
**ARTICLE III
ZONING AND LAND USE**

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Sec. 3-1. ESTABLISHMENT OF ZONING DISTRICTS

In order to classify and regulate the use of land, water, buildings, and structures; to regulate the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the intensity of land use, the unincorporated area of Clay County, Florida, is divided into districts as follows:

(a) *Agricultural/Residential Districts*

- (1) AG: Agricultural (Section 20.3-12)
- (2) AR: Agricultural/Residential (Section 20.3-13)
- (3) AR-1: Country Estates Residential (Section 20.3-14)
- (4) AR-2: Rural Estates Residential (Section 20.3-15)

(b) *Residential Districts*

- (1) RA: Single-Family Residential (Section 20.3-16)
- (2) RB: Single-Family Residential (Section 20.3-17)
- (3) RC: Two- or Three-Unit Residential (Section 20.3-18)
- (4) RD: Multifamily Residential (Section 20.3-19)
- (5) RE: Single-Family Residential (Section 20.3-20)
- (6) RMHP: Residential Mobile Home Park (Section 20.3-21)

(c) *Commercial Districts*

- (1) BA-2: Commercial and Professional Office (Section 20.3-22)
- (2) BA-1: Light Neighborhood Business (Section 20.3-23)
- (3) BA: Neighborhood Business (Section 20.3-24)
- (4) BB-1: Light Intermediate Business (Section 20.3-25)
- (5) BB-2: Community Business District (20.3-26.1)
- (6) BB-3: Specialty Business District (20.3-26.2)
- (7) BB-4: Heavy Business District (20.3-26.3)
- (8) BB-5: Commercial Recreation District (20.3-26.4.)
- (9) BB: Intermediate Business (Section 20.3-26)

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- (10) BSC: Shopping Center (Section 20.3-27)
- (d) *Industrial Districts*
- (1) IS: Industrial Select (Section 20.3-28)
 - (2) IA: Light Industrial (Section 20.3-29)
 - (3) IB: Heavy Industrial (Section 20.3-30)
 - (4) BP: Business Park (Section 20.3-30.1) (amended 8/02 – Ord. 02-45)
- (e) *Special Purpose Districts*
- (1) PCD: Planned Commercial Development (Section 20.3-31)
 - (2) PID: Planned Industrial Development (Section 20.3-32)
 - (3) PUD: Planned Unit Development (Section 20.3.33)
 - (4) PO-1, PO-2, PO-3, PO-4: Public Ownership (Sections 20.3-34,35,36,37)
 - (5) PS-1, PS-2, PS-3, PS-4: Private Service (Sections 20.3-38,39,40,41)
 - (6) EX: Excavation (Section 20.3-42)
 - (7) ICO: Independent Community Overlay (Section 20.3-43)
 - (8) IN: Incinerator (Section 20.3-44)
 - (9) CO: Conservation Overlay (Section 20.3-45)

Sec. 3-2. OFFICIAL ZONING ATLAS (amended 10/12/93 Ord 93-36)

- (a) *Establishment and Amendment of LDR Zoning Atlas.* The boundaries of the zoning districts established in Section 20.3-1 shall be depicted in the LDR Zoning Atlas, which consists of a map series embracing all of the unincorporated area of Clay County, Florida, and which is hereby established as a part of this Article, incorporated by reference as if fully set forth herein. Particular pages of the LDR Zoning Atlas shall be adopted by ordinance in accordance with the applicable procedures provided by law. With respect to any particular parcel of real property, the same shall be added to or changed on the LDR Zoning Atlas in a manner depicting its boundaries and zoning district classification promptly and only upon the initial zoning or rezoning of the same pursuant to this Article and in accordance with applicable procedures provided by ordinance and general law, provided that the same has become effective as provided by law. The provisions of this Article shall not apply to any parcel of real property until the same shall have been initially zoned under this Article by ordinance adopted in accordance with the applicable procedures provided by law and depicted in the LDR Zoning Atlas or the Interim Zoning Atlas as provided herein. The depiction of a parcel of real property, or a change in the zoning district classification thereto, on the LDR Zoning Atlas shall be authorized and implemented only by ordinance adopted in accordance with the applicable procedures provided by law. It shall be unlawful for any person to make any unauthorized change in the LDR Zoning Atlas or the Interim Zoning Atlas. As a page of the LDR Zoning Atlas is adopted hereunder, the same shall be certified by the signature of the Chairman of the Board of County Commissioners and attested by the County Clerk, and shall bear the seal of the County of Clay under the following words: "This is to certify that this is Sheet ___ of the LDR Zoning Atlas referred to and adopted by reference by Ordinance 93-16, as amended, adopted May 25, 1993." Subsequent rezonings affecting lands depicted on a particular page of the LDR Zoning Atlas shall be noted thereon by reference to an identification system implemented by the Director by which the zoning history subsequent to the adoption of said page of said lands may be readily researched and discerned.
- (b) *Interpretation of District Boundaries.* When the boundaries of the various districts are not clearly shown in the LDR Zoning Atlas or by reference to the zoning identification number(s) applicable to a particular parcel of real property, they shall be determined by use of the scale shown on said maps or actual dimensions if noted. Scale and field measurements and map dimensions shall be figured from the center line of streets, highway, alleys and railroad rights-of-way or public waters, as the case may be. Where uncertainty exists as to the exact location of said boundaries, the following rules shall apply:
- (1) *Center Line as Boundaries.* Where district boundaries lie on or within streets, highways, road rights-of-way or public water, the district boundaries shall be the center line of the same.
- (2) *District Boundaries Which Bisect Blocks.* Where district boundary lines approximately bisect blocks, the boundaries are the median lines of such blocks between the center line of boundary streets.
- (3) *District Boundaries Parallel to Rights-of Way or Bodies of Water.* Where district boundaries are approximately parallel to a street, highway, road, alley, railroad right-of-way or

public water, the distance of such boundaries from the center line thereof shall be, unless otherwise shown by dimension, the median block line.

(4) *District Boundaries Dividing Parcels of Land.* In subdivided property or where a district boundary divides a subdivided lot, the location of such boundary, unless indicated by dimensions, shall be determined by the use of scale appearing on a district map. Where a district boundary divides a platted lot, the zone classification of the greater portion shall prevail throughout the lot.

(5) *Action in Case of Uncertainty.* In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the district map as to location of such boundaries.

(6) *Street and Rights of way Abandonments.* Where a public road, street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply.

(c) *Interim Zoning Atlas.* In the event an initial zoning or rezoning of a particular parcel of property has been adopted by ordinance under the authority of this Article at any time prior to the adoption and certification of the particular page(s) of the LDR Zoning Atlas upon which the parcel would be depicted, the Director shall post the same to an Interim Zoning Atlas created hereby and maintained by the Director consisting of a permanent record of such actions and of surveys, maps, or other drawings graphically depicting each parcel affected, appropriately noted to reflect the applicable ordinance and zoning classification. Upon the adoption and certification of the particular page(s) of the LDR Zoning Atlas upon which is depicted a parcel of property also depicted in the Interim Zoning Atlas, the Interim Zoning Atlas shall have no further applicability to said parcel, and the LDR Zoning Atlas shall thenceforth govern with respect thereto.

Sec. 3-3. PERMITTED USES, GENERALLY

It is the intent of this Article to permit certain uses, not otherwise illegal, to locate in specified zoning districts, either as a permitted use, or as a conditional use.

- (a) *Uses Not Specifically Listed.* In the event there is not a particular use listed anywhere in this Article that describes a land use activity in question and such use is not determined to be an accessory use, then it shall be considered the same as the use having the most similar characteristics. Notwithstanding, when a particular use might be construed to qualify as a permitted use, or conditional use in a district, if such use has characteristics more similar to a particular use listed or defined elsewhere in this Article then it shall be interpreted that the latter listing or definition shall govern. Where uncertainties continue to exist, the question shall be determined by the Planning and Zoning Director.
- (b) *Criteria for Reviewing Uses Not Listed.* The Planning and Zoning Director, shall consider among other relevant matters, (traffic generation, density of population, and hours of operation of the proposed use) in comparison to specifically named uses within this Article and the criteria set forth in the Clay County Comprehensive Plan.
- (c) *Appeals of Decisions on Unlisted Uses.* Such decisions may be appealed to the Board of Adjustment in conformance with the provisions of Section 30, Ordinance 82-45, as amended.
- (d) *Mobile Homes.* House trailers or mobile homes may be parked only in a trailer park approved by the State Board of Health, or must meet the requirements of a single-family dwelling as provided under the provisions of this Article, in addition to compliance with the Building Code Ordinance adopted by Clay County. When such mobile home residences are parked in permitted zones other than a residential mobile home park, in addition to meeting the requirements of a single-family dwelling and the codes cited in this Article, the wheels on such trailers must be removed and the trailer must be immobile.
 - (1) *Skirting Requirements.* Mobile homes, for which a permit has been issued, shall be skirted after inspection and approval of the blocking, tie-downs, anchors, plumbing, mechanical and electrical connections, but before the electrical service connection is authorized and a Certificate of Occupancy is issued. The Building Official may authorize the electrical connection up to thirty (30) days prior to the completion of the skirting if sufficient evidence is presented to demonstrate that a hardship exists due to inclement weather, medical reasons, or availability of materials. Such skirting shall be designed or arranged to provide continuous ventilation. The skirting shall be securely fastened in place and shall cover the intervening space between the perimeter walls of the home and grade level below. Skirting shall be constructed of aluminum, masonry units, pressure treated wood or other suitable material designed for such use and shall be so installed that a four (4) inch sphere will not penetrate the skirting at any point. A removable access grill or door shall be provided and sized according to the adopted standard codes.
- (e) *Dwelling in Zones Other than Residential.* Living units may be established in Public Ownership District (Zone PO) and Private Services District (Zone PS) in conjunction with funeral homes, institutions requiring a resident caretaker, police and fire stations, and including any public or semi-public use. In addition, living units may be established in Commercial

Districts (Zones BA, BA-1, BA-2, BB, BB-1) and Industrial Districts (Zones IS, IA, IB) subject to related Conditional Uses.

- (f) *Use of Public Right-of-Way.* The sale of merchandise from within the limits and confines of all public road or street rights-of-way lying within the jurisdiction of this Article is prohibited.
- (g) *Street Numbering/Addresses.* Each dwelling, commercial, industrial, and office building, excluding accessory buildings, shall have street numbers and or letters of no less than three (3) inches in height places on its exterior surface clearly visible from the street. (amended 398 ORD. # 98-8)

Sec. 3-4. PERMITTED USES, SPECIFICALLY

No structure shall be erected, constructed, reconstructed or structurally altered, nor shall any structure or land or combination thereof be used unless the use to which the structure and/or land is to be put is listed in the Permitted Use section of the applicable zoning district and the use fully complies with all of the applicable district regulations, except for non-conformities as provided for herein.

- (a) No accessory use or accessory building or structure, shall hereafter be constructed, remodeled, established, altered, or enlarged unless such accessory use or accessory building or structure complies with the dimensional requirements of the zoning district applicable thereto.
- (b) In the AR, AR-1 and AR-2 residential districts, accessory buildings or structures may be located in the side or rear yards. In all other residential districts, accessory buildings and structures except for in-ground pools shall be located in the rear yard only, except for water abutted property. In-ground swimming pools shall be permitted on the waterfront side of a waterfront lot. For waterfront lots, the front yard is determined by the owner prior to issuance of a building permit. In-ground swimming pools may be permitted in the side yard in any residential district, provided all required setbacks are met. *Rev. 05/24/11*
- (c) For purposes of subsections (d) and (e), the following definitions shall apply:
 - (1) *Qualified Restaurant* means an SRX Establishment or a Non-SRX Establishment.
 - (2) *SRX Establishment* means an establishment operating under an SRX specialty license for the sale of alcoholic beverages.
 - (3) *Non-SRX Establishment* means an establishment operating under a license for the sale of alcoholic beverages other than an SRX specialty license whose principal business is the sale of food or non-alcoholic beverages to the customer in a ready to consume state on the premises, which receives in each calendar month of operation at least fifty-one percent of its gross income from the sale of food and non-alcoholic beverages prepared, sold and consumed on the premises, and which sells alcoholic beverages by the drink.
 - (4) *Religious Institution* means a building where persons regularly assemble for religious worship, including a church, sanctuary, synagogue, temple or mosque, together with educational and recreational facilities owned, maintained and operated by any such church, sanctuary, synagogue, temple or mosque accessory thereto, together with rectories, convents and parsonages and social and community uses and activities typically and traditionally accessory thereto, but not including day care centers, community recreation facilities and private educational facilities if said uses are the sole use of the subject property.

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- (d) (1) Places which sell alcoholic beverages for on-premises consumption other than Qualified Restaurants shall locate no closer than 1500 feet, measured Portal to Portal, and no closer than 750 feet, measured Property Line to Property Line, from a Religious Institution. In the case of undeveloped land owned by a Religious Institution under circumstances described in paragraph (4), the Portal to Portal distance restriction shall not apply. For the purposes of measurement under this subsection, Portal shall mean the main public entrance of the primary structure. For the purposes of measurement under this subsection, Property Line to Property Line shall mean the property lines of each applicable property which are the closest to one another.
- (2) The distance restrictions of this subsection shall not apply in or during the process of locating a Religious Institution.
- (3) Upon reasonable request by the County as to time and place of production, each Non-SRX Establishment located closer than 1500 feet, measured Portal to Portal, or closer than 750 feet, measured Property Line to Property Line, from a Religious Institution shall make available records sufficient for the County to determine whether it is operating, on a continuing basis, in accordance with the conditions necessary for it to maintain its qualification as a Non-SRX Establishment under the definition thereof set forth in subsection (c). Failure to provide such records in a timely manner shall be a violation of this article.
- (4) In the event a Religious Institution purchases undeveloped property for the purpose of developing it in order to provide religious services in accord with the definition of Religious Institution contained in subsection (c), then upon written application to avail itself of the minimum Property Line to Property Line distance restriction contained in paragraph (1) and the furnishing of the deed vesting title in the name of the Religious Institution to the Clay County Zoning Department, the Property Line to Property Line distance restriction imposed in paragraph (1) shall be in effect and no establishment subject to the provisions of subsection (1) shall be able to locate closer than said Property Line to Property Line distance restriction for a period up to four years from the date of the written application. In order to continue the distance restrictions of paragraph (1), the Religious Institution must obtain a validly issued building permit for the uses described in the definition thereof set forth in subsection (c) prior to the expiration of the said four-year period.
- (5) The distance restrictions of paragraph (1) shall not apply in the situation where a Religious Institution is a tenant under a lease in premises which can accommodate two or more separate tenancies and which premises are under common ownership, regardless of whether the Religious Institution locates first in the leased premises.

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- (6) The provisions of this subsection shall operate prospectively only. As of the effective date of the ordinance first establishing this subsection, all currently existing establishments subject to the provisions of subsection (1) which, due to their locations would be prohibited or restricted from so locating under the terms of any former ordinance or this subsection, shall be allowed to continue operating lawfully but shall be considered non-conforming uses of land subject to the provisions of Section 20.3-11, with the exception that the provisions of paragraph 20.3-11(e)(7) shall not apply. Any damage or destruction to a major structure, structures or premises which operates as a non-conforming use under this subsection and which is caused by natural occurrence, disaster or accident will not eliminate the lawful nonconforming status of the land or use thereon.
- (7) Places which sell alcoholic beverages for on-premises consumption under a 4COP quota license issued by the Florida Division of Alcoholic Beverages and Tobacco must be in compliance with the provisions of Section 3-47.
- (e) (1) Places which sell alcoholic beverages for on-premises consumption other than Qualified Restaurants shall locate no closer than 500 feet, measured Property Line to Property Line, from a public or private school. For the purposes of measurement under this subsection, Property Line to Property Line shall mean the property lines of each applicable property which are the closest to one another.
- (2) For purposes of this subsection, a school shall not include a collegiate, university, or other post secondary educational or vocational training institution or facility.
- (3) The distance restrictions of this subsection shall not apply in or during the process of locating a public or private school.
- (4) Upon reasonable request by the County as to time and place of production, each Non-SRX Establishment located closer than 500 feet, measured Property Line to Property Line, from a public or private school shall make available records sufficient for the County to determine whether it is operating, on a continuing basis, in accordance with the conditions necessary for it to maintain its qualification as a Non-SRX Establishment under the definition thereof set forth in subsection (c). Failure to provide such records in a timely manner shall be a violation of this article.
- (5) For purposes of determining whether a public school or an establishment subject to the provisions of subsection (1) is established first in a particular location, then, prior to the commencement of physical development of the public school site, a public school shall be deemed to be first established

for purposes of enforcing the Property Line to Property Line distance restriction imposed in paragraph (1) , at the time that the Board of County Commissioners issues its written confirmation of consistency with the Clay County Comprehensive Plan, as amended, and with the General Siting Review Criteria pursuant to that certain Interlocal Agreement for Public Educational Facility Siting and Review In Clay County, entered into as of June 22, 2002, between the Clay County Board of County Commissioners and the Clay County School Board, being Clay County Agreement, 01/02-104, as the same may be amended from time to time, and for so long as the Interlocal Agreement remains in effect.

- (6) The distance restrictions of paragraph (1) shall not apply in the situation where a public or private school is a tenant under a lease in premises which can accommodate two or more separate tenancies and which premises are under common ownership, regardless of whether the public or private school locates first in the leased premises.
- (7) The provisions of this subsection shall operate prospectively only. As of the effective date of the ordinance first establishing this subsection, all currently existing establishments subject to the provisions of subsection (1) which, due to their locations would be prohibited or restricted from so locating under the terms of any former ordinance or this subsection, shall be allowed to continue operating lawfully but shall be considered non-conforming uses of land subject to the provisions of Section 20.3-11, with the exception that the provisions of paragraph 20.3-11(e)(7) shall not apply. Any damage or destruction to a major structure, structures or premises which operates as a non-conforming use under this subsection and which is caused by natural occurrence, disaster or accident will not eliminate the lawful nonconforming status of the land or use thereon.
- (8) Places which sell alcoholic beverages for on-premises consumption under a 4COP quota license issued by the Florida Division of Alcoholic Beverages and Tobacco must be in compliance with the provisions of Section 3-47.

Sec. 3-5. CONDITIONAL USES

The conditions identified herein apply only if not otherwise specified in the LDR Zoning Code. An Applicant proposing a conditional use shall be required to present evidence of compliance with the applicable conditions required for the proposed use through a site plan and written statement which shall be administratively verified by the Director of Planning and Zoning, or his or her designee.

Certain conditional uses, as identified therein, shall also require a public hearing before the Local Planning Agency (LPA) as well as a public hearing before and the approval of the Board. The process and public notification requirements for such proposed conditional uses shall be the same as that for a rezoning request. See Article XII, Sec. 12-8.

The LPA and the Board shall consider the compatibility of the proposed conditional use by considering the following:

- Whether the proposed use is compatible with surrounding land uses;
- Whether the proposed use would materially degrade the quality of surrounding roadways; and
- Whether the proposed use would adversely affect the health, safety and welfare of the citizens of Clay County.

(a) *Accessory Dwelling Unit (ADU)*. Accessory dwelling units will be allowed within the PUD , AG, AR, AR-1, AR-2, RA, RB, and RE Zoning District subject to the following criteria:

- (1) ADUs are allowed only on parcels conforming to the zoning and land use requirements of Clay County. ADUs are not permitted on lots created through the Heirs or Homestead provisions or on lots containing a Mobile Home for Medical Hardship or a Dwelling Unit with Kitchen Addition as defined in the Conditional Uses section of this Code.
- (2) Not more than one ADU shall be permitted for each single family dwelling in the zoning districts where allowed. The ADU may be in the form of a separate and detached unit or as an apartment over a garage. In either case, the ADU shall be subordinate to the principal building as to location, height, square footage and building coverage.
- (3) An ADU shall not be permitted before construction of the principal building has commenced or a lawful principal use is established.
- (4) ADUs are permitted only if the owner occupies the primary residence and only if the primary residence is homesteaded. The ADU cannot be sold separately from the primary residence.
- (5) The establishment of a new ADU shall only be allowed if the lot area of the principal building is at least 15,000 square feet. A lot containing an ADU shall not be subdivided to separate the ADU from the principal use.
- (6) The design of the ADU shall be uniform in appearance to the primary residence. The floor area shall be no less than 375 square feet and no greater than 40 percent of the primary building's gross floor area or 1250 square feet,

whichever is less. Maximum lot coverage for all buildings may not exceed 35%.

- (7) Where an ADU is proposed at a second story level, all exterior doorways and outdoor living areas such as porches or balconies, shall be oriented toward the interior of the property.
- (8) One off-street parking space is required for each ADU, in addition to the parking required for the primary residence.
- (9) The ADU shall comply with the requirements of any applicable housing or building codes.

Application submittals shall include a written statement to include a description of the ADU's exterior material and a site plan showing building placement, size, and setbacks. (Rev. 05/26/09, 06/22/10)

(b) *Adult Arcade Amusement Centers.* Allowed in the BB-5 Zoning District subject to the following:

- (1) Must be located on the premises of a facility that is licensed by the State of Florida pursuant to Ch. 550, Florida Statutes, and
- (2) Must comply with the provisions of Ordinance 2011-2.

(c) *Reserved*

(d) *Animal Clinics.* (Amended 3/23/96 Ord. 96-18)

- (1) The use shall be totally enclosed in a soundproof structure constructed in accordance with the Clay County Building Code, as amended.
- (2) There shall be no outside runs.
- (3) No on-site disposal of animal parts or remains shall be permitted, and all such parts and remains shall be handled while on-site and transported off-site in accordance with the minimum requirements established by the State of Florida.
- (4) All x-ray examination rooms shall be shielded for leakage, such shielding to meet the minimum requirements established by the State of Florida.
- (5) The lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property. No source of illumination shall be allowed, if such source of illumination would be visible from a residentially-zoned district to the extent that it interferes with the residential use of that area.

(e) *Animal Control Facilities.* (Rev. 02/24/09)

- (1) *Limitation of Size.* Such facilities are permitted on tracts of land not less than five acres.

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- (2) *Setback.* No building or structure shall be closer than 500 feet from any property line with the exception of cages utilized for after-hour drop-offs. Structures utilized for after-hour drop-offs must be emptied every morning.
 - (3) *Runs-Kennels.* No outside pens or runs shall be permitted closer than 350 feet to any residentially zoned property. Runs shall be hard surfaced or grassed with drains provided every ten feet and connected to an approved sanitary facility. Outside runs may be utilized from the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday and Sunday. On Saturday, outside runs may be utilized from 7:00 a.m. to 3:00 p.m.
 - (4) *Examination Rooms.* All x-ray examination rooms shall be shielded for leakage. Such shielding shall meet the minimum requirements established by the State of Florida.
 - (5) *Lighting.* Lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property. No source of illumination shall be allowed, if such source of illumination would be visible from a residentially zoned district.
 - (6) *Limitation of Use.* No on-site disposal of animal parts or remains shall be permitted, and all such parts and remains shall be handled while on-site and transported off-site in accordance with the minimum required by the state of Florida.
 - (7) *Sound.* The noise from the facility shall be attenuated from residential areas.
- (f) *Apiculture (Hobbyist).* An ancillary use of agricultural and residentially zoned properties which is composed of the raising and care of honey bees maintained in movable-frame hives. (Amended 2/25/97 - Ord. (97- 11)
- (1) On a lot size of 7,500 square feet or less, no more than two hives (colonies of bees) will be permitted. On a lot size of 15,000 square feet or less, no more than five hives (colonies of bees) will be permitted. On lots larger than 15,000 square feet additional hives will be permitted on the basis of one (1) for each 5,000 square feet in excess of 15,000 square feet.
 - (2) All hives must be located twenty feet from any property line.
 - (3) All sites shall be buffered from adjacent properties with a six foot opaque fence.
 - (4) The site must be licensed by the Department of Agriculture and Consumer Services (DACs).
 - (5) The hives (colonies) of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.
 - (6) A site plan must be submitted which contains the following information:
 - (i) The location of all hives and existing structures>

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- (ii) The location and height of all buffers.
 - (iii) A description of the facility outlining the intended method of operation.
 - (g) *Auctions.*
 - (1) A parking ratio of one space per 300 square feet of floor area ratio is required.
 - (2) Shared parking of adjacent off-peak uses may be utilized to meet minimum parking requirements.
 - (3) Agreements from adjacent owners allowing the use of shared parking must be obtained and submitted prior to approval. *Rev. 04/22/08*
 - (h) *Aviculture (Commercial).* The raising, breeding, and/or selling of exotic birds, excluding poultry, for commercial purposes.
 - (1) The minimum lot size shall be five (5) acres.
 - (2) There shall be a fifty (50) foot vegetative buffer between the site and contiguous properties.
 - (3) The site must have direct access to a county or state-maintained road.
 - (4) No building or cage shall be located closer to the property line than one hundred (100) feet.
 - (5) Must have owner or caretaker residing on-site.
 - (6) The site must be licensed by the State Game and Fresh Water Fish Commission.
 - (7) A site plan must be submitted which contains the following information:
 - (i) The location, height and intended use of all existing and proposed structures.
 - (ii) The location, nature and height of buffers, landscaping and other security and noise alleviation structures.
 - (iii) A description of the facility outlining the intended method of operation, including the number, types and characteristics of the birds.
 - (i) *Aviculture (Hobbyist).* An ancillary use of agricultural and residentially zoned properties which is composed of the keeping, raising, and/or breeding of exotic birds, excluding poultry, for personal enjoyment. This definition is intended to encompass aviculture activities which result in an occasional sale and/or exchange of birds.
 - (1) No building or cage shall be located closer to the property line than twenty-five (25) feet.

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- (2) The site must be licensed by the State Game and Fresh Water Fish Commission.
 - (3) Not more than two (2) pairs of birds over five hundred (500) grams in weight shall be located in structures other than the primary residence.
 - (4) No sale of feed or aviary products.
 - (5) Gross sales receipts cannot exceed two thousand five hundred (\$2,500.00) annually.
- (j) *Bed and Breakfast Inns.*
- (1) A resident owner or operator must reside on-site at all times.
 - (2) Off-street parking shall be provided at the rate of two (2) spaces for the resident owner or operator and one (1) space for each occupancy or rental unit.
 - (3) Signage shall be limited to one (1) sign of not larger than six (6) square feet, inclusive of face and frame, logos, pictures, and the like, per street frontage. No sign shall exceed a maximum height of twelve (12) feet as measured to the highest projection of the sign or support. All other provisions of the Clay County Sign Ordinance shall apply.
 - (4) The exterior architectural style and appearance of all buildings and structures, including signs, shall be compatible with the generally established theme of the surrounding neighborhood.
 - (5) All applicable regulations of the various health, building, and fire codes shall be met prior to the issuance of any building permits.
- (k) *Bird Sanctuaries and Rehabilitation Centers.*
- (1) The minimum lot size shall be seven (7) acres.
 - (2) There shall be a fifty (50) foot vegetative buffer from bird sanctuaries and rehabilitation centers to contiguous properties.
 - (3) The site must be licensed by the State.
 - (4) Rehabilitation centers must have owner or caretaker residing on-site.
- (l) *BMX Track (Bicycle Motocross; Non-motorized).*
- (1) *Limitations of Size.* Such facilities are permitted on tracts of land of not less than five (5) acres under unity of lease of title by the person operating such facility.
 - (2) *Limitation of Use.* Such facilities are limited to the racing of non-motorized bikes.
 - (3) *Lighting.* Ground and building lighting shall be confined to the property and shall not cast direct light on adjacent properties. The maximum height of a light pole shall be

thirty (30) feet.

- (4) *Setback.* No building, structure or track shall be closer than fifty (50) feet from any property line.
 - (5) *Signage.* Shall be limited to one (1) sign of not larger than six (6) square feet, inclusive of face and frame, logos, pictures, and the like, per street frontage. No sign shall exceed a maximum height of twelve (12) feet as measured to the highest projection of the sign or support. All other provisions of the Clay County Sign Ordinance shall apply.
 - (6) *Performance Standards.* The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction.
 - (7) *Fencing and Screening.* Where deemed necessary to protect the general public, safety fences of up to a height of six (6) feet may be required. A landscape screen of at least 75 percent opaqueness to protect neighboring property from potential loss of or diminishment of land value or use may also be required.
 - (8) A site plan must be submitted which contains the following:
 - (i) Map of proposed location and vicinity.
 - (ii) The location of all attractions and structures and time of operation.
 - (iii) Off-street parking and buffering.
 - (9) If said site is located on publicly owned property, access thereto shall be from a paved road. (Ord. 00-50 – amended 9/26/00) (Ord. 02-43 – amended 8/02)
- (m) *Borrow Pits.*
- (1) A permit to operate a Borrow Pit shall be submitted and approved by the Planning and Zoning Division, which will provide for a ~~one~~ five year operational period, renewable upon request. The permit fee and all inspection fees are required prior to the issuance of the permit and any renewal.
 - (2) Full compliance with the Applicant's NPDES Construction Generic Permit (CGP) is also required throughout the operational period of the County's permit.
 - (3) Borrow Pits are only authorized within the AG and AR zoning districts on parcels a minimum of 10 acres and may only comprise 25% of the property. With Board approval, a Borrow Pit may be comprised of up to 50% of the property if it is deemed compatible with neighboring properties.
 - (4) Any portion of a Borrow Pit visible from the public right-of-way or nearest residential use shall be screened with dense landscaping to achieve at least 75% opacity. The landscape buffer shall be no less than 10 feet in width at any given point and shall be placed outside the required fence perimeter to achieve maximum dust and noise

reduction and visible shielding. Earthen berms with a minimum height of 3 feet can be placed within this buffer area.

- (5) Borrow Pits are limited in operation from 5:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday. Operation outside of these hours is permitted with written documentation of emergency need.
- (6) Excavation shall be performed in a manner that the sides of the pit shall slope at no greater than a 2 to 1 slope from the surrounding ground surface, throughout the Borrow Pit, and where the Borrow Pit will be filled with water, it shall then slope no greater than a 4 to 1 slope from the water's edge to a depth of 8 feet and not greater than a 2 to 1 slope thereafter.
- (7) Borrow Pits shall be located so that no one point of the edge shall be closer than 75 feet to any part of the underground and/or above ground, septic tank system.
- (8) The edge of a Borrow Pit shall be located at all points at least 30 feet or the horizontal distance of a 2 to 1 slope from natural ground to the proposed bottom of the borrow pit, whichever is greater, to any right-of-way, easement, access point or property line.
- (9) Borrow Pits shall not encroach into or be located in a jurisdictional wetland area as defined by the Army Corps of Engineers, Florida Department of Environmental Protection or the St. Johns River Water Management District, hereafter called Agencies. The Applicant shall be responsible for contacting the applicable Agencies in order to determine if the site is within jurisdictional lands. Copies of these Agencies' permits shall be provided prior to issuance of a Borrow Pit permit. Where permits are not required by the Agencies, documentation indicating such shall be provided from the Agency prior to issuance of a Borrow Pit permit.
- (10) Borrow Pit sites with access from a roadway other than an Arterial, Major or Minor Collector road shall require a road maintenance agreement approved by the Board.
- (11) The construction entrance to a Borrow Pit site shall have a driveway per County standards, a washdown pit, and a rock tracking bed, at a minimum, to prevent tracking of materials onto the County's roadways. A construction entrance onto a paved roadway shall additionally require a paved driveway composed of asphaltic concrete or millings, as shown in Exhibits 1-3. A repeat violation of maintaining the construction entrance can result in the permit being revoked.
- (12) Excavation may not include any type of processing, manufacturing or other activity that converts the natural earth materials into a product.
- (13) In no event shall a Borrow Pit exceed the maximum depth fixed by the permit.
- (14) Prior to Excavation, the Applicant shall cause to be constructed and maintained on the land to contain a Borrow Pit a substantial fence which encloses the borrow pit and includes locking gates not less than 6 feet in height at all points of access to the Borrow Pit. Durable warning signs shall be posted thereon not more than 200 feet apart bearing the words DANGER and NO TRESPASSING in letters not less than 6

inches in height, which shall be maintained by the Applicant so as to be clearly legible. The Applicant shall cause the fence to be maintained for the entire existence of the Borrow Pit.

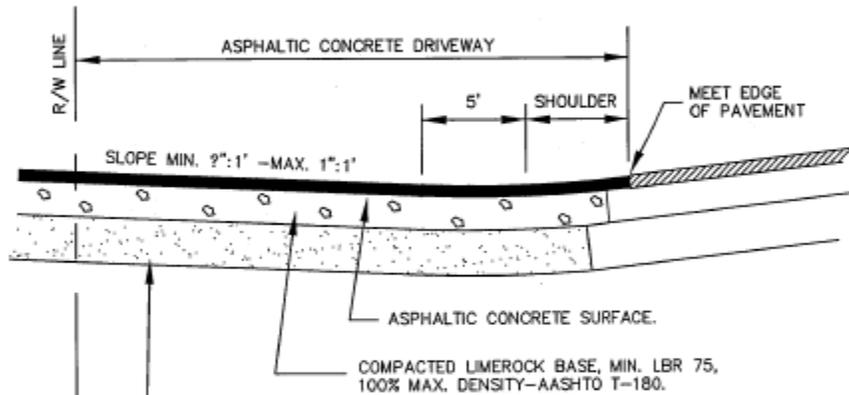
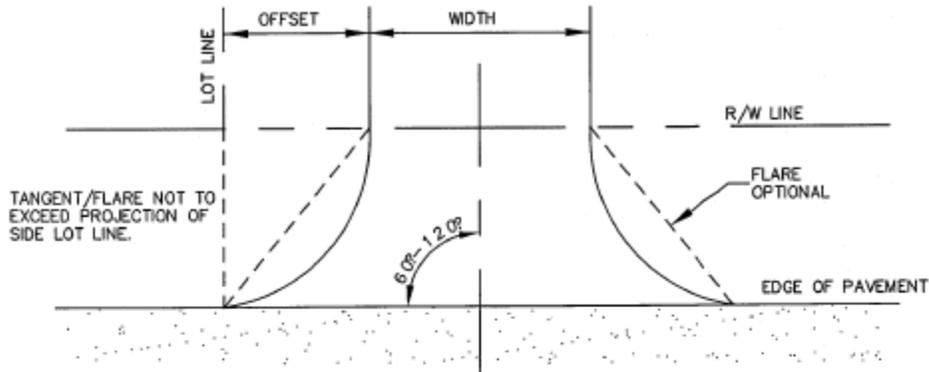
(15) Submittal requirements:

All of the following items shall be submitted in order to begin the permit review process:

- (i) Completed permit application.
- (ii) Construction plan set, signed and sealed by a Florida Registered Professional Engineer, containing the following items:
 - a. One copy of stormwater calculations which may be in electronic form in PDF format with electronic seal.
 - b. Three copies of construction plans including site and landscape plan, no smaller than 11" x 17" and no larger than 24" x 36" and one copy in electronic form in PDF format with electronic seal. The construction plans should show at a minimum the following:
 - 1. Property boundary
 - 2. State and Federal jurisdictional wetland line, associated upland buffer, and 50' dry land excavation setback
 - 3. Existing and proposed contours
 - 4. A typical cross-section
 - 5. Existing and proposed surface water drainage patterns
 - 6. Erosion and sediment control measures, dewatering method and location
 - 7. Plans for any dewatering activities which discharge water off-site
 - 8. Access to the project including haul routes to nearest Arterial, Major or Minor Collector
 - 9. Hours of operation
 - 10. Fence detail
 - 11. Cross section of roads and roadway connections
 - 12. The landscape buffer
 - 13. Distance to any well or septic system
 - 14. All protection barriers and limits of clearing.
- (iii) The following maps shown with project boundaries overlaid:
 - a. One copy of vicinity map (may be on plan set)
 - b. One copy of map depicting vegetative cover based on the Florida Cooperative Land Cover Map.
- (iv) Road maintenance agreement, if required.

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- (v) Statement of the intended use of the land following the borrow pit activity.
 - (vi) All appropriate permits, or documentation indicating permits are not required, from the following agencies:
 - a. St. Johns River Water Management District
 - b. Florida Department of Transportation
 - c. Florida Department of Environmental Protection
 - d. U.S. Army Corps of Engineers
 - (16) Following receipt of all these submittal requirements, a meeting shall be scheduled with the Development Review Committee (DRC) to discuss the submittals. The DRC shall review the application and other submittals and provide comments.
 - (17) The County Engineer, or his or her designee, shall conduct annual inspections to monitor compliance with the County's permit, the Applicant's NPDES permit, and any other County requirements.
 - (18) Upon completion of the Borrow Pit activity, a Registered Professional Engineer shall submit As-Builts to the County Engineer.

Exhibit 1



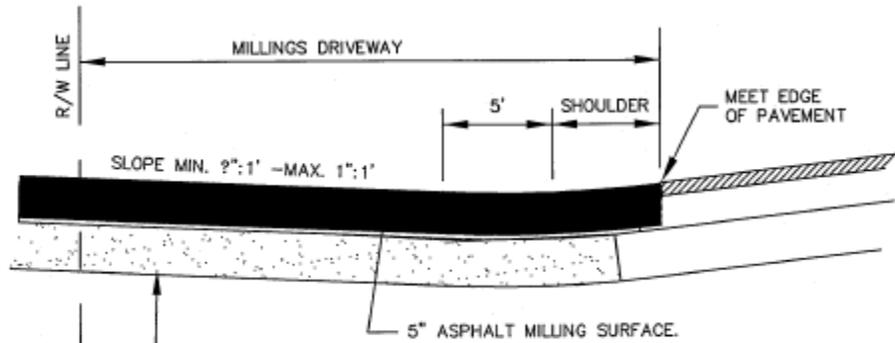
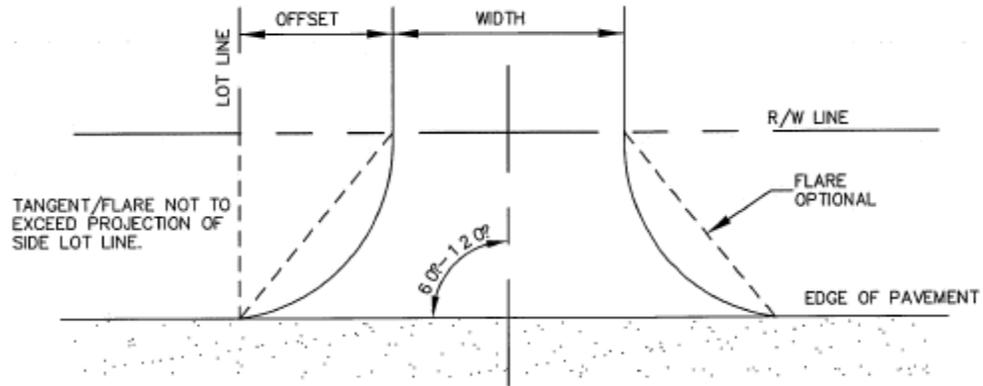
- SUB-BASE OPTIONS (SEE CHART BELOW FOR THICKNESSES).
1. STABILIZED SUB-BASE MIN. LBR 30 COMPACTED TO 95% OF MAX. DENSITY AASHTO T-180.
 2. SUB-BASE COMPACTED TO 95% OF MAX. DENSITY AASHTO T-180.

1. ALL DRIVEWAYS CONSTRUCTED WITHIN COUNTY MAINTAINED RIGHT-OF-WAYS SHALL CONFORM TO COUNTY STANDARDS. A PERMIT MUST BE ISSUED BY THE DEPARTMENT OF PUBLIC WORKS FOR ALL SUCH WORK.
2. ALL MATERIALS SHALL CONFORM TO COUNTY STANDARDS.
3. ALL DRIVEWAYS CONSTRUCTED WITHIN STATE MAINTAINED RIGHT-OF-WAYS SHALL CONFORM TO D.O.T. STANDARDS.

DRIVEWAY TYPE	MIN. WIDTH	MAX. WIDTH	PAVEMENT OPTION #1			PAVEMENT OPTION #2			MIN. RADIUS	MIN. OFFSET	OPTIONAL FLARE
			ASPHALT	LIMEROCK	STABILIZED SUB-BASE	ASPHALT	LIMEROCK	STABILIZED SUB-BASE			
CLASS I RESIDENTIAL	8'	24'	11/2"	6"	6"	11/2"	8"	4"	3'	3'	3'
CLASS II COMMERCIAL	24'	36'	11/2"	6"	12"	11/2"	8"	6"	30'	30'	7'
CLASS III HIGH VOLUME	24'	36'	11/2"	8"	12"	11/2"	12"	12"	30'	30'	N/A

STANDARD ASPHALTIC CONCRETE DRIVEWAY

Exhibit 2

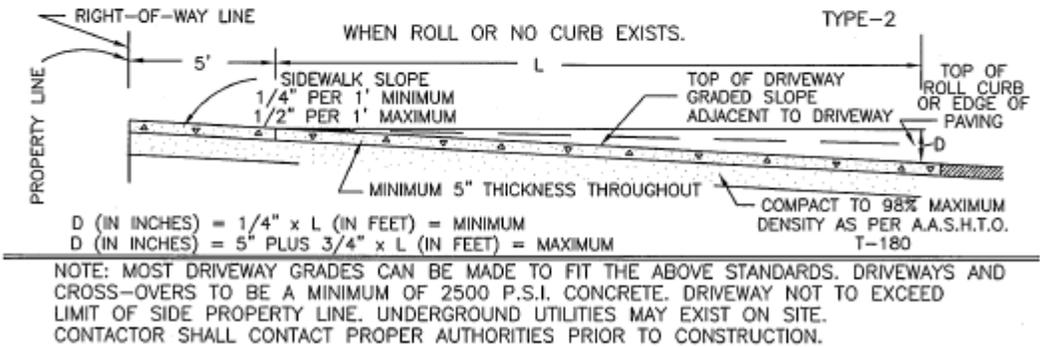
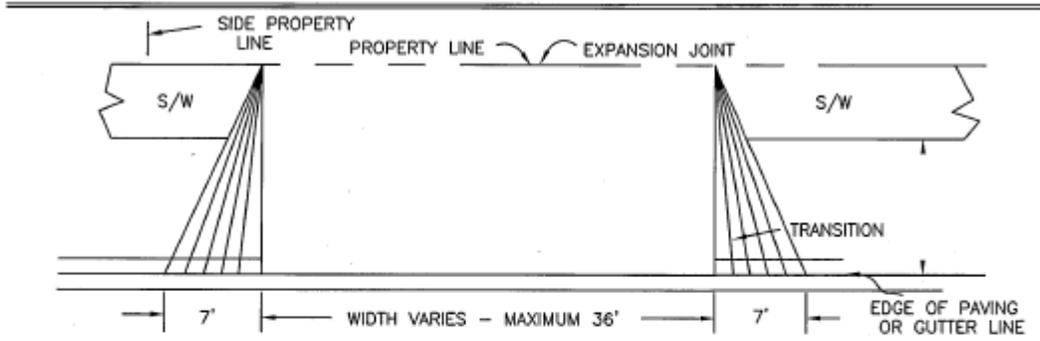


- SUB-BASE OPTIONS (SEE CHART BELOW FOR THICKNESSES).
1. STABILIZED SUB-BASE MIN. LBR 30 COMPACTED TO 95% OF MAX. DENSITY AASHTO T-180.
 2. SUB-BASE COMPACTED TO 95% OF MAX. DENSITY AASHTO T-180.

1. ALL DRIVEWAYS CONSTRUCTED WITHIN COUNTY MAINTAINED RIGHT-OF-WAYS SHALL CONFORM TO COUNTY STANDARDS. A PERMIT MUST BE ISSUED BY THE DEPARTMENT OF PUBLIC WORKS FOR ALL SUCH WORK.
2. ALL MATERIALS SHALL CONFORM TO COUNTY STANDARDS.
3. ALL DRIVEWAYS CONSTRUCTED WITHIN STATE MAINTAINED RIGHT-OF-WAYS SHALL CONFORM TO D.O.T. STANDARDS.

