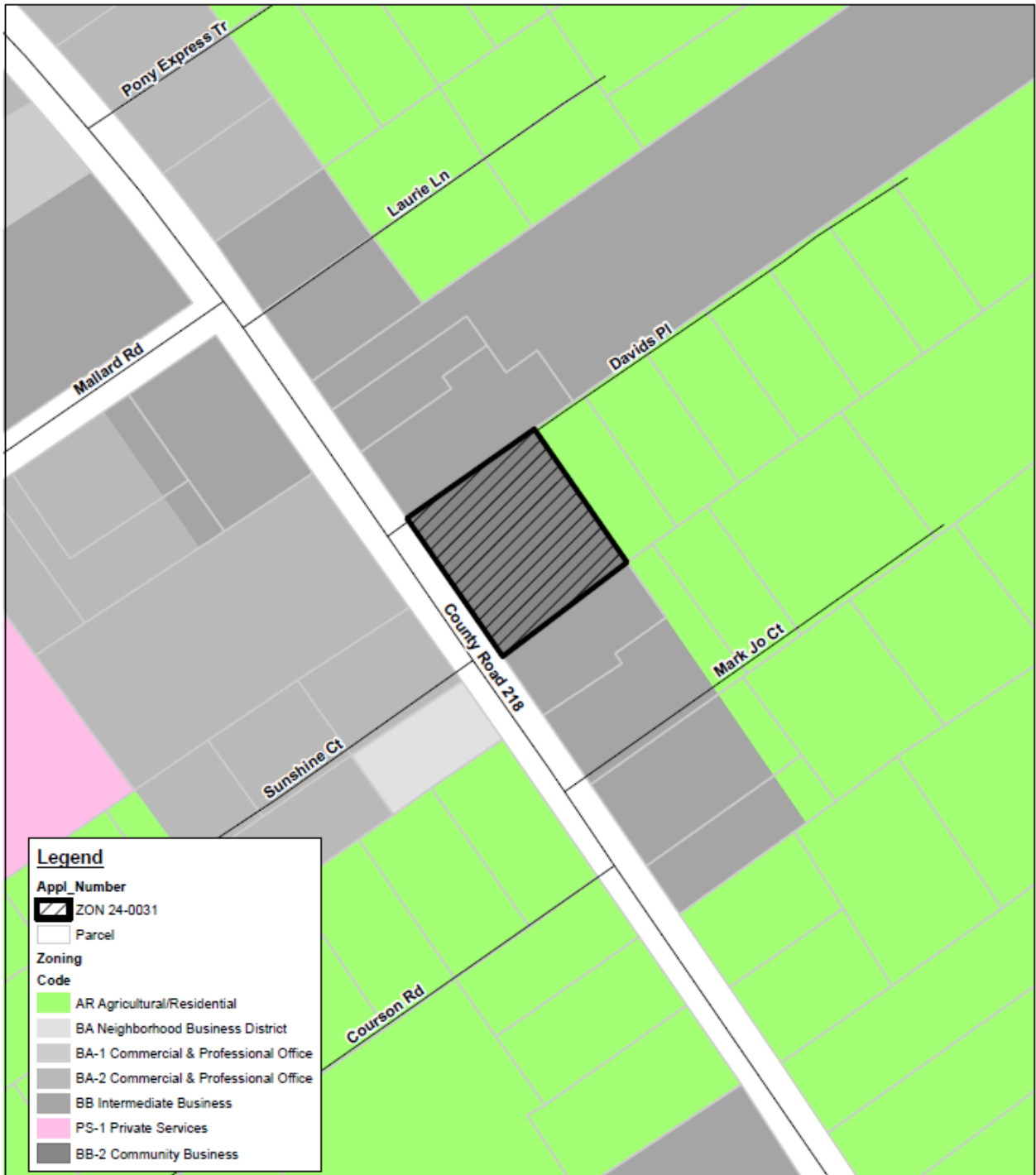
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52 Surrounding Zonings

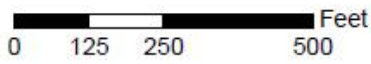


**Proposed Rezoning: ZON 24-0031  
From BA-2 to BB-2**



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**Aerial Map**  
**Proposed Rezoning: ZON 24-0031**  
**From BA-2 to BB-2**



58 **Proposed BB-2 Zoning District**

59 (a) *Area.* All lands designated as Zone BB-2 are subject to the regulations of this Section  
60 and Sec. 20.3-10. Such areas are established to provide for the shopping and limited  
61 service and recreational needs of several neighborhoods, a community, or a  
62 substantial land area. Retail stores are intended to include general merchandise,  
63 fashion, durable goods, and personal service. A site plan shall be submitted to the  
64 Development Review Committee for review and approval prior to obtaining a  
65 building permit for all uses within this District.

66 (b) *Uses Permitted*

67 (1) All uses permitted in Sec. 20.3-24.