STANDARD ASPHALT MILLING DRIVEWAY

Exhibit 3



STANDARD DRIVEWAY CONSTRUCTION

PERMIT REQUIRED

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- (n) *Broilerhouses*, raising of fowl, and mass production egg laying.
- (1) *Site Plan*. A scaled site plan shall be submitted showing the location of all buildings or structures, including residence(s); and the access and setbacks of building(s) from each other and from the property lines.
 - (2) *Minimum Site Size*. The minimum site size is fifteen (15) acres.
 - (3) *Minimum Size Dimensions*. The minimum size dimensions are 654' x 1000'.
 - (4) *Minimum Spacing Between Buildings* (Broilerhouse or Egg Laying Production House). The minimum spacing between buildings is fifty (50) feet.
 - (5) *Minimum Setback From Any Property Line Under Different Ownership*. The minimum setback from any property line under different ownership is two hundred (200) feet.
- (o) *Campground/Recreational Park*.
- (1) *Definitions* – For the purposes of this section, the following words and phrases shall have the meanings ascribed to them by this subsection:
 - (i) *Cabin means a structure* – that is permanently affixed to the ground and shall comply with all applicable building codes and regulations adopted by the Board of County Commissioners and the State of Florida.
 - (ii) *Cabin site* – means a parcel of land which is utilized for a cabin. Cabin sites shall be shown on an approved site plan in accord with this section.
 - (iii) *Campground* – means a development, under single ownership or condominium, or cooperative ownership, or subdivided into lots pursuant to this subsection, in which sites are utilized for the placement of RV and tents for temporary use or cabins for short-term use.
 - (iv) *Recreational Vehicle* – means, for the purpose of this section, a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation uses, permanently identified as an RV by the manufacturer of the vehicle, having a width not exceeding 14 feet and an overall dimension not exceeding 500 square feet, when constructed to the U.S. Department of Housing and Urban Development standards and shall include:
 - a. Camping trailers (including the terms pop-up or pop-out trailer), which means a folding structure, mounted on wheels and designed for travel, recreation or vacation use;
 - b. Motor homes, which means a portable, temporary dwelling to be used for travel, recreation or vacation uses, and constructed as an integral part of a self-propelled vehicle;

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- c. Travel trailers, (including the term fifth-wheel trailer), which means a non self-propelled structure;
 - d. Truck campers, (including the terms pick-up coach, topper or slide out camper), which means a structure designed to be mounted on the bed or chassis of a truck.
- (v) *Recreational Vehicle Site* – means a parcel of land within a campground designed and improved for the accommodation of not more than one RV or up to three tents. RV sites shall be shown on an approved site plan in accord with this Section.
 - (vi) *Sanitary station* – means a facility used for removing and disposing of waste from RV holding tanks.
 - (vii) *Service building* – means any building in a campground used for recreational, maintenance, sanitary or office purposes which may be necessary for the development and management of the campground.
 - (viii) *Tent* – means a collapsible structure of canvas or other material, stretched and sustained by poles and usually made fast by ropes attached to pegs or stakes hammered into the ground.
 - (ix) *Tent site* – means a parcel of land within a campground designed and improved for the accommodation of up to three tents. Individual tent size may not exceed 200 square feet.
- (2) Limitation of Size – Such facilities are permitted on tracts of land not less than ten (10) acres.
 - (3) Accessory activities (primarily as a convenience for the guests of the campground).
 - (i) Laundry facilities
 - (ii) Private golf courses, playgrounds and picnic areas
 - (iii) Recreational ball and game courts
 - (iv) Swimming pools
 - (v) Boat rental, including bait, fishing and sports accessories sales
 - (vi) Manager’s residence
 - (vii) Service buildings
 - (viii) Convenience store, including the lawful sale of beer and wine
 - (ix) Restaurant. A restaurant with on-premise consumption of alcohol is subject to the requirements in Section 20.3-4, paragraphs (c) and (d).
 - (x) Restroom and shower facilities.
 - (4) Design and other standards:
 - (i) A site plan shall be submitted for staff review and approval. The site plan shall show the following elements: tent, RV, and cabin sites; recreational areas;

specific buildings and their uses; buffers; driveways and roads; access points; and other elements as requested by County staff.

- (ii) A recreational vehicle, cabin, and tent site shall have a vegetative buffer with a minimum width of 15 feet separating the site from adjacent sites.
 - (iv) The density of campgrounds shall not exceed a maximum density of twelve sites per acre.
- (5) Recreational areas:
- (i) A minimum of ten percent of the total land area of a campground shall be devoted to one or more common use areas for recreational activity to include, at a minimum, a picnic area with picnic tables, a playground and a multi-use playfield.
 - (ii) Such recreational areas calculated on the part of the site exclusive of retention areas and buffer strips. Recreational areas shall be easily accessible to all campground users and management. The required space for recreational usage may be met through more than one recreational site. At least one recreation area must be a minimum of 20,000 square feet in size.
 - (iii) Provisions for all recreational areas and the construction of recreational facilities which are shown on the site plan or subdivision plat shall proceed at an equivalent or greater rate as the construction of individual sites.
- (6) Tent site standards. Areas amounting to at least ten percent of the site, not including recreational, retention, and buffer areas must be set aside exclusively for tent camping in accordance with all provisions of this subsection applicable, except:
- (i) There shall be a stabilized pad on the site for parking of the transportation vehicle.
 - (ii) Tent sites should be clustered away from RV sites to minimize noise and visual impacts.
 - (iii) Tent camping may also be permitted on individual RV sites.
 - (iv) Access. Each tent site shall abut on at least one internal driveway within the boundaries of the campground, and access to the site shall be only from such an internal driveway.
 - (v) Setbacks (for individual sites).
 - a. The front setback, from the lot line in a platted campground or from the road in an unplatted campground, shall be twenty-five feet.
- (7) RV sites or lot standards.

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- (i) Access. Each RV site shall abut on at least one internal road within the boundaries of the campground, and access to the site shall be only from such an internal road.
 - (ii) There shall be a stabilized pad on the site for parking of the transportation vehicle.
 - (iii) Setbacks (for individual sites):
 - a. The front setback, from the lot line in a platted campground or from the access driveway in an unplatted park, shall be twenty-five feet.
 - (iv) RV Appurtenances and accessory structures. Temporary appurtenances, such as cabanas and awnings, may be erected on a RV site as long as such appurtenances do not intrude into a designated buffer.
- (8) Cabin site standards:
- (i) Access. Each cabin shall abut on at least one internal road within the boundaries of the campground, and access to the site shall be only from such an internal road.
 - (ii) There shall be a stabilized pad on the site for parking of the transportation vehicle.
 - (iii) Cabins or park trailers utilized for short-term use may comprise no more than 20 percent of the permitted spaces or lots.
 - (iv) Cabins shall not exceed a maximum of 1,000 square feet each in size.
 - (v) Setbacks (for individual sites):
 - a. The front setback, from the lot line in a platted campground or from the road in an unplatted campground, shall be twenty-five feet.
- (9) Provisions of services.
- (i) Animal control. It shall be the responsibility of the campground manager to ensure that no person in charge of an animal shall permit the animal to run at large or to commit any nuisance within campground property.
- (10) Campground Operation.
- (i) Responsibilities of campground management. The owner of a campground shall at all times maintain the campground and its facilities in a clean, orderly and sanitary condition.
 - (ii) Length of occupancy. No RV, cabin, or tent as defined within these regulations shall be considered to be a permanent residence, and occupancy shall be limited

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- to no more than 180 consecutive days, and to no more than 200 days in one year.
- (iii) Property management. A full-time property manager shall be required and shall live on-site.
- (11) Miscellaneous standards.
- (i) Maximum height of structures. Maximum height of structures, including RV's and tents, is thirty-five (35) feet.
 - (ii) Platting. If the campground is to be platted, the campground shall meet all applicable requirements pertaining to subdivisions.
 - (iii) Floor Area Ratio. The Floor Area Ratio for a campground, calculated with permanent buildings including cabins but excluding RV's and open air picnic shelters, may not exceed 5 percent. (amended 8/04 – Ord. 04-55)
- (p) *Carwash in Conjunction with a Convenience Store that includes Gas Pumps.* Allowed in the BF CC Zoning District subject to the following additional criteria:
- (1) Limitation on Use: The hours of operation for a carwash shall be no earlier than 7:30 am and no later than 9:00 pm.
 - (2) Limitation on Location: Shall not be located directly adjacent to residential zoning or a residential use. "Directly adjacent" is defined as sharing a lot line.
 - (3) Screening: Shall meet the landscape standards as specified in Section 3-33A.III.5.bvi. Service areas that are not inside an enclosed building shall be screened through similar means.
 - (i) Right-of-way buffers for these uses shall be ten feet in width.
 - (ii) Landscaping within the buffer shall conform to Article VI, Section 6.6.
 - (4) Shall meet the following additional design requirements:
 - (i) The combined convenience store and carwash buildings shall not exceed 10,000 square feet.
 - (ii) There shall be no more than eight (8) gasoline pump islands, and each island shall have no more than two (2) gas pumps (paired).
 - (iii) The building shall orient to the primary street frontage.
 - (5) Lighting levels on gas station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business and shall meet Section 3-33A.I.8.k.

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- (6) If canopies are over vehicle use areas (VUA) interior landscape island spacing may exceed 100 feet up to 125%.
- (q) *Chickens, Backyard Residential.*
- (1) For purposes of this subsection, the term “chicken” refers only to a female of the species *Gallus domesticus*.
- (2) Chickens are permitted to be maintained as a conditional use on a parcel which contains an occupied detached single family dwelling, subject to the performance standards, limitations, conditions and development criteria established in paragraph (4).
- (3) Prior to commencing maintenance of chickens on a parcel that is subject to this subsection, the occupant of the parcel must submit to the Planning and Zoning Division an application for a permit authorizing the same and obtain the permit. The application must be on a form provided by the Planning and Zoning Division, and must be accompanied by a site plan and such other information as the Planning and Zoning Division may require to determine whether the applicant has the ability and facilities to comply with the performance standards, limitations, conditions and development criteria established in paragraph (4). The form of the application must set forth each of such performance standards, limitations, conditions and development criteria and include an acknowledgment by the applicant of the applicant’s continuing obligation to comply therewith. The applicant must submit with the application a fee established by resolution of the Board of County Commissioners, as the same may be amended from time to time.
- (4) The performance standards, limitations, conditions and development criteria applicable to the maintenance of chickens on a parcel as authorized under paragraph (2) are as follows:
- (i) A maximum of four chickens may be maintained on the parcel at any one time.
- (ii) All chickens maintained on the parcel must be secured inside an appropriate enclosure in the rear yard of the single family dwelling thereon between dusk and dawn. Such enclosure shall not exceed 100 square feet in size, and shall satisfy the required setbacks for accessory structures applicable to the zoning classification for the parcel.
- (iii) All chickens maintained on the parcel must be secured either inside the enclosure required under subparagraph (ii) or within a fenced area in the rear yard of the single family dwelling thereon between dawn and dusk.
- (iv) No chicken shall be slaughtered on the parcel.
- (v) All chickens maintained on the parcel shall be for personal use only, and no permit holder shall sell or permit to be sold any eggs, manure or any other products obtained from such chickens.

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- (vi) No chickens maintained on the parcel may be bred for commercial purposes.
 - (vii) All areas of the parcel in which chickens are maintained must be maintained in a sanitary condition, with chicken feed kept in rodent-proof and raccoon-proof enclosed containers.
- (5) Upon receipt of an application for a permit under subsection (3) that complies with the requirements thereof together with the fee required thereunder, and upon determining that the applicant has the ability and facilities to comply with the performance standards, limitations, conditions and development criteria established in paragraph (4) with respect to the application, the Planning and Zoning Division shall issue the permit. Each permit shall be personal to the applicant, shall be limited to the parcel identified in the application, and shall not be transferable. Each permit shall be effective upon issuance and shall continue in effect until it expires or is revoked.
 - (6) A permit issued under paragraph (5) shall automatically expire on the day that the holder thereof no longer resides on the parcel identified in the permit.
 - (7) Upon determining that the holder of a permit issued under paragraph (5) has failed to comply with any of the performance standards, limitations, conditions and development criteria established in paragraph (4), the Planning and Zoning Division may issue to the holder a written notice of intent to revoke the permit. Such notice shall set forth with reasonable particularity the factual basis for the revocation, shall advise the holder of the right to request a hearing as provided under subsection (8), and shall include verbatim the provisions of subsections (8), (9), (10) and (11).
 - (8) The holder of a permit to whom a written notice of intent to revoke has been issued under paragraph (7) shall have a period of ten calendar days following the date of issuance to submit to the Planning and Zoning Division a written request for a hearing before the Director thereof. If the holder fails to timely request a hearing, the Director shall forthwith issue to the holder a written notice revoking the permit, which shall be effective upon the date of the issuance thereof.
 - (9) If a hearing has been timely requested under paragraph (8), the Director of the Planning and Zoning Division shall promptly schedule a hearing and provide reasonable prior written notice thereof to the holder of the permit. At the hearing, the Director shall cause to be presented sufficient evidence supporting the factual basis for the revocation, and the holder of the permit shall be permitted to cross examine all witnesses and examine all documentary evidence so presented, and to present testimony and other evidence supporting a determination against the revocation. The Director shall cause an audio recording of the hearing to be made, and shall place all witnesses under oath. The holder of the permit shall be entitled to be represented by counsel at the hearing at the holder's expense. The minimum requirements of due process shall be observed at the hearing.
 - (10) Following a hearing under subsection (9), the Director of the Planning and Zoning Division shall promptly issue to the holder of the permit a written decision revoking the permit or withdrawing the notice of intent to revoke. The decision shall be effective upon the date of the issuance thereof.

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- (11) A notice issued under subsections (7) and (8) and a decision issued under subsection (10) shall be effective upon the date deposited with the United States Postal Service.
- (12) The holder of a permit that has been revoked under this subsection shall not be eligible to obtain a permit under this subsection for a period of two years following the effective date of the revocation.
- (r) *Commercial Feed Lots for Livestock.* Any facility of this type shall not be located closer than two thousand five hundred (2,500) feet to an existing residence other than the facility's owner.
- (s) *Commercial Kennels.*
- (1) *Limitation of Use.* Such facilities are limited to the raising, breeding, boarding, and grooming of domesticated animals.
- (2) *Limitations of Size.* Such facilities are permitted on tracts of land of not less than five (5) acres under unity of lease or title by the person operating such facility.
- (3) *Setback.* No kennel or building or structure, stable or outdoor run shall be closer than one hundred (100) feet from any property line.
- (4) *Runs - Kennels.* All runs shall be hard surfaced or grassed with drains provided every ten (10) feet and connected to an approved sanitary facility.
- (5) *Fencing and Screening - Runs.* Outdoor runs shall provide a chain link material on the wall and top of each individual run. When deemed necessary by the Development Review Committee (DRC) to protect the general public, safety fences of up to a height of six (6) feet may be required. The DRC may also require a landscape screen of at least seventy-five (75) percent opaqueness to protect neighboring property value or use.
- (6) *Contagious Disease.* No animal having a disease harmful to humans shall be boarded or maintained in the facility.
- (7) *Disposal of Animals.* Animals may not be burned, buried, dismembered, or used for exploitative purposes while housed in the facility.
- (8) *Caretakers Quarters.* A single residential unit for a custodian or caretaker may be constructed on site.
- (t) *Communication Antennas and Communication Towers,* including accessory buildings, tower support and peripheral anchors, as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58)
- (u) *Community Gardens*
- (1) *Property maintenance.* The property owner shall be responsible for maintaining the property in an orderly and neat condition and shall not create a visual blight or offensive

odors. Plots may not be consistently weedy, untended or filled with debris. No trash or debris shall be stored or allowed to remain on the property. Tools and supplies shall be stored indoors or removed from the property daily. Bulk supplies, shall be stored to the rear 30% of the property. The community garden shall be designed, managed, and maintained to prevent any chemical pesticide, fertilizer, or other garden waste from draining off the property.

- (2) *Hours of operation and equipment limitations.* No gardening activities may take place before sunrise or after sunset. Use of hand tools and domestic gardening tools and equipment is encouraged. Use of small power equipment, such as gas-powered tillers and edgers, is allowed. Gas-powered equipment greater than ten horsepower is prohibited.
- (3) *Sustainable gardening.* Water conservation, composting, and non-polluting, integrated pest and pathogen management are strongly recommended.
- (4) *Chemical use and storage.* Organic gardening is strongly encouraged. Fertilizer, pesticide, insecticide, herbicide, or agricultural chemical use must be consistent with label instructions and must be in compliance with applicable ordinances and laws. Pesticides and fertilizers may only be stored on the property in a locked structure and must comply with all applicable requirements for hazardous material use and handling.
- (5) *Sale of surplus produce and plants.* A community garden is not intended to be a commercial enterprise; however, there may be occasions of surplus. Produce and plants grown in community gardens shall not be sold wholesale or offered for sale on the premises except limited sales may occur at yard sales, which are limited to two per calendar year, each for a period of no more than 72 hours.
- (6) *Accessory structures.* Only the following structures are permitted in a community garden:
 - (i) Greenhouses, hoophouses, storage sheds, and planting preparation houses. The combined floor area of any of these structures may not exceed 300 square feet and must be erected in the rear 30 percent of the lot.
 - (ii) Open-air shade structures such as pole barns, and pergolas. The combined floor area of all open-air shade structures may not exceed 1,200 square feet.
 - (iii) A combined maximum floor area ratio for all structures provided for in (i) and (ii) above may not exceed 20%.
 - (iii) Fencing, meeting the conditional use requirements for Fences set forth in this Section 3-5 of this Article.
 - (iv) Compost bins and rain barrel systems. Such bins or systems shall be erected or stored in the rear 30% of the property.

All structures must be located no closer than 20 feet from the rear and side yard

property lines and no closer than 25 feet from the front property line (as determined by street frontage)

- (7) *Restoration.* If operation of a community garden has been discontinued for six months or more, the property owner must level and clean the property, including removal of plant materials, planting structures and materials, debris, and any and all accessory structures under (6). Additionally, the Planning and Zoning Director shall cause the PS-2 zoning designation to be removed from the Official Zoning Map and shall reinstate the zoning district which was in effect prior to the approval of the PS-2 rezoning. Notice of revocation shall be mailed, by certified mail, to the property owner.
 - (8) *Off-street parking.* All parking shall be provided on site. No on-street parking is permitted.
 - (9) *Application.* An application for administrative approval for a community garden must be submitted to the Planning and Zoning Director along with the following documentation:
 - (i) A notarized letter signed by the property owner giving permission for use of the property for a community garden.
 - (ii) A site plan showing the property size and dimensions, the location of the community garden plot(s), the location of all existing structures, and the location of all proposed structures.
- (v) *Correctional Facility.* (Ord 95-2 - amended 2/95)
- (1) Location prohibition:
 - (i) On parcels greater than ten (10) acres no building shall be permitted within one thousand (1000) feet of an existing residential development or an area designated on the Clay county Future Land Use Map for residential development.
 - (ii) On parcels of ten (10) acres or less no building shall be permitted within one hundred (100) feet of an existing residential development or an area designated on the Clay County Future Land Use Map for residential development.
 - (2) Access: Access to said facility shall be from a paved public right-of-way directly to the entrance of the facility.
 - (3) Lighting: Lighting used to illuminate the premises shall be directed away from public streets and shine only on the subject use.
 - (4) Performance standards: The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction.
 - (5) Fencing and Screening: Where deemed necessary by the Development Review

Committee (DRC) to protect the general public, safety fences and landscape screens may be required that exceed those normally required in the applicable zoning district.

(6) Future Land Use Map: Must have Institutional Land Use.

(w) *Dog Park.*

(1) Limitation of use. Such facilities are limited to the use by domesticated canines and their owners.

(2) Limitation of size. Such facilities are permitted on tracts of land of not less than five (5) acres under unity of lease or title by the person operating such facility, except facilities on property zoned BB-3 shall be on tracts of land of not less than two (2) acres under unity of lease or title by the person operating such facility.

(3) Fencing. To protect the general public, chain link safety fences of a height of six (6) feet are required surrounding the area where dogs will be unleashed.

(4) Buffering and screening shall be required as follows:

(i) Site shall be buffered from adjacent land within the residential zoning districts or residential land use categories by minimum six (6) foot high opaque privacy fence and a vegetative buffer at least 85% opaque with trees planted thirty (30) foot on center and a minimum of 6' high at time of planting.

(5) No boarding, retail sales of products, or services similar to dog grooming will be permitted within a dog park facility, unless the facility is located on property zoned BB-3 Specialty Business District.

(6) Hours of operation. Hours of operation shall be limited from sun up to sunset, except in BB-3 Specialty Business District where the hours of operation for the outside facilities only, will be limited from sun up to sunset.

(x) *Dwelling Unit with Kitchen Addition for Parent, Grandparent or Child:* To promote housing diversity and affordable housing, a residential structure having two kitchens or an addition with a kitchen to be attached to an existing single-family dwelling, can be constructed, provided the following conditions are met:

(1) Construction of dwelling unit with two kitchens:

(i) The second kitchen shall be for the parents, grandparents or a child 18 years of age or older, of the owner of the dwelling only.

(ii) The dwelling should maintain the outward appearance of a single-family dwelling unit and shall not have the appearance of a duplex unit.

(iii) The dwelling shall not have more than one front or side entrance. If water front property, the elevation of the dwelling that faces the addressed road frontage shall not have more than one entrance.

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- (iv) The dwelling shall not have more than one address and shall have only one driveway access.
 - (v) The dwelling shall have only one garage. One additional detached garage may be permitted, provided all setback and lot size requirements are met as established within the zoning district in which the primary dwelling is located.
 - (vi) All setback and lot size requirements must be met as established within this Article and within the zoning district in which the dwelling is located.
- (2) Construction of an addition with a kitchen to an existing dwelling unit:
- (i) The addition shall be for the parents, grandparents or a child 18 years of age or older, of the owner of the existing dwelling only.
 - (ii) The dwelling and addition should maintain the outward appearance of a single-family dwelling unit and shall not have the appearance of a duplex unit.
 - (iii) The addition must meet all setback and lot size requirements as established within this Article and within the zoning district in which the existing dwelling is located.
 - (iv) The exterior of the addition shall be of the same construction type and similar material as the existing dwelling and be compatible with the dwelling in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance.
 - (v) This addition shall not create an additional front or side entrance to the existing dwelling.
 - (vi) The existing dwelling shall not have more than one address and shall have only one driveway access to the existing dwelling.
 - (vii) The existing dwelling shall have only one garage. One separate detached garage may be permitted, provided all setback and lot size requirements must be met as established within the zoning district in which the primary dwelling is located.
 - (viii) Within **AG, AR and RE zoning district only**, a manufactured home or mobile home can be attached as an addition, to the rear of the existing dwelling, if the existing dwelling is a manufactured home or mobile home, provided that both the existing manufactured home or mobile home is under the same roof and all other conditions are met. (Amended 5/03 – Ord. 03-40)
- (y) *Electronic Game Promotions Centers.* Will be allowed in the BB and BB-5 Zoning Districts subject to the following:

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- (1) Must be a minimum of 1,000 feet from a child care facility, school, post-secondary educational institution, place of worship, and military installation; 500 feet from a county park; and 5,000 feet from another Electronic Game Promotions Center. The distance shall be measured from property line to property line, unless the Electronic Game Promotions Center is located within a multiunit strip center. In the later case, the distance shall be measured from the property line of the community facility to the nearest side of the Electronic Game Promotions Center within the larger structure.
 - (2) May not cover facility windows with opaque or reflective window tinting, posters, flyers or anything else that obstructs the exterior view into the interior of the facility.
 - (3) Must maintain reasonable safety standards, including but not limited to, lighted parking areas
 - (4) Must comply with the provisions of Article VII, Sign Regulations.
 - (5) Must comply with the provisions of Ordinance 2011-2.
 - (6) Where Electronic Game Promotion Center exists lawfully in any zoning district as of January 10, 2012, such use may be continued anywhere on such property or site, or within such center, as a nonconforming use subject to all other applicable provisions of the Code of Ordinances.

(z) *Fairground Association Administrative Office and Accessory Uses.*

- (1) Any property owned by the Fair Association when said property is adjacent to publicly owned property zoned PO-2 for existing Fairground uses, shall be permitted to have such buildings as a Fairground Association administrative office and accessory uses such as educational facilities, agricultural, horticultural, livestock, charitable, historical, civic, cultural or scientific and any other type building used in connection with public fairs and expositions.
- (2) Fencing and Screening. Where deemed necessary by the Development Review Committee (DRC) to protect the general public, safety fences of up to a height of six (6) feet may be required. The DRC may also require a landscape screen of at least seventy-five (75) percent opaqueness to protect neighboring property from potential loss of use or diminishment of land value or use.
- (3) Setbacks for Fair Association administrative office shall be thirty (30) feet from front lot line, twenty (20) feet from side lot lines, and thirty-five (35) feet from rear lot line. All other accessory buildings shall be setback thirty (30) feet from front lot line, 7.5 feet from side lot lines, and 7.5 feet from rear lot line.
- (4) Access shall be from a paved road and all internal roads shall be accessible via an all weather road suitable to accommodate emergency vehicles and other traffic.
- (5) Required “paved” parking shall be based on Administrative office square footage only, and require one space per 250 square feet of area dedicated to office area.
- (6) Due to the fact that these uses are located within Agriculture zoning and Agriculture land use, which are located within the “rural” areas of the county, development shall

be exempt from Article VI, with the exception of Section 6-5, "Vehicular Use Area."

- (7) The Fair Association must maintain itself in good standing pursuant to its Charter and applicable Florida Law. (amended 05/06 – Ord. 06-26)
- (aa) *Fences.* Fences within residential districts shall adhere to the following standards:
- (1) Fences along the rear and side property lines within a rear or side yard may not exceed eight (8) feet in height.
 - (2) Fences along the side property lines within a front yard may not exceed six (6) feet in height.
 - (3) Fences along the front property line may not exceed four (4) feet in height unless constructed with pickets no wider than one inch and openings between pickets at least three inches apart, in which case the fence may not exceed six (6) feet.

Additionally, no fence may be erected or maintained in any zoning district to the extent, in the reasonable judgment of the Engineering Director or his or her designee, the same shall not present a hazard to motorists by obstructing their views of or along roadways proximate thereto. This condition shall not apply to tennis court fencing. All fencing related to stormwater management facilities shall be consistent with the requirements of the St. Johns River Water Management District. (amended 12/08/09)

- (ab) *Flea Markets.*
- (1) *Size Restrictions.* Flea market operations located on properties less than three (3) acres in size are exempt from subsections (2), (3), and (8) of this section, and from the general paving and drainage requirements of the Code. These exemptions are only applicable to entirely enclosed buildings existing prior to February 24, 2009. Additionally, all uses shall be conducted within the building and include no outside storage or activities. (Rev. 02/24/09)
 - (2) *Location Prohibitions.* No attraction shall be permitted within five hundred (500) feet of an existing residential development or an area designated on the Comprehensive Land Use Plan for residential development.
 - (3) *Minimum Lot Area.* A minimum lot area of at least three (3) acres, with a minimum frontage on a public street of one hundred (100) feet.
 - (4) *Access.* Access to said facilities shall be from a hard surface public road directly to the entrance of the facility.
 - (5) *Lighting.* Lighting used to illuminate the premises and/or advertising copy shall be directed away from public streets and shine only on the subject use.
 - (6) *Performance Standards.* The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction.

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- (7) *Fencing and Screening.* Where deemed necessary by the Development Review Committee (DRC) to protect the general public, safety fences up to a height of ten (10) feet may be required. The DRC may also require a landscape screen of at least seventy-five (75) percent opaqueness to protect neighboring property from potential loss of use or diminishment of land value or use.
- (8) *Setbacks.* No building, mobile home, trailer, mechanical device, or animal shall be located closer to the property line than one hundred (100) feet.
- (ac) *Golf Driving Ranges:*
- (1) *Setbacks.* The area developed as the driving range shall be located not less than one hundred (100) feet from adjacent land which is within the residential land use categories or developed residential property.
- (2) *Fencing and Screening.* The proposed driving range shall be buffered from adjacent land which is within the residential land use categories or developed residential property with a minimum six (6) foot high fence, a fifteen (15) foot contiguous existing vegetative buffer providing minimum eighty (80%) opacity or supplemental to achieve 80% opacity from ground level to a height of eight (8) feet.
- (3) *Barrier.* A driving range which has less than one thousand (1,000) feet from the front of the teeing area must have at least a thirty-five (35) foot high mesh barrier along the entire width of property.
- (4) *Lighting.* Ground and building lighting shall be confined to the property and shall not cast direct light on adjacent properties. The maximum height of a light pole shall be thirty (30) feet.
- (5) *Access.* Access to said facilities shall be from a paved public road directly to the entrance of the facility.
- (ad) *Group Home (Residential).* Residential group homes that provide care for seven to fourteen individuals are allowed within the RC, RD-2, RD-3, RD-4 and PUD residential zoning districts. Residential group homes that provide care for six or fewer unrelated individuals are allowed within AG, AR, AR-1, AR-2, RA, RB, RC, RD-2, RD-3, RE, and PUD residential zoning districts. Residential group homes must be located such that the distance between any two group homes is no less than 1,000 feet for homes of six or fewer individuals, and no less than 1,200 feet for homes of 7 to 14 individuals. A group home of 7 to 14 individuals shall not be located within 500 feet from an area zoned AG, AR, AR-1, AR-2, RA, RB, and RE. *Rev. 01/12/16*
- (ae) *Heliports and Helipads.* The development and operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction.
- (af) *Home Occupations.* Home occupations may be allowed as a conditional use within the AG, AR, RA, RB, RE, RMHP, RC, AR-1, AR-2, RD and PUD zoning districts when carried on solely by the residents of the dwelling, when conducted entirely within the dwelling, when

clearly incidental and secondary to the use of the dwelling for dwelling purposes, and when no change in the character of the dwelling occurs thereby, subject to the following conditions:

- (1) *Prohibited Home Occupations.* The following or similar professions or occupations are expressly prohibited as home occupations:
 - (i) Major and minor auto or machinery repair or paint shops, including welding.
 - (ii) Carpentry, upholstery, and cabinet making.
 - (iii) Beauty shops and barber shops.
 - (iv) Private schools with organized classes other than limited individual tutoring.
 - (v) Electric machinery or appliance repair.
 - (vi) Day care centers for the care of more than six (6) unrelated children.
 - (vii) Medical or dental offices; psychological or psychiatric counseling offices.
 - (viii) Direct consumer sales, retail or wholesale, of any good or commodity on the premises.
 - (ix) Landscape/yard maintenance services, except in AG and AR residential districts.

- (2) *Rules and Regulations for Home Occupations.*
 - (i) The use must be conducted by a member or members of the immediate family residing on the premises.
 - (ii) No chemical, electrical, or mechanical equipment is to be used except that which is normally used for purely domestic or household purposes.
 - (iii) No commodity or item shall be sold upon the premises nor shall a display of products be visible from the street.
 - (iv) Within the RA, RB, RE, RMHP, RC, AR-2, RD and PUD zoning districts, the activities comprising the Home Occupation shall take place entirely within the principal dwelling. The area devoted to the home occupation shall not be the dominant use of the dwelling and in no case shall exceed twenty (20) percent of the total square footage of living area. Within the AG, AR, and AR-1 zoning districts, in cases where the size of the residence's lot exceeds one acre, the Home Occupation may take place within an accessory building.
 - (v) One sign, not over two (2) square feet in area, may be permitted showing only the name of the business or the profession. The sign must be attached to the dwelling, nor more than two (2) feet from the front entrance.

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- (vi) There shall be no alteration in the residential character of the premises in connection with such home occupation.
 - (vii) The occupation shall not create any greater vehicle or pedestrian traffic than is usual and normal for the residence in which the home occupation is located.
 - (viii) No outside storage of products or the materials used in their manufacture shall be permitted anywhere on the premises.
 - (x) All home occupations shall be subject, at any time, to review and investigation by the Clay County Code Enforcement Division, or designee.
 - (xi) A willful violation of this subsection by a resident shall be grounds for the immediate and permanent revocation of the Home Occupation use.
 - (xiv) No additional vehicles shall be routinely parked at the residence other than those owned by the members of the immediate family residing on the premises or their guests.

(ag) *Horse Hotels*

A horse hotel is a use whereby property owners located within the AG, AR, and AR-1 zoning districts rent horse stall(s) for use by visitors to house their horse(s) on a limited basis for the purpose of lodging and recreation. The use shall permit overnight stays in overnight stays recreational vehicles and shall be subject to the following conditions:

1. Property shall be a minimum 5 acres in size.
2. The hotel shall be limited to 8 stalls.
3. Overnight stay within a recreational vehicle shall be limited to 1 week.
4. Property owner shall be responsible for any environmental permitting that may be required.
5. All stalls shall be setback a minimum of 50' from any property line.
6. Property owner shall reside on the property as their primary residence.

(ah) *Hotels and Motels.*

- (1) *Minimum Site Size.* An area of not less than one (1) acre having a minimum width of not less than two hundred (200) feet (100 of which must be roadway frontage) and a depth of not less than two hundred (200) feet.
- (2) *Maximum Density.* Fifty (50) units per acre. (amended 2/24/98 Ord 98-8)
- (3) *Maximum Site Coverage.* Forty (40) percent. (amended 10/12/93 - Ord 93-36)
- (4) *Minimum Floor Area.* Two hundred and fifty (250) square feet per unit.
- (5) *Setbacks.*

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- (i) *Front.* Not less than twenty-five (25) feet from front property line.
 - (ii) *Rear.* Not less than twenty-five (25) feet from rear lot line.
 - (iii) *Side.* Not less than twenty-five (25) feet from the side lot line, unless a corner lot, then setback shall be same as front setback.
- (6) *Off-Street Parking.* Parking areas should not be separated from principal structure by any public road. Off-site parking areas must be zoned consistent with the principal use.
 - (7) *Required Spaces.* Motels/hotels shall have one (1) space per unit plus one (1) space for each two (2) employees.
 - (8) *Addition to Site Plan.* Location of trash receptacles.
 - (9) *Visual Barrier.* Trash receptacles must be enclosed by a visual barrier.
- (ai) *Indoor Shooting Ranges.*
 - (1) *Minimum Room Length.* The room length in which the actual firing range is to be built shall be at least seventy-five (75) feet long for a fifty (50) foot range, to allow eight (8) feet (minimum) each for the bullet stop and firing line, plus a nine (9) foot assembly and supervisory area.
 - (2) *Minimum Firing Point Width.* The minimum firing point width shall be 3.5 feet. The Firing Point is that part of the range immediately in the rear of the firing line from which firing takes place.
 - (3) *Off-Street Parking.* Parking areas should not be separated from principal structure by any public road.
 - (4) *Required Spaces.* Must be in accordance with Section 6, Ordinance 82-45, as amended.
 - (5) *Setbacks.*
 - (i) *Front.* Not less than twenty-five (25) feet from front property line.
 - (ii) *Rear.* Not less than twenty-five (25) feet from rear property line.
 - (iii) *Side.* Not less than twenty (20) feet from side property lines, unless a corner lot, then setback shall be the same as the front setback.
 - (iv) *Corner Lot.* No structure erected on a corner lot shall be closer than thirty (30) feet to the public right-of-way.
 - (6) The following additional conditions shall be satisfied:
 - (i) Parking in accordance with Section 6, Ordinance 82-45, as amended.

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- (ii) The range is physically secure so as to prevent unauthorized use or accidental trespassing. Warning signs identifying the use shall be displayed.
 - (iii) The floor or framework can support the weight of the backstop or bullet trap.
 - (iv) Unless fire code requires emergency exit doors and windows, downrange must be permanently shut and either covered or baffled or a combination of the two with bullet-resistant material. The walls, floors, and ceiling must be modified accordingly.
 - (v) A mechanical exhaust ventilation system and diffused air supply must be installed.
 - (vi) No metal should be placed at right angles to the line of fire.
 - (vii) Adequate lighting must be provided.
 - (viii) The walls, ceiling, and floor must be treated with effective sound-absorbent materials.
- (7) Techniques of sound reduction (sound absorbing material coat, acoustic material, carpeting, or baffling) shall be implemented.
- (aj) *Land Application of Domestic Septage.* (Amended 10/95 - Ord. 95-41)
- (1) Minimum Site Size. Ten (10) acres.
 - (2) Setbacks. The land application area shall be no closer than 300 feet to any habitable building and a minimum of 100 feet from property lines and drainage ditches.
 - (3) Land application of domestic septage shall not be located within:
 - (i) 500 feet of shallow water supply.
 - (ii) On land which falls within the flood hazard areas designated in Ordinance 81-47.
 - (4) Site Plan Required. Scaled site plan must show or indicate the following:
 - (i) The location of any shallow water supply well within 1,000 feet of the entire site.
 - (ii) The maximum and minimum depth of groundwater and its direction of flow, if it can be determined.
 - (iii) The location of the proposed treatment area with the number and location of all tanks.

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- (5) The land application site shall be sufficiently fenced to prevent access by the general public.
 - (6) Land application of septage shall occur only in accordance with Rule 10-D; Florida Administrative Code.
 - (7) The site must be inspected and approved by the Clay County Environmental Health Department.
 - (8) All septage must be generated within Clay County.
- (ak) *Land Clearing Debris Off-Site Disposal Facility.*
- (1) The applicant must obtain a general permit for off-site disposal of land clearing debris from the Florida Department of Environmental Protection (F.D.E.P.)
 - (2) Disposal facilities shall not encroach into or be located in a jurisdictional wetland area as defined by the Army Corps of Engineers, Florida Department of Environmental Protection and the St. Johns River Water Management District. The applicant shall be responsible for contacting the applicable agency in order to determine if the site is within jurisdictional lands.
 - (3) No land clearing debris shall be disposed of or stored closer than 75 feet to any part of an underground and/or above ground septic tank system.
 - (4) The edge of the disposal facility may not be located at any point, closer than 50 feet to right-of-way, easement, access point or property line.
 - (5) Access to the disposal facility shall be controlled during the active life of the facility by fencing to prevent disposal by the general public.
 - (6) Documentation that the applicant either owns the land or has legal authorization from the land owner to use the land for a disposal facility.
 - (7) Scaled site plan must show or indicate the following:
 - (i) The location of any potable water wells within 500 feet of the site.
 - (ii) The project location and the proposed disposal area.
 - (iii) Legal description of the site and of the disposal area.
 - (iv) On-site land use and zoning, adjacent land use and zoning, adjacent roadways, proposed means of access, and distances from property lines.
 - (v) Method of fencing.

(8) Siting Criteria:

	<u>Land Use</u>	<u>Site Size</u>	<u>Road Functional Classification</u>
(i)	Agricultural	No Limit	No Minimum
(ii)	Mining	No Limit	No Minimum
(iii)	Industrial	No Limit	No Minimum

(9) Disposal Facilities which are adjacent to existing residential use or residential land use categories shall be buffered with a 6 foot opaque fence and 50 feet of vegetation or landscaping.

(a) *Landing Strips.*

- (1) Minimum lot size is ten (10) acres.
- (2) The development and operation of these facilities shall conform to all rules and regulations of the appropriate State and Federal agencies.
- (3) The landing strip shall be located no closer than fifteen hundred (1,500) feet to an existing residence other than the facility's owner.

(am) *Marine Facilities.*

- (1) *Marina/Commercial Boat Dock/Yacht Club.* The primary purpose of this facility is wet storage and the docking of pleasure craft for residential purposes. Attendant social and commercial uses such as yacht club, restaurant, lounge, or shops chandler are considered as an accessory use. Parking facilities are permitted.
- (2) *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.
- (3) *Additional Special Regulations.*
 - (i) *Parking.* For each four (4) boats accommodated at the facility, there shall be provided on (1) parking space. In addition, for such accessory facilities as yacht clubs and the like, five (5) spaces per one thousand (1,000) square feet of total area shall be provided. Motels shall provide parking pursuant to the off-street parking and loading regulations of Section 6, Ordinance 82-45, as amended. Boatels shall provide one and one-half (1-1/2) spaces per dwelling unit if operated as a condominium.
 - (ii) *On-Site Sewer and Water Facilities.* All marine facilities shall provide at each boat slip an individual sewer and water connection which shall be connected to

either an approved on-shore sewage treatment plant and water source or to an approved existing sewage system and water source. In lieu of the above, a central dumping station may be provided upon approval of all governmental agencies having appropriate jurisdiction. (Amended 05/04 – Ord. 04-28)

(an) *Medical Marijuana Treatment Center Dispensing Facilities*

- (1) No advertising may be visible to members of the public from any street, sidewalk, park, or other public place except the dispensing facility may have a sign that is affixed to the outside or hanging in the window of the premises that identifies the dispensary by the licensee's business name, an approved trade name, or an approved logo. A trade name or logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana. (F.S. §381.986 (8)(h)(1)(2017))
- (2) No dispensing from the premises of marijuana or marijuana delivery devices between the hours of 9 p.m. and 7 a.m. (F.S. §381.986 (8)(f)(4)(2017))
- (3) May not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. (F.S. §381.986 (11)(c)(2017))

(ao) *Mini-Warehouses.*

(1) Single Story

- (i) The proposed site must have direct access to an arterial roadway as defined in the Comprehensive Plan. Only one (1) point of access shall be permitted.
- (ii) The site shall not be less than two (2) acres nor more than five (5) acres in size.
- (iii) Maximum building coverage shall be forty (40) percent of the site.
- (iv) The maximum storage unit size shall be five hundred (500) square feet.
- (v) All buildings shall be separated by a distance of at least twenty-four (24) feet for driveway, parking and fire lane purposes.
- (vi) A single residential unit for on-site manage may be provided.
- (vii) *Off-Street Parking.*
 - a. For interior facing warehouses, one (1) space for each seventy-five (75) storage units or cubicles, equally distributed throughout the storage area.
 - b. If manager's quarters are provided, then two (2) additional spaces shall be provided.

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- (viii) Landscaping and tree requirements shall comply with the Clay County Code Article VI, Tree Protection and Landscaping Standards, as amended, with the exception that the perimeter buffer screening shall meet the minimum required for industrial proposed land use type.
 - (ix) At least twenty (20) percent of the site shall be in open space. Landscape buffers and other vegetated areas may be used to achieve this twenty (20) percent requirement.
 - (x) All areas not paved shall be landscaped and/or grassed.
 - (xi) All one-way aisle ways shall be designed with one (1) ten (10) foot wide loading/unloading lane and one (1) fifteen (15) foot travel lane. The loading/unloading lanes may be eliminated if the aisle way does not serve storage units. Painted lines shall be used to indicate parking and traffic direction throughout the site.
 - (xii) The site shall be secured with a masonry wall that is at least six (6) feet in height. Walls must be finished or painted on both sides. Barbed wire, razor wire and electric fences are not permitted. In lieu of the wall, a wrought-iron fence (or fence resembling wrought iron) may be utilized in conjunction with a hedge or natural vegetation that provides for 100% opacity within two years of the time of planting.
 - (xiii) Open storage of materials or equipment, including RV's and boat storage shall be permitted, provided the area designated for open storage is set back 50' from all property lines.
 - (xiv) Maximum height of all buildings shall be limited to thirty-five (35) feet.
 - (xv) Architectural and Additional Standards. Reduction of building mass shall be achieved by using the following techniques:
 - a. Variation in the roof lines and forms.
 - b. Use of ground level arcades and covered areas.
 - c. Use of protected and recessed entries with awnings and/or canopies. Awnings, canopies, or covered porches-raised at least twenty-four (24) inches above ground level are required along the front façade of the building.
 - d. Use of vertical elements (including architectural features such as pilasters, columns, canopies/porticos, arcades, colonnades, and/or parapets) on or in front of expansive blank walls, to interrupt facades into modules of less than sixty (60) feet.
 - e. Use of pronounced wall plane offsets and projections.

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- f. Use of focal points and vertical accents.
 - g. Inclusion of storefront and other windows on elevations facing streets and pedestrian areas.
 - h. Retaining a clear distinction between roof, body and base of a building.
 - i. Building facades that are not visible from adjacent roadways or properties and/or that utilize required landscaping visual screening shall not have to meet items (xv)d, (xv)e, (xv)f, and (xv)h.
 - j. *Roofline Pitch.* Rooflines must be pitched or gabled at a minimum 4:12 slope or, if flat, must include parapet walls or partial roofs. HVAC and other rooftop equipment shall be screened from view.
 - k. *Exterior Wall Material.* Exterior walls shall be constructed of finished materials such as stucco; natural brick or stone; colored, sand blasted, or stained textured masonry; scored concrete masonry units; textured tilt-up concrete panels; wood; or other similar material including synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block, corrugated or other metal finishes, untextured tilt-up concrete panels, pre-fabricated steel panels and the like, shall not be permitted. Roofs shall be covered by metal, concrete or clay tile, or architectural shingles.
 - l. *Entryways.* At least one (1) building entrance must face the street and be clearly articulated through the use of architectural detailing. Customer entrances shall be clearly defined and include at least three of the following features: canopies/porticos; overhangs; recesses/projections; arcades; raised above-the doorway cornice parapets; peaked roof forms; arches; outdoor patios; display windows; integrated architectural details such as tile work, moldings planters; and/or landscaped sitting areas.
 - m. *Entrance Lighting.* All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape uplighting, etc.) Architectural lighting is appropriate.
 - n. *Exterior Lighting.* All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across the property lines and or visibility glare at any location on or off the property. Lighting of such areas shall not be used to advertise or attract attention to the mini-warehouses. The average light level shall not exceed 3.6 foot candles on any part of the site, the minimum light level shall be 0.9 foot candles, and the uniformity ratio shall not exceed 4:1 (a photometric plan shall be required with construction drawings). Lighting of or on buildings

shall be limited to wall-washer type fixtures or up-lights, which do not produce spill light or glare. A cutoff fixture shall not have more than one percent (1) of lamp lumens above horizontal. Sag lenses, convex lenses, drop lenses and floodlights shall be prohibited. Illumination levels at the property line of the building or project shall not be more than 0.5 foot candles at any point when the building or project is located next to any other use. To avoid glare or spill light from encroaching onto adjacent properties, illumination shall be installed with house side shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises of the building or project. Lighting shall be installed with time controls so that light levels are reduced not later than one hour after the close of operations to the minimum levels needed under the Illuminating Engineering Society of North America (IESNA) to ensure safety and security (approximately a 50% reduction). Light fixtures shall not exceed twenty (20) feet in height in parking areas and other parts of the site, and along sidewalks.

- (xvi) The use of property shall be limited to dead storage, whether interior to the buildings or outdoor. No activities shall occur within the site which the average person could construe to include the manufacture, repair, or sale of goods or services. (amended 9/05 – Ord. 05-45)
- (xvii) Expansion of single-story mini-warehouse facilities in existence on or before September 27, 2005, are exempt from items l. and o. above, provided that the property proposed for expansion and the existing property are owned by the same entity on the referenced date. Both the existing and expansion areas will be required to comply with the landscape provisions in items h., i., and j. above. (amended 1/07)

(2) Multi-Story Mini Warehouses

- (i) The proposed site must have direct access to an arterial roadway as defined in the Comprehensive Plan.
- (ii) Entrance shall be oriented to the street that the building fronts on.
- (iii) Maximum impervious surface area shall be fifty-five percent (55%) of the site.
- (iv) Maximum density of development of land shall correspond to a FAR (floor area ratio) of eighty percent (80%).
- (v) All buildings shall be separated by a distance of at least twenty-four (24) feet for driveway, parking and fire-lane purposes.
- (vi) Setbacks shall be a minimum of twenty-five (25) feet in the front, fifteen (15) feet on the sides, and twenty (20) feet from the rear property line, unless the property is adjacent to single-family residential in which case the rear setback shall be twenty-five (25) feet.

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- (vii) A single residential unit for an on-site manager may be provided.
 - (viii) *Off-street Parking:*
 - a. Parking shall be to the rear or side of the building, behind the front façade of the building, with a street wall to screen the parking area if it is visible from a public right-of-way or adjacent property.
 - b. One (1) space per seventy-five (75) storage units plus two (2) spaces if manager’s quarters are provided.
 - c. Loading zones shall be located to the rear of the main building in a courtyard design. Loading areas shall be covered with a canopy or awning with a minimum four (4) foot projection from the building.
 - (ix) Maximum height shall be thirty-five (35) feet if within 150 feet from residential land use boundary, and fifty-five (55) feet if within 150 feet to 300 feet from a residential land use boundary. For structures more than 300 feet from a residential land use boundary, no structure shall protrude through a transitional height plan beginning thirty-five (35) feet above the buildable area boundary nearest to a boundary of a residential land use and extending inward over the commercial district at an angle of forty-five (45) degrees. This standard protects areas within residential land use from the visual intrusion of tall buildings.
 - (x) Landscaping and tree requirements shall comply with the County’s Code; Article VI, Tree Protection and Landscaping Standards, as amended, except for the following: Perimeter buffers shall have precedence over allowed building setbacks and shall comply with Section 6-8 (5)(b) of Article VI. Additionally, fifty (50) feet vegetative buffers are required on the front and rear of the property, thirty (30) feet on the sides. Buffers adjacent to areas classified on the Comprehensive Plan map as residential shall consist of preserved and planted vegetation: including shade trees at least thirty (30) feet in height (for preserved/retained vegetation) and to provide a visual screen of eighty-five percent (85%) opacity to a minimum height of fifteen (15) feet within two years, for planted vegetation. Perimeter buffers adjacent to residential and non-residential land uses shall maintain a type “B” buffer; with additional under story trees interspersed at intervals between and offset the canopy tree plantings. This additional under story tree planting shall obtain at least six (6) tree points per 1,000 square feet of each buffer.
 - (xi) At least forty (40) percent of the site shall be in open space. Landscape buffers and other vegetated areas may be used to achieve this requirement.
 - (xii) The site shall be secured with a masonry wall at least six (6) feet in height. Walls must be finished or painted on both sides. Barbed wire, razor wire and electric fences are not permitted. In lieu of the wall, a wrought-iron fence (or fence resembling wrought iron) may be utilized in conjunction with a hedge or natural vegetation that provides for 100% opacity within two years of the time

of planting.

- (xiii) Open storage of materials or equipment, including RV's and boat storage shall be permitted, provided the area designated for open storage is set back 50' from all property lines.
- (xiv) The use of property shall be limited to dead storage, whether interior to the buildings or outdoor. No activities shall occur within the site which the average person could construe to include the manufacture, repair, or sale of goods or services.
- (xv) *Architectural and Additional Standards.* Reduction of building mass shall be achieved by using the following techniques:
 - a. Variation in the roof lines and forms.
 - b. Use of ground level arcades and covered areas.
 - c. Use of protected and recessed entries with awnings and/or canopies. Awnings, canopies, or covered porches-raised at least twenty-four (24) inches above ground level are required along the front façade of the building.
 - d. Use of vertical elements (including architectural features such as pilasters, columns, canopies/porticos, arcades, colonnades, and/or parapets) on or in front of expansive blank walls, to interrupt facades into modules of less than sixty (60) feet.
 - e. Use of pronounced wall plan offsets and projections.
 - f. Use of focal points and vertical accents.
 - g. Inclusion of storefront and other windows on elevations facing streets and pedestrian areas.
 - h. Retaining a clear distinction between roof, body and base of a building.
 - i. Building facades that are not visible from adjacent roadways or properties and/or that utilize required landscaping visual screening shall not have to meet items (xv)d, (xv)e, (xv)f, and (xf)h.
 - j. *Roofline Pitch.* Rooflines must be pitched or gabled at a minimum 4:12 slope or, if flat, must include parapet walls or partial roofs. HVAC and other rooftop equipment shall be screened from view.
 - k. *Exterior Wall Material.* Exterior walls shall be constructed of finished materials such as stucco; natural brick or stone; colored, sand blasted, or stained textured masonry; scored concrete masonry units; textured tilt-up concrete panels; wood; or other similar material including

synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block, corrugated or other metal finishes, untextured tilt-up concrete panels, pre-fabricated steel panels and the like, shall not be permitted. Roofs shall be covered by metal, concrete or clay tile, or architectural shingles.

- l. *Entryways.* At least one (1) building entrance must face the street and be clearly articulated through the use of architectural detailing. Customer entrances shall be clearly defined and include at least three of the following features: canopies/porticos; overhangs; recesses/projections; arcades; raised above-the doorway cornice parapets; peaked roof forms; arches; outdoor patios; display windows; integrated architectural details such as tile work, moldings planters; and/or landscaped sitting areas.
- m. *Fenestration.* For buildings and for facades on buildings that face the street or a parking area, doorways and windows shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level. The generous use of glass is acceptable. Windows must include a framework of wood, metal or vinyl-clad material that contains a glass windowpane and is built into a wall or roof to admit light or air. Windows must be either fixed storefront windows, with items on display within, or traditional windows that are capable of being opened or that include fixed panes.
- n. *Entrance Lighting.* All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape uplighting, etc.) Architectural lighting is appropriate.
- o. *Exterior Lighting.* All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across the property lines and or visibility glare at any location on or off the property. Lighting of such areas shall not be used to advertise or attract attention to the mini-warehouses. The average light level shall not exceed 3.6 foot candles on any part of the site, the minimum light level shall be 0.9 foot candles, and the uniformity ratio shall not exceed 4:1 (a photometric plan shall be required with construction drawings). Lighting of or on buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spill light or glare. A cutoff fixture shall not have more than one percent (1) of lamp lumens above horizontal. Sag lenses, convex lenses, drop lenses and floodlights shall be prohibited. Illumination levels at the property line of the building or project shall not be more than 0.5 foot candles at any point when the building or project is located next to any other use. To avoid glare or spill light from encroaching onto adjacent properties, illumination shall be installed with house side shields and reflectors, and shall be maintained in such a manner as to

confine light rays to the premises of the building or project. Lighting shall be installed with time controls so that light levels are reduced not later than one hour after the close of operations to the minimum levels needed under the Illuminating Engineering Society of North America (IESNA) to ensure safety and security (approximately a 50% reduction). Light fixtures shall not exceed twenty (20) feet in height in parking areas and other parts of the site, and along sidewalks.

(ap) *Mobile Businesses.*

- (1) As used in this subsection, the following terms and phrases shall have the meanings herein ascribed:
 - (i) *Chief operating officer* means the person in charge of a commercial establishment on a day-to-day basis.
 - (ii) *DBPR* means the Florida Department of Business and Professional Regulation and its successor agency in function.
 - (iii) *Director* means the County Planning and Zoning Director.
 - (iv) *Footprint* means the portion of any premises upon which a mobile business is conducted.
 - (v) *Mobile business* means the conduct of a licensed enterprise on a transient basis on the premises of a commercial establishment outside of any permanent building located thereon, where the premises have been hired, leased or otherwise occupied, either in whole or in part, for the purpose of carrying on such licensed enterprise.
 - (vi) *License* means a license issued by DBPR that is both current and active.
 - (vii) *Licensed enterprise* means a business engaged in the sale or offering for sale of merchandise, services, or merchandise and services under circumstances whereby the seller must hold a current and active license in order to enter into the sale lawfully.
 - (viii) *Trade implement* means any tent, canopy, awning, umbrella, table, bench, chair, shelving, cabinet, furniture, furnishings, vehicle, trailer, generator, display rack or other item of equipment temporarily placed upon any premises for use in conducting a mobile business thereon.
- (2) No person shall conduct a mobile business upon any premises located in the unincorporated area of the county without first obtaining a permit from the county for such premises. A person seeking such a permit must file with the county an application therefor on a form approved by the director together with a nonrefundable application fee in an amount established by resolution of the board

from time to time. At a minimum, the application shall include the following items and information:

- (i) The name, telephone number, email address and permanent address of the applicant.
- (ii) A description of the mobile business including an identification by type of the merchandise and/or services to be sold under the permit.
- (iii) The address of the premises.
- (iv) The name of the principal commercial activity operated on the premises.
- (v) The type of business conducted by the principal commercial activity operated on the premises.
- (vi) The name, address and day-time telephone number of the chief operating officer of the principal commercial activity operated on the premises.
- (vii) A site plan approved in writing by the person whose written permission is provided as required under subsubsection (x) depicting in scale the following items:
 - a. The physical boundaries of the premises with dimensions thereof.
 - b. The improvements located on the premises, including but not limited to all buildings and structures with entrances and exits located, curbing, curb cuts, driveways, sidewalks and pedestrian pathways, parking spaces, handicapped parking spaces, fire lanes, hydrants, standpipes, gas valves, power and light poles, surface drainage facilities and permanent signs.
 - c. A key showing the graphic scale.
 - d. The footprint of the mobile business.
 - e. The general arrangement and orientation within said footprint of the trade implements to be used in connection with the mobile business.
 - f. The type, size and location of the sign authorized under subsubsection (7).
- (viii) A description of the trade implements to be used in connection with the mobile business.

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- (ix) A copy of the current and valid license authorizing the applicant to engage in the mobile business as described under subsection (ii).
 - (x) Written permission from the owner or chief operating officer of the principal commercial activity operated on the premises, or from such owner's or officer's authorized agent, to utilize the premises for the mobile business in the manner set forth in the application for the period of the permit.
 - (xi) Proof of general liability insurance in the amount of \$500,000.00 covering the applicant and the applicant's operations to be authorized under the permit.
- (3) A permit issued under this subsection shall be valid for a period of one year, and shall authorize the operation of the mobile business on the applicable premises no more than once every two weeks and for no more than four consecutive hours on each such occasion.
 - (4) Any Mobile Business and/or its Trade Implements for which a permit has been issued under this subsection shall be subject to inspection at all reasonable times by law enforcement, public safety, building code inspectors and code enforcement personnel of the county to ensure continued compliance with all applicable laws, codes and ordinances.
 - (5) A separate permit shall be required for each premises.
 - (6) Exempt from the provisions of this subsection are the following:
 - (i) A mobile business leasing or occupying a booth or other space for the purpose of selling or exhibiting merchandise and/or services at the Clay County Fairgrounds.
 - (ii) A mobile business with respect to which the merchandise and/or services sold are solely and exclusively for human health care purposes.
 - (iii) A mobile business that is a not-for-profit corporation.
 - (iv) A mobile business selling merchandise and/or services exclusively to the occupant of the premises upon which the mobile business is being conducted, or to the occupant's boarders or tenants.
 - (v) A food service mobile business.
 - (7) No sign pertaining to a mobile business may be posted on any permitted premises except on a day that the mobile business will be operated thereon. Any other regulations of the county to the contrary notwithstanding, the holder of a mobile

business permit may post a single sign pertaining thereto on the permitted premises, with the permission of the owner or chief operating officer of the principal commercial activity operated thereon, that is no larger than 12 square feet, no taller than 6 feet, and is situated only where signs pertaining to such principal commercial activity may be lawfully be placed under the applicable county regulations. Such sign is exempt from permitting under any other regulations of the county. Any sign lawfully posted under this subsection on a particular day must be removed no later than the expiration of the time on said day that the permitted mobile business could be operated on the permitted premises.

- (8) An application for a permit submitted under this subsection shall be denied under the following circumstances:
- (i) The application is incomplete or missing items.
 - (ii) The application contains false or inaccurate information.
 - (iii) The premises are unimproved, vacant or unoccupied.
 - (iv) The mobile business that is the subject of the application is not a lawful conditional use for the premises under this article.
 - (v) The footprint or trade implements shown in the site plan submitted with the permit application would materially:
 - a. obstruct a fire lane or vehicular ingress or egress to or from the premises, or otherwise hinder or obstruct the ability of fire suppression or rescue services to effectively and safely provide service on the premises if needed;
 - b. impair pedestrian ingress or egress to or from any front door on the permitted premises;
 - c. occupy or obstruct safe access to or use of more than 15% of the maximum number of non-handicapped parking spaces required on the premises by law;
 - d. occupy or obstruct safe access to or use of any handicapped parking space located on the premises;
 - e. obstruct access to a hydrant, standpipe, gas valve or exterior electric power located on the premises; or,
 - f. obstruct or impair proper drainage.

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- (9) The director may suspend, or revoke a permit for:
- (i) Violation of a provision of this subsection.
 - (ii) Filing a materially false or misleading statement in an application for a permit.
 - (iii) Conviction for:
 - a. Fraud or misrepresentation in the sale of merchandise and/or services under the permit.
 - b. A deceptive trade practice.
 - (iv) A change in any of the conditions or circumstances under which the permit was originally issued which would constitute grounds for denial of the permit.
- (10) To initiate the suspension or revocation process under subsection (9), the director or designee shall deliver to the holder of the permit, by mail or delivery to the holder's permanent address, written notice of the proposed cause for the suspension or revocation and of the date, time and place of the meeting at which the holder of the permit may be heard, be represented by counsel and produce evidence.
- (11) At the meeting under subsection (10), the director shall consider the evidence produced and enter an appropriate order, a copy of which shall be delivered to the holder of the permit by mail or delivery at the permanent premises. An order of suspension or revocation shall be effective immediately upon hand or electronic delivery or on the fifth day after mailing. The decision of the director shall constitute final agency action.

(aq) *Mobile Home for Medical Hardship.*

- (1) The use must be accessory to the primary residential use which otherwise lawfully exists.
- (2) The mobile home must be used exclusively to house a family member of the head of the household, or of his or her spouse, of the primary residence, together with the immediate family of such member, under circumstances whereby either:
 - (i) such a family member suffers from a medical hardship which requires constant or recurring physical care and assistance from a family member residing in the primary residence; or
 - (ii) a family member residing in the primary residence suffers from a medical hardship which requires constant or recurring physical care and assistance from

the family member residing in the mobile home.

- (3) The use authorized hereunder may lawfully continue, and any permit issued hereunder shall remain valid, only so long as all of the conditions described in this paragraph continue to exist, the additional living accommodations are necessary to avoid undue hardship, and the medical hardship clearly exists. Once the conditions authorized hereunder no longer exist, the permit shall be deemed expired and the mobile home must be removed within sixty (60) days.
 - (4) For purposes of this paragraph, the following terms shall have the following definitions:
 - (i) *Family member.* Mother, father, brother, sister, child, grandchild, grandparent, great-grandparent, adopted child, adopted grandchild, and the spouse or in-law of any such person.
 - (ii) *Medical hardship.* A condition of health requiring constant or recurring physical care and assistance, as stated in writing by a duly licensed physician. An original letter from the physician on the physician's letterhead shall be submitted annually from the date of issuance.
 - (5) The use authorized hereunder may commence and thereafter continue only under a valid permit therefor issued by the Planning and Zoning Department. Such permit and each renewal thereof shall only be valid for a period of one (1) year from the date of issuance, and may be renewed annually so long as the conditions provided under this paragraph continue to exist. In the event the permit expires, is revoked, or is non-renewed, the use must be terminated immediately, and all permits issued by the Building Department for the mobile home shall be deemed revoked, any such permits having been deemed hereby to have been issued conditioned upon the continued existence of the permit or renewal of the permit provided under this sub-paragraph.
 - (6) The mobile home shall be located as close to the primary structure as possible while still complying with all applicable setbacks required in the Code.
- (ar) *Motocross (MX) Motorized*
- (1) Serial Motocross Racing is limited to property having a minimum size of 40 acres. If a Motocross Racing Use is not otherwise eligible for a Special Event Permit, a Conditional Use application shall be required to include the following information:
 - i. Contact information
 - ii. Legal description
 - iii. Permission of the owner, if different from the applicant
 - iv. Scaled site plan illustrating:
 - a. Location of the racing area, with setbacks to property lines indicated
 - b. Location of areas for spectators
 - c. Parking facilities
 - d. Location and type of barrier between racing area and spectator area

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- e. Access point(s) to the facility
 - f. Internal circulation system
 - g. Location of residences on adjacent properties
 - h. A Written statement setting forth:
 - 1. Description of activities
 - 2. Frequency of events
 - 3. Estimated number of attendees, including participants and spectators

(2) Development Standards

- i. No alcohol sales are permitted
- ii. Racing activities are limited to weekends only between the hours of 9:00 a.m. and 7:00 p.m.
- iii. A 100 foot undisturbed buffer of existing vegetation must be maintained around the perimeter of the property
- iv. The racing area must be a minimum of 1000 feet from the nearest residence, school and place of worship
- v. The racing area must be a minimum of 200 feet from any jurisdictional wetland
- vi. Retail sales are limited to items accessory to racing activities (~~e.g. food~~)
- vii. Fencing must be provided between the racing area and spectator areas
- viii. Permanent signs shall be limited to one (1) sign of not larger than six (6) square feet, inclusive of face of frame, logos, pictures, and the like, per street frontage. No sign shall exceed a height of twelve (12) feet as measured to the highest projection of the sign or support. All other provisions of Article VII shall apply.
- ix. Temporary offsite signage limited to directional signage is allowed on the day(s) of the event only
- x. No offsite parking is permitted
- xi. Off duty deputies are required, including traffic control at start and finish of hours of operation
- xii. Any amplified sound shall be subject to the Clay County Code Sec. 15-5.
- xiii. A driveway permit is required
- xiv. Provision of temporary sanitation facilities are required in accordance with Health Department regulations
- xv. Procurement of waste pickup services is required

(as) *Mudboggng*

(1) Conditional Use applications for Mudboggng must be for property of 40 acres or greater in size. A Conditional Use application shall be required to include the following information:

- (i) Contact information
- (ii) Legal description
- (iii) Permission of the owner, if different from the applicant
- (iv) Scaled site plan illustrating:
 - i. Location of the mudboggng area, with setbacks to property lines indicated.
 - j. Location of areas for spectators.

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- k. Parking facilities.
 - l. Location and type of barrier between mudbogging area and spectator area.
 - m. Access point(s) to the facility.
 - n. Internal circulation system.
 - o. Location of residences on adjacent properties.
 - p. Sediment control plan.
 - (v) Written statement
 - a. Description of activities.
 - b. Frequency of event.
 - c. Estimated number of attendees.

(2) Review Process

Following the submittal of the conditional use application, a meeting shall be scheduled with the Development Review Committee to discuss the application. The DRC shall review the application and recommend denial, approval or approval with conditions. After the DRC meeting, a hearing shall be scheduled before the Local Planning Agency (LPA). Based upon the review criteria listed below, the LPA shall recommend denial, approval or approval with conditions. Following the LPA hearing, a hearing shall be scheduled before the Board of County Commissioners. Based upon the review criteria below, the Board of County Commissioners shall deny, approve, or approve with conditions the application. If the Board of County Commissioners denies an application, the specific criteria shall be identified as the reason for denial.

(3) Review Criteria

The compatibility of a proposed mudbogging facility shall be considered in accordance with existing land uses and future land uses as set forth in the comprehensive plan. In making a determination of compatibility, the provisions below shall be considered:

- (i) Whether the proposed facility is compatible with surrounding land uses;
- (ii) Whether the proposed facility would materially degrade the quality of surrounding roadways; and
- (iii) Whether the proposed facility would adversely affect the health, safety, and welfare of the citizens of Clay County.

(4) Notice Requirements

LPA and Board of County Commissioners meetings shall be advertised in a newspaper of general circulation a minimum of seven days before each hearing. In addition, one or more signs shall be posted on the property not less than twenty-one (21) days in advance of the date of the public hearing held before the LPA. The sign or signs shall be obtained from the Planning and Zoning Division. Such sign or signs shall be erected in full view of the public at intervals of not more than every five hundred (500) feet along all streets on which the land which is the subject of the application has frontage, and shall be maintained by the Applicant, as applicable, until the conclusion of all public hearings including the public hearing held before the Board. The sign or signs to be posted on said land shall state the purpose of the meeting, the time, date and place

of the meeting, and a contact number.

The Applicant may seek permission of the Zoning Department to instead post large signs 4 feet by 8 feet minimum at the entrances to the applicable property and at conspicuous places on or adjacent to the applicable property. Large signs will be similar to color and wording as the smaller official zoning signs but may include a detailed map of the area to be rezoned. Signs shall be constructed by the Applicant and approved by the Zoning Department prior to erection. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land for which rezoning is sought. Said signs shall be maintained by the Applicant, as applicable, until the conclusion of all public hearings including any held before the Board. After the public hearing before the Local Planning Agency, the Applicant, as applicable, shall change the date and time on the signs to the date and time of any and all public hearings to be held before the Board.

Notice of the public hearings before the LPA and the Board of County Commissioners shall be mailed to all owners of real property located within 1,000 feet of the property line of the real property to be considered for mudbogging activities, as determined by the Property Appraiser's records. The notice shall state the intent of the LPA and the Board of County Commissioners to consider a conditional use application for mudbogging activities and shall specify the time, date and place of the public hearings, and shall also advise that interested parties may appear at the meetings and be heard with respect to the proposed application. One notice containing the dates, times and place of all hearings before the LPA and the Board of County Commissioners as well as all other required information may be utilized and shall be mailed no later than 15 days prior to the date of the hearing before the LPA. The cost to mail the notices shall be borne by the Applicant.

(5) Development Standards

Should the Board of County Commissioners determine that the subject location is suitable for mudbogging based upon compatibility with the surrounding area, including the existing development and the future land use designations pursuant to the comprehensive plan, then the application shall comply with the following development standards:

- (i) No alcohol sales are permitted.
- (ii) Activities are limited to weekends only between the hours of 9:00 a.m. to dusk.
- (iii) A 100 foot undisturbed buffer of existing vegetation must be maintained around the perimeter of the property.
- (iv) The mudbogging area must be a minimum of 1000 feet* from the nearest residence, school and place of worship.
- (v) The mudbogging area must be a minimum of 200 feet* from any jurisdictional wetland.
- (vi) Prior to commencement of construction, the applicant shall provide either an approved permit or exemption letter for both a Consumptive Use Permit and Environmental Resource Permit.
- (vii) No firearms are permitted on site.

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- (viii) Retail sales are limited to items accessory to mudbogging activities (e.g. food).
 - (ix) Fencing must be provided between the mudbogging area and spectator areas.
 - (x) Temporary directional signage is allowed on the day(s) of the event only.
 - (xi) No offsite parking is permitted.
 - (xii) The owner will provide maintained access with sediment control.
 - (xiii) Execution of a road maintenance agreement with the County is required.
 - (xiv) Off duty deputies are required, including traffic control at start and finish of hours of operation.
 - (xv) Bands are prohibited.
 - (xvi) A driveway permit is required.
 - (xvii) Provision of temporary sanitation facilities are required in accordance with Health Department regulations.
 - (xviii) Procurement of waste pickup services is required.

*Minimum distance may be increased should the Board of County Commissioners determine that the increase is necessary due to the general health, safety and welfare of the County. (Rev. 11/24/09)

(at) *Outdoor Drive-in Theaters, Private Arenas, and Auditoriums.*

- (1) *Location.* In no case shall such use be permitted within 500 feet from any single or multiple family zoning district, measured from all property lines.
- (2) *Minimum Lot Area.* The minimum lot area required for such use shall be no less than five (5) acres.
- (3) *Frontage.* The minimum required frontage on a public street to be used for the primary point of access shall be 400 feet.
- (4) *Access.* All points of vehicular access shall be from an arterial or collector street. Said access points shall be located so as to minimize vehicular traffic to and through local streets in nearby residential neighborhoods as determined by the County Engineering Department and the access requirements of this Article.
- (5) *Lighting.* Artificial lighting used to illuminate the premises shall be directed away from adjacent properties and streets, shining only on the subject site.
- (6) *Performance Standards.* The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction.
- (7) *Fencing and Screening.* Where deemed necessary by the Development Review Committee (DRC) to protect the general public, safety fences of up to a height of six (6) feet may be required. The DRC may also require landscape screens of at least 75 percent opaqueness to protect neighboring property from potential loss of or diminishment of land value or use.

(au) *Outdoor Shooting Range.*

The purpose of an outdoor shooting range is to provide a location where participants can enjoy

various shooting sports. To achieve this purpose, an important concern is that the range meet expectations of safety for range participants and the public at large. In order to build and operate a safe shooting range, the plans, specifications and construction require the thorough professional evaluation, guidance and services of professional engineers and architects.

- (1) Ranges for shotguns only permitted in PS-2 district subject to NRA design and construction guidelines.
- (2) *Skeet Shooting.*
 - (i) The minimum area for a skeet shooting range shall be a minimum cleared area of 100 yards with a 300 yard safety zone.
 - (ii) There shall be a 26 feet 8-3/8 inch chord between stations.
 - (iii) There shall be a minimum of 40 yards between high and low houses.
- (3) *Trapshooting.*
 - (i) The space required for trapshooting shall be a minimum cleared area of 100 yards with a 300 yard safety zone.
 - (ii) The minimum permissible target angle shall be 94 degrees.
 - (iii) There shall be a minimum of nine (9) feet between firing points spaced three (3) feet apart.
- (4) *Rifle Ranges and Muzzle Loaders.*
 - (i) Each range shall be adjoined on its left and right by a safety zone extending downrange.
 - (ii) Firing lines may be covered or opened.
 - (iii) There shall be a six (6) foot minimum spacing for firing points.
 - (iv) Backstops are required, and must be capable of stopping and containing projectiles used on the range, with a height of thirty (30) feet.
- (5) *Handguns.*
 - (i) There shall be a six (6) foot minimum spacing for firing points.
 - (ii) Firing lines may be covered or uncovered.
 - (iii) Backstops shall be required which contain no material that would increase the possibility of ricochet, and have the capability of containing projectiles used on range. The backstop height span shall be thirty (30) feet and shall extend twenty-five (25) feet to each side of the target line.

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- (6) *Archery.*
- (i) The minimum length of the range shall be 196 feet from firing points to targets. Bunkers behind the targets shall be installed.
 - (ii) The minimum width of the range shall be sixty (60) feet, and each target must be separated from adjoining targets by at least six (6) feet.
 - (iii) Space 45 feet behind and to either side of the range is to be clear and free from hard objects.
 - (iv) Targets shall have a minimum space of thirty (30) feet on each side of the range.
- (7) Alternative design standards from the National Rifle Association or another recognized set of shooting range design standards may be substituted for the construction range components.
- (8) In addition to the aforelisted, Outdoor Shooting Ranges shall be required to meet the Clay County Land Development Code, including, but not limited to buffering, parking, signage, landscaping, drainage, public safety and concurrency.
- (av) *Plant Nurseries.* The products for sale are limited to plant fertilizers and other associated items, except any motorized equipment.
- (aw) *Portable Storage Structure (Rev. 02/08/11)*
- (1) There can be no more than one portable storage structure per property.
 - (2) The portable storage structure must be no larger than 8 feet wide, 8 feet high, and 20 feet long.
 - (3) The portable storage structure must not remain on a property in excess of 30 consecutive days (per owner) and must not be placed at any one property in excess of 30 days in a calendar year.
 - (4) The portable storage structure must be set back a minimum of five feet from all property lines.
 - (5) The portable storage structure must be set back a minimum of five feet from the nearest wall of a building.
 - (6) The portable storage structure must be placed outside of any County right-of-way.
 - (7) Commercial dumpsters associated with construction at a site where a building permit has been issued are permitted for the duration of construction and shall be removed from the site within 14 days of the end of construction. These containers are exempt from the above conditions.
 - (8) Portable storage structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction, but in no case may remain on the property for a period longer than 365 days. These containers are exempt from the above conditions.
- (ax) *Private ponds or agricultural livestock ponds.*

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- (1) A Pond shall not encroach into or be located in a jurisdictional wetland area as defined by the Army Corps of Engineers, Florida Department of Environmental Protection or the St. Johns River Water Management District, hereafter called Agencies. The Applicant shall be responsible for contacting the applicable Agencies in order to determine if the site is within jurisdictional lands.
 - (2) A Pond shall not be located so that diversion of runoff or a water course will be required in order to fill or maintain the water level at any time.
 - (3) Stormwater runoff from any impervious area shall not be introduced into the Pond area at any time.
 - (4) A Pond shall not be located, at any one point, closer than 25 feet to right-of-way, easement, access point or property line.
 - (5) A Pond shall not discharge to any water course, wetland area, or conveyance system without first applying for a permit or permission from the applicable Agencies and/or owner. Any and all permits or agreements shall be presented to the County in letter format or copies thereof prior to Pond permit issuance.
 - (6) No artesian or free running well (no connection to aquifer) will be allowed for water level control and/or filling. Shallow wells connected to a Pond for water level control shall be permitted through the St. Johns River Water Management District or Florida Department of Environmental Protection. No dual purpose well connection will be allowed, i.e. connected to dwelling or drinking water and Pond or any combination thereof. If a shallow well is to be utilized for controlling the water level, an automatic on/off switch shall be installed at the well pump in addition to an appropriately sized breaker and disconnect in addition to a sensing device installed in the Pond to control the pumping activities.
 - (7) A Pond shall be located so that no one point of the bank shall be closer than 75 feet to any part of the underground and/or above ground, septic tank system.
 - (8) A Pond shall not be larger than 25% of the property.
 - (9) Side slopes of a Pond shall have a slope of 4 to 1 maximum and shall have sod and/or seed and mulch placed within 15 days of finished grading.
 - (10) A permit for a Pond is required which will provide for Excavation for a one year period. If Excavation has not been completed during the one year period, a new permit shall be required. Permit / inspection fees are required prior to approval.
 - (11) Prior to any land clearing or Excavation activity, a completed permit application along with the following supporting documentation must be submitted and approved by the Planning and Zoning Division:
 - (i) A site plan showing the location of the Pond, size of the Pond, dimension from right-of-way or access point, dimension from property line and side slopes.

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- (ii) A survey showing all easements, septic location and property dimensions.
 - (iii) A Property Ownership Affidavit.
- (ay) *Public Assembly.*
- (1) Any other provision of this Article to the contrary notwithstanding, it is declared to be the intent of this Article that public assembly shall be a conditional use in the IS, IA, IB, PO-1, PO-2, PO-3, PO-4, BA-2, BA-1, BA, BB-1, BB, and BSC zoning districts, and in the portions of any Planned Unit Development, Planned Commercial Development, or Planned Industrial Development approved for commercial, industrial or public ownership uses for the purpose of exercising any and all rights secured through and by virtue of the First and Fourteenth Amendments to the Constitution if the following conditions are met and continue to be met:
 - (i) Any facilities regularly used for such purpose, where "regularly" means more than one time per calendar month, must meet and continue all requirements of all codes, ordinances, regulations and statutes applicable thereunto and to such use; and,
 - (ii) Such permitted use shall not be construed to include day care, preschool, kindergarten through twelfth grade, or post-secondary activities typically associated with uses permitted under Section 20.3-37 hereof; and,
 - (iii) Such use may not constitute a nuisance to any proximate use by virtue of unreasonable, frequent or excessive noise, light, traffic or other attributes of the use which reasonably impose upon the peaceful and quiet enjoyment of the land to which any such proximate use is being put, when such proximate use is otherwise lawful; and,
 - (iv) That when a use is permitted solely under and by virtue of this Subsection, the provisions of Section 20.3-4(c) shall be inapplicable.
 - (2) All other provisions of this article which are inconsistent with this Subsection are deemed superseded hereby, but not repealed, so that only and to the extent of such inconsistency are such provisions rendered inapplicable or ineffectual, as the case may be. In order to overcome the pre-eminent intent of this Subsection, any subsequent amendment to this Article must clearly so provide, else be deemed subject and subordinate to the subsection.
- (az) *Public and/or Private Sewer Facilities.* Proposed lift stations to accommodate the amount of development for the particular facility's service area.
- (ba) *Public Educational Facilities.* The siting of a public educational facility owned, constructed and operated by the Clay County School Board shall be sited solely in accord with the provisions of that certain Interlocal Agreement For Public Educational Facility Siting and Review in Clay County, entered into as of June 22, 1999, between the Clay County Board of

County Commissioners and the Clay County School Board, being Clay County Agreement 98/99-138, as the same may be amended from time to time, and for so long as the Interlocal Agreement remains in effect.

- (bb) *Radio, Television, Microwave Relay Stations or Towers and Accessory Equipment Buildings.* Facilities which are subject to this subsection include towers not addressed in Section 3-46 and not used primarily for the provision of non-governmental mobile phone and internet service.
- (1) *Tower Location.* Towers shall be located on the site so as to provide a minimum distance equal to one hundred and ten (110) percent of the height of the tower from all property lines or shall be certified by a registered engineer in the State of Florida, who shall submit calculations substantiating the position of the 110 percent break point, or in the alternative shall construct all towers to conform to the current EIA/TIA standards for steel antenna towers and antenna supporting structures (presently EIA/TIA-222-E) as published by Electronic Industries Association.
 - (2) *Anchor Location.* All tower supports and peripheral anchors shall be located entirely within the boundaries of the property, and in no case less than five (5) feet from the property line.
 - (3) *Setbacks - Accessory Buildings.* All accessory buildings and structures shall conform to the setback requirements for the applicable zoning district.
 - (4) *Fencing.* A chain link fence or wall not less than eight (8) feet in height from finished grade shall be provided around each tower. Access to the tower(s) shall be through a locked gate.
 - (5) *Signs - High Voltage.* If high voltage is necessary for the operation of the facility and is present in a ground or in the tower, signs located every twenty (20) feet and attached to the fence or wall surrounding the tower shall display in large bold letters the following: (ORD 95-53 - 11/95)

"HIGH VOLTAGE - DANGER"
 - (6) *Equipment Storage.* No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site.
 - (7) *Aircraft Hazard.* No tower shall be permitted to encroach into or through any established public or private airport approach as established by the Federal Aviation Administration.
 - (8) All towers allowed as a conditional use under this section shall be erected and used in good faith, primarily for the provision of radio and television services or for the support of a microwave relay system. Any tower so erected and used shall not be subject to the provisions of Section 20.3-46. If in the future said towers cease to be used primarily for the purposes listed in this section and become primarily used for the provision of cellular telephone service, then the tower owner or operator shall notify the County of the change in primary use, and the towers shall henceforward be regulated under the provisions of Section 20.3-46. (Amended 11/26/97 - Ord. 96-58)

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- (9) Towers which are erected and used by amateur radio operators licensed by the Federal Communication Commission (FCC) are exempt from the requirements of this subsection. (Amended 11/26/96 - Ord. 96-58).
- (bc) *Recreational Facilities (Privately Owned and Operated)* open to the paying public. (amended 7/94 - Ord. 94-30)
- (1) Lands intended for such use shall consist of ten (10) contiguous acres or more.
 - (2) Access to said site shall be from a county or state paved road directly to the entrance of the site.
 - (3) Buffering and screening must meet requirements of the Clay County 2001 Comprehensive Plan.
 - (4) A site plan must be submitted which contains the following:
 - (i) Map of proposed location and vicinity.
 - (ii) The location of all attractions and structures and time of operation.
 - (iii) Off-street parking and buffering.
 - (5) On-premise alcohol consumption as an accessory use subject to the requirements in Section 20.3-4, paragraph (c).
 - (6) Sale of marine petroleum products in compliance with all state regulations.
- (bd) *Recreational Vehicle and Boat Storage.*
- (1) The proposed site must consist of a total of at least three (3) acres and have direct access to a roadway defined in the Comprehensive Plan as major collector or above, except that within a Village Zone or Neighborhood Center in a Master Planned Community under the Branan Field Master Plan or within a Community Center under the Branan Field Master Plan or within a Village Center with the Lake Asbury Master Plan, access may be to a minor collector or a roadway within the Village Zone, Neighborhood Center, Community Center or Village Center connected directly to a major or minor collector. Only one (1) point of access shall be permitted.

The three-acre requirement does not apply if the proposed site: 1) is a parcel immediately adjacent to a public or private marina with a boat ramp(s); 2) is used only for boat storage; 3) provides access from the parcel to the marina; and 4) complies with the access requirements set forth in the paragraph above.
 - (2) Landscaping and tree requirements shall comply with the Clay County Code Article VI, Tree Protection and Landscaping Standards, as amended, with the exception that the perimeter buffer screening shall meet the minimum required for industrial proposed land use type.

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- (3) At least twenty (20) percent of the site shall be in open space. Upland and landscape buffers, setbacks, wetlands and other existing and planted vegetated areas may be used to achieve this twenty (20) percent requirement.
 - (4) Drive aisles shall be paved with concrete, asphalt, asphalt millings or other material approved by the County Engineer. Storage areas may utilize alternative materials. All other areas shall be landscaped and/or grassed.
 - (5) All drive aisles shall be designed with one (1) ten (10) foot wide loading/unloading lane and one (1) fifteen (15) foot travel lane.
 - (6) The site shall be secured with a wall or fence that is at least six (6) feet in height. Walls must be finished or painted on the exterior side. Razor wire and electric fences are not permitted. Along the boundaries of the site fronting on a public road and running along the sides of such site a distance sufficient to screen the site from view from such public road and along the boundaries of the site adjacent to property having a less intense use, the wall or fence shall be opaque; except that no opacity shall be required along a boundary of the site adjacent to wetlands, platted open space or areas subject to a conservation easement that preserves vegetation sufficient to screen the site from view across such areas. A wrought-iron fence (or fence resembling wrought iron) may be utilized in conjunction with a hedge or natural vegetation that provides for 100% opacity within two years of the time of planting.
 - (7) Expansion of RV and Boat Storage facilities in existence on or before April 22, 2008, are exempt from the requirements of this section. *Rev. 04/22/08*
 - (8) Provisions under subsection (ba)(6) shall not apply to proposed RV and Boat storage developments located within industrial zoned properties where the property boundary is coterminous with the same industrial zoning district.
- (be) *Recreational Vehicle Temporary Use.* Under no circumstances shall a recreational vehicle be used for living or sleeping quarters, except as provided below:
- (1) *Definition.* For the purposes of this section, the following word shall have the meaning ascribed by this subsection:
 - (i) *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 or a similar type vehicle.
 - (2) A property owner or tenant or a guest of a property owner or tenant who is the owner of a recreational vehicle, may temporarily occupy the recreational vehicle on a single family residentially zoned parcel, provided the following conditions are met:
 - (i) No person shall be allowed to occupy the recreational vehicle more than

fourteen (14) consecutive calendar days and no more than two (2) times in any calendar year for a particular property owner and/or tenant.

- (ii) The recreational vehicle shall be self-contained and shall not be connected to an outside source of potable water, or sewage disposal. All waste water and solid waste shall be disposed of properly at a licensed facility. If electrical connection is needed, the vehicle must be connected to an approved outside electrical source.
- (iii) Side and rear setbacks required for the principle dwelling in the zoning district where the recreational vehicle will be parked, shall be met.
- (iv) There shall be no more than one recreational vehicle on the deeded private property parcel in contiguous ownership at any one time.
- (v) If property is located within floodplain AE, the following requirements must be met:
 - (i) Be on the site for fewer than fourteen (14) consecutive days,
 - (ii) Be fully licensed and ready for highway use, or
 - (iii) Meet the permit requirements, elevation and anchoring requirements for “manufactured homes” and all other Land Development Regulations. (amended 11/07 – Ord.2007-66)

(bf) *Recycling Collection Centers.* Recycling Collection Centers, defined as a commercial business which receives from its customers materials for recycling, are allowed within the BB zoning district subject to the following conditions:

- (1) The collection center must serve as a collection point for the receipt and temporary storage of recyclable materials that are delivered or donated by the general public for reuse and resale. Recyclable materials generally consist of items such as metal beverage containers, scrap wiring, plastic, cardboard, clean concrete, and other similar materials that are managed in a similar fashion, and for which there is a market.
- (2) The collection center shall be used as a collection and storage facility only. The site of the collection center shall not be used to process, recycle, or reuse the recyclable materials for the purpose of producing new materials or products on site. The collection center also shall not be used for marketing or reselling recyclable materials to the general public.
- (3) All materials received for recycling must be stored in enclosed containers, such as the enclosed dumpsters and enclosed roll-off containers that are used in the solid waste industry. The enclosed containers and the rest of the collection center shall be maintained in a neat, clean manner to provide a pleasing appearance from adjacent properties and public roadways, and to protect against the propagation of insects, rodents, and other pests.
- (4) Recyclable materials containing contaminants, such as CFCs and petroleum or synthetic oils, shall not be accepted by the collection center. Appliances,

automobiles, and other large items shall not be received, processed, or stored on the site of a Recycling Collection Center.

- (5) At no time shall a collection center have stored on the site more than fifty (50) cubic yards of any one recyclable material, when measured on the site in its stored configuration.
- (6) No item of recyclable material shall be stored on the site of a collection center for more than ninety (90) days after it is received.

(bg) *Residential in Non-Residential Districts.* (Amended 8/27/96 - Ord. 96-35)

- (1) Within all non-residential zoning districts:
 - (i) Residences shall be permitted in any commercial or industrial land district as an accessory use to an "active" commercial or industrial use for the purpose of providing security of the property and improvements.
 - (ii) Residences must be used exclusively to house the owner, operator, employee or security personnel together with his or her immediate family.
 - (iii) Residences shall not be allowed on vacant parcels except in the BA-2 Zoning District, subject to the conditions below.
 - (iv) Residences may be attached to the commercial or industrial use or may be free standing, subject to the applicable requirements of LDR Zoning Code.
 - (v) The use authorized hereunder may continue and any permit issued hereunder shall remain valid only so long as the above conditions continue to exist.
- (2) Within the Commercial and Professional Office (BA-2) Zoning District. (Amended 6/22/99 - Ord 99-33)
 - (i) In addition to the residential uses permitted in paragraph (1) hereof, residential uses as the primary use shall be permitted, subject to all applicable requirements of the LDR Zoning Code.

(bh) *Restaurants.* Reserved.

(bi) *Retreat Centers.*

- (1) Operated by non-profit organizations and corporations exempt under Section 501 (c) (3) of the Internal Revenue Code for Retreat Activities.
- (2) Maximum lot coverage by all buildings for all uses is twenty (20) percent of the total square feet in the zoned parcel.
- (3) Gallons of septic tank flow per acre and per septic system will also serve to regulate

the number, size, and kinds of facilities that can be accommodated on the parcel.