68 (2) Appliance sales and services; automotive parts; automobile rental; business  
69 machine sales and services; convenience store with the sale of gasoline;  
70 department store; drug store; fruit and vegetables (inside building.); furniture  
71 store; grocery store; hardware store (no outside display); heating, ventilation, and  
72 air conditioning (indoor only, no outside storage); medical supply; retail meat  
73 markets; and health spa and window tinting and stereo installation (indoor only)  
74 (amended 1/07).

75 (3) Adult entertainment establishments and sexually oriented businesses as  
76 defined in the Adult Entertainment Regulations established under Chapter 2.3 of  
77 the Clay County Code, subject to the provisions of Sec. 3-48.

78 (c) *Conditional Uses.* The following uses are permitted in the BB-2 zoning district subject  
79 to the conditions provided in Section 20.3-5.

80 (1) Mini-warehouses

81 (2) Public assembly

82 (3) Sales from vehicles

83 (4) Radio, television, microwave relay stations or towers and accessory equipment  
84 buildings.

85 (5) Residential dwelling

86 (6) Communication Antennas and Communication Towers, including accessory  
87 buildings, tower support and peripheral anchors as governed by the provisions of  
88 Section 20.3-46 of the Clay County Land Development Code.

89 (7) Land Clearing Debris Disposal Facility

90 (8) Indoor Skating Rinks and Indoor Skate Parks (amended 07/06, ord. 2006-38)

91 (9) Recreation Vehicle and Boat Storage *Rev. 04/22/08*

92 (10) Day Care Centers.

93 (11) Medical Marijuana Treatment Center Dispensing Facility

94 (d) *Uses Not Permitted*

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

96 (2) Any use which would create any obnoxious, corrosive or offensive noise, gas,  
97 odor, smoke, dust, fumes, vibration or light, and which would be detrimental to  
98 other surrounding properties or to the welfare and health of the citizens in the area.

99 (e) *Lot and Building Requirements.* The principal building(s), accessory structures and  
100 other uses shall be located so as to comply with the following minimum  
101 requirements.

102 (1) Side Lot Setbacks:

103 (i) Side lot setbacks on property which abuts residential or agricultural  
104 districts shall be not less than twenty-five (25) feet from side property lines.

105 If said lot is a corner lot, then setbacks should be the same as the front  
106 setback.

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

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

116 (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance  
117 82-45, as amended, and shall in no case be less than twenty-five feet from front  
118 property line.

119 (4) All structures shall be set back a minimum of 50 feet landward from the  
120 ordinary high water line or mean high water line, whichever is applicable; for  
121 waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback  
122 will be 100 feet. These setbacks shall not apply to structures on lots or parcels  
123 located landward of existing bulkheads permitted by the St. Johns River Water  
124 Management District or Florida Department of Environmental Protection.

125 (5) Where a business district is adjacent to a lot line of property of a residential or  
126 agricultural classification, no materials, garbage containers or refuse shall be  
127 allowed nearer than thirty (30) feet to such a residential or agricultural district.  
128 Garbage or refuse shall be containerized and such containers shall be enclosed or  
129 screened so as not to be readily visible.

130 (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising  
131 copy shall be directed away from adjacent residential or agricultural districts.

132 (7) *Density Requirements.* The maximum density of development of land with a  
133 BB-2 zoning classification shall correspond to an FAR of forty (40) percent.

134 (8) No outside amplification of sound shall be permitted which can be heard off-  
135 site

136 (9) *Visual Barrier.* Proposed non-residential development shall be buffered from  
137 adjacent land within the residential land use categories identified in Section 20.3-8  
138 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier  
139 (fence or vegetation) and tree planting thirty (30) feet on center. For all  
140 development commenced on or after January 28, 2003, the provisions of this  
141 subsection shall not apply. For developments that commence after this date, the  
142 provisions of Article VI of the Clay County Land Development Code (the Tree  
143 Protection and Landscaping Standards) will apply. (*Rev. 02/08/11*). d. 05-18)

## 145 Staff Recommendation

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147 This is an Applicant requested rezoning application to change 2.23 acres from BA-2 to BB-2.  
148 Due to the intent provided in the Clay Hill Overlay District Design Guidelines which state that  
149 the intent of the overlay is to retain the rural character and encourage the “rustic Florida  
150 vernacular or cracker theme” Staff has the opinion that smaller, unobtrusive non-residential

151 structures are more appropriate and therefore the existing BA-2 zoning is consistent with  
152 the area and the adjacent zoning categories.

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154 This request is consistent with the Goals, Objectives and Policies of the Comprehensive Plan  
155 but is incompatible with the surrounding zoning and the Clay Hill overlay. The Applicant has  
156 no end user in mind for the property and therefore, Staff recommends denial of application  
157 ZON 24-0031.

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