- (4) Minimum parcel size is not less than five (5) acres.
- (5) Primary access must be paved and directly from a paved public road.
- (6) Notwithstanding the provisions of Subsection (b)(6)(i)c. hereof, maximum density for guest house accommodations and full-time residences for administrative personnel combined is four (4) units per gross acre.
- (7) As used in this section, the following terms shall have the following meanings:
 - (i) *Retreat Center.* A facility comprised of a Retreat Facility and Accessory Buildings/Facilities designed to accommodate Retreat Activities.
 - (ii) *Retreat Facility.* A facility generally consisting of one (1) main building functioning as the Retreat Center.
 - (iii) *Accessory Buildings/Facilities.* Buildings or facilities, typically clustered, including guest house accommodations, either separate or in conjunction with the Retreat Facility (total density not to exceed four (4) units per gross acre, subject to the provisions of Rule 10-D-6, F.A.C.); administrative facilities, including housing accommodations permitting full-time residences for administrative personnel (total density not to exceed 4 units per gross acre, subject to the provisions of Rule 10D-6, F.A.C.); chapels; canteen (service) building(s) containing restroom facilities, bath-house facilities, food service facilities, snack bar, multi-use areas, and small areas for non-profit shops operated by the organization for hand-made arts and crafts, literature and tapes, and other miscellaneous items related to or produced by the organization, maintenance shed and workshop; gazebo area; recreational and picnic areas including ball diamond, children's play area, and other game areas as desired and as space permits; camping area (small scale) including tent camping, Adirondack style facilities, and a limited number of RV units (total density not to exceed ten (10) units per gross acre, subject to the provisions of Rule 10D-6, F.A.C.) (use limited to members and invited guests of the organization for overnight and short-term lodging).
 - (iv) *Retreat Activities.* Activities undertaken at Retreat Centers by which the natural amenities of the land are utilized for physical, mental and spiritual relaxation and rehabilitation through Retreat Facilities and Accessory Buildings/Facilities. Such activities may include general assembly for fellowship activities, worship, seminars, and specialized training, rehabilitative and therapeutic programs consistent with the purposes of the organization, and may include regular meetings of the same group or congregation for purposes typically associated with uses permitted under Section 20.3-38 herein.
- (bj) *Riding Academies.* Riding Stables and Dude Ranches providing that stables or barns are not less than three hundred (300) feet from any residential district except Agriculture Residential, and minimum lot area is six (6) acres.

(bk) *Rock Crushing; Rock or Sand Storage Yards; and Stone Cutting.*

- (1) Must be at least five hundred (500) feet from any residential district.
- (2) At the time central sewer and water is made available to the site, the use will be required to connect to the central utilities.

(bl) *Rural Event Center.*

- (1) For purposes of this subsection, a Rural Event Center shall mean a venue located on land zoned Agricultural (Zone AG) or Agricultural/Residential (Zone AR), on land zoned Rural Community under the Lake Asbury Master Plan Land Development Regulations, or on land within the Branan Field Master Plan with a land use designation of Rural Suburbs, that facilitates the congregation of people in exchange for remuneration for events that include weddings, family reunions, class reunions, company retreats and picnics, or other similar events or celebrations.
- (2) The parcel shall not be less than three and one-half (3.5) contiguous acres in size.
- (3) All parking for each event shall be on-site only. Off-site parking is prohibited.
- (4) No event shall be conducted in a manner that would constitute a violation of Sec. 15-5 of the Clay County Code.
- (5) Prior to commencing the operation of a Rural Event Center, the operator must submit to the Planning and Zoning Division an application for a conditional use verification.

Rural Event Centers are permissible when associated with agritourism under Florida Statutes Section 570.85 but otherwise not accepted as a conditional use due to zoning in process per Board directive.

(bm) *Rural Event Venue.*

- (1) For purposes of this subsection, a Rural Event Venue shall mean a venue located on land within the Branan Field Master Plan with a land use designation of Rural Suburbs, land within the Lake Asbury Master Planned with a land use designation of Rural Community, or land zoned Agricultural/Residential within which the following uses are permitted:
 - (i) The uses permitted under the rural event center conditional uses category elsewhere provided in this Section 3-5(bl) including the congregation of people in exchange for remuneration for events that include weddings, reunions, retreats and picnics or other similar events or celebrations, together with food, beverage and sundries vendors engaged for an event.

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- (ii) The uses permitted under the youth camp conditional use elsewhere provided in this Section 3-5(bu), which may be undertaken in exchange for remuneration.
 - (iii) The uses permitted under the retreat center conditional use elsewhere provided in this Section 3-5(bi), which may be undertaken in exchange for remuneration.
- (2) Definitions – For the purposes of this subsection, the following words and phrases shall have the meanings ascribed to them by this subsection:
- (i) *Cabin* - means a structure that is permanently affixed to the ground and not intended as long-term residence. Structures shall comply with all applicable building codes and regulations adopted by the Board of County Commissioners and the State of Florida.
 - (ii) *Cabin site* – means a parcel of land which is utilized for a cabin. Cabin sites shall be shown on an approved site plan in accord with this section.
 - (iii) *Recreational Vehicle* – means, for the purpose of this section, a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation uses, permanently identified as an RV by the manufacturer of the vehicle and shall include:
 - a. Camping trailers (including the terms pop-up or pop-out trailer), which means a folding structure, mounted on wheels and designed for travel, recreation or vacation use;
 - b. Motor homes, which means a portable, temporary dwelling to be used for travel, recreation or vacation uses, and constructed as an integral part of a self-propelled vehicle;
 - c. Travel trailers, (including the term fifth-wheel trailer), which means a non-self-propelled structure;
 - d. Truck campers, (including the terms pick-up coach, topper or slide out camper), which means a structure designed to be mounted on the bed or chassis of a truck.
 - e. Park Models are not permitted under this definition.
 - (iv) *Recreational Vehicle Site* – means a parcel of land within a Rural Event Venue designed and improved for the accommodation of not more than one RV or up to two tents. RV sites shall be shown on an approved site plan in accord with this Section.
 - (v) *Retreat Center*. A facility comprised of Retreat Facilities and Accessory Buildings/Facilities designed to accommodate Retreat Activities.
 - (vi) *Retreat Facilities*. Facilities generally consisting of one or more main buildings functioning as the Retreat Center. Including Buildings or facilities, typically clustered, including guest house accommodations, either separate or in conjunction with the Retreat Facilities; administrative facilities; chapels;

canteen (service) building(s) containing restroom facilities, bath-house facilities, pool facilities, food service facilities, snack bar, multi-use areas, and small areas for producing hand-made arts and crafts, literature, and other miscellaneous items; maintenance shed and workshop; gazebo area; recreational and picnic areas including ball diamond, children's play area, and other game areas as desired and as space permits; and camping area (small scale) including tent camping, Adirondack style facilities, and RV units for overnight and short-term lodging.

- (vii) *Retreat Activities.* Activities undertaken at Retreat Centers by which the natural amenities of the land are utilized for physical, mental and spiritual relaxation and rehabilitation through Retreat Facilities and Accessory Buildings/Facilities. Such activities may include general assembly for fellowship activities, worship, seminars, and specialized training, rehabilitative and therapeutic programs, and may include regular meetings of a group or congregation for purposes typically associated with uses permitted under Section 3-38 herein.
 - (viii) *Sanitary station* – means a facility used for removing and disposing of waste from RV holding tanks and other structures/residences.
 - (ix) *Tent* – means a collapsible structure of canvas or other material, stretched and sustained by poles and usually made fast by ropes attached to pegs or stakes hammered into the ground.
 - (x) *Tent site* – means a parcel of land within a Rural Event Venue designed and improved for the accommodation of up to two tents.
- (3) The conditions applicable to the Rural Event Venue uses permitted under paragraph (1) hereof are as follows:
- (i) The Rural Event Venue shall not be less than fifty (50) contiguous acres in size.
 - (ii) The Rural Event Venue must be accessible by a paved public road which access road must be approved by the County Engineer as the most efficient route to the Venue's entrance, must be improved by the Venue if required by the County Engineer, and must include directional signage.
 - (iii) All parking for all use within a Rural Event Venue shall be on-site only. Off-site parking is prohibited. On-site parking may be unpaved provided that the area set aside for parking is clearly delineated and attendants are deployed as needed to ensure that parking is in rows with sufficient space between rows for vehicle parking and exiting maneuvering.
 - (iv) A perimeter buffer shall be required in accordance with Section 6-8 of Clay County Ordinance 2003-19, which pertains to perimeter buffers under the Tree Protection and Landscaping Standards contained therein. Specifically, perimeter buffers shall be a minimum of fifty (50) feet in width and in

compliance with those regulations applicable to Type “B” perimeter buffer as specified in paragraph 6-8(5)(b) of said ordinance, as amended.

- (v) Prior to commencing the operation of a Rural Event Venue, the operator thereof must submit to the Planning and Zoning Division an application for a conditional use verification. This will include at a minimum, a site plan submitted for staff review and approval. The site plan shall show the following elements: tent, RV, semi-primitive wilderness, and cabin sites; recreational areas; waterfront development such as swimming areas, boardwalks, docks or canoe launch sites; specific buildings and their uses; buffers; driveways and roads; access points, and other elements as requested by County staff.
- (vi) All outdoor activity areas, swimming pools, ball fields and courts and parking areas must be set back at least one hundred (100) feet from all property lines.
- (vii) Held Events must comply with the requirements of the Clay County Event Ordinance where applicable.
- (viii) RV sites may comprise no more than twenty (20) percent of the area of the overall Rural Event Venue property.
- (ix) Alcoholic beverages may be sold to event attendees for on-site consumption only provided that a license therefor has been issued by the Florida Division of Alcoholic Beverages and Tobacco, and that sales occur only between the hours of 7:00 a.m. and 12:00 a.m. Attendees may bring alcoholic beverages on-site if permitted by the operator to be consumed on-site in connection with a specific event.
- (x) Design and other standards for RV sites:
 - a. The density of camp sites in Rural Event Venue shall not exceed a maximum density of twelve (12) RVs or twenty-four (24) tents per net acre.
 - b. The setback for all camp sites and permanent structures from all public road rights-of-way and the parcel boundary shall be a minimum one hundred (100) feet.
 - c. Access. Each RV site shall abut on at least one internal road within the boundaries of the Rural Event Venue, and access to the RV site shall be only from such an internal road.
 - d. Tent camping may also be permitted on individual RV sites.
 - e. There shall be a stabilized pad on the site for parking of the RV.
 - f. Setbacks (for individual sites): RVs, seating, fire rings and all other accessory facilities and equipment shall be set back at least five (5) feet from the internal access road.
 - g. Each recreational vehicle site shall contain a minimum five-foot vegetative buffer along its side perimeter. The vegetative buffer shall contain evergreen shrubs that will attain, and be maintained at, a minimum height of 48 inches. The shrubs shall be a minimum of 30” at planting and in staggered rows with the adjacent recreation vehicle site’s shrubs so as to form an opaque screen. Additionally, the buffer shall include a minimum

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- of one 2" canopy tree. The remainder of the required buffer area shall be landscaped with turf grass or other ground cover.
- h. RV Appurtenances and accessory structures. Temporary appurtenances, such as cabanas and awnings, may be erected on a RV site as long as such appurtenances do not intrude into a designated buffer area or the internal access road setback or violate state standards.
- (xi) Cabin site standards:
- a. Each cabin site or group of cabins shall have access to an internal road within the boundaries of the Rural Event Venue, and access to the site shall be only from such an internal road.
 - b. Cabins shall not exceed a maximum of 5,000 square feet each in size.
 - c. Cabins seating, fire rings and all other accessory facilities and equipment shall be set back at least five (5) feet from the internal access road.
- (xii) Tent Site Standards
- a. Tent sites should be clustered away from RV sites to minimize noise and visual impacts.
 - b. Each tent site shall have access to an internal road within the boundaries of the Rural Event Venue, and access to the site shall be only from such an internal road.
 - c. Tents, seating, fire rings and all other accessory facilities and equipment shall be set back at least five (5) feet from the internal access road.
- (xiii) No RV, cabin, or tent shall be considered to be a permanent resident, and occupancy shall be limited to 180 consecutive days , and no more than 200 days in any one year.
- (xiv) Adequate sewage treatment, permitted by the appropriate entity, will be provided for the uses within the Rural Event Venue.
- (xv) All internal roads shall be designed and constructed to support emergency services apparatus.
- (xvi) The provisions of Sec. 15-5 of the Clay County Code shall not apply to artificially amplified sound or noise or to percussive sound or noise, both as defined in said Sec. 15-5, coming from the property on Thursdays between the hours of 5 p.m. to 10 p.m., on Fridays and/or Saturdays between the hours of 9:00 a.m. to 11:00 p.m. and/or on Sundays between the hours of 10 a.m. to 5 p.m.
- (xvii) RV sites may be platted. If RV site are platted, all applicable requirements for platting of a major subdivision shall be complied with.
- (xvii) The Rural Event Venue conditional use does not apply to bona fide agritourism activities as defined in Florida Statutes Section 570.86

(bn) *Sales from Vehicles.*

- (1) Limited to agricultural and fish products for human consumption.
- (2) Shall not be on public property.
- (3) Ample parking must be provided off the public right-of-way for customers.
- (4) Shall have notarized letter of permission from owner on site.
- (5) Shall have current permit from the applicable state agency on site.
- (6) Shall have no more than two temporary non-electrical and non-mechanical signs, not exceeding 2-1/2 feet by 5 feet in size each, without a permit.
- (7) Time of operation shall be only from 7:00 a.m. until sunset.
- (8) All evidence of sales including vehicle and signs must be entirely removed from site by sunset.

(bo) *Seasonal Outdoor Sales.* (amended 10/12/93 - Ord 93-36)

- (1) Outdoor Sales of items associated with particular holiday seasons sponsored exclusively by not-for-profit charitable, philanthropic, civic, political, educational or religious organizations.

(bp) *Skating Rinks and Skate Parks (Indoor)*

- (1) When the site is within 300 feet of a residential zoning district, the following restrictions shall apply:
 - (i) All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across the adjacent residential property lines and or public rights-of-way. Lighting of such areas shall not be used to attract attention to the businesses. Light levels at residential property lines shall not exceed .5 footcandles.
 - (ii) Proposed uses shall provide for a perimeter buffer as called for in the Tree and Landscape ordinance. In the case of a change of use for a developed site, a perimeter buffer along adjacent residential property lines shall provide for effective visual screening through one of the following means: evergreen plants which, at the time of planting, shall be six feet in height and provide an overall screening opacity of eighty percent and within two years be at least ten feet in height and provide a complete visual screen; a masonry wall six feet in height, architecturally finished on all sides, and if a block wall, painted on all sides; or a solid wooden fence six feet in height, finished side out. Proposed uses shall also provide for a row of evergreen or deciduous canopy trees along residential property lines which are not less than ten feet high at

the time of planting, a minimum of two-inch caliper, spaced not more than 35 feet apart, and planted within ten feet of the property line.

- (2) Hours of operation shall be limited to between 9:00 a.m. and 10:00 p.m. on weekdays and between 9:00 a.m. and 11:00 p.m. on weekends.
 - (3) No operator of a skateboard park shall permit any person to ride a skateboard or skate unless that person is wearing a helmet.
 - (4) One parking space shall be provided for every 300 square feet of gross floor area. (amended 07/06, ord. 2006-38)
- (bq) *Solar Farms* - In addition to other applicable sections of this code, a solar farm shall be subject to the following provisions:
- (1) *Site Development Plan* – A site development plan shall be submitted which contains the information listed in this subsection.
 - (2) *Visual Barrier* – The provisions of Article VI of the Clay County Land Development Code shall apply.
 - (3) *Lot and Building Requirements* – The principal building, accessory structures and other uses shall be located so as to comply with the following minimum requirements:
 - (i) Side, rear and front lot line setbacks shall be no less than twenty-five (25) feet where the lot line is adjacent to a nonresidential zoning district or to an agricultural zoning district where the parcel is greater than 20 acres in size.
 - (ii) Side, rear and front lot line setbacks shall be no less than one hundred (100) feet where the lot line is adjacent to residentially zoned lands or to lands within an agricultural zoning district where the parcel is less than 20 acres in size.
 - (4) *On-site power lines* – On-site power lines shall be placed underground.
 - (5) *Utility Agreement* – If power is provided to an electric utility, a copy of the interconnection agreement with the local electric utility shall be submitted.
- (br) *Swimming Pools*.
- (1) *Survey and Plans before Permit*. No permit for the construction of a swimming pool shall be issued unless the applicant shall have furnished:
 - (i) Satisfactory proof by a survey by registered surveyors or other proof accepted as equivalent and sufficient by the Building Department Official or his or her designee to show that the proposed swimming pool will not encroach upon any

public property, right-of-way, or easement. (amended 5/05 – Ord. 05-18)

(ii) A receipt signed by the owner or agent, acknowledging the fence requirements of this section. (amended 5/05 – Ord. 05-18)

(iii) *Plans for the Pool.*

a. *Fence Required.* No swimming pool may be constructed unless enclosed by a fence of at least four feet in height and with no opening of wider than four square inches, or unless the entire backyard, or other area or site for the swimming pool is itself enclosed by a fence or screened enclosure at least four feet in height. No fence is required, however, across a natural water barrier such as a lake or creek or stream which is at least three feet in depth and 20 feet in width. It is unlawful and punishable as a misdemeanor for any person to own or maintain a swimming pool without a surrounding fence. This subsection shall not apply to any new pool for an initial period of construction of the pool, to permit completion of the fence.

b. *Setback, Generally.* A swimming pool may not be constructed closer than five (5) feet from any property line. If the pool is less than five (5) foot deep, the pool must not be located closer than five (5) feet from the property line. For each additional foot of distance the pool is set back from the property line, it may be constructed at an additional foot deeper, up to a distance of eight feet. At distances greater than eight feet from a property line, a pool may be constructed to any depth otherwise permitted by law. Setbacks for the pool shall be measured beginning one (1) foot outside edge of water. (amended 5/05 – Ord. 05-18)

c. Screen enclosures with a screened roof constructed to enclose a pool, whether attached or detached from the home, must be located no less than five feet from any property line.

d. *Setback, Water abutting property* – The applicable front yard setback, measured from the mean high water line or ordinary high water line as applicable, for a swimming pool located on the waterfront side of a waterfront lot wherein the waterfront side has been defined as the front yard by virtue of the location of other accessory buildings or structures on the lot shall be a minimum of 50 feet. (amended 5/05 – Ord. 05-18)

(bs) *Temporary living quarters during construction of a residence* - under no circumstances shall a recreational vehicle be used for living or sleeping quarters, except as provided below:

(1) *Definition.* For the purposes of this section, the following word shall have the meaning ascribed by this subsection:

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, park trailer or similar type vehicle.

- (2) A recreational vehicle may be used for temporary living quarters pending construction of a permanent residential dwelling, provided the following conditions are met:
- (i) The property must be within the Rural Residential, Agriculture Residential, Agriculture land use category, Branan Field Master Plan Rural Suburbs land use category or Lake Asbury Master Plan Rural Community land use category.
 - (ii) A copy of the building permit for the permanent residence shall be displayed on the recreational vehicle.
 - (iii) A septic tank permit or an existing tank letter and a well permit issued by the State of Florida Environmental Health Department must be obtained if the unit is not self-contained. All waste water and solid waste shall be disposed of properly at a licensed facility. If electrical connection is needed, the vehicle must be connected to an approved outside electrical source.
 - (iv) The recreational vehicle must meet all setbacks required for the principle dwelling in the zoning district where the recreational vehicle will be parked.
 - (v) The temporary living quarters shall be removed within ten days from the date of the final electrical approval for the permanent residential structure by the building department of the county.
 - (vi) The temporary electrical power or electrical source for the temporary recreational vehicle shall be disconnected and shut off at the time the permanent electrical connection for the permanent residential structure has been approved.
 - (vii) The recreational vehicle shall be removed from the property at the expiration of three years from the date the temporary living quarters was placed on the property. Should the building permit for the proposed residence expire, the recreational vehicle shall be removed within 45 days.
 - (viii) There shall be no more than one recreational vehicle on the premises at any one time.
 - (ix) If property is located within floodplain AE, the following requirements must be met:
 - a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use, or
 - c. Meet the permit requirements, elevation and anchoring requirements for “manufactured homes” and all other Land Development Regulations. (amended 11/07 – Ord.2007-66)

(bt) *Temporary Structures or Buildings.*

- (1) Construction sheds and tool houses for contractors and construction workers on the premises while a building is under construction on said premises. Said temporary structure shall be removed from the premises before permitting occupancy of new structure.
- (2) Mobile homes used as temporary offices for development, sales, and storage during development stage.

(bu) *Trench Sanitary Landfill.*

- (1) *Minimum Site Size.* Ten (10) Acres.
- (2) *Setbacks.* Area of dumping shall be no closer than 100 feet from property line of proposed site.
- (3) Trench sanitary landfill shall not be located within:
 - (i) 100 feet of shallow water supply
 - (ii) On land where groundwater table is within 6 feet of the surface at the wettest time of year.
 - (iii) On land which falls within the flood hazard areas designated in Ordinance 81-47.
 - (iv) On land where the Clay County Health Department and the USDA Soil Conservation Service certifies as not suitable for waste disposal due to soil conditions or other factors.
- (4) *Site Plan Required.* Scaled site plan must show or indicate the following:
 - (i) The location of any shallow water supply well within 1,000 feet of the other boundaries of the entire sanitary landfill site for which special exception is being requested.
 - (ii) The type and daily volume of waste to be disposed.
 - (iii) The maximum and minimum depth of groundwater and its direction of flow, if it can be determined.
 - (iv) Certification from the Clay County Health Department and the USDA Soil Conservation Service that the soil is suitable for waste disposal purposes.
 - (v) The location of the proposed disposal area with the number of locations and physical dimensions of trenches in which the waste is disposed.
- (5) All trench sanitary landfills shall be sufficiently fenced to prevent access by the general

public.

- (6) A plan, approved by the Clay County Health Department, for approved disinfection to render any pathogenic or harmful disease-carrying bacteria harmless.
- (7) The waste should be covered with a minimum of one (1) foot of soil daily to minimize odor and vectors (flies, gnats, etc.).

(bv) *Youth Camps.*

(1) *Definitions* - For the purposes of this section, the following words and phrases shall have the meanings ascribed to them by this subsection:

- (i) *Cabin means a structure* – that is permanently affixed to the intended for short-term occupancy primarily as sleeping quarters ground and shall comply with all applicable building codes and regulations adopted by the Board of County Commissioners and the State of Florida.
- (ii) *Cabin site* – means an area of land within a youth camp which is utilized for one or more cabins.
- (iii) *Recreational Vehicle* – means for the purposes of this section, a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation uses, permanently identified as an RV by the manufacturer of the vehicle, having a width not exceeding 14 feet and an overall dimension not exceeding 500 square feet, when constructed to the U.S. Department of Housing and Urban Development standards and shall include:
 - a. Camping trailers (including the terms pop-up or pop-out trailer), which means a folding structure, mounted on wheels and designed for travel, recreation or vacation use;
 - b. Motor homes, which means a portable, temporary dwelling to be used for travel, recreation or vacation uses, and constructed as an integral part of a self-propelled vehicle;
 - c. Travel trailers, (including the term fifth-wheel trailer), which means a non-self-propelled structure;
 - d. Truck campers, (including the terms pick-up coach, topper or slide out camper), which means a structure designed to be mounted on the bed or chassis of a truck.
- (iv) *Recreational Vehicle Site* – means an area within a youth camp designed and improved for the accommodation of not more than one (1) RV or up to two (2) tents.

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- (v) *Sanitary station* – means a facility used for removing and disposing of waste from RV holding tanks.
 - (vi) *Semi-Primitive Wilderness Camp Site* – means a camp site accessible only by foot, horseback, boat or non-motorized watercraft, bicycle or other trail vehicle that does not contain permanent facilities for overnight stay and where campers carry all of their equipment and provisions in and out.
 - (vii) *Service building* – means any building in a youth camp used for recreational, maintenance, sanitary or office purposes which may be necessary for the development and management of the camp.
 - (viii) *Tent* – means a collapsible structure of canvas or other material, stretched and sustained by poles and usually made fast by ropes attached to pegs or stakes hammered into the ground.
 - (ix) *Tent site* – means an area within a youth camp designed and improved for the accommodation of one or more tents.
 - (x) *Youth Camp* – a use providing recreational and/or educational activities more typically of an outdoor nature and providing short-term day use or residential care for school-aged children. Included in this use would be camps owned and managed by religious organization, Girl Scouts, Boy Scouts, other youth organizations, social service agencies, and other similar non-profit organizations.
- (2) *Limitation of Size* – Such facilities are permitted on tracts of land not less than ten (10) acres.
 - (3) *Perimeter Buffers* – Perimeter buffers shall be required in accord with Section 6-8 of Clay County Ordinance 2003-19, which pertains to perimeter buffers under the Tree Protection and Landscaping Standards contained therein. Specifically, perimeter buffers applicable to Youth Camps shall be twenty-five (25) feet in width and in compliance with those regulations applicable to type “B” perimeter buffers as specified in paragraph 6-8(5)(b) of said ordinance, as amended.
 - (4) All outdoor activity areas, swimming pools, ball fields and courts, and parking areas must be located at least seventy-five (75) feet from adjacent residential lot lines or from areas designated on the Comprehensive Plan Map for residential development.
 - (5) Accessory activities may include tent camping, semi-primitive wilderness camping, RV camping, cabins, conference centers, gymnasiums, educational facilities, administrative offices, swimming pools, or natural swimming area, boating or non-motorized watercraft facilities, equestrian centers, dining facilities associated with camp functions, health services facility, worship center, outdoor shooting ranges, and recreational activities.
 - (i) Any accessory activity that is designated conditional use in this zoning code shall meet the requirements applicable to that conditional use. Examples include but are not limited to outdoor shooting ranges and riding academies.

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- (ii) Any accessory activity that is governed by state or federal regulations shall meet the requirements of those regulations. Examples include but are not limited to boating facilities, swimming pools and natural swimming areas.
- (6) Each RV site, tent site and building shall be accessible via an all weather road suitable to accommodate emergency vehicles and other traffic as required by the current edition of the Florida Fire Prevention Code. Such roads must have a compacted or stabilized base, which shall be approved by the Clay County Director of Engineering, and meet the clearance requirements of the current edition of the Florida Fire Prevention Code.
- (i) Semi-primitive wilderness camp sites are exempt from the requirement for all-weather road access.
- (7) Permanent residences may be constructed as staff housing. Permanent residential density may not exceed one (1) dwelling unit per four (4) acres.
- (8) Design and other standards:
- (i) A site plan shall be submitted for staff review and approval. The site plan shall show the following elements: tent, RV, semi-primitive wilderness, and cabin sites; recreational areas; waterfront development such as swimming areas, boardwalks, docks or canoe launch sites; specific buildings and their uses; buffers; driveways and roads; access points; drainage and grading plans, and other elements as requested by County staff.
 - (ii) Youth camps shall meet all pertinent design and other standards of the Florida Department of Health and Florida Department of Children and Family Services or their successor agencies, including but not limited to setbacks from public road rights-of-way, parcel boundaries, wetland and surface water protection standards; density and intensity of camp sites on the parcel; minimum camp site size; separation of animal facilities from sleeping and eating quarters.
 - (iii) Youth camps shall meet the requirements of Policy 1.2.1 in the Conservation Element of the Clay County Comprehensive Plan, as subsequently amended. This policy sets standards for setbacks from surface water bodies.
 - (iv) The density of camp sites in youth camps shall not exceed a maximum density of twelve (12) RVs or twenty-four (24) tent per net acre.
 - (v) The Floor Area Ratio of all permanent structures on a youth camp, excluding RV's, tents, and open air picnic shelters, shall not exceed ten percent (10 %).
 - (vi) Setbacks. The setback for all camp sites and permanent structures from all public road rights-of-way and the parcel boundary shall be twenty-five (25) feet, unless a larger setback is required by rules of the Florida Department of Health or its successor agency, other applicable agencies, or otherwise required in this zoning code.
 - (vii) RV sites standards.
 - a. Access. Each RV site shall abut on at least one internal road within the

boundaries of the youth camp, and access to the site shall be only from such an internal road.

- b. RV sites may comprise no more than ten (10) percent of the area of the youth camp.
- c. Tent camping may also be permitted on individual RV sites.
- d. There shall be a stabilized pad on the site for parking of the transportation vehicle.
- e. Setbacks (for individual sites):
 - 1. RV's, seating, fire rings and all other accessory facilities and equipment shall be set back at least five (5) feet from the internal access road.
- f. RV Appurtenances and accessory structures. Temporary appurtenances, such as cabanas and awnings, may be erected on a RV site as long as such appurtenances do not intrude into a designated buffer area or violate state standards.

(viii) Cabin site standards:

- a. Access. Each cabin site or group of cabins shall have access to an internal road within the boundaries of the youth camp, and access to the site shall be only from such an internal road.
- b. Cabins shall not exceed a maximum of 5,000 square feet each in size.
- c. Setbacks:
 - 1. Cabins seating, fire rings and all other accessory facilities and equipment shall be set back at least five (5) feet from the internal access road.

(ix) Tent site standards:

- a. Tent sites should be clustered away from RV sites to minimize noise and visual impacts.
- b. Access. Each tent site shall have access to an internal road within the boundaries of the youth camp, and access to the site shall be only from such an internal road.
- c. Setbacks:.
 - 1. Tents, seating, fire rings and all other accessory facilities and equipment shall be set back at least five (5) feet from the

internal access road. (Amended 8/04 – Ord. 04-55)

- (x) Semi-primitive wilderness site standards:
 - a. Access. Semi-primitive wilderness camp sites are not required to have internal road access. These camp sites may be accessible by trail or from a surface water body if the camp site includes a landing and launch site for water craft.
 - b. Setbacks:
 - 1. Tents, seating, fire rings, food caches, and all other accessory facilities and equipment shall be set back at least five (5) feet from the internal access road or trail.

Sec. 3-6. PROHIBITED USES

- (a) *Parking of Commercial Vehicles.* The parking of commercial vehicles of one ton or more rated capacity in any part of the front, rear, side yards, residential areas, roads, or rights-of-way is not permitted in Zones AR-1, AR-2, RA, RB, RE, RMHP, RC, RD, and PUD.

- (b) *Livestock Strays.* In zoning districts AG, AR and AR-1 which allow livestock, it shall be unlawful for livestock to run at large or stray within the limits of the unincorporated areas of Clay County, and no owner shall permit livestock to run at large or stray upon the public highways or lands of another person not the owner of the livestock, without the landowner's permission in said county, but shall keep such livestock confined within a suitably and sufficiently fenced area for the holding and keeping of the livestock. Fencing must meet general and legal fence requirements as stated within Florida Statutes 588.01 and 588.011. Violation of this ordinance shall be enforceable by the Clay County Special Magistrate and/or be subject to the penalties, impoundment, fees, and disposition provided for in Chapter 588, Florida Statutes. (Amended 9/03 – Ord. 03-87)

- (c) It shall be prohibited to use a mobile home, manufactured home, trailer, or other similar structure as an accessory structure in the following Zoning Districts, AG, AR, AR-1, AR-2, RA, RB, RE, RMHP, RC, RD, and PUD. It shall be prohibited to use a semi-trailer as an accessory structure in AR-1, AR-2, RA, RB, RE, RMHP, RC, RD, and PUD Zoning Districts. AG and AR Zoning Districts shall allow the use of a semi-trailer to be used as storage, provided the following requirements are met:
 - (1) Property parcel shall be a minimum of five (5) acres.
 - (2) The semi-trailer shall be located in the rear yard at least fifty (50') feet from the side and rear property lines.
 - (3) All Florida Building code requirements shall apply and a permit issued.
 - (4) No more than one (1) semi-trailer shall be allowed per each five (5) acres within the AR Zoning District, with a maximum of five.
 - (5) No more than one (1) semi-trailer shall be allowed per each five (5) acres within the AG Zoning District with no limit on the number allowed. (amended 11/07 – Ord.2007-66)

- (d) *Accessory Structures.* With the exception of the Agriculture (AG) and Agriculture Residential (AR) zoning districts, no accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. All structures must meet required setbacks.

For waterfront lots equal to or greater than .75 acre in size, accessory structures may be permitted within the front and/or rear yard, provided the required setbacks are met. For non-waterfront lots and waterfront lots less than .75 acre in size, the following restrictions shall apply:

- (1) Within the RA, RB, RC, RD, RE, and PUD zoning districts, no accessory structure may be located within the side or front yard.

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- (2) Within the AG and AR zoning districts (where the lot is less than one acre in size), and within the AR-1 and AR-2 zoning districts (regardless of lot size) no accessory structure may be located within the front yard.
 - (3) Within the AG and AR zoning districts where lot size is greater than one acre, accessory structures are permitted in any portion of the yard. *Rev. 04/22/08*

Sec. 3-7. ESTABLISHMENT OF SIZE AND DIMENSION CRITERIA

In order to carry out the intent of this Article, size and dimension criteria for particular zoning districts are hereby established. Such size and dimension criteria shall be applied in accordance with this section and other applicable provisions of this Article. The minimum area, yards and other open spaces, including the intensity of use provisions contained in this Article for each and every building hereafter erected, constructed or structurally altered, shall not be encroached upon or considered as area, yard or open space requirements or intensity of use requirements for any other building. Variances from these provisions, excluding the maximum density limitations, may be granted by the Board of Adjustment, provided such variances are consistent with the Clay County Comprehensive Plan.

- (a) *Maximum Density.* In no instance shall the maximum density specified for a given zoning district be exceeded in the approval of any site plan. Maximum density shall be expressed in number of dwelling units per gross residential acre. In the determination of the maximum number of units to be allowed on a parcel, the permitted number shall be made proportional to any fraction of an acre(s) that is a part of the parcel, less that portion of the parcel that meets the definition for conservation land use, which shall have a maximum density of one (1) unit per one hundred (100) acres.

- (b) *Lot Size Requirements.*
 - (1) *Generally.* Except as may be qualified by the provisions of this Article for non-conformities, no structure or part thereof shall hereafter be constructed or relocated onto a lot which does not meet all of the minimum lot size requirements established for the zoning district in which the structure is to be located.

 - (2) *Reduction of Lot Sizes or Yards; Subdivision.* No lot or yard existing at the effective date of this Article shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, or purchase and including acquisition singly or in combination with other lots for the purpose of dedication of a conservation easement. Lots or yards created after the effective date of this Article shall meet the minimum lot requirements established herein, except where the lot is located adjacent to a conservation easement and were it not for dedication of the conservation easement, the lot could have been described so as to meet the minimum lot requirements. (Ord 95-53 - 11/28/95)

 - (3) *Applicability to All Uses.* Unless otherwise specified in this Article, all permitted uses and all conditional uses shall be subject to the lot size requirements specified for a given district unless other specific criteria is identified for a conditional use.

 - (4) *Structure Built on More Than One Lot.* A building constructed on a site consisting of more than one platted lot must be located within the required setback of one lot or must be located on more than one lot. Any person wishing to build a structure on more than one lot must provide legal assurance, approved by the County Attorney, which demonstrates unity of title for all lots.

 - (5) *Use of Lots in Single Family Districts.* In single family districts, every building

hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than the principal building and the customary accessory buildings on one lot or parcel of land.

(c) *Minimum Lot Requirements.*

- (1) *Generally.* Minimum lot requirements shall be as specified for a given zoning district. The yard requirements shall apply to all buildings and structures, as they relate to the respective lot lines, except as otherwise specifically provided in this Article or as exempted in paragraph (2) Exemptions, below.
- (2) *Exemptions.* The following structures shall be exempt from the minimum yard requirements set forth in this Article: underground utility equipment, clothes lines, flag poles, mail boxes, police call boxes, traffic signals, fire hydrants, light poles, or any similar structure or device as determined by the Planning and Zoning Director.
- (3) *Required Yards for Corner Lots.* Corner lots shall be provided a front yard on each street frontage provided, however, that the buildable width of such lot shall not be reduced to less than thirty (30) feet and provided further that no accessory structure on a corner lot shall project into the required front yard on either street.
- (4) *Residential Setbacks, Generally.* No detached dwelling shall be erected closer to another dwelling than double the minimum setback restrictions.
 - (i) *Trees.* The Clay County Planning and Zoning Director may reduce the front, side or rear setback requirement identified in the LDR Zoning Code for the applicable zoning district to reserve a hardwood tree with a minimum twelve (12) inch DBH.
 - (ii) *Error in Position.* A waiver of up to three feet may be authorized by the Clay County Planning and Zoning Director where an error in structure placement has occurred and removal and/or correction would cause an undue hardship on the builder or property owner.
 - (iii) *Minimum Setback.* Except in business zoning districts, the setback of all buildings from the side property line shall be not less than five (5) feet, provided that in no case shall the setback be less than one third the vertical height of the side of the proposed building adjacent to the property line, measured from the ground level. Except for buildings located on corner lots, the setback of all buildings shall be not less than five (5) feet from the rear property line. On corner properties, the setback from any street shall be the same as the setback from the street serving as the front street, except on lots having less than 75 feet of frontage and recorded on plats prior to December 30, 1945. On such lots no building shall be erected closer than fifteen (15) feet from the side line abutting an intersecting street and no buildings shall be erected closer than ten (10) feet from the rear lot line on a site within sixty (60) feet of the side street.
 - (iv) *Minimum Lot Width, Location.* The minimum lot width identified in the

applicable residential zoning district shall be met within fifty (50) feet of the front lot line or centerline of the easement providing access.

- (5) *Maximum Lot Coverage.* Maximum lot coverage, where specified, shall mean that portion of a lot, expressed as a percentage, occupied by all buildings or structures, that extend more than three (3) feet above the surface ground level.
- (6) *Minimum Open Space.* The open space requirements presented for a given zoning district shall be considered as a minimum, and such open space, shall be located on the same lot as the primary use or structure, except as specifically provided otherwise in this Article. Open space shall be expressed as a percentage and shall be generally defined as the required exterior open area clear of man-made structures from the ground upward, devoid of all man-made structures and impervious area, except those approved structures used exclusively for recreational purposes.
- (7) *Property Frontage.* No dwelling shall be erected on a lot which does not abut at least one public or private street or easement for at least the applicable distance below:
- (i) *Cul de sac.* Lots which front on a cul de sac shall abut the street for a minimum of 25 feet being measured by the chord terminated by the front property corners. In addition, cul de sac lots shall have a minimum building line width of 50 feet measured at the required front yard setback line.
 - (ii) *Curve lots.* Lots fronting on a curve shall have a minimum frontage of 40 feet being measured by the chord terminated by the front property corners provided that a minimum building line width of 50 feet is provided at the required front yard setback line.
 - (iii) *Lots accessed by a private easement.* Lots fronting on a private easement shall have a minimum frontage of 50 feet thereon, provided however that the lot terminating the easement may have frontage of 30 feet. A minimum building width line of 50 feet must be provided at the required front yard setback.
 - (iv) *All other lots.* All other lots shall have a minimum frontage of 50 feet being measured at the right-of-way line.
- (8) *Property Access.* Residential easements which are not paved shall be limited to access by a maximum of 10 lots. For the purpose of counting lots, intersecting easements shall be considered a single easement. All easements shall be limited in use to access and utilities and shall be a minimum of 30 feet in width. Lots transferred under the Heirs Exemption, Homestead Exemption or created prior to September 1, 1993 and fronting on an easement at least 30 feet may be developed without regard to the limits identified herein. (amended 11/25/08)
- (9) *Reduction in Lot Area.* No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Article are not maintained. This Section shall not apply where a portion of a lot is acquired for a public use.

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- (10) Any commercial zoning, except in PUD, PCD, or PID, having frontage on a principal arterial right-of-way may not have means of access to a public road other than the principal arterial right-of-way through any lands zoned for other than commercial uses, not including the zoning attributed to the public road right-of-way. (amended 2/24/98 - Ord. # 98-8)
- (d) *Principal Building on a Lot.* Only one principal building and its customary accessory buildings may hereafter be erected on any lot. Each lot shall be described by a written legal description on a recorded deed that satisfies minimum lot requirements of the district in which principal building is located. Any dwelling shall be deemed to be the principal building on the lot on which the same is located in a Residential or Agricultural-zoned district. Multifamily buildings located in multifamily zoned districts shall be exempt from having separate legal descriptions for each principal building.
- (e) *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 the 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.
- (f) *Floor Area and Living Area.*
- (1) *Floor Area.* Where specified, shall mean the total horizontal surface of a specific floor; the total area of all floors in a multistory building, computed from the outside building walls of each floor with balcony and mezzanine areas computed separately and added to the total.
- (2) *Minimum Floor Area.* Minimum floor area, where specified, shall mean the minimum floor area required for a dwelling unit.
- (3) *Minimum Living Area.* No living unit shall be constructed with a living area of less than 750 square feet, excluding units within the Planned Unit Development District. This Section shall not apply to mobile residences or house trailers meeting all other requirements of this Article. Minimum living area shall include only conditioned space.
- (4) *Maximum Floor Area Ratio.* Maximum floor area ratio, where specified, shall mean the gross floor area of all buildings on a lot divided by the lot area, often expressed as a decimal; e.g., a ratio of 0.20 indicates that the permissible floor area of a building(s) can be twenty (20) percent of the total land area.

Sec. 3-8. COMPREHENSIVE PLAN LAND USE CATEGORIES

It is the intent of this article that all development and redevelopment activity in the unincorporated area of Clay County be consistent with the Clay County Comprehensive Plan. The following land use categories have been adopted by the county as part of the Comprehensive Plan:

(a) *Residential Land Use Categories.* There are seven residential land use categories. The intent of the categories is described below.

(1) *Urban Core (16) Residential Land Use Category.* This category is intended for land within the core of the urban service area and accessible to employment centers. This category is characterized by high density multifamily housing.

(2) *Urban Core (10) Residential Land Use Category.* This category is intended for land within the core of the urban service area and accessible to employment centers. This category is characterized by medium to high density housing, single-family and multifamily.

(3) *Urban Fringe Residential Land Use Category.* This category is reserved for land within the existing urban service area and located in the immediate expansion area where extension of public services can be easily provided. This category is generally characterized by medium-density single-family detached housing units.

(4) *Rural Fringe Residential Land Use Category.* This category is reserved for land within the existing urban service area and located in the secondary expansion area for public services. This category is generally characterized by medium-density single-family detached housing units.

(5) *Rural Residential Land Use Category.* These areas will serve as a transition between the planned urban service areas, agriculture/residential areas, and environmentally sensitive areas. Located outside the urban service area, new growth in these areas would not be served by central sewer or water systems. Rural residential areas provide a low density residential character.

These areas recognize a number of existing and future development factors. These include areas with soil conditions suitable for individual wells and septic systems; existing rural subdivisions with little or no infrastructure improvements, including unpaved roads; small farms; or recreational and low intensity institutional uses.

(6) *Agriculture/Residential Land Use Category.* This category allows a final transition between suburban residential densities and major agricultural and silvicultural activities. The very low density of one dwelling unit per five (5) or ten (10) gross acres allows individual family agricultural operations. This designation accommodates the existing rural pattern of residential use that has adequate access and is suitable for continued low density development.

(7) *Rural Reserve Land Use Category.* This category functions as a transition between suburban and rural densities and is intended for application to lands that are located

near existing development of both rural and suburban densities: adjacent to suburban developments that may be served by central water and sewer and that are served by paved roads as well as near the older, existing development within the county that exhibit more rural character with densities of less than 1 unit per 2 acres and which may not be served by paved roads. The maximum residential density permitted is 1.5 dwelling units per gross acre.

- (b) *Commercial Land Use Category.* This accommodates the full range of sales, service, and office activities. These uses may occur in self-contained shopping centers, free standing structures, campus-like business parks, central business districts, or along arterial highways. The specific intensity and range of uses in this category will depend on locational factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access, and availability of other public services and facilities. Uses should be located to protect adjacent residential uses from such impacts as noise or traffic. In wellfield protection areas, uses must be prohibited that involve the use, handling, storage, generation or disposal of hazardous waste, or toxic material. Commercial development in newly developing areas is designated in nodes at major thoroughfare intersections.
- (c) *Industrial Land Use Category.* This category accommodates the full range of industrial activities. The specific range and intensity for uses appropriate in a particular industrial area varies by location as a function of the availability of public services and access, and compatibility with surrounding uses.
- (d) *Mining Land Use Category.* Areas in this category are intended for mining and quarrying of significant mineral resources over the course of the planning period. These areas have been designated based on existing mining operations, planned expansion of existing mining activities, and the compatibility of these areas with surrounding uses.
- (e) *Agriculture Land Use Category.* This category is intended for those areas of the County designated as appropriate locations for agricultural pursuits including crop production, pasture land for grazing cattle and horse farming, timber production, and cover crops for soil regeneration. Agricultural lands account for an important segment of the Clay County economy and play a vital role in the conservation of the County's natural resources.

These uses are generally characterized by being situated in areas removed from urban services, having very sparse densities and exhibiting a rural character. The Plan recognizes the value of these lands for agricultural and silvicultural activities, at both a small and large scale, and, therefore, recognizes their potential suitability for limited residential development at a density of one unit per twenty gross acres.

- (f) *Conservation Land Use Category.* The conservation areas are lands that will provide for the conservation and protection of Clay County's natural resources in order to prevent any degradation to the major natural resources. These areas include most creek, stream or river banks, major drainage ways, major wetlands, poor soils, FEMA defined floodways.
- (g) *Recreation/Preservation Land Use Category.* All lands within the recreation/preservation category are owned by public or quasi-public entities. The lands are held for use as non-profit

public recreation, open space and natural resource protection.

- (h) *Planned Community.* All lands within the planned community category are large mixed-use developments approved pursuant to Chapter 380, F.S.
- (i) *Mixed Use Land Use Category.* This land use category is intended to promote mixed use development designed to be compact and pedestrian-oriented, as an alternative to lower-density, single-use developments that promote excessive vehicular trips. The residential density in the Mixed Use Land Use category is 15 units per acre. Non-residential uses are required to be provided at a minimum rate of 250 square feet per approved residential unit and a maximum rate of 750 square feet per approved residential unit. Non-residential intensity is limited to 0.25 FAR.
- (j) *Business Park Land Use Category.* The Business Park land use designation is intended for locations that are not feasible for some light or heavy industrial development because of proximity to residential areas. The land use is intended for light industrial developments that utilize high quality site planning architecture, signage and landscape design to create an attractive and unified development character.

Development occurring in this designation will be limited to a maximum gross floor area ratio (FAR) of 0.20. Project phasing shall be concurrent with the availability of public facilities. Development in the Business Park designation will require either BP or PUD zoning, and will be subject to the site plan requirements and performance standards established by the BP zoning district.

- (k) *Industrial Park Land Use Category.* The Industrial Park land use designation accommodates major industrial activities and supporting commercial and/or office uses. The supporting uses shall be subordinate to and incidental to serve the industrial population and capture its internal trip circulation. The supporting uses shall not consume land areas greater than 10% of developed portion of the industrial park. Industrial parks shall be located close to transport facilities, especially where more than one transport modalities coincide; major thoroughfares (designated major collector or better), railroads, airports, and/or navigable rivers.

Sec. 3-9. ZONING DISTRICT AND LAND USE CATEGORY CONSISTENCY

Zoning districts which are permissible in each of the land use categories in the Clay County Comprehensive Plan are listed below.

(a) *Agriculture Land Use Category.*

- (1) AG: Agricultural District
- (2) PS-1, PS-2, PS-3, PS-4 and PS-6: Private Services Districts
- (3) PO-1, PO-2, PO-3, PO-4: Public Ownership Districts
- (4) AR-2: Rural Estates District (amended 10/12/93- Ord 93-36)
- (5) AR: Agricultural/Residential District (amended 7/23/02 – Ord 02-36)
- (6) PUD: Planned Unit Development District

(b) *Agricultural/Residential Land Use Category.*

- (1) AG: Agricultural District
- (2) AR: Agricultural/Residential District
- (3) PS-1, PS-2, PS-3, PS-4, and PS-6: Private Services Districts
- (4) PO-1, PO-2, PO-3, PO-4: Public Ownership Districts (amended 12/2/98 - Ord. 98-65)
- (5) AR-2: Rural Estates District (amended 10/12/93- Ord 93-36)
- (6) PUD: Planned Unit Development (amended 7/94- Ord 94-30)

(c) *Rural Residential Land Use Category.*

- (1) AG: Agricultural District
- (2) AR: Agricultural/Residential District
- (3) AR-1: Country Estates District
- (4) AR-2: Rural Estates District
- (5) PS-1, PS-2, PS-3, PS-4, and PS-6: Private Services Districts
- (6) PO-1, PO-2, PO-4: Public Ownership Districts
- (7) RE: Single Family Residential District (amended 10/12/93- Ord 93-36)

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- (8) PUD: Planned Unit Development (amended 7/94- Ord 94-30)
- (d) *Rural Fringe Residential Land Use Category.*
- (1) AG: Agricultural District
 - (2) AR-1: Country Estates District
 - (3) AR-2: Rural Estates District
 - (4) RA: Single-Family Residential District
 - (5) RB: Single-Family Residential District
 - (6) RC: One-, Two- or Three-Family Residential District
 - (7) RE: Single-Family Residential District
 - (8) PS-1, PS-2, PS-3, PS-4, PS-5, and PS-6: Private Services Districts
 - (9) PO-1, PO-2: Public Ownership Districts
 - (10) AR: Agricultural/Residential District (amended 10/2/93- Ord 93-36)
 - (11) PUD: Planned Unit Development (amended 7/94- Ord 94-30)
- (e) *Urban Fringe Residential Land Use Category.*
- (1) RA: Single-Family Residential District.
 - (2) RB: Single-Family Residential District.
 - (3) RC: One-, Two - or Three-Family Residential District
 - (4) RD-1: Multifamily District (up to four units per acre)
 - (5) RE: Single-Family Residential District
 - (6) RMHP: Residential Mobile Home Park District
 - (7) PS-1, PS-2, PS-3, PS-4, PS-5, and PS-6: Private Services Districts
 - (8) PO-1, PO-2: Public Ownership Districts
 - (9) AR: Agricultural Residential District (amended 02/94- Ord 94-03)
 - (10) PUD: Planned Unit Development District (amended 7/94 Ord. 94-30)

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- (f) *Urban Core (10) Residential Land Use Category.*
- (1) RA: Single-Family Residential District
 - (2) RB: Single-Family Residential District
 - (3) RC: Two- or Three-Family Residential District
 - (4) RD-2: Multifamily District (up to six units per acre)
 - (5) RD-3: Multifamily District (up to ten units per acre with points)
 - (6) RD-4: Multifamily District (up to 16 units per acre with points)
 - (7) RE: Single-Family Residential District
 - (8) RMHP: Residential Mobile Home Park
 - (9) PS-1, PS-2, PS-3, PS-4, PS-5, PS-6: Private Services Districts
 - (10) PO-1, PO-2: Public Ownership Districts
 - (11) RD-1: Multi-family District (up to four units per acre) (amended 10/12/93- Ord 93-36)
 - (12) AR: Agricultural Residential District (amended 2/94 Ord 94-03)
 - (13) PUD: Planned Unit Development District (amended 7/94- Ord. 94-30)
- (g) *Urban Core (16) Residential Land Use Category*
- (1) RD-4: Multifamily District (up to 16 units per acre with points)
 - (2) PS-1, PS-2, PS-3, PS-4, PS-5, and PS-6: Private Services Districts
 - (3) PO-1, PO-2: Public Ownership Districts
 - (4) PUD: Planned Unit Development District
- (h) *Commercial Land Use Category.*
- (1) BA: Neighborhood Business District
 - (2) BA-1: Light Neighborhood Business District
 - (3) BA-2: Commercial and Professional Office District

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- (4) BB: Intermediate Business District
 - (5) BB-1: Light Intermediate Business District
 - (6) BSC: Shopping Center District
 - (7) PS-1, PS-2, PS-3, PS-4, PS-5, and PS-6: Private Services Districts
 - (8) PO-1, PO-2, PO-3, PO-4: Public Ownership Districts
 - (9) PCD: Planned Commercial Development District
 - (10) PUD: Planned Unit Development District (amended 7/94- Ord. 94-30)
- (i) *Industrial Land Use Category.* (Amended 09/28/10)
- (1) IS: Industrial Select District
 - (2) IA: Light Industrial District
 - (3) IB: Heavy Industrial District
 - (4) BP: Business Park District
 - (5) PS-1, PS-2, PS-3, PS-4, PS-5, and PS-6: Private Services Districts
 - (6) PO-1, PO-2, PO-3, and PO-4: Public Ownership Districts
 - (7) PID: Planned Industrial Development District
 - (8) PUD: Planned Unit Development District (amended 8/02 Ord. 02-45)
- (j) *Recreation/Preservation Land Use Category.*
- (1) AG: Agricultural District
 - (2) PO-2: Public Ownership District
- (k) *Mining Land Use Category.*
- (1) AG: Agricultural District
 - (2) EX: Excavation District
- (l) *Planned Community Land Use Category.*
- (1) PUD: Planned Unit Development District

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- (m) *Conservation Land Use Category.*
 - (1) CO: Conservation Overlay District
 - (n) *Rural Reserve Land Use Category.*
 - (1) PUD: Planned Unit Development District
 - (o) *Mixed Land Use Category.*
 - (1) PUD: Planned Unit Development District
 - (o) *Business Park Land Use Category.*
 - (1) BP: Business Park District
 - (2) PID: Planned Industrial Development District
 - (p) *Industrial Park Land Use Category. (Amended 09/23/10)*
 - (1) IS: Industrial Select District
 - (2) IA: Light Industrial District
 - (3) IB: Heavy Industrial District
 - (4) BP: Business Park District
 - (5) PS-1, PS-2, PS-3, PS-4, PS-5, and PS-6: Private Services Districts
 - (6) PO-1, PO-2, PO-3, and PO-4: Public Ownership Districts
 - (7) PID: Planned Industrial Development District
 - (8) PUD: Planned Unit Development District

In addition, the PUD: Planned Unit Development District shall be allowed in any of the land use categories subject to the criteria stipulated in this Article. The ICO: Independent Community Overlay District shall be allowed in any of the residential land use categories subject to the criteria stipulated in this Article. (Amended 6/98 - Ord. 98-27)

Sec. 3-10. DENSITIES AND INTENSITIES OF USE

- (a) The county shall apply the following standards of intensity and density of use to development within each applicable land use category. These density standards shall be applied in addition to the use and lot size restrictions stipulated in each zoning district in subsequent sections of this article. In order to comply with this article, development must comply with the overall density standards, as well as the more specific zoning restrictions. Both the density and the zoning restrictions implement the Clay County Comprehensive Plan.
- (b) The County shall review all proposed development activity for consistency with the following densities and intensities of use, listed by land use category:
- (1) *Agriculture*: at a maximum density of one (1) unit per twenty (20) gross acres. In addition, the total number of permits for single-family dwelling units shall not exceed a maximum of 50 per calendar year within the Agriculture land use category.
 - (2) *Agriculture/Residential*: at a maximum density of one (1) unit per five (5) gross acres, subject to the applicable requirements stipulated in Sec. 20.3-10 (c) and (d) below; or a maximum of one (1) unit per ten (10) gross acres, not subject to said requirements. In addition, the total number of permits for single-family dwelling units shall not exceed a maximum of 250 per calendar year within the Agriculture/Residential land use category.
 - (3) *Rural Residential*: at a maximum of one (1) unit per net acre, subject to the applicable requirements stipulated in Sec. 20.3-10 (c) and (d) below; or a maximum of one (1) unit per five (5) net acres, not subject to said requirements.

Within the Rural Residential land use designation, developments meeting the following criteria are authorized to subdivide parcels into tracts of no less than five acres. Property owners are further authorized to construct one single family home on each five acre parcel and to receive a building permit upon proper application therefor, without regard to the density restrictions otherwise applicable to such properties as set forth herein and in the Comprehensive Plan, and without being required to record a plat or otherwise comply with the development standards set forth in the subdivision regulations.

- (i) The parcels must lie within a Residential Aviation Community.
 - (ii) The geographical boundary of the community must contain less than 100 parcels.
 - (iii) At least 75% of the parcels must be five acres in size or less.
 - (iv) All roads providing access to the newly created residential parcels must be paved and privately owned and maintained.
 - (v) The total potential number of newly created parcels must not exceed 20% of the total number of parcels within the community.
- (4) *Rural Reserve*: at a maximum of one and one half (1.5) units per gross acre. Vegetated perimeter buffers that include preserved or planted vegetation and provide an effective

visual screen (at least 85% opacity within three years) are required at a minimum width of 50 feet. The perimeter buffer is calculated at 2.5 percent of the average lot width and depth. Perimeter buffers would also apply along roadways.

In calculating the average parcel width or depth, the length of either the width or depth may be reduced if wetlands with the following characteristics cross the perimeter:

- (i) Wetland must be a vegetated wetland or preserve area that will not be developed.
- (ii) Wetland or preserve area must have a depth of at least 50 feet measured at the property line.

The Rural Reserve Land Use Category may include up to 25 percent of the developed dwelling units as multi-family units.

At least 35percent of a parcel must be preserved as permanent open space. This may include perimeter buffers, wetlands, wetland-upland buffers, parks, and other open space (not including retention ponds). At least 5% of a development parcel must be used as active recreation open space.

- (5) *Rural Fringe*: at a maximum density of three (3) units per net acre with central water and sewer, subject to the requirements stipulated in Sec. 20.3-10 (d) below; a maximum density of two (2) units per net acre without central water and sewer, subject to the requirements stipulated in Sec. 20.3-10 (d) below; or a maximum of one (1) unit per net acre, not subject to said requirements. Densities up to seven (7) units per net acre are permitted subject to the criteria pertaining to low and moderate income or elderly or handicapped housing specified in Policies 1.3.6 and 1.3.7 of the Housing Element of the Clay County Comprehensive Plan.
- (6) *Urban Fringe*: at a maximum density of four (4) units per net acre with central water and sewer or a maximum of two (2) units per net acre without central water and sewer. Densities up to ten (10) units per net acre are permitted for infill development meeting TND criteria. Densities up to seven (14) units per net acre are permitted subject to the criteria pertaining to low and moderate income or elderly or handicapped housing specified in Policies 1.3.6 and 1.3.7 of the Housing Element of the Clay County Comprehensive Plan.
- (7) *Urban Core (10)*: at a minimum of two (2) units per net acre and a maximum density of ten (10) units per net acre. For densities greater than six (6) units per net acre, locational criteria stipulated in Sec. 20.3-10 (d) below must be met. Densities up to fifteen (15) units per net acre are permitted for infill development meeting TND criteria. Densities up to sixteen (16) units per net acre are permitted subject to the criteria pertaining to low and moderate income or elderly or handicapped housing specified in Policies 1.3.6 and 1.3.7 of the Housing Element of the Clay County Comprehensive Plan.
- (8) *Urban Core (16)*: at a maximum density of sixteen (16) units per net acre subject to the requirements stipulated in Sec. 20.3-10 (d) below. The site must be served by central utility services and located within ¼ mile of a transit route. Densities up to

twenty (20) units per net acre are permitted subject to the criteria pertaining to low and moderate income or elderly or handicapped housing specified in Policies 1.3.6 and 1.3.7 of the Housing Element of the Clay County Comprehensive Plan.

- (9) *Commercial:* at a density corresponding to a maximum floor area ratio (FAR) of forty (40) percent. One dwelling unit may be permitted per 1,000 square feet of commercial space if part of a mixed use development.
 - (10) *Mixed Use:* a mix of a minimum of two uses, one of which must be residential with a maximum density of sixteen (16) units per net acre and the other which must be non-residential (office retail or service) with a maximum floor area ratio of twenty five (25) percent.
 - (11) *Industrial:* at a density corresponding to a maximum FAR of fifty (50) percent.
 - (12) *Industrial park:* at a density corresponding to a maximum FAR of thirty five (35) percent. Supporting uses shall not consume land areas greater than ten (10) percent of the developed portion of the industrial park.
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 - (13) *Conservation:* at a maximum density of one (1) unit per one hundred (100) gross acres. Non-residential uses shall not be permitted. Passive recreation shall be allowed.
 - (14) *Recreation:* at a density corresponding to a maximum FAR of twenty (20) percent.
 - (15) *Planned Community.* A very large area under unified plan of development that contains several different land uses with a large percentage being devoted to residential uses. This designation is used to show the boundaries of Developments of Regional Impact or Florida Quality Developments authorized under Chapter 380, F. S. The densities and intensities within the areas shown as Planned Communities shall be as stated in the current, valid, unexpired development order of each Development or Regional Impact or through an approved master plan for developments not subject to the provisions of Chapter 380.
- (c) *Clustering Provisions.* In order to provide for additional residential densities in the Agricultural/Residential and Rural Residential land use areas, while maintaining the rural character and availability of agricultural uses, residential subdivisions may occur at the higher of the two densities stipulated in Sec. 20.3-10 (b) above, provided that the development is clustered contiguously in a development tract on a portion of the parent tract, which is defined as a lawful parcel of record at time of adoption of this plan, subject to Sec. 20.3-10 (d) below and to the following general requirements:
- (1) The minimum size of such development tract is as follows:
 - (i) Agricultural/Residential areas - not less than ten (10) acres.
 - (ii) Rural Residential areas - not less than five (5) acres.

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- (2) Developments using this option shall be permitted utilizing a development review process administered through the Planning and Zoning Department.
 - (3) Contiguous parcels may be combined to form a single parent tract.
 - (4) All subdivisions of land must conform to the platting requirements of Chapter 177, F.S. (1991), and maintain the applicable densities stipulated in Sec. 20.3-10 (b).
 - (5) All subdivisions of land must retain permanent open space within the parent tract as follows:
 - (i) Subdivisions creating 20 or less lots on a minimum development tract of 10 acres in Agricultural/Residential areas may occur provided such subdivision is located on not more than 50 percent of the required development tract and the undeveloped balance of the development tract is reserved as open space. For purposes of calculating points toward development under Sec. 20.3-10 (d) below, the minimum open space required is 50 percent of the development tract.
 - (ii) Subdivisions creating more than 20 lots on a minimum development tract of 105 acres in Agricultural/Residential areas may occur provided such subdivision is located on not more than 50 percent of the required development tract and the balance of the development tract is reserved as open space. For purposes of calculating points toward development under Sec. 20.3-10 (d) below, the minimum open space required is 50 percent of the development tract.
 - (iii) Subdivisions creating 20 or less lots on a minimum development tract of 5 acres in Rural Residential areas may occur provided such subdivision is located on not more than 65 percent of the required development tract and the undeveloped balance of the development tract is reserved as open space. For purposes of calculating points toward development under Sec. 20.3-10 (d) below, the minimum open space required is 35 percent of the development tract.
 - (iv) Subdivisions creating more than 20 lots on a minimum development tract of 21 acres in Rural Residential areas may occur provided such subdivision is located on not more than 65 percent of the required development tract and the balance of the development tract is reserved as open space. For purposes of calculating points toward development under Sec. 20.3-10 (d), the minimum open space required is 35 percent of the development tract.
 - (v) All open space required in this policy shall be designated as permanent open space for use as preservation of natural areas and also for passive recreation in the form of pedestrian walkways, bicycle paths, boardwalks, docks built for water access.
 - (vi) Preserved open space shall be upland. Up to 20% of preserved open space may be utilized as drainage retention areas, if such facilities are incorporated within

the parks and open space system of the development as an amenity. The following factors, in order of priority, shall guide the selection of preserved open space: lands with listed species (flora and/or fauna) present, or one of the following regionally important natural communities known to host rare, vulnerable, and/or listed species: scrub, sandhill, scrubby flatwoods, xeric hammock, upland pine forest, mesic flatwoods and wet flatwoods. Listed plant and animal species include those species identified in Florida Administrative Code (F.A.C.) 5B-40.0055, Regulated Plant Index, and F.A.C. 68A-27.003, Florida's List of Endangered or Threatened Species, respectively. Descriptions of the qualified environmentally significant natural communities can be found at www.fnai.org. Preserved open space must be in contiguous areas that are non-linear in shape, unless linear forms are needed to preserve high-priority preservation areas as defined above.

- (6) The proposed cluster development must have the following characteristics:
- (i) Located on suitable upland away from environmentally sensitive land, including wetlands and 100-year floodplains, and buffered from agricultural use.
 - (ii) The minimum lot size is one-half acre if central water and sewer are not provided.
 - (iii) Minimum 50-foot perimeter buffers shall be provided to ensure compatibility of the development activity with adjacent uses. These buffers must include preserved or planted vegetation that provides an effective visual screen (at least 85% opacity) from rights-of-way and adjacent properties. If such a buffer is planted or supplemented, the 85% opacity standard must be met within three years after planting. Buffers shall not include utility easements, roads, retention, or any other areas that are not vegetated, except for hiking or multi-purpose trails not to exceed a paved width of eight feet. Where practicable, buffers shall include unpaved or paved trails of at least six feet in width for the use of residents. Buffers may be incorporated into the mandatory open space.
- (d) *Points Provisions.* In addition to the requirements in Sec. 20.3-10 (c), above, developments proposed in the Agricultural/Residential, Rural Residential, Rural Fringe, Urban Fringe, Urban Core (10), Urban Core (16) and Mixed Use areas may occur at the higher of the densities stipulated in Sec. 20.3-10 (b) provided that such developments comply with the following conditions:
- (1) Proposed developments shall be subjected to a weighted evaluation process to determine the degree to which they utilize existing infrastructure, promote open space, conserve natural resources and reduce urban sprawl. The process shall consist of the following criteria at a minimum:
 - (i) Proximity to fire protection. Proximity shall be determined by the proposed development's location relative to boundaries of generalized response zones

drawn with three- and six-mile radii from the nearest fire station.

Allow a maximum of 20 points based on distance to nearest responding fire station. Points would be awarded as follows: 0 to 3.0 miles (20 points); 3.1 to 6.0 miles (10 points).

- (ii) Proximity to emergency medical services. Proximity shall be determined by the proposed development's location relative to boundaries of generalized response zones drawn with three- and six-mile radii from the nearest responding EMS unit.

Allow a maximum of 20 points based on distance to nearest responding EMS facility. Points would be awarded as follows: within three miles (20 points); within six miles (10 points).

- (iii) Vehicular access to arterial and collector roads which meet or exceed adopted level-of-service standards. Development must be linked to the arterial or collector road by a paved road or roads.

Allow a maximum of 10 points based on the functional classification of the arterial or collector. Points would be awarded as follows: Access to an arterial road(s)--10 points; access to a collector(s)--5 points.

- (iv) Access and utilization of existing central water and sewer facilities.

Allow a maximum of 50 points for both water and sewer service or 20 points for only water or sewer. Points for utility service may be received by connecting to an existing public or PSC franchised system.

- (v) Proximity to schools (existing or under construction).

Allow a maximum of 20 points. Twenty points shall be awarded if the development is located within one and one-half miles of a public school and requires no busing (except as required for safety purposes) as verified by the Clay County School Board. Ten points shall be awarded if the development is located within the limits of existing bus routes as verified by the Clay County School Board.

- (vi) Additional reservation of open space above minimums. Points shall be awarded based on the amount of open space placed in a conservation easement above the minimum required. A maximum of 25 points shall be awarded at the rate of one point for every one percent of land placed in open space above the minimum identified in Sec. 20.3-10 (c).

- (vii) Proximity to mass transit route
Allow a maximum of 10 points. Ten points shall be awarded if the development is located within ¼ mile of an existing mass transit route. Five points shall be awarded if the development is located within ½ mile of an existing mass transit route.

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- (viii) In order to proceed with development in Agricultural/ Residential, Rural Residential and Rural Fringe areas on the Future Land Use Map, the development must achieve the following point totals:
- a. Agricultural/Residential--a minimum of 50 points out of a possible 155 points available as set forth in (i) through (vii), above.
 - b. Rural Residential--a minimum of 60 points out of a possible 155 points available as set forth in (i) through (vii), above.
 - c. Rural Fringe--a minimum of 80 out of 155 points available as set forth in (i) through (vii), above.
- (ix) In order to proceed with development in Urban Fringe, Urban Core (10), Urban Core (16) and Mixed Use areas on the Future Land Use Map at densities greater than six (6) units per acre, the development must achieve the following point totals:
- a. Urban Fringe – a minimum of 100 points out of a possible 155 points available as set forth in (i) through (vii), above,
 - b. Urban Core (10) - a minimum of 120 points out of a possible 155 points available as set forth in (i) through (vii), above,
 - c. Urban Core (16) – a minimum of 130 points out of a possible 155 points available as set forth in (i) through (vii), above,
 - d. Mixed Use – a minimum of 100 points out of a possible 155 points available as set forth in (i) through (vii), above,
- (x) Awarding of points shall adhere to the following criteria:
- a. Points shall be awarded for only one item in each category except water and sewer which can receive points for both services.
 - b. Points shall be awarded for additional open space allocations only after a development qualifies for points under at least two of the other categories.
- (2) All developments of land under this policy must provide for water and sewer at the expense of the developer or homeowner or must meet all requirements for on-site disposal systems pursuant to Chapter 10D-6, FAC.
- (e) *Infill TND Development.* Density bonuses will be allowed for eligible infill TND development within the Urban Core and Urban Fringe land use categories. To be eligible for the bonus, demonstration of adequate public facilities including water, sewer and transportation facilities to serve the site must be provided. Suitability of the site for the increased density must also be demonstrated prior to receiving approval for the density.

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- (1) Infill sites are defined as follows:
- (i) At least one boundary of the infill site must be adjacent to the following existing development types and intensities/densities. For the purpose of determining adjacency, lands having a common boundary or separated only by the right of way for a road with a functional classification of minor collector or lower shall be considered adjacent. Adjacent does not include lands located diagonally across any intersection or those across the right of way of a roadway classified higher than a minor collector.
 - a. non-residential use on land designated for Commercial Land Use on the Future Land Use Map ; or
 - b. residential use developed at a density that is greater than or equal to the density of the proposed infill site development.
 - (ii) The remainder of the infill site must be bounded by developed non-residential uses or residential uses at a density of 2 units per acre or greater. Wetlands within the development parcel or on adjacent lands shall be excluded from the determination that a site is surrounded by existing development.
 - (iii) An infill site must have direct access to a road with a functional classification of minor collector or higher.
- (2) TNDs utilizing the density bonuses shall be allowed through a Planned Unit Development (PUD). The following criteria, among others, shall be employed to guide TND development pattern and design:
- (i) To ensure internal connectivity, the development shall have a grid or modified grid street pattern with block lengths no greater than 500 feet.
 - (ii) On-street parking shall be allowed.
 - (iii) Sidewalks with a minimum width of five feet shall be required on both sides of all roads.
 - (iv) The development shall provide rear entry garages, accessed by alleys, for a minimum of 50 percent of the lots.
 - (v) All front entry garage units shall be designed so as to recess the garage a minimum of 15 feet from the front roofline of the structure and to provide habitable space above the garage recess.
 - (vi) The maximum front yard setback shall be 10 feet.
 - (vii) The development shall provide a minimum of 10 percent upland open space, 50 percent of which shall be used to create a public gathering space the

boundary of which shall be defined by road rights of way. The opposing right of way line shall be defined by the front façade of residential units.

- (viii) The development shall be connected to adjacent parcels through the use of streets, sidewalks and bike lanes/paths. Connections to adjacent collector or arterial roads shall be a maximum of 750 feet apart. Multiple access requirements may be waived by the County if environmental lands would be impacted, traffic safety considerations indicate that the access should not be provided or FDOT access management requirements do not permit the access.

(3) The PUD may provide a mix of the following housing types:

- (i) single-family detached
- (ii) single-family attached including townhomes
- (iii) multi-family units

Additional design criteria within the PUD shall regulate building length, facades, design variation, fenestration, porch height, and other elements. County review and acceptance of site and architectural plans shall be required concurrent with the approval of an infill density bonus.

- (f) *Transfer of Development Rights.* Residential density and/or non-residential intensity may be transferred from eligible sending sites to eligible receive sites through a voluntary process that encourages preservation/conservation of natural resources, protects healthy agricultural lands, manages sustainable urban growth and assures protection of continuous growth in land values for a public benefit.

(1) Density/Intensity Rating System:

- (i) The number of residential units and the floor-area of nonresidential development rights that a sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density/intensity established in subsection (iv) of this section to the area of the sending site, after deducting the area associated with any existing development, any retained development rights and any portion of the sending site already in a conservation easement, a restrictive covenant or other similar encumbrance. For each existing dwelling unit or retained development right, the sending site area shall be reduced by the minimum lot size for that zone.
- (ii) Any fractions of development rights that result from the calculations in subsection A of this section shall not be included in the final determination of total development rights available for transfer.
- (iii) For purposes of calculating the amount of development rights a sending site can transfer, the amount of land contained within a sending site shall be determined as follows:
 - a. If the sending site is an entire tax lot, the square footage or acreage shall be determined:

- i. by the records from the Clay County Property Appraiser’s Office; or
 - ii. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the State of Florida; and
- b. If the sending site consists of a lot that is divided by a future land use boundary, the square footage or acreage shall be calculated separately for each land use classification. The square footage or acreage within each land use classification shall be determined by the Clay County Future Land Use Map that established the land use and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each land use classification, the Department of Development Services shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

(iv) For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

Land Use	Base Density/Intensity
Agriculture	1 du/10 <u>gross</u> acres*
Agriculture/ Residential	1 du/5 <u>gross</u> acres
Rural Residential	1 du/ <u>net</u> acres
Rural Reserve	1.5 du/gross acre
Rural Fringe	3 du/ <u>net</u> acre
Urban Fringe	6 du/ <u>net</u> ac
Urban Core (10)	10 du/ <u>net</u> acre
Commercial	40% FAR
Mixed Use	15 du/ <u>net</u> acre and 25%FAR
Industrial	50% FAR
Industrial Park	35% FAR
Business Park	20% FAR

* It is the County’s intent to further incentivize application of TDR program to Agriculture lands

(v) The number and/or the floor-area of development rights that a sending site is eligible to send to a receiving site shall be determined through the application of a conversion ratio included in this subsection. The conversion ratio will be applied to the number of available sending site development rights determined under subsection (1)(i) of this section.

Conversion Ratio

	FROM					
	Industrial (1,000sf)	Single-Family (d.u.)	Apartment/ Multi-Family (d.u.)	Hotel (room)	Office (1,000sf)	Retail/Service (1,000sf)

TO	Industrial (1,000sf)	1	2.7	1.2	1.7	3.17	5.27
	Single-Family (per d.u.)	N/A	1	0.44	N/A	N/A	N/A
	Apt/Multi-Family (per d.u.)	N/A	2.25	1	N/A	N/A	N/A
	Hotel (per room)	0.59	1.59	0.71	1	1.87	3.11
	Office (per 1,000sf)	0.32	0.85	0.38	0.54	1	1.67
	Retail/Service (per 1,000sf)	0.19	0.51	0.23	0.32	0.6	1

- (vi) Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.
 - (vii) The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR certificate letter of intent and shall be considered a final determination, not to be revised due to changes to the sending site's land use or zoning.
- (2) A designation of DRA shall be limited to Commercial, Business Park, Industrial, Industrial Park, Mixed-Use, residential land use categories with a minimum density greater than 1 unit per acre, and similar categories in Master Plan Areas within the Centralized Water and Sewer Service Area (CWSSA). Respectively, the areas outside of the DRA shall be a potential Density/Intensity Sending Area (DSA). The designation of site-specific DRA and DSA shall be reviewed and authorized by the TDR Review Committee formed under the program.
 - (3) Density/Intensity transfers may be permitted from an area within the DRA into another portion of the DRA subject to the Density/Intensity Rating System. Developed lands within the DRA are not qualified to become a DSA. In case the developed lands within the DRA are reclaimed for conservation, preservation, recreation and/or urban agricultural purposes, it may be qualified to become a DSA upon review.
 - (4) In no case shall density/intensity be transferred to the outside of the DRA from the DRA. Also, no transfer shall be allowed within areas outside of the DRA.
 - (5) For projects utilizing this TDR process, density/intensity may be increased above and beyond the density/intensity otherwise allowed by the Density Rating System up to 200% of the maximum density/intensity permitted. For master plan areas, up to 200% of recommended average density/intensity standards may be permitted for receiving sites independently from other areas.
 - (6) TDR receiving sites shall meet the following requirements:
 - (i) Be served by Centralized Water and Sewer Services;
 - (ii) Demonstrate the availability of public facilities or planned within the next five years at the adopted LOS standards;
 - (iii) Promote compact development and energy efficient land use pattern; and
 - (iv) Demonstrate the suitability of the site for receiving the density/intensity

transfer.

- (7) Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is protected by a completed and recorded land dedication (TDR Deed of Transfer), Conservation Easement, and notification shall be provided to the Clay County Property Appraiser's Office and a TDR extinguishment document shall be provided to the Department of Economic and Development Services, or its successor agency.

- (g) *Heirs Exemptions.* Pursuant to Land Use Policy 1.9.6 of the Comprehensive Plan, within the residential land use classifications listed below, the transfer of land for the use of the transferor's heir for his or her primary residence shall be permitted.

Within the Agriculture, Agriculture/Residential and Rural Residential land use classifications, a minimum lot size of one acre is required. Within the Rural Fringe, Urban Fringe and Urban Core (10) land use classifications the minimum lot size shall be governed by the underlying zoning and the maximum lot size shall be one acre. Lot width and depth, setbacks, and uses shall be governed by the zoning for the property. The Heir's Exemption cannot be utilized to bring into conformance lots which do not otherwise qualify for nonconforming lot of record status.

Both the heir's lot and the remainder of the transferor's property must have access via a publicly maintained road or a private easement with a minimum width of 30 feet. (Rev. 02/24/09)

An heir is defined as a transferor's: Grandparent, Parent, Stepparent, Adopted Parent, Sibling, Child, Stepchild, Adopted Child, or Grandchild.

The Heir's Exemption is intended to allow transfer of land for the use of the heir to construct his or her permanent residence. Building permits and certificates of occupancy may only be issued with the heir specified as the owner of the property. If the property remains vacant, the heir must retain title to the property for a minimum of five years before transfer or sale. The sale of the property prior to that time will cause the cancellation of the property's heir's exemption status, and no construction of a dwelling unit will be permitted on the lot unless the lot complies with the density requirements of the Comprehensive Plan. If an heir constructs his or her permanent residence on the property, the heir must reside in the residence for a minimum of two years from the date of the issuance of the Certificate of Occupancy. The sale or lease of the property for occupancy by another party prior to that time will cause the cancellation of the heir's exemption status and the home will be subject to Section 20.3-11, Nonconforming Uses, Lots and Structures, of the Clay County Land Development Code. In no case, however, will the heir be required to retain title of the lot for more than five years, despite the length of occupancy of the dwelling unit by the heir.

For those Heir's Exemption transfers executed prior to November 27, 2007, the heir must have retained title to the property a minimum of one year in order for the property to retain the Heir's Exemption status and to be eligible for sale or transfer. (Rev. 04/28/09)

The following types of transfers shall not cause the cancellation of a lot's heir's exemption status and shall not subject a home on the lot to Section 20.3-11, Nonconforming Uses Lots and Structures, of the Clay County Land Development Code, regardless of the length of time the property has been retained by the heir:

- (1) Transfer of the lot to the heir's estate upon the death of the heir, either through testate or intestate succession as provided by state law; or
- (2) Involuntary transfer of the lot arising out of a judgment or order entered against the heir and rendered by a court of competent jurisdiction; or
- (3) Relocation due to an employment or educational opportunity, provided that the relocation would require the heir to move his or her permanent residence, as defined in section 196.012(18), Florida Statutes.

In the event the heir wishes to transfer the lot due to relocation, the heir shall submit an affidavit to the County attesting to the circumstances surrounding the educational or employment opportunity that require the heir to move his or her permanent residence.

A lot shall retain its heir's exemption status in the event the heir is serving in any branch of the Armed Forces of the United States and, by reason of such service, is unable to reside on the lot.

To obtain an Heir's Exemption, a completed application must be submitted to the County. The following items must be provided with an application for Heir's Exemption:

- (1) An unrecorded deed and a legal description of the transferred property which includes the size of the property;
- (2) A copy of the original recorded deed for the transferor's property;
- (3) Evidence of the relationship between the heir and the transferor;
- (4) A certified survey performed since the most recent land transaction showing the dimensions of the heir's lot and the remainder portion of the transferor's lot. Applicants may request a waiver from the survey requirement if the remainder of the grantor's parcel is larger than 10 acres after the transfer to the heir, and no survey has been done in the previous year;
- (5) The survey must show evidence that the heir's lot and the remainder of the transferor's property have access via a publicly maintained road or a private easement with a minimum width of 30 feet; and *(Rev. 02/24/09)*
- (6) An acknowledgement by the Applicant that regulations outside the purview of the County may affect or preclude the construction of a residence upon the heir's lot, including but not limited to wetlands regulations or septic tank regulations.

Following the approval of the heir's exemption, the applicant shall execute an affidavit which documents the heir's exemption and the conditions of approval. The affidavit form shall be provided by the County and be recorded by the applicant, together with the deed for the transferred property, in the Official Records of Clay County at the applicant's expense. The applicant shall provide copies of the recorded affidavit and deed to the County. *(Rev. 04/26/11)*

Lots subdivided as part of a Residential Aviation Community, as described in subsection (b)(3), may not be further subdivided through the heir's exemption.

- (h) *Homestead Exemptions.* Individuals having a current homestead exemption filed in Clay County and who have held a homestead exemption for the past four (4) years (five (5) years total) and who have also owned property for five (5) or more years which is now located in the Rural Residential (without points), Agriculture Residential or Agriculture land use designations on the Future Land Use Map of the Clay County Comprehensive Plan shall be permitted to subdivide the property owned for five (5) or more years as follows:
- (1) A maximum of two 2.5-acre lots per homestead exemption may be subdivided and/or developed per year.
 - (2) Permits in the Rural Residential and Agriculture/Residential land use designations which are allowed as a result of the policy shall be included in the countywide cap of two hundred fifty (250) single-family permits for Agriculture/Residential areas.
 - (3) Lot width and depth, setbacks, and uses will be governed by the zoning for the property.
 - (4) Permits in the Agriculture land use designations which are allowed as result of the policy shall be included as part of the countywide cap of fifty (50) single-family permits in the Agriculture areas.
 - (5) Lots subdivided as part of a Residential Aviation Community, as described in subsection (b)(3), may not be further subdivided through the homestead exemption.

Sec. 3-11. NONCONFORMING USES, LOTS AND STRUCTURES

(a) *Intent.*

- (1) *Regulatory Non-conformities.* Within the districts established by these zoning regulations or amendments that may later be adopted, there may exist (a) lots, (b) structures, (c) uses of land or water and structures, and (d) characteristics of use which were lawful before these zoning regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these zoning regulations or future amendments. Non-conformities so created are regulatory non-conformities. It is the intent of these zoning regulations to permit regulatory non-conformities to continue until they are voluntarily removed or removed as required by these zoning regulations, but not to encourage their survival. It is further the intent of these zoning regulations that regulatory non-conformities shall not be enlarged upon, expanded, intensified, or extended nor shall be used as grounds for adding other structures or uses prohibited elsewhere in the same district. (Amended 8/27/96 - Ord. 96-35)
- (i) Non-conforming uses are declared hereby to be incompatible with permitted uses in districts involved. A non-conforming use of a structure, a non-conforming use of land or water, or a non-conforming use of a structure and land or water in combination shall not be extended or enlarged after the effective date of these zoning regulations or amendments thereto by the attachment on a structure on premises of signs intended to be seen off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (ii) To avoid undue hardship, nothing in these zoning regulations shall be deemed to require a change to the designated use of any building for which a building permit was issued prior to the effective date of these zoning regulations.
- (iii) Building permits issued prior to July 1, 1991, for a non-conforming use, structure or lot may be eligible for vested rights pursuant to the Clay County Vested Rights Review Ordinance.
- (2) *Takings Non-conformities.* Non-conformities may also be created by governmental taking, either by negotiation or condemnation. Lots and structures that were lawful and conforming, subject to any regulatory non-conformities, before a governmental taking may be in conflict or further conflict with the terms of these zoning regulations or future amendments subsequent to the taking. Non-conformities so created or increased are takings non-conformities. It is the intent of these zoning regulations to exempt takings non-conformities to the extent that non-conformities so created or expanded cannot be mitigated from the prohibitions, regulations or restrictions applicable to regulatory non-conformities as follows:
- (i) Existing characteristics of use including minimum lot area and yard requirements, maximum coverage by all buildings and structures (FAR), minimum number of required off-street parking and loading spaces and required landscaping which would otherwise become non-conforming or increased in nonconformity shall not be required to be brought into conformity

with the provisions of these zoning regulations and with respect to pre-taking conforming uses, shall be deemed thereafter to be conforming and with respect to pre-takings regulatory non-conformities, shall be deemed to be subject only to such pre-takings regulatory non-conformities. Any expansion or enlargement shall be in accordance with all applicable provisions of these zoning regulations.

- (ii) Existing major structures [for these purposes defined as a structure or structures with a just value in excess of four thousand (\$4,000)] which became non-conforming or increased in non-conformity according to subparagraph (1)(iii) above which are thereafter damaged to an extent of not more than sixty-five (65) percent of the just value at the time of damage, may be rebuilt without the necessity to conform to the characteristics of use as defined in subparagraph (1)(iii) above. Any expansion or enlargement shall be in accordance with all applicable provisions of these zoning regulations.
- (iii) A non-conformity that would otherwise be created by a temporary governmental taking, whereby the non-conformity would exist only for the duration of the temporary taking or upon expiration of the temporary taking the circumstances that would have created the non-conformity have abated, shall not be deemed to be a non-conformity. For purposes of this subparagraph, abatement shall not have been deemed to have occurred until the condition of the premises within the area affected by the temporary takings use has been restored to that which was in existence immediately prior to the commencement of the temporary takings use; provided, a regulatory non-conformity shall be deemed to have arisen in the event that a restoration has not been completed within thirty (30) days, or such other period as may be authorized by the Planning and Zoning Director for cause, not to exceed 180 days. Such a regulatory taking shall be governed under the provisions of paragraph (a)(1)(i - iii) above.

(b) *Nonconforming Lots of Record.*

- (1) *Minimum Size.* In no case shall a permit be issued for living units on a lot of less than five thousand (5,000) square feet in area, and/or less than 50 feet wide at the building line. A lot not meeting these minimum requirements shall be deemed a substandard lot of record. This provision shall not be applicable to commercial properties.
- (2) *Inconsistent Lots of Record.* For unimproved lots of record otherwise inconsistent with the density requirements in this Article and in the Clay County Comprehensive Plan, a maximum of one (1) dwelling shall be allowed provided the following criteria are met:
 - (i) For lots of record created prior to October 23, 1973, lot size must be no less than five thousand (5,000) square feet, lots width must be no less than fifty (50) feet, and lot depth must be no less than seventy-five (75) feet. Front building lines and setbacks from side and rear property lines shall conform to the requirements of Section 20.3-7 and other applicable sections of this Article.
 - (ii) For lots of record created after October 23, 1973 and recorded by deed as of

12:01 a.m. or July 1, 1991, the lot must conform to the minimum dimensions (lot area, width and depth) in the applicable zoning district as stipulated in Ordinance 82-45, as amended, in effect as of said date and time. These minimum lot dimensions, by the zoning districts in effect at said date and time, are as follows:

<u>Zoning District in Ordinance 82-45, as amended</u>	<u>Minimum Lot Area (SF)</u>	<u>Minimum Lot Width (Feet)</u>	<u>Minimum Lot Depth (Feet)</u>
<u>A: Agricultural</u>	43,560	100.00	150.00
<u>AR: Agricultural Residential</u>	43,560	100.00	150.00
<u>RA: Single-Family Residential</u>			
Recorded before May 3, 1979	20,000	100	100
Recorded on or after May 3, 1979	21,780	100	100
<u>RA-1: Single-Family Residential</u>			
Without central water and sewer, recorded before May 3, 1979	15,000	85	100
Without central water and sewer, recorded on or after May 3, 1979	21,780	85	100
With central water and sewer, recorded on or after May 3, 1979	12,500	85	100
<u>RB: Single-Family Residential</u>			
Without central water and sewer, recorded before May 3, 1979	15,000	75	100
Without central water and sewer, recorded on or after May 3, 1979	21,780	75	100
With approved septic tank and central water, recorded on or after May 3, 1979	10,000	75	100
With central water and sewer, recorded on or after May 3, 1979	8,500	75	100
<u>RMH: Single-Family Residential Mobile Homes</u>			
Without central water and sewer, recorded before May 19, 1979	15,000	75	100
Recorded on or after May 3, 1979	21,780	75	100
<u>RMH-1: Single-Family Residential Mobile Homes</u>			
With central water and sewer	8,500	75	100
Without central water and sewer	15,000	75	100
<u>RC: Single-Family Residential</u>			
Without central water and sewer, recorded before May 3, 1979	15,000	70	100
With septic tank and central water	10,890	70	100
With central water and sewer, recorded on or after May 3, 1979	8,500	70	100
Without central water and sewer, recorded on or after May 3, 1979	21,780	70	100
<u>RC: Two-Family Residential</u>			
Without central water and sewer	43,560	70	100

With septic tank and central water	21,780	70	100
With central water and sewer	15,000	70	100
<u>RC: Three-Family Residential</u>			
Without central water and sewer	65,340	70	100
With septic tank and central water	32,670	70	100
With central water and sewer	20,000	70	100
<u>RC-1: Country Estates</u>			
With central water	43,560	100	150
Without central water	43,560	150	150
<u>RD-1: Multifamily</u>			6 units per acre
<u>RD-2: Multifamily</u>			10 units per acre
<u>RD-3: Multifamily</u>			16 units per acre
<u>RD-4: Multifamily</u>			30 units per acre

- (c) *Nonconforming Uses of Land or Waters (or Land with Minor Structures Only)*. Where, at the effective date of adoption or amendment of these zoning regulations or the regulations in Ordinance 82-45, a lawful use of lands or waters exists which would not be permitted under these zoning regulations, and where such use involved no individual permanently fixed structure with a replacement cost exceeding \$2,500 and no combination of permanently fixed structures with a combined replacement cost exceeding \$7,500 the use may be continued, so long as it remains otherwise lawful, provided:
- (1) *Enlargement, Increases, Intensification, Alteration*. No such nonconforming use shall be enlarged, intensified, increased, or extended to occupy a greater area of land or water than was occupied at the effective date of adoption or amendment of these zoning regulations.
 - (2) *Movement*. No such conforming use shall be moved in whole or in part to any portion of the lot or parcel than that occupied by such use at the effective date of adoption or amendment of these zoning regulations.
 - (3) *Discontinuance*. If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than six consecutive months, any subsequent use of such land shall conform to the regulations specified by these zoning regulations for the district in which such land is located.
 - (4) *Subdivision or Structural Additions*. No land in nonconforming use shall be subdivided, nor shall any structure be added on such land except for the district in which such land is located; provided, however, that subdivision may be made which does not increase the degree of nonconformity of the use.
- (d) *Nonconforming Structures*. When a structure exists lawfully under these zoning regulations at the effective date of its adoption or amendment, or the effective date of Ordinance 82-45, as amended, that could not be built under these zoning regulations by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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- (1) No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity (ex: soundproofing).
 - (2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 60 percent of its replacement value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these zoning regulations.
 - (3) Should such structure be moved for any reason for any distance whatever, other than as a result of governmental action, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (e) *Nonconforming Use of Major Structures, or of Major Structures and Premises in Combination.* Where, at the effective date of adoption or amendment of these zoning regulations, or the effective date of Ordinance 82-45, as amended, lawful use of structures, or of structures and premises in combination exists involving an individual, permanently fixed structures with a replacement cost at or exceeding \$2,500 or a combination of permanently fixed structures with a replacement cost at or exceeding \$7,500, such use may be continued so long as it remains otherwise lawful, provided:
- (1) *Enlargement, Alteration, Extension, etc. of Structures.* No existing structure devoted to a use not permitted by these zoning regulations in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - (2) *Extension of Use in Building Manifestly Designed for Such Use.* Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the effective date of adoption or amendment of these zoning regulations. Any nonconforming use which occupied a portion of the building not originally designed or intended for such use shall not be extended to any other part of the building.
 - (3) *Change in Tenancy or Ownership.* There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
 - (4) *Change to Conforming Use Required Future Conformity with District Regulations.* Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use shall not thereafter be resumed nor shall any other nonconforming use be permitted.
 - (5) *Discontinuance.* If any nonconforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than six consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.

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- (6) *Subdivision or Structural Additions.* Premises of major structures (having values as indicated above), where such major structures are used for nonconforming purposes as of the effective date of adoption or amendment of these zoning regulations, shall not be subdivided, nor shall any structures be added on such premises, except for purposes and in a manner conforming to the regulations for the district in which such premises are located.
- (7) *Destruction of Major Structure or Structures.* Where nonconforming use status applies to a major structure or structures, or to a major structure or structures and premises in combination, removal or destruction of the structure or structures shall eliminate the nonconforming status of the land. "Destruction" of the structure for purposes of this subsection is hereby defined as damage to an extent of more than 60 percent of the replacement cost at the time of destruction. Upon removal or destruction as set forth in this paragraph, the use of land and structures shall thereafter conform to the regulations for the district in which such land is located.
- (f) *Nonconforming Characteristics of Use.* If characteristics of use, such as signs, off-street parking, or off-street loading, or other matters pertaining to the use of land, structures, and premises are made nonconforming by these zoning regulations as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations herein set forth.
- (g) *Repairs and Maintenance.* On any nonconforming structure or portion of a structure and on any structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding 40 percent of the current assessed valuation of the structure (or of the nonconforming portion of the structure if a nonconforming portion of a structure is involved), provided that the cubic content of the structure existing at the date it becomes nonconforming shall not be increased.
- (h) *Nonconforming Structures Unsafe Because of Lack of Maintenance.* If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared by the duly authorized official of Clay County to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- (i) *Nonconforming Structures Unsafe for Reasons Other Than Lack of Maintenance.* If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful for reasons other than lack of repairs or maintenance, nothing contained herein shall be deemed to prevent the strengthening or restoring to a safe condition of such building or part hereof declared to be unsafe by the authorized official of Clay County charged with protecting the public safety; provided, however, that where such unsafeness or unlawfulness is the result of damage from destruction, the percentage of damage limitations set forth in Paragraph (d)(2) or (e)(7) of this section as the case may be, shall apply.
- (j) *Structures Conforming as to Use and Location.* Where a structure is conforming as to location and use, nothing in these zoning regulations shall be deemed to prevent the strengthening or

restoring to a safe condition of such structure or part hereof declared to be unsafe by the Chief Building Official of Clay County.

- (k) *Casual, Temporary, or Illegal Use.* The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

Sec. 3-12. AGRICULTURAL DISTRICT (ZONE AG)

(a) *Intent.* All land designated as Zone AG is subject to the regulations of this Section as well as the appropriate density and intensity restrictions from Sec. 20.3-10. Such uses have been established for the protection of agriculture as a major industry in the County by preventing encroachment on agricultural lands by incompatible uses; to encourage a broad range of agricultural activities and their accessory operations, including the processing and sale of agricultural products raised on the premises; to protect watersheds and water supplies, wilderness and scenic areas and conservation and wildlife areas; and to permit a variety of activities which require non-urban locations but which do not operate to the detriment of adjoining lands devoted to rural and agriculture purposes.

(b) *Uses Permitted.*

- (1) Single-family or mobile home dwelling with their customary accessory uses. Mobile homes must meet the requirements as stated in Sec. 20.3-3, Subsection (d).
- (2) For lots of greater than one (1) acre in size, permitted uses include general farming activities: dairying, forestry, greenhouses, livestock raising, nurseries, poultry and egg production (excluding broilerhouse operations and mass production egg laying), crop raising, horticulture, apiculture, pisciculture, and groves.

Agricultural accessory uses that are customary and incidental to principal agricultural use shall be permitted as follows:

- (i) Accessory buildings directly incidental to the agricultural pursuits listed above.
 - (ii) Sheds for the storage and repair of the owner's or tenant's farm equipment only, provided the structure does not exceed three thousand (3,000) square feet of gross floor area.
 - (iii) Stand for the sale of products which are raised on the premises.
- (3) For lots of one (1) acre or less in size, permitted uses include the non-commercial keeping and raising of horses, cattle, sheep, swine, goats and other similar farm animals; provided, however, that no more than two (2) horses, cattle, sheep, swine, goats and other large farm animals six (6) months of age or older shall be permitted to be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty (50) feet to the property line. (amended 2/94 - Ord. 93-04)
 - (4) Storage of petroleum products.
 - (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
 - (ii) Gasoline not to exceed two thousand five hundred (2,500) gallons, and fuel oil and tanks are designed for the storing of these products. Storage tanks and equipment must meet or exceed all requirements of the State Fire Marshall and National Board of Fire Under writers Code. Wholesale or retail sale of any

petroleum products is prohibited.

- (5) Storage on the premises of the owner's or tenant's heavy equipment including, but not limited to, the following: bulldozers, road graders, front end loaders, backhoes, well drilling equipment, trucks (unlimited tonnage).
 - (6) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
 - (7) Satellite dish receivers for individual use.
 - (8) The parking of commercial vehicles with a limit of one (1) per acre.
 - (9) Plant nurseries when the products for sale are limited to plant fertilizers and other associated items, except any motorized equipment.
 - (10) Private boat pier or slip for the use of occupants of principal residential structures of the lot; provided said pier or slip does not interfere with navigation.
 - (11) Solar Facility (Solar Farm), with the following requirements:
 - (i) Side, rear and front line setbacks shall be no less than twenty-five (25) feet where the lot line is adjacent to a nonresidential zoning district or to an agricultural zoning district where the parcel is greater than 20 acres in size.
 - (ii) Side, rear and front line setbacks shall be no less than two hundred (200) feet where the lot line is adjacent to residentially zoned lands or to lands within an agricultural zoning district where the parcel is less than 20 acres in size.
- (c) *Conditional Uses.* The following uses are permitted in the AG zoning district subject to the conditions provided in Sec 20.3-5.
- (1) Broilerhouses, raising of fowl, and mass production egg laying.
 - (2) Commercial feed lots for livestock.
 - (3) Landing strips.
 - (4) Home occupations.
 - (5) Bird sanctuaries and rehabilitation centers.
 - (6) Commercial kennels.
 - (7) Heliports and helipads.

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- (8) Radio, television, microwave relay stations or towers and accessory equipment buildings. (Ord. 95-53 - 11/28/95) (Amended 11/26/96 - Ord. 96- 58).
 - (9) Outdoor shooting ranges.
 - (10) Bicycle motocross.
 - (11) Swimming pools.
 - (12) Trench sanitary landfills (Class III).
 - (13) Mobile home for medical hardship.
 - (14) Aviculture (Commercial or Hobbyist).
 - (15) Temporary structures or buildings.
 - (16) Sales from vehicles.
 - (17) Riding academies, riding stables, and dude ranches.
 - (18) Public and/or private sewer facilities.
 - (19) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58)
 - (20) Private drainage ponds or agricultural livestock ponds.
 - (21) Borrow Pits (amended 2/95 - Ord 95-2)
 - (22) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)
 - (23) Apiculture (Hobbyist) (Amended 2/35/97 Ord. 97- 11)
 - (24) Land Clearing Debris Off-Site Disposal Facility
 - (25) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
 - (26) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
 - (27) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)
 - (28) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66)

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- (29) Temporary Living Quarters during construction of a residence (amended 11/07 – Ord.2007-66)
 - (30) Fairground Association Administrative Office and other Accessory Uses (amended 05/06 – Ord. 06-26)
 - (31) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 - (32) Accessory Dwelling Units. *Rev. 05/26/09*
 - (33) Mudbogging. *Rev. 11/24/09*
 - (34) Motocross (MX) Motorized. *Rev. 10/22/13*
 - (35) Rural Event Centers. *Rev. 02/23/16*
 - (36) Horse Hotels. *Rev. 10/27/20*
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) and (c) above.
- (e) *Density Requirements.* The maximum density for residential development in this zoning district is one (1) unit per twenty (20) acres, or as otherwise provided for in Sections 20.3-10(e) and (f), which address heirs and homestead exemptions.
- (f) *Lot and Building Requirements.* The principal buildings and other lot uses shall be located so as to comply with the following requirements:
- (1) Minimum Lot Width at Building Line 100 feet
 - (2) Minimum Lot Depth 150 feet
 - (3) Minimum Front Setback 30 feet
 - (4) Minimum Rear Setback 35 feet
 - (5) Minimum Side Setback 15 feet
 - (6) Minimum Front Yard Setback for Accessory Structures 30 feet
 - (7) Minimum Rear and Side Yard Setback for Accessory Structures, Excluding Fences 7.5 feet
 - (8) Minimum living area (amended 2/95 - Ord. 95-2) 750 sq. ft.
 - (9) 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.

- (10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

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

- (a) *Intent.* All land designated as Zone AR is subject to the requirements of this Section as well as the appropriate density and intensity in Sec. 20.3-10. Such uses have been established to provide a transition between agricultural and the more urban residential areas; and to create a rural residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of the resident.
- (b) *Uses Permitted.*
- (1) Single-family or mobile home dwelling with their customary accessory uses.
 - (2) For lots greater than one (1) acre in size, permitted uses include the non-commercial keeping and raising of horses, cattle, sheep, goats, swine and other similar animals. (amended 2/94 - Ord. 94-03)
 - (3) For lots of one (1) acre or less in size, permitted uses include the non-commercial keeping and raising of horses, cattle, sheep, swine, goats and other similar farm animals; provided, however, that no more than two (2) horses, cattle, sheep, swine, goats and other large farm animals six (6) months of age or older shall be permitted to be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty (50) feet to the property. (amended 2/94 - Ord. 94-03)
 - (4) Agricultural accessory uses that are customary and incidental to principal agricultural use shall be permitted as follows: (amended 2/95 - Ord. 95-2)
 - (i) Accessory buildings directly incidental to the agricultural pursuits listed above.
 - (ii) Sheds for the storage and repair of the owner's or tenant's farm equipment only, provided the structure does not exceed three thousand (3,000) square feet of gross floor area.
 - (iii) Stand for the sale of products which are raised on the premises.
 - (5) General agricultural pursuits of a variety similar, but not limited to, truck gardens, forestry, crop raising, horticulture, greenhouses, nurseries, groves, apiculture and pisciculture.
 - (6) The sale of said products and commodities which are raised on the premises. Retail roadside sales permitted only from conforming structures on private property.
 - (7) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
 - (8) Storage of petroleum products.

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- (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
 - (ii) Gasoline to be used by owner of residence not to exceed 50 gallons.
- (9) Satellite dish receivers for individual use.
- (10) The parking of commercial vehicles by the owner of the primary residence with a limit of one (1) per acre and a maximum of two (2) vehicles, may be parked in the rear or side yard, except refrigerated vehicles and vehicles carrying hazardous materials.
- (11) Private boat pier or slip for the use of occupants of principal residential structures of the lot; provided said pier or slip does not interfere with navigation.
- (c) *Conditional Uses.* The following uses are permitted in the AR zoning district subject to the conditions provided in Section 20.3-5.
- (1) Plant nurseries.
 - (2) Riding academies and riding stables.
 - (3) Home occupations.
 - (4) Bird sanctuaries and rehabilitation centers.
 - (5) Swimming pools.
 - (6) Commercial kennels.
 - (7) Radio, television, microwave relay stations or towers and accessory equipment buildings. (Ord. 95-53 - 11/28/95)
 - (8) Aviculture (Commercial or Hobbyist).
 - (9) Temporary structures or buildings.
 - (10) Mobile homes for medical hardship.
 - (11) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord.96- 58).
 - (12) Public and/or private sewer facilities.
 - (13) Private drainage ponds or agricultural livestock ponds.
 - (14) Borrow Pits (amended 2/95 - Ord.95-2)
 - (15) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)

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- (16) Apiculture (Hobbyist) (Amended 2/25/97 - Ord. 97- 11)
 - (17) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
 - (18) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
 - (19) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)
 - (20) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
 - (21) Temporary Living Quarters during construction of a residence (amended 11/07 – Ord.2007-66)
 - (22) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 - (23) Accessory Dwelling Units. *Rev. 05/26/09*
 - (24) Rural Event Centers. *Rev. 02/23/16*
 - (25) Horse Hotels. *Rev 10/27/20*
 - (27) Rural Event Venue
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use or activity which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the AR district shall be as follows:
- (1) Land with a zoning classification of AR and a land use designation of Agricultural/Residential.
 - (i) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	One (1) unit per ten (10) acres
<i>Minimum Lot Size</i>	Ten (10) acres or 435,600 square feet
 - (ii) Subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	
With Clustering and Points	One (1) unit per five (5) acres
Without Clustering and Points	One (1) unit per ten (10) acres

<i>Minimum Lot Size</i>	
With Clustering and Points	One (1) acre or 43,560 square feet
Without Clustering and Points	Nine (9) acres or 392,040 sq. feet

(2) Land with a zoning classification of AR and a land use designation of Rural Residential.

(i) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	One (1) unit per five (5) acres
<i>Minimum Lot Size</i>	Five (5) acres or 217,800 square feet

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

<i>Maximum Density</i>	
With Clustering and Points	One (1) unit per acre
Without Clustering and Points	One (1) unit per five (5) acres

<i>Minimum Lot Size</i>	
With Clustering and Points	21,780 square feet
Without Clustering and Points	Four (4) acres or 174,240 sq. feet

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

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

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

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

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

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

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

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

<i>Maximum Density</i>	One (1) unit per twenty (20) acres
<i>Minimum Lot Size</i>	Twenty (20) acres

(f) *Lot and Building Requirements.* The principal buildings and other lot uses shall be so located

as to comply with the following requirements:

- (1) Minimum Lot Width at Building Line 100 feet
- (2) Minimum Lot Depth 100 feet
- (3) Minimum Front Setback 30 feet
- (4) Minimum Rear Setback 35 feet
- (5) Minimum Side Setback 20 feet*

*For waterfront properties along Doctors Lake within the Neilhurst Plat, recorded in Plat Book 2, pages 44 through 46, the minimum side setback shall be 5 feet.

- (6) Minimum Front Yard Setback for Accessory Buildings, Excluding Fences 30 feet
- (7) Minimum Rear Yard and Side Setback for Accessory Buildings 7.5 feet
- (8) Minimum Living Area (amended 2/95 - Ord. 95-2) 750 sq. ft.

(9) 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.

(10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

Sec. 3-14. COUNTRY ESTATES DISTRICT (ZONE AR-1)

- (a) *Intent.* All land designated as Zone AR-1 is subject to the regulations of this Section as well as Sec. 20.3-10. Such areas have been established in order to protect the lands best suited for country estates purposes. The purpose and intent of the AR-1 District is to provide a transition between the agricultural areas and the more urban residential communities; and to create a rural residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of the resident.

The keeping and maintenance of the various types of animals permitted within this district is expressly intended as accessory uses or activities for the pleasure and personal, non-commercial use by the property owner, occupant, or guest. It is further provided within these regulations that all permitted animals shall be kept or maintained in a manner which is consistent with the nature of development and character of the area without constituting a detriment or nuisance to the surrounding neighborhood.

- (b) *Uses Permitted.*

(1) Single-family dwellings, including customary accessory uses.

(i) Accessory structures, subject to the following:

- a. No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure.
- b. With the exception of waterfront lots, no accessory structure may be located within the front yard.

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(2) Private boat pier or slip for the use of occupants of principal residential structures of the lot; provided said pier or slip does not interfere with navigation.

(3) Satellite dish receivers for individual use.

- (c) *Conditional Uses.* The following uses are permitted in the AR-1 zoning district subject to the condition specified in Sec. 20.3-5.

(1) Home occupations.

(2) Swimming pools.

(3) Temporary structures.

(4) Public and/or private sewer facilities.

(5) Private drainage ponds or agricultural livestock ponds.

(6) Aviculture (Hobbyist).

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- (7) Apiculture (Hobbyist) (Amended 2/25/97 Ord. 97- 11)
 - (8) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
 - (9) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)
 - (10) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
 - (11) Temporary Living Quarters during construction of a residence (amended 11/07 – Ord.2007-66).
 - (12) Fences. *Rev. 04/22/08*
 - (13) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 - (14) Accessory Dwelling Units. *Rev. 05/26/09*
 - (15) Horse Hotels. *Rev. 10/27/20*
- (d) *Uses or Activities Permitted as Accessory.* The use of land or activities upon such land, which are secondary or incidental to the primary use as set forth herein, shall be as follows:
- (1) The non-commercial breeding, raising, grazing or keeping of animals, fowl, and insects including, but not limited to, customary farm animals similar to horses, cattle, goats, pigs, rabbits, insects, or poultry and domestic animals similar to dogs, cats, or birds. Provided, however, that no more than one (1) insect hive or one (1) adult customary farm animal six (6) months of age or older, per each one-half (1/2) acre (21,780 sq. ft.) of land, and no more than one (1) domestic animal six months of age or older per each one- fifth (1/5) acre (8,712 sq. ft.) shall be raised, grazed, kept, or maintained, and provided further, that no animal pen, stall, stable, cage, kennel, or other similar animal enclosure, nor insect hive shall be nearer than one-hundred (100) feet from any residential dwelling under different ownership or occupancy. If said residential dwelling is constructed subsequent to any of the aforementioned animal enclosures or hives, which may be located on an abutting lot or parcel, then the 100 foot separation shall be deemed non-applicable and the appropriate property setbacks as established herein, shall apply. The farm or domestic animals or hives referenced herein shall be raised, grazed, kept, or otherwise maintained upon the same parcel upon which the main residence is located, or may be upon another parcel which lies immediately abutting the parcel upon which the main residence is located.
- The keeping of all animals as set forth herein shall be subject to the following restrictions:
- (i) No animal shelter, stall, stable, kennel, cage, hive, or other similar enclosure shall be less than 150 feet from the residential dwelling of a different property owner when such dwelling is separated by an existing street or roadway.

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- (ii) The keeping and maintenance of all animals as set forth herein shall conform with all State, County and Local regulations and requirements affecting such concerns as, but not limited to, health, safety, drainage, and environmental protection.
 - (2) Non-commercial agricultural pursuits of a variety similar, but not limited to, truck gardens, horticultural farming, greenhouse, nurseries, farms and fruit groves as a secondary use to the primary residence. Provided, however, that said agricultural pursuit as referenced herein is located and conducted upon a parcel which is the same as or immediately abuts the parcel upon which the main residence is located.
 - (3) Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year. The duration of each garage sale shall be a maximum of seventy-two (72) hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
- (e) *Uses Not Permitted.*
- (1) Any use or activity not permitted in (b), (c), or (d) above.
 - (2) Any use or activity which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
 - (3) Any agricultural pursuit as a commercial venture or enterprise or the keeping or maintaining of any animal, reptile or rodent, as a commercial venture or enterprise.
 - (4) Boat piers and slips for commercial docking of watercraft.
 - (5) Mobile homes and house trailers.
 - (6) Any agricultural pursuit or the breeding, raising, grazing, or keeping of animals, fowl, and insects on property located at a distance greater than one- hundred (100) feet measured from the nearest property line of the parcel upon which the main residence is located.
- (f) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the AR-1 district shall be as follows: (amended 2/94 - ORD/94-03)
- (1) Land with a zoning classification of AR-1 and a land use designation of Rural Fringe Residential. (amended 2/94 - Ord. 94-03)
 - (i) *Maximum Density* One (1) unit per acre
 - Maximum Lot Size* 43,560 square feet
 - (2) Land with a zoning classification of AR-1 and a land use designation of Rural Residential.
 - (i) Residential development not classified as a subdivision pursuant to Ordinance

85-68, as amended.

Maximum Density One (1) unit per five (5) acres
Minimum Lot Size Five (5) acres or 217,800 square feet

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

Maximum Density
With Clustering and Points One (1) unit per acre
Without Clustering and Points One (1) unit per five (5) acres

Minimum Lot Size
With Clustering and Points 21,780 square feet
Without Clustering and Points Four (4) acres or 174,240 sq. ft.

(g) *Lot and Building Requirements.* The principal buildings, accessory buildings, and other lot uses shall be located so as to comply with the following requirements:

(1) Minimum lot width at building 100 ft.

(2) Minimum lot depth 100 ft.

(3) Minimum front setback 20 ft. front façade; 25 ft. for attached or detached front facing garage or carport

(4) Minimum side setback 20 ft.

(5) Minimum rear setback 30 ft.

(6) Minimum setback from all lot lines of accessory structures, except fences, side and rear 7.5 ft.

front (but in no event nearer to front line than the front of the principal building.) 30 ft.

(7) Maximum percent of lot coverage 30%
(Total for all primary and accessory buildings)

(8) Maximum percent of rear lot coverage 30%

(9) Minimum living area 1,200 sq. ft.

(10) 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.

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- (11) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

Sec. 3-15. RURAL ESTATES DISTRICT (ZONE AR-2)

- (a) *Intent.* All land designated as Zone AR-2 is subject to the regulations of this Section as well as Sec. 20.3-10. Such areas have been established in order to protect the lands best suited for rural estates purposes. The purpose and intent of the AR-2 District is to provide a transition between the agricultural areas and the more urban residential communities; and to create a rural residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of the resident.
- (b) *Uses Permitted by Right.* Uses of the lands and structures shall be permitted within the Rural Estates District as follows:
- (1) Single-family dwellings, including customary accessory uses.
 - (i) Accessory structures, subject to the following:
 - a. No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure.
 - b. With the exception of waterfront lots, no accessory structure may be located in the front yard.
Rev. 05/24/11
 - (2) Private boat pier or slip for the use of occupants of principal residential structures of the lot; provided said pier or slip does not interfere with navigation.
 - (3) Satellite dish receivers for individual use.
- (c) *Conditional Uses.* The following uses are permitted in the AR-2 zoning district subject to the conditions specified in Sec. 20.3-5.
- (1) Home occupations.
 - (2) Swimming pools.
 - (3) Temporary structures or buildings.
 - (4) Public and/or private sewer facilities.
 - (5) Private drainage ponds.
 - (6) Aviculture (Hobbyist).
 - (7) Apiculture (Hobbyist) (Amended 2/25/97 Ord. 97- 11)
 - (8) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
 - (9) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)

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- (10) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
 - (11) Temporary Living Quarters during construction of a residence (amended 11/07 – Ord.2007-66).
 - (12) Fences. *Rev. 04/22/08*
 - (13) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 - (14) Accessory Dwelling Units. *Rev. 05/26/09*
 - (15) Chickens, Backyard Residential. *Rev. 09/22/15*
- (d) *Uses or Activities Permitted By Right as Accessory.* The use of land or activities upon such land, which are secondary or incidental to the primary use as set forth herein, shall be as follows:
- (1) The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
 - (2) Non-commercial agricultural pursuits of a variety similar, but not limited to, truck gardens, horticultural farming, greenhouse, nurseries, farms and fruit groves as a secondary use to the primary residence. Provided, however, that said agricultural pursuit as referenced herein is located and conducted upon a parcel which is the same as or immediately abuts the parcel upon which the main residence is located.
 - (3) Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year. The duration of each garage sale shall be a maximum of seventy-two (72) hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
- (e) *Prohibited Uses or Activities.*
- (1) Any use or activity not permitted in (b), (c), or (d) above.
 - (2) Any use or activity which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
 - (3) Any agricultural pursuit as a commercial venture or enterprise or the keeping or maintaining of any animal, reptile or rodent, as a commercial venture or enterprise.
 - (4) Boat piers and slips for commercial docking of watercraft.
 - (5) Mobile homes and house trailers.
 - (6) Any commercial agricultural pursuit or the breeding, raising, grazing, or keeping of animals, fowl, and insects.

(f) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the AR-2 district shall be as follows: (amended 10/12/93 - Ord 93-36)

(1) Land with a zoning classification of AR-2 and a land use designation of Rural Fringe Residential.

(i) *Maximum Density*
With Points and Central Water/Sewer Two (2) units per acre
With Points and No Central Water/Sewer 1.5 units per acre
Without Points One (1) unit per acre

Minimum Lot Size
With Points and Central Water/Sewer 17,424 square feet
With Points and No Central Water/Sewer 21,780 square feet
Without Points 34,848 square feet

(2) Land with a zoning classification of AR-2 and a land use designation of Rural Residential.

(i) Residential Development not classified as a subdivision pursuant to Ordinance 85-68, as amended. (Amended 8/27/96 - Ord 96-35)

Maximum Density One (1) unit per five acres
Minimum Lot Size 217,800 square feet

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

Maximum Density
With Clustering and Points One (1) unit per acre
Without Clustering and Points One (1) unit per five (5) acres

Minimum Lot Size
With Clustering and Points 21,780 square feet
Without Clustering and Points Four (4) acres
or 174,240 square feet

(3) Land with a zoning classification of AR-2 and a land use designation of Agriculture/Residential.

(i) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density One (1) unit per ten (10) acres
Minimum Lot Size Ten (10) acres

(4) Land with a zoning classification of AR-2 and a land use designation of Agricultural. (amended 2/95 - Ord 95-2)

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- (i) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density
Minimum Lot Size

One (1) unit per twenty (20) acres
Twenty (20) acres

- (g) *Lot and Building Requirements.* The principal buildings, accessory buildings, and other lot uses shall be located so as to comply with the following requirements:

- (1) Minimum lot width at building line 100 ft.
- (2) Minimum lot depth 100 ft.
- (3) Minimum front setback 20 ft. front façade; 25 ft. for attached or detached front facing garage or carport
- (4) Minimum side setback 10 ft.
- (5) Minimum rear setback 30 ft.
- (6) Minimum setback from all lot lines of accessory structures, except fences, side and rear 7.5 ft.
front 30 ft.
(but in no event nearer to front line than the front of the principal building.)
- (7) Maximum percent of lot coverage 30 percent
(Total for all primary and accessory buildings)
- (8) Maximum percent of rear lot coverage 30 percent
- (9) Minimum living area 1,200 sq. ft.
- (10) 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.
- (11) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

Sec. 3-16. SINGLE-FAMILY RESIDENTIAL DISTRICT (ZONE RA)

(a) *Intent.* All land designated as Zone RA is subject to the regulations of this Section, as well as the appropriate density and intensity restrictions in Sec. 20.3-10.

(b) *Uses Permitted. (Rev. 07/27/2010)*

(1) Single-family dwellings, including the accessory uses and buildings, subject to the following:

(i) On lots of one acre or less:

- a. no accessory structure shall exceed the height of the primary structure; and,
- b. all other lot size requirements must be met as established within this Article.

(ii) On lots of more than one but less than two acres:

- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
- b. within rural fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.
- c. all other lot requirements must be met as established within this Article.

(iii) On lots of more than two acres:

- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
- b. within rural fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,
- c. all other lot requirements must be met as established within this Article. (Amended 7/03 – Ord. 03-74)

(2) No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and, with the exception of waterfront lots, front yards. *Rev. 05/24/11*

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- (3) Private boat pier or slip for the use of occupants of principal residential structures of the abutting lot; provided said pier or slip does not interfere with navigation.
 - (4) Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
 - (5) Satellite dish receivers for individual use.
 - (6) The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
- (c) *Conditional Uses.* The following uses are permitted in the RA zoning district subject to the conditions specified in Section 20.3-5.
- (1) Home occupations.
 - (2) Swimming pools.
 - (3) Temporary structures or buildings.
 - (4) Fences.
 - (5) Public and/or private sewer facilities.
 - (6) Aviculture (Hobbyist).
 - (7) Apiculture (Hobbyist) (Amended 2/25/97 Ord. 97-11)
 - (8) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
 - (9) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)
 - (10) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
 - (11) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 - (12) Accessory Dwelling Units. *Rev. 05/26/09*
 - (13) Portable Storage Structures. *Rev. 02/08/11*
 - (14) Chickens, Backyard Residential. *Rev. 09/22/15*
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.

(e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the RA district shall be as follows: amended 10/12/93 - Ord 93-36)

(1) Land with a zoning classification of RA and a land use designation of Rural Fringe Residential.

(i) Subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Points and Central Water/Sewer	Two (2) units per acre
With Points and No Central Water/Sewer	1.5 units per acre
Without Points	One (1) unit per acre

Minimum Lot Size

With Points and Central Water/Sewer	17,424 square feet
With Points and No Central Water/Sewer	21,780 square feet
Without Points	34,848 square feet

(ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68.

Maximum Density

With Points and Central Water/Sewer	Two (2) units per acre
With Points and No Central Water/Sewer	1.5 units per acre
Without Points	One (1) unit per acre

Minimum Lot Size

With Points and Central Water/Sewer	21,780 square feet
With Points and No Central Water/Sewer	29,040 square feet
Without Points	43,560 square feet

(2) Land with a zoning classification of RA and a land use designation of Urban Fringe Residential.

(i) Subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

Minimum Lot Size with Central Water/Sewer	Two (2) units per acre
Minimum Lot Size with No Water/Sewer	17,424 square feet
	21,780 square feet

(ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

<i>Minimum Lot Size</i>	Two (2) units per acre
	21,780 square feet

(3) Land with a zoning classification of RA and a land use designation of Urban Core (10) Residential.

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- (i) Subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	Four (4) units per acre
Minimum Lot Size with Central Water/Sewer	8,712 square feet
Minimum Lot Size with No Central Water/Sewer	21780 square feet

- (ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	Four (4) units per acre
Minimum Lot Size with Central Water/Sewer	10,890 square feet
Minimum Lot Size with No Central Water/Sewer	21,780 square feet

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

- | | | |
|------|---|-------------------|
| (1) | Minimum Lot Width at Building Line | 100 feet |
| (2) | Minimum Lot Depth | 100 feet |
| (3) | Minimum Front Setback | 40 feet |
| (4) | Minimum Side Setback Abutting an Interior Lot | 10 feet |
| (5) | Minimum Side Setback Abutting an Intersecting Street | 25 feet |
| (6) | Minimum Rear Setback | 25 feet |
| (7) | Minimum Setback from all Lot Lines of Accessory Structures, Excluding Fences | 7.5 feet |
| (8) | Maximum Percentage of Lot Coverage | 25 percent |
| (9) | Maximum Percentage of Rear Yard Coverage | 25 percent |
| (10) | Minimum Living Area | 1,400 square feet |
| (11) | 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. | |
| (12) | Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18) | |

Sec. 3-17. SINGLE-FAMILY RESIDENTIAL DISTRICT (ZONE RB)

- (a) *Intent.* All land designated as Zone RB is subject to the regulations of this Section, as well as the requirements in Sec. 20.3-10. Such areas are established to protect the areas best suited for low density, single-family residential development.
- (b) *Uses Permitted. (Rev. 07/27/2010)*
- (1) Single-family dwellings, including the accessory uses and buildings, subject to the following:
- (i) On lots of one acre or less:
- a. no accessory structure shall exceed the height of the primary structure; and,
- b. all other lot size requirements must be met as established within this Article.
- (ii) On lots of more than one acre but less than two acres:
- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
- b. within Rural Fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.
- c. all other lot requirements must be met as established within this Article.
- (iii) On lots of more than two acres:
- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
- b. within Rural Fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,
- c. all other lot requirements must be met as established within this Article. (Amended 7/03 – Ord. 03-74)
- (2) No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are

prohibited within the side and, with the exception of waterfront lots, front yards. *Rev. 05/24/11*

- (3) Private boat pier or slip for the use of occupants of principal residential structures of the abutting lot; provided said pier or slip does not interfere with navigation.
 - (4) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
 - (5) Satellite dish receivers for individual use.
 - (6) The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
- (c) *Conditional Uses.* The following uses are permitted in the RB zoning district subject to the conditions specified in Section 20.3-5.
- (1) Home occupations.
 - (2) Swimming pools.
 - (3) Temporary structures or buildings.
 - (4) Fences.
 - (5) Public and/or private sewer facilities.
 - (6) Aviculture (Hobbyist).
 - (7) Apiculture (Hobbyist) (Amended 2/25/97 Ord. 97-11)
 - (8) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
 - (9) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)
 - (10) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
 - (11) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 - (12) Accessory Dwelling Units. *Rev. 05/26/09*
 - (13) Portable Storage Structures. *Rev. 02/08/11*
 - (14) Chickens, Backyard Residential. *Rev. 09/22/15*
- (d) *Uses Not Permitted.*

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- (1) Any use not allowed in (b) or (c) above.
- (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the RB district shall be as follows: (amended 10/12/93 - Ord 93-36)
- (1) Land with a zoning classification of RB and a land use designation of Rural Fringe Residential.
- (i) Subdivision pursuant to Ordinance 85-68, as amended.
- | | |
|--|--------------------------|
| <i>Maximum Density</i> | |
| With Points and Central Water/Sewer | Three (3) units per acre |
| With Points and No Central Water/Sewer | Two (2) units per acre |
| Without Points | One (1) unit per acre |
|
<i>Minimum Lot Size</i> | |
| With Points and Central Water/Sewer | 11,616 square feet |
| With Points and No Central Water/Sewer | 21,780 square feet |
| Without Points | 34,848 square feet |
- (ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68.
- | | |
|--|--------------------------|
| <i>Maximum Density</i> | |
| With Points and Central Water/Sewer | Three (3) units per acre |
| With Points and No Central Water/Sewer | Two (2) units per acre |
| Without Points | One (1) unit per acre |
|
<i>Minimum Lot Size</i> | |
| With Points and Central Water/Sewer | 14,520 square feet |
| With Points and No Central Water/Sewer | 21,780 square feet |
| Without Points | 43,560 square feet |
- (2) Land with a zoning classification of RB and a land use designation of Urban Fringe Residential.
- (i) Subdivision pursuant to Ordinance 85-68, as amended.
- | | |
|--|-------------------------|
| <i>Maximum Density</i> | Four (4) units per acre |
| Minimum Lot Size with Central Water/ Sewer | 8,712 square feet |
| Minimum Lot Size with No Central Water/Sewer | 21,780 square feet |
- (ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.
- | | |
|--|-------------------------|
| <i>Maximum Density</i> | Four (4) units per acre |
| Minimum Lot Size with Central Water/Sewer | 10,890 square feet |
| Minimum Lot Size with No Central Water/Sewer | 21,780 square feet |

(3) Single-family residential development on land with a zoning classification of RB and a land use designation of Urban Core (10) Residential.

(i) Subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Central Water/Sewer	Six (6) units per acre
Without Central Water/Sewer	Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer	5,808 square feet
Without Central Water/Sewer	21,780 square feet

(ii) Single-family residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Central Water/Sewer	Six (6) units per acre
Without Central Water/Sewer	Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer	7,260 square feet
Without Central Water/Sewer	21,780 square feet

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

(1) Minimum Lot Width at Building Line 60 feet

(2) Minimum Lot Depth 100 feet

(3) Minimum Front Setback 20 feet front façade; 25 ft. for attached or detached front facing garage or carport

(4) Minimum Side Setback 7.5 feet

(5) Minimum Rear Setback 15 feet

(6) Minimum Setback from all Lot Lines of Accessory Structures, Excluding Fences 7.5 feet

(7) Maximum Percentage of Lot Coverage 30 percent

(8) Maximum Percentage of Rear Yard Coverage 30 percent

(9) Minimum Living Area 1,000 square feet

(10) 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.

- (11) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)
- (g) *Minimum Width Exception.* In the event that a single family dwelling has been constructed pursuant to a building permit prior to November 1, 2001, on a lot with a zoning classification of RB and a land use designation of Urban Core (10) Residential that is depicted within a plat recorded in the public records after April 12, 1999, and that is served by central water and sewer, then any other provisions of this article to the contrary notwithstanding, if such lot fronts upon a curve of a public road dedicated within such plat, the minimum lot width at building line applicable thereto shall be 43 ½ feet, and if such lot has straight frontage upon such a road, the minimum lot width at building line applicable thereto shall be 53 ½ feet.
- (h) *Minimum Size Exception.* In the event that a single family dwelling has been constructed pursuant to a building permit prior to November 1, 2001, on a lot with a zoning classification of RB and a land use designation of Urban Core (10) Residential that is depicted within a plat recorded in the public records subsequent to April 12, 1999, that fronts upon a public road dedicated within such plat, and that is served by central water and sewer, then any other provisions of this article to the contrary notwithstanding, the minimum size for such lot shall be 5,608 square feet.
- (i) *Minimum Frontage Exception.* In the event that a single family dwelling has been constructed pursuant to a building permit prior to November 1, 2001, on a lot with a zoning classification of RB and a land use designation of Urban Core (10) Residential that is depicted within a plat recorded in the public records subsequent to April 12, 1999, that fronts upon a public road dedicated within such plat, and that is served by central water and sewer, then any other provisions of this article to the contrary notwithstanding, if such lot fronts upon a curve of a public road dedicated within such plat, the minimum frontage along such road shall be 36 ½ feet being measured by the chord terminated by the front property corners, and if such lot has straight frontage upon such a road, the minimum frontage along such road shall be 49 feet. (Subsection (f) thru (i) amended 6/02 – Ord. 02-29)

Sec. 3-18. TWO- OR THREE-UNIT RESIDENTIAL DISTRICT (ZONE RC)

- (a) *Intent.* All land designated as Zone RC is subject to the regulations of this Section, as well as the restrictions in Sec. 20.3-10.
- (b) *Uses Permitted.* (Rev. 07/27/2020)
- (1) Two-family or three-family residences including two or three private carports or garages. Such duplexes or triplexes shall be constructed under a single roof but may be separated by a garage or carport area.
- (2) Accessory uses and buildings, subject to the following:
- (i) On lots of one acre or less:
- a. no accessory structure shall exceed the height of the primary structure; and,
- b. all other lot size requirements must be met as established within this Article.
- (ii) On lots of more than one but less than two acres:
- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
- b. within Rural Fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.
- c. all other lot requirements must be met as established within this Article.
- (iii) On lots of more than two acres:
- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
- b. within Rural Fringe land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,
- c. all other lot requirements must be met as established within this Article. (Amended 7/03 – Ord. 03-74)
- (3) No accessory structure or use may be constructed or established on any lot prior to the

issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and, with the exception of waterfront lots, front yards. *Rev. 05/24/11*

- (4) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
 - (5) Satellite dish receivers for individual use.
 - (6) The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
 - (7) Private boat pier or slip for the use of occupants of principal residential structures of the abutting lot; provided said pier or slip does not interfere with navigation.
- (c) *Conditional Uses.* The following use is permitted in the RC zoning district subject to the conditions provided in Section 20.3-5.
- (1) Home occupations.
 - (2) Swimming pools.
 - (3) Temporary structures or buildings.
 - (4) Fences.
 - (5) Public and/or private sewer facilities.
 - (6) Aviculture (Hobbyist).
 - (7) Apiculture (Hobbyist) (Amended 2/25/97 Ord. 97-11)
 - (8) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
 - (9) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
 - (10) Portable Storage Structures (*Rev. 02/08/11*)
 - (11) Residential Group Homes of six or fewer individuals. (*Rev. 01/12/16*)
 - (12) Residential Group Homes of seven to fourteen individuals. (*Rev. 01/12/16*)
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.

(e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the RC district shall be as follows: (amended 10/12/93 - Ord 93-36)

(1) Land with a zoning classification of RC and a land use designation of Rural Fringe Residential.

(i) *Maximum Density*
With Points and Central Water/Sewer Three (3) units per acre
With Points and No Central Water/Sewer 1.5 units per acre
Without Points One (1) unit per acre

Minimum Lot Size
With Points and Central Water/Sewer 23,232 square feet
With Points and No Central Water/Sewer 46,464 square feet
Without Points 69,696 square feet

(2) Two-family residential development on land with a zoning classification of RC and a land use designation of Urban Fringe Residential.

(i) Subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density
With Central Water/Sewer and Points Four (4) units per acre
Without Central Water/Sewer Two (2) units per acre

Minimum Lot Size
With Central Water/Sewer 17,424 square feet
Without Central Water/Sewer 34,848 square feet

(ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density
With Central Water/Sewer Four (4) units per acre
Without Central Water/Sewer Two (2) units acre

Minimum Lot Size
With Central Water/Sewer 21,780 square feet
Without Central Water/Sewer 43,560 square feet

(3) Two-family residential development on land with a zoning classification of RC and a land use designation of Urban Core (10) Residential.

(i) Subdivisions pursuant to Ordinance 85-68, as amended.

Maximum Density
With Central Water/Sewer Six (6) units per acre
Without Central Water/Sewer Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer 11,616 square feet
Without Central Water/Sewer 34,848 square feet

- (ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Central Water/Sewer Six (6) units per acre
Without Central Water/Sewer Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer 14,520 square feet
Without Central Water/Sewer 43,560 square feet

- (4) Three-family residential development on land with a zoning classification of RC and a land use designation of Rural Fringe Residential.

- (i) *Maximum Density*

With Points and Central Water/Sewer Three (3) units per acre
With Points and No Central Water/Sewer 1.5 units per acre
Without Points One (1) unit per acre

Minimum Lot Size

With Points and Central Water/Sewer 34,848 square feet
With Points and No Central Water/Sewer 69,696 square feet
Without Points 104,544 square feet

- (5) Three-family residential development on land with a zoning classification of RC and a land use designation of Urban Fringe Residential.

- (i) Subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Central Water/Sewer Four (4) units per acre
Without Central Water/Sewer Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer 26,136 square feet
Without Central Water/Sewer 52,272 square feet
Subject to HRS Permit for septic sewer service.

- (ii) Residential development not classified as a subdivision.

Maximum Density

With Central Water/Sewer Four (4) units per acre
Without Central Water/Sewer Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer	32,670 square feet
Without Central Water/Sewer	65,340 square feet

(6) Three-family residential development on land with a zoning classification of RC and a land use designation of Urban Core (10) Residential.

(i) Subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Central Water/Sewer	Six (6) units per acre
Without Central Water/Sewer	Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer	17,424 square feet
Without Central Water/Sewer	52,272 square feet

Subject to HRS Permit for septic sewer service.

(ii) Residential development not classified as a subdivision.

<i>Maximum Density</i>	Six (6) units per acre
<i>Minimum Lot Size</i>	21,780 square feet

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

- (1) Minimum Lot Width at Building Line 60 feet
- (2) Minimum Lot Depth 100 feet
- (3) Minimum Front Setback 20 feet front façade; 25 ft. for attached or detached front facing garage or carport
- (4) Minimum Side Setback 7.5 feet
- (5) Minimum Rear Setback 15 feet
- (6) Minimum Setback from all Lot Lines of Accessory Structures, Excluding Fences 7.5 feet
- (7) Maximum Percent of Lot Coverage 30 percent
- (8) Maximum Percent of Rear Yard Coverage 30 percent
- (9) Minimum Living Area 750 square feet
- (10) 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.

- (11) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

Sec. 3-19. MULTIFAMILY RESIDENTIAL DISTRICT (ZONE RD)

- (a) *Intent.* All land designated as Zone RD shall be governed by the regulations of this Section and shall be further designated into one of the following sub-districts of RD-1, RD-2, RD-3, and RD-4, and shall be governed as hereinafter set forth. Said lands shall also be subject to the applicable restrictions in Sec. 20.3-10.
- (b) *Uses Permitted.* (All sub-districts.) (Rev. 07/27/2010)
- (1) Single-family attached or detached dwellings, multiple-family dwellings, dormitories, rooming houses, and accessory buildings incidental thereto, subject to the following:
 - (i) On lots of one acre or less:
 - a. no accessory structure shall exceed the height of the primary structure; and,
 - b. all other lot size requirements must be met as established within this Article.
 - (ii) On lots of more than one acre:
 - a. no accessory structure shall exceed the height of the primary structure; and,
 - b. all other lot requirements must be met as established within this Article.
 - (2) No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and, with the exception of waterfront lots, front yards. Rev. 05/24/11
 - (3) Satellite dish receivers to serve the development in which located.
 - (4) On-premises consumption of alcoholic beverages within recreation- and clubhouse-type facilities developed as part of a unified plan of development and only for use by the residents and their guests and licensed under Chapter 11-C of the Florida Division of Alcoholic Beverage and Tobacco.
 - (5) Private boat pier or slip for the use of occupants of principal residential structures of the abutting lot; provided said pier or slip does not interfere with navigation.
 - (6) Recreational facilities and areas.
 - (7) Washing facilities for use by residents.
 - (8) Storage of travel trailers, recreational vehicles and boats provided such units are stored in a separate area, landscaped, and maintained. Storage of these units shall not be permitted on individual lots.

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- (9) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way. *Rev. 04/22/08*
- (c) *Conditional Uses.* The following uses are permitted in the RD zoning district subject to the conditions provided in Sec. 20.3-5.
- (1) Home occupations.
 - (2) Swimming pools.
 - (3) Public and private water and sewer facilities.
 - (4) Temporary buildings or structures.
 - (5) Public and/or private sewer facilities.
 - (6) Public Educational Facilities. (Amended 10/99 - Ord. 99-55)
 - (7) Portable Storage Structures. *Rev. 02/08/11*
 - (8) Chickens, Backyard Residential. *Rev. 09/22/15*
 - (9) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 - (10) Residential Group Homes of seven to fourteen individuals. *Rev. 01/12/16*
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
- (e) *Density Requirements.*
- (1) Land with a zoning classification of RD-1 and a land use designation of Urban Fringe Residential or Urban Core (10) Residential.

With Central Water/Sewer	Four (4) units per acre
Without Central Water/Sewer	Two (2) units per acre
 - (2) Land with a zoning classification of RD-2, a land use designation of Urban Core (10) Residential, and with central water and sewer facilities shall be developed at a maximum density of six (6) units per acre.
 - (3) Land with a zoning classification of RD-3, a land use designation of Urban Core (10) Residential, and central water and sewer facilities.

With required points pursuant to Sec. 20.3-10.	10 units per acre
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Without points

6 units per acre

- (4) Land within a zoning classification of RD-4, a land use designation of Urban Core (10) Residential, and with required points pursuant to Sec. 20.3-10 and central water and sewer facilities may develop at a density of 10 units per acre. (Amended 4/26/94, Ord. 94-26)(Amended 12/03 – Ord. 03-96)
- (5) Lands within a zoning classification of RD-4, a land use designation of Urban Core (10) Residential, with central water and sewer facilities, which do not meet the points criteria established in Sec. 20.3-10 may develop at a density of six units per acre. (Amended 12/03 – Ord. 03-96)
- (6) Land within a zoning classification of RD-4, a land use designation of Urban Core (16) Residential, and with required points pursuant to Sec. 20.3-10 and central water and sewer facilities may develop at a density of 16 units per acre.
- (7) Lands meeting the points criteria consistent with Sec. 20.3-10, the density bonus criteria for low and moderate income housing identified in Policy 1.3.6 of the Housing Element of the Plan, and having the land use designation of Urban Core (10) may develop at a density of 16 units per acre. Lands meeting the points criteria consistent with Sec. 20.3-10, the density bonus criteria for low and moderate income housing identified in Policy 1.3.6 of the Housing Element of the Plan, and having the land use designation of Urban Core (16) may develop at a density of 20 units per acre

The low- and moderate- income categories to be served by the proposed development shall be defined using Housing and Urban Development (HUD) Standards. Verification of rent ranges consistent with HUD standards shall occur annually in a report submitted to the Planning and Zoning Departments, due each January 1 beginning with the January following zoning approval.

A maximum of one hundred (100) acres within the Urban Core Category may be developed at the density bonus identified above through the 2040 planning period (Amended 12/03 – Ord. 03-96)

(f) *Lot and Building Requirements.*

- (1) Setback of building(s) from property line (all sub-districts):
 - (i) Minimum Front Yard 20 feet front façade; 25 ft. for attached or detached front facing garage or carport
 - (ii) Minimum Rear Yard 20 ft. or 25 ft. adjacent to single family residential
 - (iii) Minimum Side Yard - Interior:
 - 1 and 2 Units 10 ft.
 - 3 Units and Over 10 ft.

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- (iv) Minimum Side Yard - Street 20 ft.
 - (2) *Accessory Buildings (Not to exceed one (1) story).*
 - (i) Minimum Setback from Lot Line

Front	20 ft.
Rear	5 ft.
Side	5 ft.
 - (3) *Building Spacing.* For more than one building on a single lot:

Front/Front	Front/Side	Front/Rear	Rear/Rear	Rear/Side	Side/Side
60 ft.	40 ft.	60 ft.	40 ft.	30 ft.	20 ft.
 - (4) Visual Barrier: Proposed multi-family development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8, unless said adjacent land zoned for multi-family development at the time of proposed development, with a twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) foot on center. (Ord 94-___ 4/26/94)
 - (5) 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.
 - (6) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 Ord. 05-18)
 - (g) Required Plan Submittal. Preliminary plans shall accompany all applications for multi-family zoning. The preliminary shall include the following information: (amended 3/94 – Ord. 94-19)
 - (1) Property line survey and legal description.
 - (2) A topographic survey. The most recent USGS topographic survey may be utilized if no better topographic information is available.
 - (3) An approximate location of buildings, streets, parking facilities, screening, number of units, floor area of units, number of living units in plan, land use calculations, common ownership areas, proposed buffers between dissimilar land uses.
 - (4) Vicinity map.

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- (h) Final Development Plan. If rezoning approval is granted, a building permit will not be issued until the applicant has submitted to the Development Review Committee for their approval a final development plan which shall include the following: (Amended 3/94 Ord. 94-19)
- (1) A topographic survey which may be drawn to scale of one hundred (100) feet to one (1) inch by a registered surveyor and/or engineer showing:
 - (i) The location of existing property or right-of-way lines for both private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and any public utility easements.
 - (ii) Wooded areas, streams, lakes, marshes, and other physical conditions affecting the site.
 - (iii) Existing contours shown at a contour interval of one (1) foot.
 - (2) A development plan drawn at a scale of one hundred (100) feet to one (1) inch and showing:
 - (i) The boundaries of the site, topography, and proposed grading plan.
 - (ii) Proposed streets and street names, and other vehicular and pedestrian circulation systems including off-street parking.
 - (iii) The use, size, and location of all proposed building sites.
 - (iv) Location and size of open space recreation areas and facilities.
 - (v) Location and width of buffer zones.
 - (3) A utility service plan showing:
 - (i) Existing drainage and sewer lines.
 - (ii) The disposition of sanitary waste and storm water.
 - (iii) The source of potable water.
 - (iv) Location and width of all utility easements or rights-of-way.
 - (v) Plans for the special disposition of storm water drainage when it appears that said drainage could substantially harm a body of surface water.
 - (4) A landscaping plan showing:
 - (i) Landscaped areas.
 - (ii) Locations, height, and material for walks, fences, walkways, and other man-

made landscape features.

- (iii) Any special landscape features such as, but not limited to man-made lakes, land sculpture, and waterfalls.
- (5) Statistical information:
- (i) Total acreage of the site.
 - (ii) Maximum building coverage expressed as a percent of the area.
 - (iii) Required Recreation. Recreation space equal to or greater than ten (10) percent of the net acreage for the development shall be provided. (Ord. 94-26 4/26/94)
 - (iv) Calculated density for the proposed section.
- (6) Phase Development. In the event the proposed multi-family project is planned to be built in phases, the applicant may submit final development plans for the phase of the project for which he is requesting a building permit, provided that the preliminary plans required under Paragraph (g) of this Section will include information indicating which phase will be the initial phase, and the plan for developing the other phases.
- (7) Any substantial deviation from the approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimension of streets, or similar substantial changes shall be reviewed by the Clay County Board of County Commissioners. A request for a revision of the development plan shall be supported by a written statement demonstrating the reasons the revisions are necessary or desirable. Minor changes which do not affect the intent or character of the development may be approved by the Development Review Committee.
- (i) Fencing Requirements - Visual Barriers. Solid walls, fences, or planting screens of an appropriate height shall be required as a part of the site plan: (amended 3/94 Ord 94-19)
- (1) Where it is deemed necessary to separate residential from non-residential land uses;
 - (2) Where it is deemed necessary to separate incompatible residential land uses;
 - (3) Where appropriate buffering shall be provided in the development plan to separate uses in the proposed development from dissimilar adjacent land uses.
- (j) Parking and Road Requirements. Off-street parking shall be provided at the rate of one (1) space per studio unit, one and one-half (1 1/2) spaces per one (1) bedroom units, two (2) spaces per two (2), three (3) or more bedroom units. Parking lots, driveways, and streets within the project shall be designed to discourage through traffic. Through-driveways shall be located at least twenty-five (25) feet from buildings. (amended 7/94 - Ord. 94-30)

Sec. 3-20. SINGLE-FAMILY RESIDENTIAL DISTRICT (ZONE RE)

- (a) *Intent.* All land designated as Zone RE is subject to the regulations of this Section and in Sec. 20.3-10.
- (b) *Uses Permitted.* (Rev. 07/27/2010)
- (1) Single-family dwellings, including the customary accessory uses and buildings, subject to the following:
- (i) On lots of one acre or less:
- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
 - b. within Rural Fringe and Rural Residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least seven and one half (7-1/2) feet from the side and rear property lines, and in no event shall the height of such accessory structure exceed more than twenty (20) feet from the lowest floor of the primary dwelling.
 - c. all other lot size requirements must be met as established within this Article.
- (ii) On lots of more than one but less than two acres:
- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
 - b. within Rural Fringe and Rural Residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than twenty (20) feet measured from the lowest floor of the primary dwelling.
 - c. all other lot requirements must be met as established within this Article.
- (iii) On lots of more than two acres:
- a. no accessory structure shall exceed the height of the primary structure within Urban Core (10) or Urban Fringe land use.
 - b. within Rural Fringe and Rural Residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed the height of the primary structure by more than 25%; and,

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- c. all other lot requirements must be met as established within this Article.
(Amended 7/03 – Ord. 03-74)
- (2) No accessory structure or use may be constructed or established on any lot prior to the issuance of a building permit for the principal structure. Accessory structures are prohibited within the side and, with the exception of waterfront lots, front yards. *Rev. 05/24/11*
- (3) Single-family residences consisting of either modular building or mobile homes, so long as the aforesaid modular building or mobile home complies with all over provisions of these regulations governing modular buildings or mobile homes. Mobile homes must meet the requirements as stated in Sec. 20.3-3, Subsection (d).
- (4) Private boat piers or slips for the use of occupants of principal residential structures of the abutting lot; provided said pier or slip does not interfere with navigation.
- (5) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
- (6) The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
- (7) Satellite dishes for individual use.
- (c) *Conditional Uses.* The following uses are permitted in the RE zoning district subject to the conditions provided in Sec. 20.3-5.
- (1) Home occupations.
- (2) Swimming pools.
- (3) Temporary structures or buildings.
- (4) Fences.
- (5) Public and/or private sewer facilities.
- (6) Aviculture (Hobbyist).
- (7) Apiculture (Hobbyist) (Amended 2/25/97 Ord. 97-11)
- (8) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
- (9) Dwelling unit with kitchen addition for parent, grandparent or child
(Amended 5/03 – Ord. 03-40)
- (10) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).

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- (11) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
 - (12) Accessory Dwelling Units. *Rev. 05/26/09*
 - (13) Portable Storage Structures. *Rev. 02/08/11*
 - (14) Chickens, Backyard Residential. *Rev. 09/22/15*
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
- (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the RE district shall be as follows: (amended 10/12/93 - Ord 93-36)
- (1) Land with a zoning classification of RE and a land use designation of Rural Fringe Residential.
 - (i) *Maximum Density*

With Points and Central Water/Sewer	Three (3) units per acre
With Points and No Central Water/Sewer	1.5 units per acre
Without Points One (1) unit per acre	
 - Minimum Lot Size*

With Points and Central Water/Sewer	11,616 square feet
With Points and No Central Water/Sewer	23,232 square feet
Without Points	34,848 square feet
 - (2) Land with a zoning classification of RE and a land use designation of Urban Fringe Residential. (amended 10/12/93 - Ord 93-36)
 - (i) Subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	Four (4) units per acre
<i>Minimum Lot Size</i>	
With Central Water/Sewer	8,742 square feet
Without Central Water/Sewer	21,780 square feet
 - (ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	Two (2) units per acre
<i>Minimum Lot Size</i>	21,780 square feet
 - (3) Land with a zoning classification of RE and a land use designation of Urban Core (10) Residential.

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- (i) Subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Central Water/Sewer Six (6) units per acre
Without Central Water/Sewer Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer 5,808 square feet
Without Central Water/Sewer 21,780 square feet

- (ii) Mobile home residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Central Water/Sewer Six (6) units per acre
Without Central Water/Sewer Two (2) units per acre

Minimum Lot Size

With Central Water/Sewer 7,260 square feet
Without Central Water/Sewer 21,780 square feet

- (4) Land with a zoning classification of RE and a land use designation of Rural Residential.

- (i) Subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

With Clustering and Points One (1) unit per acre
Without Clustering and Points One (1) unit per five acres

Minimum Lot Size

With Clustering and Points 21,780 square feet
Without Clustering 174,240 square feet

- (ii) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

Maximum Density

One (1) unit per five acres

Minimum Lot Size

217,800 square feet

- (f) *Lot and Building Requirements.* The principal building, accessory buildings and other lot uses shall be located so as to comply with the following requirements:

- (1) Minimum Lot Width at Building Line 60 feet
(2) Minimum Lot Depth 100 feet
(3) Minimum Front Setback 20 feet front façade; 25 ft. for attached or detached front facing garage or carport

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|------|---|-----------------|
| (4) | Minimum Side Setback | 7.5 feet |
| (5) | Minimum Rear Setback | 15 feet |
| (6) | Minimum Setback from all Lot Lines of Accessory Structures, Excluding Fences | 7.5 feet |
| (7) | Maximum Percent of Lot Coverage | 30 percent |
| (8) | Maximum Percent of Rear Yard Coverage | 30 percent |
| (9) | Minimum Living Area, Mobile Homes | 600 square feet |
| (10) | Minimum Living Area, Permanent Structures | 750 square feet |
| (11) | 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. | |
| (12) | Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18) | |

Sec. 3-21. RESIDENTIAL MOBILE HOME PARK DISTRICT (ZONE RMHP)

- (a) *Intent.* All land designated as Zone RMHP is subject to the regulations of this Section, and in Sec. 20.3-10. Such areas are established to accommodate the housing needs of those residents desiring mobile homes or mobile home sites.
- (b) *Uses Permitted.*
- (1) Mobile Homes (Not to include Travel Trailers and Recreation Vehicles). Mobile homes must meet the requirements as stated in Sec. 20.3-3, Subsection (d).
 - (2) Accessory structures to mobile homes as follows: cabanas, carports, porches or awnings, and other customary accessory buildings and uses.
 - (3) Structures and uses relating to and for the exclusive use of residents of the mobile home park as follows:
 - (i) Recreational facilities and areas.
 - (ii) One (1) single-family residence not less than 750 square feet indoor area use by the resident manager.
 - (iii) Community centers.
 - (iv) Washing facilities for use by residents.
 - (v) Private marinas.
 - (vi) Storage of travel trailers, recreational vehicles and boats provided such units are stored in a separate area, landscaped, and maintained. Storage of these units shall not be permitted on individual lots. (No old cars)
 - (4) Satellite dish receivers, limited to the specific development in which it is located.
- (c) *Conditional Uses.* The following uses are permitted in the RMHP zoning district subject to the conditions provided in Sec. 20.3-5.
- (1) Home occupations.
 - (2) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
- (e) *Density Lot and Building Requirements.*
- (1) *Minimum Site for a Residential Mobile Home Park.* An area not less than ten (10) acres, having a minimum width of 300 feet measured along a public right-of-way.

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- (2) *Minimum Individual Mobile Home Site Size.* An area not less than 5,000 square feet and having a minimum width of not less than 50 feet.
 - (3) *Density Requirements.* Maximum densities are as follows:
 - (i) Urban Fringe Residential

Central water and sewer	4 units per acre
Without central water and sewer	2 units per acre
 - (ii) Urban Core (10) Residential with central water and sewer 6 units per acre
acre
 - (4) *Setbacks.* Mobile homes and structures shall be set back not less than 50 feet from all property lines, unless such line is contiguous to property zoned RD, BA, BB, IS, IA, IB, BSC, PO and PS, in which case the setback shall be 15 feet. Individual structures within the park shall set back not less than 25 feet from all public rights-of-way or pavement edges of private streets.
 - (5) *Minimum Distance Between Structures.* Fifteen (15) feet.
 - (6) *Minimum Floor Area.* Five hundred (500) square feet.
 - (7) *Maximum Height of Structures.* Thirty-five (35) feet.
 - (8) *Patio.* Each mobile home space shall have a concrete patio of not less than ten (10) feet by twenty-four (24) feet, conveniently located at the entrance of each mobile home.
 - (9) 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.
 - (f) *Criteria for Site Plan Approval.* The site plan submitted for such development as defined in this chapter shall provide that the proposed lot sizes, density, setback provisions, and other factors are in conformity with the requirements of the Clay County Land Development Code and other applicable ordinances and laws, and that such plan and use is in harmony with adjacent and surrounding land use and with the land use character in the proposed area. In addition to such general considerations, said plan shall be approved only after a consideration of the following factors which are deemed to be additional conditions upon the use of land for purposes for which a site plan is required as provided in this chapter under this article:
 - (1) The ingress and egress to the property and proposed structures, both pedestrian and vehicular, shall be so controlled to provide safe traffic control and flow within the property and between adjoining property and existing public roads and rights-of-way.
 - (2) The drainage of the property shall be in conformity with the established plan of

drainage within the surrounding area and must not alter said established drainage so as to adversely affect the public land or adjoining property.

- (3) All methods of utility connection shall be indicated and shall be in conformity with the standards and requirements for connection to utility companies proposed to serve the property, whether said utility companies are public or private.
 - (4) All off-street parking shall be indicated and shall provide safe traffic control and flow to the property and between the property, adjoining property, and existing public roads and rights-of-way.
 - (5) The proposed use of the property shall be in conformity with, and compatible to, the character of the surrounding property and shall not substantially interfere with the safety, light, air and convenience of the surrounding private and public property.
 - (6) All recreational areas, open space, setbacks, parking areas, and accessory structures shall be so landscaped, located and constructed so as not to interfere with the use or potential use of surrounding property both public and private.
- (g) *Site Plan Requirements.* Site plans shall additionally be subject to the following:
- (1) Upon the approval of the site plan and the issuance of a building permit, the park shall be built substantially in accordance with the site approval, should the owner/applicant or his successors desire to make any changes to said site plan, such changes shall first be submitted to the Planning and Zoning Department. If the Department deems that there is a substantial change or deviation from that which is shown on the approved site plan, the owner/applicant or his successors shall be required to return to the County Commission where it is determined that the public interest warrants same.
 - (2) Upon final approval of a site plan, a designation of such approval shall be incorporated on the Zoning Map of Clay County, and said approval shall become a binding condition on the use of the land encompassed by the approval site plan under the applicable land use classification. Any conveyance of any portion of such land encompassed by the approved site plan prior to completion of construction shall automatically revoke any building permit issued based upon said site plan unless prior approval of such conveyance is obtained from the County Commission to ensure that such conveyance does not substantially deviate from the terms, conditions, and objectives of the approved site plan. No conveyance of any portion of such land encompassed by the approved site plan subsequent to construction shall be permitted unless prior approval of such conveyance is obtained from the County Commission to ensure that such conveyance does not substantially deviate from the terms, conditions and objectives of the approved site plan.

Sec. 3-22. COMMERCIAL AND PROFESSIONAL OFFICE DISTRICT (ZONE BA-2)

- (a) *Area.* All land designated as Zone BA-2 is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the development of commercial and professional offices and to facilitate the change from residential to commercial usage. A site plan shall be submitted to the Planning and Zoning Department for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Commercial and professional offices having a gross floor area limited to twenty-five hundred (2,500) square feet per building including, but not limited to, offices for doctors, dentists, osteopaths, chiropractors, medical and dental laboratories, attorneys, engineering offices, accounting, auditing and bookkeeping services, real estate sales, insurance companies, finance offices.
 - (2) Building and uses immediately and exclusively accessory to the uses permitted in above, including automobile parking facilities, central heating and cooling systems, emergency generating plants, storage of documents and other property, training schools for employees, living quarters for a custodian or caretaker of the office building or buildings.
 - (3) The above are uses subject to the following limitations:
 - (i) Sale, display, preparation and storage to be conducted within a completely enclosed building.
 - (ii) Products to be sold only at retail.
- (c) *Conditional Uses.* Subject to conditions provided in Section 20.3-5.
- (1) Public assembly.
 - (2) Residential dwelling.
 - (3) Day Care Centers.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Density Requirements.* The maximum density of development for land in the BA-2 zoning classification shall correspond to a floor area ratio (FAR) of forty (40) percent.
- (f) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses

shall be located so as to comply with the following minimum requirements.

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- (1) Side lot line setbacks on property which abuts residential or agricultural districts shall not be less than twenty-five (25) feet. If said lot is a corner lot, then setback shall be the same as the front setback.
- (2) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
- (3) Rear lot line setbacks shall be twenty-five (25) feet. The rear lot area shall be accessible from a public street for emergency vehicles. If the rear yard does not abut a public street, then access over private property shall be provided and shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
- (4) Front lot line setbacks shall in no case be less than twenty-five (25) feet.
- (5) 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.
- (6) Where a BA-2 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 and size limitations.
 - (i) One story construction not higher than twenty-two (22) feet.
 - (ii) Gross floor area limited to twenty-five hundred (2,500) square feet per building.
- (8) Lot and building requirements and height and size limitations in the Subsections above shall not be applicable where there are existing structures at the time of rezoning; however, additions and alterations shall comply with the requirements of this Section.
- (9) Lighting. Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from the adjacent residential or agricultural districts.
- (10) No outside amplification of sound shall be permitted which can be heard off-site.
- (11) 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 twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. (Ord. 94-26 - 4/26/94)

Sec. 3-23. LIGHT NEIGHBORHOOD BUSINESS DISTRICT (ZONE BA-1)

- (a) *Area.* All land designated as Zone BA-1 is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the development of business facilities designed to accommodate the immediate neighborhood needs. A site plan shall be submitted to the Planning and Zoning Department for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Uses permitted in Sec. 20.3-22.
 - (2) Retail stores and shops having a gross area of no more than two thousand five hundred (2,500) square feet per building offering merchandise reasonably related to the day-to-day needs of the neighborhood similar but not limited to: hobby and bric-a-brac; bake; ceramic; florist; cigar; locksmith; gun repair; shoe repair; retail pharmacy; wearing apparel; toys; sundries and notions; books and stationery; art supplies; cameras or photographic supplies (including camera repair); sporting goods; television and radio (including repair); gift; service establishments such as barber or beauty; artist or photographic studio; dance or music studio (soundproofed and air conditioned); tailor or dressmaker; jewelry and convenience; office and business machines. (Amended 5/04 – Ord. 04-27)
 - (3) Establishments similar to the above demonstrating a reasonable relationship to needs of the immediate neighborhood and not oriented to drawing vehicular traffic from other areas.
 - (4) The above are uses subject to the following limitations:
 - (i) Sale, display, preparation and storage to be conducted within a completely enclosed building.
 - (ii) Products to be sold only at retail.
- (c) *Conditional Uses.* Subject to the conditions of Section 20.3-5.
- (1) Public assembly.
 - (2) Residential Dwellings. (Amended 8/27/96 - Ord. 96-35)
 - (3) Day Care Centers.
 - (4) Medical Marijuana Treatment Center Dispensing Facility
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor,

smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.

(e) *Density Requirements.* The maximum density of development for land in the BA-1 zoning classification shall correspond to a floor area ratio (FAR) of forty (40) percent.

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

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(1) Side lot line setbacks.

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

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

(2) Rear lot line setbacks shall be twenty-five (25) feet. In all business districts the rear lot area shall be accessible from a public street for emergency vehicles. If the rear yard does not abut a public street, then access over private property shall be not less than twenty (20) feet in width and shall be unobstructed at all times.

(3) Front lot line setbacks shall not 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) Where a business 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.

(6) Height and size limitations.

(i) One story construction not higher than twenty-two (22) feet except where the second story will be used as residence, the height shall not exceed thirty-five (35) feet.

(ii) First story gross retail floor area limited to two thousand (2,000) square feet per shop.

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- (7) No outside amplification of sound shall be permitted which can be heard off-site.
 - (8) 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)*

Sec. 3-24. NEIGHBORHOOD BUSINESS DISTRICT (ZONE BA)

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

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

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

- (c) *Uses Permitted.*

- (1) All uses permitted in Sec. 20.3-23.
- (2) Retail stores and shops reasonably related to the day-to-day needs of the area to be serviced limited to: antique; artist's studios; bait and tackle; bakery with baking on premises; bicycle sales and repair; billiard, game or pool room; dance academies (soundproofed and air conditioned); curio; fruit and vegetable retail (packing permitted); hardware; retail clothing; interior decorating; dry cleaners, laundries and laundromats; leather goods; luggage; meat markets (no processing plant); music; newsstands; optical; office supplies; photographic galleries; printing; shoe; sporting goods; stationery and books; travel agencies; restaurants without the sale of beer and wine; restaurants selling alcoholic beverages limited to beer and wine; drapery; paint and wallpaper; clock sales; rentals; palm reading; banks; financial institutions; animal clinics; veterinary hospitals; drugstores; and grocery stores; provided that no outdoor sales, display, preparation or storage is permitted. (amended 10/12/93 - Ord 93-36)
- (3) Banks and financial institutions with drive-in facilities; drive-in restaurants; the sale of gasoline without garage, car repair, or car wash facilities.
- (4) Retail sales of beer and wine at establishments commonly known as convenience stores only pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation, for off-premises consumption only.

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- (5) The above are uses subject to the following limitations:
- (i) Sale, display, preparation and storage to be conducted within a completely enclosed building.
 - (ii) Products to be sold only at retail.
- (d) *Conditional Uses.* The following uses are permitted in the BA District subject to conditions provided in Section 20.3-5.
- (1) Bed and Breakfast Inns.
 - (2) Public Assembly.
 - (3) Residential Dwelling.
 - (4) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are 200 feet from adjacent residentially zoned property. (Amended 11/26/96 - Ord. 96-58)
 - (5) Seasonal outdoor sales (amended Ord. 93-36, Oct. 1993)
 - (6) Day Care Centers.
 - (7) Medical Marijuana Treatment Center Dispensing Facility

Medical Marijuana Treatment Center Dispensing Facility

- (e) *Uses Not Permitted.*
- (1) Any use not allowed in (c) or (d) above.
 - (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration, or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (f) *Density Requirements.* The maximum density of development for land in the BA zoning classification shall correspond to a floor area ratio (FAR) of forty (40) percent.
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Front lot line setbacks shall in no case be less than twenty-five (25) feet.
 - (2) 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.

(3) *Side lot line setbacks.*

- (i) For one story building height up to a maximum of twenty-two (22) feet on property which abuts any residential or agricultural district shall be no less than twenty-five (25) feet. If said lot is a corner lot, then setbacks shall be the same as the front setback.
- (ii) For two story building height up to a maximum of thirty-five (35) feet on property which abuts any residential or agricultural district shall be no less than thirty-five (35) feet. If said lot is a corner lot, then setbacks shall be the same as the front setback.
- (iii) Where the adjoining lot is also zoned for business, a one story building at a maximum height of twenty-two (22) feet may be placed anywhere within the required side setback area up to the side lot lines providing that the building is constructed in accordance with the regulations of the applicable Building Code. A two story building with a maximum height of thirty-five (35) feet shall provide the maximum side setback of fifteen (15) feet.

(4) *Rear lot line setbacks.*

- (i) In one story building height up to a maximum of twenty-two (22) feet on property which abuts any zoning district shall be no less than twenty-five (25) feet when adjacent to multi-family and single-family residences.
- (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.

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- (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)*

Sec. 3-25. INTERMEDIATE BUSINESS DISTRICT (ZONE BB)

- (a) *Area.* All land designated as Zone BB is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the development of business facilities designated to accommodate trade generally supported by vehicular traffic, and related to needs generated by traffic demands.
- (b) *Uses Permitted.*
- (1) All uses permitted in Sec. 20.3-26.
 - (2) Automobile sales, service, and rentals; tire sales and service (both new and used); repair garages; mobile home sales and service; motorcycle sales and service; wholesale bakeries; sale of utility buildings; commercial heating and air conditioning; plumbing and electrical shops; farm machinery, truck, trailer, rental, sales and service; wholesale sales rooms and storage rooms; retail meat markets; hardware stores (outside display); commercial parking lots; commercial plant nurseries; building supply materials; boat and motor sales and service; pawn shops; funeral homes; ambulance services; auctions; animal hospitals; miniature golf courses; go-cart tracks; lawnmower and outboard rentals, sales and service; drugstores; grocery stores; feed and hay processing and sales; and fertilizer stores.
 - (3) Automobile body shops; cabinet shops; welding shops; sheet metal works; well drilling and pump service; and plumbing, electrical and mechanical fabricators.
 - (4) Night clubs, bars, taverns, and other establishments wherein alcoholic beverages are sold for on-premises consumption, when in compliance with the provisions of Section 3-47. (Rev. 05/24/11)
 - (5) Service stations and sale of gasoline and retail petroleum products.
 - (6) Flea market of a temporary nature associated with charitable, educational or religious organizations.
 - (7) Adult entertainment establishments and sexually oriented businesses as defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, subject to the provisions of Sec. 3-48.
 - (8) Restaurants, including restaurants selling alcoholic beverages for on-premises consumption.
- (c) *Conditional Uses.* The following uses are permitted in the BB zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Mini-warehouses.
 - (2) Hotels and motels.
 - (3) Outdoor drive-in theaters, private arenas and auditoriums.

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- (4) Marine facilities.
 - (5) Public assembly.
 - (6) Indoor firing range.
 - (7) Bicycle motocross.
 - (8) Flea markets.
 - (9) Sales from vehicles.
 - (10) Radio, television, microwave relay stations or towers and accessory equipment buildings. (Ord. 95-53 - 11/28/95)
 - (11) Residential dwellings.
 - (12) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
 - (13) Golf Driving Ranges.
 - (14) Electronic Game Promotions Centers.
 - (15) Recycling Collection Centers.
 - (16) Mobile Businesses.
 - (17) Day Care Centers.
 - (18) Medical Marijuana Treatment Center Dispensing Facility
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use which would create any obnoxious, corrosive or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side Lot Setbacks:
 - (i) Side lot line setbacks on property which abuts residential or agricultural

districts shall be not less than twenty-five (25) feet from side property lines. If said lot is a corner lot, then setbacks should be the same as the front setback.

- (ii) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or not less than twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than fifteen (15) feet in width, and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five feet from front property line.
 - (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) Where a business 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.
 - (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
 - (7) *Density Requirements.* The maximum density of development of land with a BB zoning classification shall correspond to an FAR of forty (40) percent.
 - (8) No outside amplification of sound shall be permitted which can be heard off-site.
 - (9) 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)
- (f) *General Provisions.*

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- (1) With respect to any parcel zoned BB on November 1, 1999, any use permitted under this Section may be undertaken or continued thereon, and may lawfully continue thereafter.
 - (2) With respect to any parcel zoned BB on November 1, 1999, any non-conforming use then in existence thereon may lawfully continue thereafter, subject to the provisions and limitations set forth in Section 20.3-11 hereof.
 - (3) No parcel shall be rezoned to BB unless application therefore has been filed on or before November 1, 1999.

Sec. 3-26. LIGHT INTERMEDIATE BUSINESS DISTRICT (ZONE BB-1)

- (a) *Area.* All land designated as Zone BB-1 is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the development of sales and entertainment facilities designed to accommodate trade generally supported by vehicular traffic and related to the needs generated by major residential areas. A site plan shall be submitted to the Planning and Zoning Department for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) All uses permitted in Sec. 20.3-24.
 - (2) Stores and shops such as the following: automobile parts; bowling alleys; department stores; hardware stores; furniture stores; printing shops; retail appliance sales; skating rinks and theaters (air conditioned and soundproofed); upholstery shops; carpet and rug outlets; medical supply; pest control service; and health spas.
 - (3) Adult entertainment establishments and sexually oriented businesses as defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, subject to the provisions of Sec. 3-48.
- (c) *Conditional Uses.* The following uses are permitted in the BB-1 zoning district subject to the conditions provided in Section 20.3-5.
- (1) Mini-warehouses.
 - (2) Public assembly.
 - (3) Sales from vehicles.
 - (4) Radio, television, microwave relay stations or towers and accessory equipment buildings. (Ord. 95-53 - 11/28/95) Amended 11/26/96 - Ord. 96-58)
 - (5) Residential dwelling.
 - (6) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
 - (7) Day Care Centers.
 - (8) Medical Marijuana Treatment Center Dispensing Facility
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in Sections (b) and (c) above.
 - (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor,

smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.

- (e) *Density Requirements.* The maximum density of development for land is the BB-1 zoning district, which shall correspond to a floor area ratio (FAR) of forty (40) percent.
- (f) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08

(1) Side Lot Setbacks:

- (i) Side lot line setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet. If said lot is a corner lot, then the setback shall be the same as the front setback.
- (ii) Where the adjoining lot is also zoned for business the building may be placed up to the side lot line providing the building is constructed in accordance with the regulations of the applicable building code. In all other construction, the minimum side setback shall be fifteen (15) feet.
- (2) Rear lot line setbacks shall be twenty (20) feet, or twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
- (3) Front 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) Where a business 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.
- (6) No outside amplification of sound shall be permitted which can be heard off-site.
- (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)

(g) *General Provisions.*

- (1) With respect to any parcel zoned BB-1 on November 1, 1999, any use permitted under this Section may be undertaken or continued thereon, and may lawfully continue thereafter.
- (2) With respect to any parcel zoned BB-1 on November 1, 1999, any non-conforming use then in existence thereon may lawfully continue thereafter, subject to the provisions and limitations set forth in Section 20.3-11 hereof.
- (3) No parcel shall be rezoned to BB-1 unless application therefore has been filed on or before November 1, 1999.

Sec. 3-26.1. COMMUNITY BUSINESS DISTRICT (ZONE BB-2)

- (a) *Area.* All lands designated as Zone BB-2 are subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the shopping and limited service and recreational needs of several neighborhoods, a community, or a substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and personal service. A site plan shall be submitted to the Development Review Committee for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) All uses permitted in Sec. 20.3-24.
 - (2) Appliance sales and services; automotive parts; automobile rental; business machine sales and services; convenience store with the sale of gasoline; department store; drug store; fruit and vegetables (inside building.); furniture store; grocery store; hardware store (no outside display); heating, ventilation, and air conditioning (indoor only, no outside storage); medical supply; retail meat markets; and health spa and window tinting and stereo installation (indoor only) (amended 1/07).
 - (3) Adult entertainment establishments and sexually oriented businesses as defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, subject to the provisions of Sec. 3-48.
- (c) *Conditional Uses.* The following uses are permitted in the BB-2 zoning district subject to the conditions provided in Section 20.3-5.
- (1) Mini-warehouses.
 - (2) Public assembly.
 - (3) Sales from vehicles.
 - (4) Radio, television, microwave relay stations or towers and accessory equipment buildings.
 - (5) Residential dwelling.
 - (6) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
 - (7) Indoor Skating Rinks and Indoor Skate Parks (amended 07/06, ord. 2006-38)
 - (8) Recreation Vehicle and Boat Storage *Rev. 04/22/08*
 - (9) Day Care Centers.
 - (10) Medical Marijuana Treatment Center Dispensing Facility

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- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use which would create any obnoxious, corrosive or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side Lot Setbacks:
 - (i) Side lot setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet from side property lines. If said lot is a corner lot, then setbacks should be the same as the front setback.
 - (ii) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or not less than twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than fifteen (15) feet in width, and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five feet from front property line.
 - (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) Where a business 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 thirty (30) 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.
 - (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.

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- (7) *Density Requirements.* The maximum density of development of land with a BB-2 zoning classification shall correspond to an FAR of forty (40) percent.
- (8) No outside amplification of sound shall be permitted which can be heard off-site.
- (9) *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)

Sec. 3-26.2. SPECIALTY BUSINESS DISTRICT (ZONE BB-3)

- (a) *Area.* All land designated as Zone BB-3 is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide areas for the development of special commercial facilities which require access by motor vehicles of all types including tractor-trailer units. A site plan shall be submitted to the Development Review Committee for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Gas stations and service stations; medical transport; auction houses; sales, leasing or rental (new or used) of automobiles, recreational vehicles and trailers, farm tractors and equipment sales, leasing, rental, (new or used) and repair; mobile home sales and service; motorcycle sales and service; pawn shop; upholstery shop; sale of utility buildings; kennel; automobile repair, except body shops; automobile detailing and car wash; sign shop; painting shop; cabinet shop; funeral home and mortuary; tire sales and service; carpet and rug outlet; hardware store (outside display); retail plant nurseries/garden shops.
 - (2) Adult entertainment establishments and sexually oriented businesses as defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, subject to the provisions of Sec. 3-48.
- (c) *Conditional Uses.* The following uses are permitted in the BB-3 zoning district subject to the conditions provided in Section 20.3-5.
- (1) Public assembly.
 - (2) Radio, television, microwave relay stations or towers and accessory equipment buildings.
 - (3) Residential dwellings.
 - (4) Sales from vehicles.
 - (5) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
 - (6) Dog Park. (Ord. 03-16)
 - (7) Recreational Vehicle and Boat Storage *Rev. 04/22/08*
 - (8) Mobile Businesses.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.

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- (2) Any use which would create any obnoxious, corrosive or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side Lot Setbacks:
- (i) Side lot setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet from side property lines. If said lot is a corner lot, then setbacks should be the same as the front setback.
- (ii) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
- (2) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or not less than twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than fifteen (15) feet in width, and shall be unobstructed at all times.
- (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five feet from front property line.
- (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) Where a business 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 thirty (30) 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.
- (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
- (7) *Density Requirements.* The maximum density of development of land with a BB-3 zoning classification shall correspond to an FAR of forty (40) percent.
- (8) No outside amplification of sound shall be permitted which can be heard off-site.

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- (9) *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)

Sec. 3-26.3. HEAVY BUSINESS DISTRICT (ZONE BB-4)

- (a) *Area.* All land designated as Zone BB-4 is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for those uses such as retail or wholesale, repair and service, which may require outside storage of materials or equipment. Businesses are intended to serve clients and customers from a regional area providing access for large delivery trucks and tractor trailers. A site plan shall be submitted to the Development Review Committee for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Automobile body shops and motor vehicle custom body work; tire sales and service; carpet and rug outlet; wholesale sales rooms and storage rooms; commercial parking lots; boat and motor sales and service; lawnmower and outboard rentals, sales and service; feed and hay processing and sales; fertilizer stores; well-drilling and pump service; flea market of a temporary nature associated with charitable, educational or religious organizations; wholesale bakeries; lumber yards and building material sales; wholesale business and warehouses; shops performing custom work in: electrical, plumbing, sheet metal, heating, ventilating and air conditioning; pest control services and supplies; assembly and fabrication of goods using components manufactured elsewhere and brought to site; landscaping and lawn service; wholesale plant nursery.
 - (2) Adult entertainment establishments and sexually oriented businesses as defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, subject to the provisions of Sec. 3-48.
- (c) *Conditional Uses.* The following uses are permitted in the BB-4 zoning district subject to the conditions provided in Section 20.3-5.
- (1) Flea Market.
 - (2) Public assembly.
 - (3) Radio, television, microwave relay stations or towers and accessory equipment buildings.
 - (4) Communication Antennas and Communication Tower, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
 - (5) Residential dwelling.
 - (6) Sales from vehicles.
 - (7) Marine facilities.
 - (8) Recreational Vehicle and Boat Storage *Rev. 04/22/08*

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- (9) Mobile Businesses.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use which would create any obnoxious, corrosive or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side Lot Setbacks:
 - (i) Side lot setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet from side property lines. If said lot is a corner lot, then setbacks should be the same as the front setback.
 - (ii) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or not less than twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than fifteen (15) feet in width, and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five feet from front property line.
 - (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) Where a business 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 thirty (30) 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.
 - (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.

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- (7) *Density Requirements.* The maximum density of development of land with a BB-4 zoning classification shall correspond to an FAR of forty (40) percent.
 - (8) No outside amplification of sound shall be permitted which can be heard off-site.
 - (9) *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)

Sec. 3-26.4. COMMERCIAL RECREATION DISTRICT (ZONE BB-5)

- (a) *Area.* All land designated as Zone BB-5 is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for commercial activities that require centralized locations within a large service area. A site plan shall be submitted to the Development Review Committee for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Bowling alleys; skating rinks; theaters; miniature golf courses; dance hall; night clubs, bars, and taverns, and other establishments wherein alcoholic beverages are sold for on-premises consumption, when in compliance with the provisions of Section 3-47; go-kart tracks; tennis courts; pickle ball courts; climbing walls; paintball fields; volleyball courts; boat and/or paddleboard daily rental facilities; and zipline or ropes courses.
 - (2) Adult entertainment establishments and sexually oriented businesses as defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, subject to the provisions of Sec. 3-48.
 - (3) Restaurants, including restaurants selling alcoholic beverages for on-premises consumption.
 - (4) Ancillary retail sales.
- (c) *Conditional Uses.* The following uses are permitted in the BB-5 zoning district subject to the conditions provided in Section 20.3-5.
- (1) Outdoor drive-in theaters.
 - (2) Private arenas and auditoriums.
 - (3) Indoor firing range.
 - (4) Bicycle motorcross.
 - (5) Golf driving range.
 - (6) Public assembly.
 - (7) Radio, television, microwave relay stations or towers and accessory equipment buildings.
 - (8) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
 - (9) Residential dwelling.

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- (10) Sales from vehicles.
 - (11) Hotels and motels.
 - (12) Marine facilities which sell gas and serve alcohol.
 - (13) Electronic Game Promotions Centers
 - (14) Adult Arcade Amusement Centers
 - (15) Mobile Businesses.
 - (16) BMX Track (Bicycle Motocross; Non-Motorized)
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use which would create any obnoxious, corrosive or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side Lot Setbacks:
 - (i) Side lot setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet from side property lines. If said lot is a corner lot, then setbacks should be the same as the front setback.
 - (ii) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or not less than twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than fifteen (15) feet in width, and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five feet from front property line.
 - (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) Where a business 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 thirty (30) 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.
- (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
- (7) *Density Requirements.* The maximum density of development of land with a BB-5 zoning classification shall correspond to an FAR of forty (40) percent.
- (8) No outside amplification of sound shall be permitted which can be heard off-site.
- (9) *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)

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.

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- (9) Permitted Accessory Uses and Structures. Permitted are uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, and which do not involve operations or structures not in keeping with the character of the district; provided, however, that garbage and trash shall be kept in closed containers and that such containers shall not be visible.
 - (10) All of the above uses are subject to the requirement that all sales, service, storage, and display shall be within completely enclosed buildings, and that no goods shall be produced on the premises except for sale at retail on the premises. Temporary outside sales and displays shall be permitted for special events with written permission from the Planning and Zoning Department. Approval will require confirmation that the temporary sales/display area will not interfere with traffic circulation or ingress/egress, create parking problems or otherwise create safety hazards. *Rev. 05/26/09*
 - (11) Night clubs, bars, taverns, and other establishments wherein alcoholic beverages are sold for on-premises consumption, when in compliance with the provisions of Section 3-47. (*Rev. 05/24/11*)
 - (12) Storage sheds with retail showroom, wherein onsite light assembly is permitted but no manufacturing, subject to the requirements of (9) and (10) above.
 - (13) Amphitheaters
 - (14) Hotels
- (c) *Conditional Uses.* The following uses are permitted in the BSC zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Public Assembly.
 - (2) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
 - (3) Residential Dwellings. (Amended 8/27/96 - Ord. 96-35)
 - (4) Seasonal Outdoor Sales. *Rev. 05/26/09*
 - (5) Mobile Businesses.
 - (6) Medical Marijuana Treatment Center Dispensing Facility
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration, or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.

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- (e) *Density Requirements.* The maximum density of development for land with a BSC zoning classification shall correspond to an FAR of forty (40) percent.
- (f) *Lot and Building Requirement* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08s.
- (1) *Minimum Lot Size and Street Frontage Requirements.* Minimum area for consideration to rezoning to BSC District classification is five acres and 300 feet of street frontage. However, an area which is less than five acres which area may or may not have street frontage may nonetheless be rezoned to BSC District classification if such area:
- (i) Has contiguity with an area already within the BSC district classification which contains five or more acres and has at least 300 feet of street frontage and is then being used for purposes permitted by the BSC District classification; and
- (ii) The area to be rezoned will be used for a purpose permitted within the BSC District classification consistent with the then use of the contiguous five or more acre area within the BSC District classification.
- (2) *Side Lot Setbacks:*
- (i) Side lot line setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet from side property lines. If said lot is a corner lot, then setbacks should be the same as the front setback.
- (ii) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
- (3) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or not less than twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than fifteen (15) feet in width, and shall be unobstructed at all times.
- (4) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five feet from front property line.
- (5) 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.

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

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) *Minimum Off-Street Parking and Loading Requirements.* Must be consistent with Section 6, Ordinance 82-45, as amended.
- (i) *Site Plan Requirements.* As part of the supplemental data required to complete an application for a public hearing for BSC zoning, a site development plan shall be submitted; and, if the application is approved, the shopping center shall be built substantially in accordance with such a plan.
- (j) *Obtaining Preliminary Site Plan Approval.*
- (1) *Criteria for Site Plan Approval.* The site plan submitted for such development as defined in this Section shall provide that the proposed lot sizes, density, setback provisions, and other factors are in conformity with the requirements of the Clay County Zoning Regulations and other applicable ordinances and laws, and that such plan and use is in harmony with adjacent and surrounding land use and with the land use character in the proposed area. In addition to such general considerations, site plan shall be approved only after a consideration of the following factors which are deemed to be additional conditions upon the use of land for purposes for which a site plan is required as provided in this Section under the Clay County Zoning Regulations.
- (i) The ingress and egress to the property and proposed structures, both pedestrian and vehicular, shall be so controlled to provide safe traffic control and flow within the property and between adjoining property and existing public roads and rights-of-way.
- (ii) The drainage of the property shall be in conformity with the established plan of drainage within the surrounding area, and must not alter said established

drainage so as to adversely affect the public land or adjoining property.

- (iii) All methods of utility connection shall be indicated and shall be in conformity with the standards and requirements for connection to utility companies proposed to serve the property whether said utility companies are public or private.
- (iv) All off-street parking shall be indicated and shall provide safe traffic control and flow to the property and between the property, adjoining property, and existing public roads and rights-of-way.
- (v) The proposed use of the property shall be in conformity with, and compatible to, the character of the surrounding property; and shall not substantially interfere with the safety, light, air, and convenience of the surrounding private and public property.
- (vi) All recreational areas, open space, setbacks, parking areas, and accessory structures shall be so landscaped, located, and constructed so as not to interfere with the use or potential use of surrounding property both public and private.

(2) *Compliance with the Plan.*

- (i) Upon the approval of the site plan and the issuance of a building permit, the center shall be built substantially in accordance with the site plan. If after such approval should the owner/applicant or his successors desire to make any changes to said site plan, such changes shall first be submitted to the Planning and Zoning Department. If the department deems that there is a substantial change or deviation from that which is shown on the approved site plan, the owner/applicant or his successor shall be required to return to the County Commission where it is determined that the public interest warrants same.
- (ii) Upon final approval of a site plan, a designation of such approval shall be incorporated on the Official Zoning Map of Clay County and that approval shall become a binding condition on the use of the land encompassed by the approved site plan under the applicable land use classification.

(3) *Other Requirements.*

- (i) *Ownership of Property.* Property proposed for rezoning to a BSC District classification shall be owned or controlled by single person, group of persons, partnership trust, corporation or other legal entity including, but without limitations, banks, savings and loan associations, Massachusetts Business or Voluntary Trust, retirement trust, pension trusts or funds, insurance companies and similar type organizations, or a single entity consisting of more than one of the foregoing. The applicant shall provide a certification which may be in the form of a report from a title insurer licensed to do business within the State of Florida or a duly authorized agent thereof or an opinion of an attorney licensed to do business within the State of Florida acting as counsel representing the entity which owns or controls the property to the

effect that such entity or its successors and assigns have the unrestricted right to impose upon the property all of the covenants and conditions required by the BSC District classification. Unless manifestly impractical, the property sought to be rezoned shall not be divided by any dedicated rights-of-way for streets or alleys, provided that rights-of-way for easement and utilities and private ingress or egress are permitted.

- (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.

Sec. 3-28. INDUSTRIAL SELECT (ZONE IS)

- (a) *Area.* All land designated as Zone IS is subject to the regulations of this Section, as well as Sec. 20.3-10. This industrial district is intended for locations which are not feasible for some light or heavy industrial development because of proximity to residential areas. The regulations for this district are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open space, landscaping, and parking areas. Consequently, development is limited to those administrative, wholesaling, and manufacturing activities that can be carried on in a relatively unobtrusive manner. A site plan conforming to the requirements of this chapter shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Light industries, with related offices and showrooms, which manufacture, assemble, process, package, store, and distribute small unit products such as optical devices, precision instruments, electronic equipment, toys, fishing tackle, research facilities and laboratories, and the like. Corporate offices which accommodate twenty-five (25) or more employees shall be allowed in this district.
 - (2) Accessory uses, such as dining and recreational facilities as a convenience to the occupants thereof and their customers and employees, and business offices accessory to the primary industrial use.
 - (3) All of the above uses are subject to the following provisions:
 - (i) Are conducted entirely within an enclosed building and include no outside storage or other similar activities.
 - (ii) Are not dangerous, noxious, or offensive to neighboring uses or the public in general by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter or radiation.
 - (iii) Are provided with off-street loading facilities which are located at the rear or side of the building and visually screened from any abutting public or approved private street or residentially zoned property.
 - (iv) Are provided with off-street parking facilities which are separated from any abutting public or approved private street by at least an eight foot landscaped strip.

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- (v) All structures limited to a maximum of thirty thousand (30,000) square feet gross building area. Buildings larger than the maximum may be permitted following a public hearing to determine the adequacy of the site development plan and compatibility with surrounding area so that it will not be detrimental to the general health or welfare of the surrounding area.
 - (4) Commercial radio, television and microwave transmission and reception facilities, including their accessory uses.
 - (5) Hotels and motels when part of a unified development that is predominantly industrial select in nature.
 - (6) Marinas and boatels when part of a unified development that is predominantly industrial select in nature.
 - (7) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
- (c) *Conditional Uses.* The following uses are permitted in the IS zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Public assembly.
 - (2) Residential dwelling.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) and (c) above.
- (e) *Density Requirements.* The maximum density for development on land with the IS zoning classification shall correspond to a floor area ratio (FAR) of fifty (50) percent.
- (f) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side lot line setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet. If it is a corner lot, the side lot line setback shall be the same as the front lot line setback.
 - (2) Rear lot line setbacks shall be twenty (20) feet, or twenty-five (25) feet from multi-family and single-family residences. If the rear yard does not abut a public street, then access shall be not less than 20 feet in width and shall be unobstructed at all times.
 - (3) Front lot line setbacks shall in no case be less than 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) 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 15 feet to such a residential or agricultural district. Garbage or refuse shall be screened so as not to be readily visible.
 - (6) *Off-Street Parking.* Visitors and customers may be placed in the front. Parking shall be at the side or rear for employees. All parking lots shall be paved. The off-street parking area shall be a minimum of 1.1 spaces per employee at the largest shift. This determination would include, but not be limited to, plans for expansion and type of use in terms of intensity of employment. Each space shall be at least 10 feet by 20 feet. The adequacy of parking provisions will be determined when the site plan is submitted for a building permit.
 - (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)
- (g) *Other Requirements.*
- (1) Access for emergency vehicles shall be 20 feet in width and unobstructed at all times.
 - (2) *Landscaping.* Except as otherwise provided, all portions of any lot not otherwise covered with natural cover, buildings, or parking lots shall be graded, drained, and landscaped with trees, shrubs, and planted ground cover. Side and rear yard: 20 foot buffer areas shall be planted with trees or hedges as a screen and maintained by the property owner. Such screen shall not be less than three feet at the time of planting and reach a height of six feet within three years.
 - (3) *Lighting and Utilities.* Shaded light sources shall be used to illuminate signs, facades, buildings, parking and loading areas, and shall be so arranged as to eliminate glare from roadways and streets, and shall be directed away from properties lying outside the district. Shaded light sources are lighting elements shielded with an opaque shade to direct the light. No neon lights, intermittent, or flashing lights or such lighted signs shall be allowed. All telephone lines shall be placed underground. Secondary electrical distribution lines serving individual installations shall be placed underground. Other high voltage electric lines may be placed underground or on poles, provided that poles are located on private property and have provisions for street lighting brackets. Where underground distribution is utilized, transformers shall be placed on the ground and contained in pad mounts, enclosures, or vaults. Where

enclosures or vaults are used, the construction and design shall be compatible with the primary building. The developer must provide landscaping with shrubs and plants to screen pad mounted transformers except for the area in front of the transformer door opening. Small 15KVA transformers may be pole mounted for limited low-power use where circuitry through a pad mount or vault is not available.

(h) *General Provisions.*

- (1) With respect to any parcel zoned IS on August 27, 2002, any use permitted under this section may be undertaken or continued thereon and may lawfully continue thereafter.
- (2) With respect to any parcel zoned IS on August 27, 2002, any non-conforming use then in existence thereon may lawfully continue thereafter, subject to the provisions and limitations set forth in Section 20.3-11 hereof.
- (3) No parcel shall be rezoned to IS unless application therefore has been filed on or before August 27, 2002. This prohibition shall not apply to parcels within any development of regional impact under Chapter 380, Florida Statutes, for which a development order has been issued prior to August 27, 2002, provided that such development order is in effect at the filing of such application, and IS is specifically authorized thereunder. (amended 8/02 – Ord. 02-45)

Sec. 3-29. LIGHT INDUSTRIAL (ZONE IA)

- (a) *Area.* All land designated as Zone IA is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the development of industrial activities of a light manufacturing and wholesaling nature. A site plan conforming to the requirements of this section shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) All uses permitted in Sec. 20.3-28.
 - (2) Bottling beverages; cabinet making; carpentry; cold storage warehouses and precooling plants; engines - gas, gasoline, steam, and oil - sales and service; farm machinery sales and service and storage; fruit packing and preserving; ice plants; leather goods manufacturing, excluding tanning; sharpening and grinding shops; manufacturing and assembly of clothing and garments; scientific, electrical, and optical equipment; souvenirs and novelties; testing laboratories; fabrication of materials used in the building trades; boat or yacht repairing or overhauling; canning factories for fruits and vegetables; furniture manufacture; machine shops; mattress and bedding manufacture and sales; metalizing processes; novelty works; ornamental metal work shops; and similar uses.
 - (3) Accessory uses such as dining and recreational facilities as convenience to occupants thereof and their customers and employees, and business offices accessory to the primary industrial use.
 - (4) Textile, hosiery, and weaving mills, provided they are not located closer than 300 feet to any residential district.
 - (5) Private utility services as follows:
 - (i) Telephone exchange buildings;
 - (ii) Gas and water regulations substations;
 - (iii) Electric power and light substations;
 - (iv) Water tower, storage tank, reservoir, water treatment plant.
 - (6) Marine facilities.
 - (7) Boatyard. This facility is intended to provide complete construction and repair facilities for all manner of marine craft in addition to such dry storage as may be found complimentary to the primary use. Docking of pleasure craft for residential purposes is prohibited.
 - (8) 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 considered as an accessory use.

- (9) Incinerators as accessory to the principal use and exempt from the provisions of Sec. 20.3-44.
 - (10) Commercial radio, television, microwave transmission and relay station and accessory buildings.
 - (11) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
 - (12) Warehouses and associated offices
- (c) *Conditional Uses.* The following uses are permitted in the IA zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Public assembly.
 - (2) Public and/or private sewer facilities.
 - (3) Residential Dwellings. (Amended 8/27/96- Ord. 96-35)
 - (4) Auctions. Rev. 04/22/08
 - (5) Recreational Vehicle and Boat Storage
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
 - (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration, or light, and which would in any way be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Lighting Adjacent to Residential Districts.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
- (f) *Density Requirements.* The maximum density for development on land with the IA zoning classification shall correspond to an FAR of fifty (50) percent.
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side lot line setbacks on property which abuts residential or agricultural districts shall

be not less than twenty-five (25) feet. If said lot is a corner lot, then the setback shall be the same as the front yard.

- (2) Rear lot line setbacks shall be twenty (20) feet. If the rear yard does not abut a public street, then access to the rear of the lot shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
- (3) Front lot line setbacks 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) 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 screened so as not to be readily visible.
- (6) 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)*

Sec. 3-30. HEAVY INDUSTRIAL (ZONE IB)

- (a) *Area.* All land designated as Zone IB is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established in order to provide adequate areas for activities of a heavy industrial nature. A site plan conforming to the requirements of this chapter shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Any uses permitted in the Light Industrial District (Zone IA) and Industrial Select District (Zone IS).
 - (2) Airports, landing strips, and heliports. The development and operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction and to the performance standards of this Article.
 - (3) Accessory uses such as dining and recreation facilities as convenience to occupants thereof and their customers and employees, and business offices accessory to the primary industrial use.
 - (4) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
 - (5) Any manufacturing, recycling, distribution, warehousing, or associated uses not in conflict with ordinances dealing with incinerators and toxic or hazardous waste.
 - (6) Medical Transport. (Rev. 10/26/10)
- (c) *Conditional Uses.* The following uses are permitted in the IB zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Public assembly.
 - (2) Rock crushing; rock or sand storage yards; and stone cutting.
 - (3) Residential dwelling.
 - (4) Public and/or private sewer facilities.
 - (5) Land Clearing Debris Off-Site Disposal Facility
 - (6) Recreational Vehicle and Boat Storage

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- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
- (e) *Lighting Adjacent to Residential Districts.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
- (f) *Density Requirements.* The maximum density for development on land with the IB zoning classification shall correspond to a floor area ratio (FAR) of fifty (50) percent.
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side lot setbacks on property which abuts residential or agricultural districts shall be not less than 20 feet. If said lot is a corner lot, the setback shall be the same as for the front lot.
- (2) Rear lot line setbacks shall be twenty (20) feet. If the rear yard does not abut a public street, then access shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
- (3) Front lot line setbacks 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) 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 screened so as not to be readily visible.
- (6) 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*)

Sec. 3-30.1 BUSINESS PARK (ZONE BP)

(a) *Intent.* This district is intended for locations that are not feasible for some light or heavy industrial development because of proximity to residential areas. The regulations for this district are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open space, landscaping and parking areas. Consequently, development is limited to those administrative, wholesaling and manufacturing activities that can be carried on in a relatively unobtrusive manner.

(b) *Applicability.* All lands zoned BP shall be subject to the provisions of this section.

(c) *Uses Permitted.* The following uses are permitted within lands zoned BP:

- (1) Light industries, with related offices and showrooms, which manufacture, assemble, process, package, store and distribute small unit products such as optical devices, precision instruments, electronic equipment, toys and fishing tackle; and research facilities and laboratories, and the like.
- (2) Warehouse, warehouse-showroom or distribution uses.
- (3) Wholesale, business uses, only if affiliated with or accessory to light industrial, warehouse, warehouse-showroom, or distribution uses.
- (4) Corporate, professional and business offices.
- (5) Hospitals or hospital satellite facilities; and single-practice clinics not less than five thousand square feet in size.
- (6) Accessory uses, such as dining, daycare, and recreational facilities, as well as professional services such as copying centers, shipping offices, and computer services.
- (7) Limited retail sales allowed only as an accessory and minor activity accompanying each light industrial, warehouse, warehouse-showroom or distribution use.
- (8) Commercial radio, television and microwave transmission and reception facilities, including their accessory uses.
- (9) Communication antennas and communication towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
- (10) Colleges and Universities.

(d) *Use Limitations.* Uses (1) through (10) permitted under subsection (c) are subject to the following provisions:

- (1) Each must be conducted entirely within an enclosed building and include no outside storage or other similar activities.

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- (2) Each must not be dangerous, noxious or offensive to neighboring uses or the public in general by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion or emission of particulate matter or radiation.
 - (3) Each must be provided with off-street loading facilities that are located at the rear or side of the building and visually screened from any abutting public or approved private street or land with a residential zoning or land use designation.
 - (4) Accessory uses and limited retail sales may not be located in freestanding buildings. Each use of this type may not occupy more than 3,500 square feet, and the aggregate of these uses within a single business park may not exceed ten percent of the total square footage thereof.
 - (5) Notwithstanding the provisions of Article 7, signs along the street frontage are limited to the name of the business park and the management company, must be ground signs, and shall not exceed fifty square feet in size and seven feet in height. One directory sign is allowed for each building, at the building's main point of entry, and shall include only the name of the businesses and/or their suite or building numbers. Directory signs must be ground signs, may not exceed twenty-five square feet in size and five feet in height. Each business may have a wall sign not to exceed forty square feet. All signs must generally be similar in size, color, shape and in other aspects of appearance, to assist in providing a uniform theme for the development.
- (e) *Conditional Uses.* The following uses are permitted within lands zoned BP subject to the applicable provisions established in Sec. 20.3-5 for conditional uses:
- (1) Public assemblies.
 - (2) Residential dwellings.
- (f) *Uses Not Permitted.* Any use not specifically authorized in this section as a permitted use or a conditional use is not permitted within lands zoned BP.
- (g) *Density Requirements.* All developments within lands zoned BP shall have a maximum floor area ratio (FAR) of fifty percent.
- (h) *Lot and Building Requirements.* The principal buildings, accessory structures and other uses shall be located so as to comply with the following minimum requirements:
- (1) Setbacks. All setbacks shall be measured from the lot line.

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- (i) Front: 20 feet
- (ii) Side:
- a. Abutting a residential or agricultural district: 30 feet
- b. All others: 0 feet if structure meets the building code's fire resistance standards in Table 600; 15 feet if not constructed to the building code's fire resistance standards
- (iii) Corner lots: On corner lots, the setback from any street shall be the same as the setback from the street serving as the front street.
- (iv) Rear:
- a. Abutting a residential or agricultural district 30 feet
- b. All others 20 feet
- (v) 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.
- (2) Rear yard access. If the rear yard does not abut a public street, then alternate access to the rear yard from the front shall be provided. Access shall not be less than twenty feet in width and shall be unobstructed at all times.
- (3) Height limitation. The maximum height within the BP District is one hundred feet provided the development is no closer than 325 feet to any property line of land with a single-family zoning or land use designation. Where the proposed development is less than 325 feet from land having a single-family zoning or land use designation, an additional five feet of building setback for every one foot of building height over thirty-five feet shall be required. The Board shall have the authority to approve building height over one hundred feet in certain cases if it is determined that visual impacts will not negatively affect nearby properties.

Increased construction standards shall apply for the additional height over thirty-five feet. Consult Table 500 of the building code.

- (5) Off-street parking. Parking shall be at the side or rear of buildings, although no more than two rows of parking and one driveway shall be allowed in front of buildings.
- (i) *Waste Disposal and/or Material Storage.* Where land zoned BP is adjacent to property of a residential or agricultural zoning or land use designation, no material storage, garbage containers or refuse shall be allowed nearer than twenty-five feet to such property. All waste storage and collection areas, refuse and recycling receptacles and similar uses shall be screened on three sides with a minimum six-foot high opaque fence or wall.
- (j) *Required Plan Submittal.* All developments within lands zoned BP shall be required to provide development plans in accordance with Article 2.
- (k) *Landscaping, Screening and Lighting.* All developments within lands zoned BP shall be required to adhere to the requirements in Article 6 concerning landscaping, screening and lighting and the following provisions:
- (1) Landscaping and visual barrier. Notwithstanding the provisions of Article 6, all portions of any lot not otherwise covered with natural cover, buildings, or parking lots shall be graded, drained and landscaped with trees, shrubs and planted ground cover. A visual barrier consisting of a thirty-foot landscaped area shall be required to buffer the development from an adjacent zoning or residential land use designation. Such landscaped area shall contain, at a minimum, a row of evergreen canopy trees which are not less than ten feet high at the time of planting, two-inch caliper, and are spaced not more than thirty feet apart on center. The trees are to be planted within ten feet of the property line. A masonry wall, architecturally finished on all sides, must also be constructed within the buffer area. Such wall shall be a minimum height of six feet and, if a block wall, shall be painted on all sides. Turf grass, low growing evergreen plants, or evergreen ground cover must be planted and maintained over the balance of the buffer area. If the right-of-way may not be utilized for trees due to utility location, then such trees may be planted as close to the front property line as possible.
- (2) Lighting and utilities. Only shaded light sources shall be allowed and shall be used to illuminate signs, facades, buildings, parking and loading areas. Lights shall be arranged to eliminate glare from roadways and streets, and shall be directed away from properties lying outside the district. Shaded light sources are lighting elements shielded with an opaque shade to direct the light. Any outdoor lighting, other than security, shall be turned off by 10:00 PM. No neon lights, intermittent, or flashing lights or such lighted signs shall be allowed. All telephone lines shall be placed underground. Secondary electrical distribution lines serving individual installations shall be placed underground. Other high voltage electric lines may be placed underground or on poles, provided that poles are located on private property

and have provisions for street lighting brackets. Where underground electric distribution is utilized, transformers shall be placed on the ground and contained in pad mounts, enclosures or vaults. Where enclosures or vaults are used, the construction and design shall be compatible with the primary building. The developer must provide landscaping with shrubs and plants to screen pad-mounted transformers except for the area in front of the transformer door opening. Small 15KVA transformers may be pole mounted for limited low-power use where circuitry through a pad mount or vault is not available.

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

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

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

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

- (f) *Final site plan approval.* The applicant shall submit, within thirty (30) months from the date of Preliminary Site Plan approval.

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- (1) A Final Site Plan containing all the required submittals in accordance with Section 20.3-33(d) of this Article.
 - (2) A completed Developer's Commitment Agreement containing all conditions imposed during Preliminary Site Plan approval.

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

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

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

- (h) *Planned Commercial Development Time Limitations.*

- (1) If substantial construction, as determined by the Planning and Zoning Director has not begun within four (4) years after approval of the Planned Commercial Development, the approval of the Planned Commercial Development will lapse.
- (2) At its discretion and for good cause, the Board of County Commission may extend for one additional year the period for beginning construction. If the approved Planned Commercial Development lapses under this provision, the Planning and Zoning Director shall cause the Planned Commercial Development district to be removed from the Official Zoning Atlas, mail a notice by registered mail of revocation to the owner, and reinstate the zoning district which was in effect prior to the approval of the Planned Commercial Development.

- (i) *Deviation from the Development Plan.* Any unapproved deviation from the accepted Development Plan shall institute a breach of agreement between the applicant and the County. Such deviation may cause the Board of County Commissioners to immediately revoke the Development Plan until such time as the deviations are corrected or become a part of the accepted Development Plan.

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- (j) *Phase Development.*
- (1) A Planned Commercial Development as defined herein may be developed in phases with the approval of the Board of County Commissioners. In the event the applicant desires to develop a Planned Commercial Development in phases, the applicant shall submit a Schedule of Phases in addition to those items required with the application for zoning. The Schedule of Phases shall contain the following:
 - (i) The number of phases;
 - (ii) The date of commencement for each phase;
 - (iii) The approximate number of acres contained in each phase of development.
 - (iv) A map indicating with reasonable certainty the location of each phase of development.
 - (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.
 - (3) Multi-County Planned Commercial Development. The requirement of that substantial construction begin within two years of approval of the Planned Commercial Development shall be satisfied by commencing substantial construction in either county.
 - (4) Developments on Regional Impact. The requirements of this Section shall be supplemented or superseded by any contrary provisions of a County Development Order for a Development of Regional Impact (DRI), if the County, DRI developer, Florida Department of Community Affairs and appropriate Regional Planning Council have entered a development agreement pursuant to Section 380.032(3) Florida Statutes, modifying this Section.
- (k) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (Rev. 02/08/11)
- (l) Conditional Uses - The following uses are permitted in the PCD Zoning District, subject to the conditions provided in Section 20.3-5.
- (1) Medical Marijuana Treatment Center Dispensing Facility

Sec. 3-32. PLANNED INDUSTRIAL DEVELOPMENT DISTRICT (ZONE PID)

- (a) *Intent and purpose.* It is the intent of this district to permit Planned Industrial Developments which are intended to encourage the development of land as planned industrial sites; encourage flexible and creative concepts of site planning; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of conventional industrial zoning districts and to provide a stable environment and use which is compatible with the character of surrounding areas.
- (b) *Permitted Uses.* All uses included in the Industrial Select (IS), the Light Industrial (IA), and the Heavy Industrial (IB) Zoning Districts, one residential dwelling per parcel as an accessory use to the permitted industrial use for the purpose of providing security for the industrial use, and enclosed storage for recreational vehicles, boats and automobiles, including sale of propane and vehicle gas facilities associated with said use. The use of any storage areas shall be limited to dead storage whether interior to the buildings or outdoor. No activities shall occur within a storage use which the average person could construe to include the manufacture, repair or sale of goods or services or occupancy for living, whether permanent or temporary. Any of these uses proposed for the site must be approved by the Board of County Commissioners at the time of zoning approval. (Rev. 04/24/18)
- (c) *Minimum Waterfront Setback.* All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. 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.
- (d) *Planned Industrial Development approval procedure.* Approval for a Planned Industrial Development is obtained through a two-step process. The first step is an approval of the Preliminary Site Plan, including use or uses of the site, and rezoning of the land. The second step consists of Final Site Plan approval along with the Developer's Commitment Agreement.
- (e) *Planned Industrial Development zoning and preliminary site plan approval.* The applicant shall submit to the Planning and Zoning Department a request for Planned Industrial Development Zoning Classification and a Preliminary Site Plan containing the following exhibits:
- (1) A vicinity map showing the location of the proposed development and the relationship to surrounding streets and driveways.
 - (2) A site plan indicating location of all buffer areas, wetlands, parking areas, driveway locations and landscaping concepts.
 - (3) Detailed explanation of the proposed use of the property.

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

The Board of County Commissioners, in approving any Planned Industrial Development

rezoning, may impose special conditions or safeguards so as to insure the proposed development will not have an adverse impact on the public interest.

- (f) *Final site plan approval.* The applicant shall submit the final site plan for approval within thirty (30) months from the date of Preliminary Site Plan approval.
- (1) A Final Site Plan containing all the required submittals in accordance with Sec. 20.3-33(d) of this Article.
 - (2) A completed Developer's Commitment Agreement containing all conditions imposed during Preliminary Site Plan approval.

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

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

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

- (h) *Planned Industrial Development Time Limitations.*
- (1) If substantial construction, as determined by the Planning and Zoning Director has not begun within four (4) years after approval of the Planned Industrial Development under this Section, the approval of the Planned Industrial Development will lapse.
 - (2) At its discretion and for good cause, the Board of County Commission may extend for one (1) additional year the period for beginning construction. If the approved Planned Industrial Development lapses under this provision, the Planning and Zoning Director shall cause the Planned Industrial Development District to be removed from the Official Zoning Map, mail a notice by registered mail of revocation to the owner, and reinstate the zoning district which was in effect prior to the approval of the Planned Industrial Development.
- (i) *Deviation from the Development Plan.* Any unapproved deviation from the accepted Development Plan shall institute a breach of agreement between the applicant and the County. Such deviation may cause the Board of County Commissioners to immediately revoke the Development Plan until such time as the deviations are corrected or become a part of the accepted Development Plan.
- (j) *Phase Development.*
- (1) A Planned Industrial Development as defined herein may be developed in phases with the approval of the Board of County Commissioners. In the event the applicant desires

to develop a Planned Industrial Development in phases, the applicant shall submit a Schedule of Phases in addition to those items required with the application for zoning. The Schedule of Phases shall contain the following:

- (i) The number of phases;
 - (ii) The date of commencement for each phase;
 - (iii) The approximate number of acres contained in each phase of development.
 - (iv) A map indicating with reasonable certainty the location of each phase of development.
- (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.
- (3) *Multi-County Planned Industrial Development.* The requirement of that substantial construction begin within two years of approval of the Planned Industrial Development shall be satisfied by commencing substantial construction in either county.
- (4) *Developments of Regional Impact.* The requirements of this Section shall be supplemented or superseded by any contrary provisions of a County Development Order for a Development of Regional Impact (DRI), if the County, DRI developer, Florida Department of Community Affairs and appropriate Regional Planning Council have entered a development agreement pursuant to Section 380.032(3) Florida Statutes, modifying this Section.
- (k) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply unless different buffer standards are approved by the Board of County Commissioners at the time of zoning approval. (Rev. 02/08/11) (Rev. 04/24/18)
- (l) Conditional Uses - The following uses are permitted in the PID Zoning District, subject to the conditions provided in Section 20.3-5. A PID zoning application may request the following conditional uses in addition to the conditional uses permitted in Industrial Select (IS), the Light Industrial District (IA) and the Heavy Industrial District (IB) Zoning Districts, subject to applicable conditions of Section 3-5 of the Article III of the Land Development Code, providing that any conditional use proposed for the site must be approved by the Board of County Commissioners at the time of zoning approval.

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- (1) Land Clearing Debris Off-Site Disposal Facility
 - (2) Mini-warehouse, except locations may be approved on a major collector.
 - (3) Multi-story mini-warehouses, except location may be approved on a major collector.
 - (4) Recreational vehicle and boat storage which is not enclosed shall be located in that area of the PID established for said use, provided that at least twenty (20) percent of the site shall be in open space. Landscape buffers and other vegetative areas located within the area of the PID designated for said use may be used to achieve the twenty (20) percent requirement.
 - (5) One residential dwelling per parcel as an accessory use to a permitted conditional use for the purpose of providing security for the use.

Sec. 3-33. PLANNED UNIT DEVELOPMENT (ZONE PUD)

- (a) *Intent and Purpose.* It is the purpose of this Section to permit Planned Unit Developments which are intended to encourage the development of land as planned communities; encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open area; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of this Regulation; provide for the efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and provide a stable environment character compatible with surrounding areas.
- (b) The following terms, phrases, words, and derivations shall have the following meanings:
- (1) *Common Open Space.* An area of land, or an area of water, or combination of land and water within the area of a Planned Unit Development which is designated and intended for the use or enjoyment of residents of the Planned Unit Development in common. Common open space may contain such recreation structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the Planned Unit Development.
 - (2) *Gross Acreage.* The total number of acres within the perimeter boundaries of a Planned Unit Development.
 - (3) *Land Owner.* The legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development; the holder of an option or a contract to purchase or a person having possessory rights of equal dignity will be deemed to be a land owner for the purpose of this Regulation, so long as the consent to the Planned Unit Development of the owners of the fee simple title in the land concerned is obtained.
 - (4) *Net Acreage.* The total number of acres within the perimeter boundaries of a Planned Unit Development, excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, and recreation areas.
 - (5) *Plan.* The proposal for development of a Planned Unit Development, including a plot of subdivision, all covenants, grants of easement, and other conditions relating to use, location and bulk of buildings, density development setbacks, common open space, and public facilities. The plan shall include such information as required by Paragraph (c) below.
- (c) *Procedure for Approval of a Planned Unit Development.* The procedure for obtaining a change in a zoning district for the purpose of undertaking a Planned Unit Development shall be as follows:
- (1) *Planned Unit Development Zoning and Master Plan.* The applicant shall submit to the Board of County Commissioners a request for change to a Planned Unit Development zoning classification and a proposed Master Land Use Plan containing the following exhibits:

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- (i) A written statement describing the intended plan of development clearly describing the following:
 - a. Permitted uses and structures, permitted accessory uses and structures, minimum lot requirements (width/area) maximum lot coverage by all buildings and structures, required setbacks, building heights and any limitations to permitted uses.
 - b. A description of specifically how the proposed Planned Unit Development differs from the usual application of the Land Development Code, including but not limited to, parking standards, landscaping standards, recreational standards, sign regulations and any other design standards.
 - c. A description of how the PUD will accomplish a more desirable development/environment than would be possible through the strict application of the minimum requirements of the County Zoning Regulations.
 - d. A description of how the development of the proposed PUD is compatible with existing neighborhoods and area surrounding the proposed PUD.
 - (ii) A vicinity map showing the location of the proposed Planned Unit Development, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, and existing land use on the site and surrounding areas.
 - (iii) A boundary survey map indicating with reasonable certainty the location of each zoning classification.
 - (iv) A topographic survey. The most recent U.S.G.S. topographic survey may be utilized if no better topographic information is available.
 - (v) A Master Plan showing or describing the proposed land uses, lot sizes (for residential uses), building setbacks, open spaces, and streets and thoroughfares.
 - (vi) A table showing acreage for each category of land use and total acreage; a table of proposed maximum and average densities and setbacks for residential land uses.
- (2) Thereafter, the application shall be processed as any other zoning application in accordance with the provisions of these Regulations. The Board of County Commissioners may approve, disapprove, or modify and approve the proposed Master Plan.
- (d) *Final Development Plan.* If rezoning approval for the Planned Unit Development is granted, within thirty (30) months the applicant shall submit to the Planning and Zoning Department

for approval a Final Development Plan covering all of the approved Master Plan. The thirty month time period for submittal does not apply to development approved pursuant to a Development of Regional Impact (DRI) adopted under Section 380.06, Florida Statutes. The Final Development Plan shall include the following exhibits:

- (1) A map drawn to scale of 100 feet to one inch by a registered surveyor and/or engineer showing:
 - (i) The location of existing property or right-of-way lines, both for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and any public utility easements.
 - (ii) Wooden areas, streams, lakes, marshes, and any other physical conditions affecting the site.
 - (iii) Width, location, and names of surrounding streets.
 - (iv) Proposed streets and street names and other vehicular and pedestrian circulation systems, including off-street parking.
 - (v) The use, size, and location of all proposed building sites.
- (2) *Statistical Information:*
 - (i) Total acreage of the site.
 - (ii) Maximum building coverage expressed as a percent of the area.
 - (iii) Area of land devoted to recreation purposes expressed as a percent of the total site area. Recreation space must be equal to or greater than 10 percent of the gross acreage. Of this 10 percent, 4 percent must be for usable recreation purposes as defined by the growth management plan.
 - (iv) Calculated density for the proposed section.
- (e) *Revision of Planned Unit Development.* Any proposed major or substantial change in the approved Planned Unit Development which affects the intent and character of the development, the density or land use pattern, the location or dimension of streets, or similar substantial changes shall be reviewed by the Local Planning Agency and the Board of County Commissions in the same manner as an application for a rezoning under subsection (c). A request for a revision requires a written statement demonstrating the reasons the revisions are necessary or desirable. Changes applied for by the Land Owner which do not affect the intent or character of the development will be submitted to the Planning and Zoning Department for approval. Any proposed change submitted for a portion of an approved Planned Unit Development Master Plan in which the applicant seeking the change does not control all of the real property located within the Planned Unit Development must be reviewed by the Local Planning Agency and the Board of County Commissioners in the same manner as an application for a rezoning. In addition to all other notice requirements that may be applicable,

such applicant shall be responsible for mailing a notice of the public hearings to all other owners of real property located within the Planned Unit Development not controlled by such applicant, as determined from the records of the Property Appraiser's Office. In such cases where the PUD is also a DRI, such notice shall only be mailed to all owners of parcels of real property within the PUD that are located within 1,000 feet of the property for which the change is being requested. The mailed notice must include a statement that the Local Planning Agency and the Board of County Commissioners will be considering the proposed change, that sets forth the time, date and place of the hearings, the title of the proposed ordinance approving the change, the place within the County where such proposed ordinance may be inspected by the public, and a summary of the change pre-approved by the Director of the Planning and Zoning Division, and that advises that interested parties may appear at the meetings and be heard with respect to the proposed ordinance. One notice containing the dates, times and place of all hearings before the Local Planning Agency and the Board of County Commissioners as well as all other required information may be utilized, and shall be mailed no later than 15 days prior to the date of the hearing before the Local Planning Agency. Prior to the Local Planning Agency's hearing, the applicant shall provide to the County a copy of the mailed notice, a list of property owners who were mailed the notice, and a sworn affidavit signed by the applicant stating that the notices were mailed out prior to the 15 day minimum by postage prepaid first class mail. For purposes of this subsection, control means ownership of title or possession of a dated writing from the owner of title authorizing the applicant to seek the change on behalf of such owner, provided that the date of such writing cannot be more than 180 days prior to the date of the application. For purposes of the sentence immediately preceding, title means fee simple, a life estate or a primary leasehold interest that has a remaining term, including options, at the time of the application, of 25 years or more. For purposes of the sentence immediately preceding, a primary leasehold interest is a leasehold interest from the fee simple owner or the owner's predecessor authorizing the holder of the interest to take and hold full possession throughout the term of the interest.

(f) *Planned Unit Development Time Limitations.*

- (1) The following time limitations shall apply to all PUD Zoning Districts other than those granted for development within a DRI.
 - (i) If substantial construction, as determined by the Planning and Zoning Director has not begun within four (4) years after approval of the Planned Unit Development under Section hereof, the approval of the Planned Unit Development will lapse.
 - (ii) At its discretion and for good cause, the Board of County Commission may extend for one additional year the period for beginning construction. If the approved Planned Unit Development lapses under this provision, no further permits or other approvals for development will be issued by the County until the PUD obtains reapproval through the rezoning process set forth in Section 12-9 of the Cay County Land Development Code.
- (2) The following time limitations shall apply to all PUD Zoning Districts granted for development within a DRI: Physical development within the site, as determined by the Planning and Zoning Director, shall occur consistent with the phasing schedule adopted in the DRI Development Order, as such may be amended from time to time. Should

the Planning and Zoning Director determine that physical development has not occurred consistent with the time frames adopted in the applicable DRI Development Order, the approval of the Planned Unit Development shall lapse. If the approved Planned Unit Development lapses under this provision, the Planning Zoning and Building Administrator shall suspend the Planned Unit Development district and so note its suspension on the Official Zoning Map and mail a notice by registered mail of suspension of the PUD zoning district to the owner. No development shall be allowed within the PUD parcel until such time as a new PUD is approved consistent with the requirements of this Section and the conditions in the DRI Development Order, unless the DRI is abandoned or expires. In such a case, the zoning will revert to that which was in effect prior to approval of the DRI.

- (g) *Deviation from the Development Plan.* Any unapproved deviation from the accepted Development Plan shall institute a breach of agreement between the applicant and the County. Such deviation may cause the Board of County Commission to immediately revoke the Development Plan until such time as the deviations are corrected or become a part of the accepted Development Plan.
- (h) *Minimum Acreage.* For residential uses, the minimum size parcel to be considered for Planned Unit Development shall be five acres. However, if the Planned Unit Development is to include a combination of non-residential uses and residential uses, the parcel is not required to adhere to this minimum size standard.
- (i) *Residential lot size.* No more than twenty percent (20%) of the total number of single-family residential lots shall be less than fifty (50) feet in width.
- (j) *Phase Development.*
 - (1) A Planned Unit Development as defined herein may be developed in phases with the approval of the Board of County Commissioners. In the event the applicant desires to develop a Planned Unit Development in phases for other than development within a DRI, the applicant shall submit a Schedule of Phases in addition to those items required in Paragraph (c) above with the application for zoning. The Schedule of Phases shall contain the following:
 - a. The number of phases.
 - b. The proposed date of commencement of each phase.
 - c. The approximate number of acres in each phase.
 - d. The number of units and/or non-residential square footage for each phase; and,
 - e. A map indicating with reasonable certainty the location of each phase.
 - (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.
 - (3) Multi-County Planned Unit Development. The requirement that substantial construction begin within two years of approval of the Planned Unit Development shall be satisfied by commencing substantial construction in either county.

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- (4) Developments of Regional Impact. A Planned Unit Development approved for development within a DRI is recognized as phased development not subject to the requirements of subsection (l) above and not subject to the requirement for a Final Development Plan for phase 1 or any subsequent phases.
- (k) *Maximum Percentage Lot Coverage.* If not otherwise set forth in the adoption ordinance of the PUD, the maximum percentage of lot coverage for the primary structure shall be 40 percent and the maximum percentage of lot coverage for all accessory buildings in total shall be 10 percent.
- (l) *Permitted Uses.*
- (i) Any residential use or, in the case of a mixed use PUD, any nonresidential use, provided that each proposed use must be approved by the Board of County Commissioners at the time of zoning approval.
- (ii) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way. *Rev. 04/22/08*
- (m) Conditional Uses – Any conditional use along with applicable conditions(s) approved by the Board of County Commissioners at the time of PUD zoning approval.
- (n) *Accessory Structure* – Within the residential portions of planned unit developments, customary accessory structures shall be permitted subject to the following:
- (1) On lots of one acre or less:
- (i) no accessory structure shall exceed the height of the primary structure; and,
- (ii) all other lot size requirements must be met as established within this Article unless otherwise established in PUD adoption Ordinance; and,
- (iii) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,
- (2) On lots of more than one but less than two acres:
- (i) no accessory structure shall exceed the height of the primary structure within Urban Core, Urban Fringe or planned community land use; and,
- (ii) within Rural Fringe, Rural Residential and Agriculture Residential land use, no accessory structure shall exceed the height of the primary structure unless the structure is set back at least fifteen (15) feet from the side and rear property lines. In no event shall the height of such accessory structure exceed more than 25% of the primary dwelling.

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- (iii) all other lot requirements must be met as established within this Article unless otherwise established in the PUD adoption Ordinance; and,
 - (iv) minimum setbacks for accessory structures shall be five (5) feet from side and rear property lines; and,

No accessory structure or use may be constructed or established on any residential lot prior to the issuance of a building permit for the principal structure.

- (o) 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.
- (p) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

Sec. 3-33A. BRANAN FIELD LAND DEVELOPMENT REGULATIONS

I. GENERAL STANDARDS

1. Definition. These land development regulations are the implementing mechanisms of the Branan Field Master Plan and will be applicable within the geographical boundaries of the Master Plan area as shown on the Future Land Use Map in the 2040 Comprehensive Plan.

2. Plan Administration.

a. Application Requirements. Applications for development review shall include, at a minimum, a narrative, site plan, jurisdictional wetland/BF PCN delineation (the BF PCN being defined as a minimum of 200 feet in width or a minimum of 25 feet from the jurisdictional wetland line, whichever is greater), survey, and building elevations when applicable that specifically demonstrate how the project meets the LDRs.

b. Project Review. All projects will undergo separate conceptual and final reviews by the County's staff Development Review Committee, with representatives of specific County departments reviewing items pertinent to their responsibilities. Applications shall be considered by the DRC no later than 22 days from the date of submittal.

c. Project Approval. Project approval shall be given by the Directors of Planning and Zoning, with written confirmation of compliance from other County department heads as required in these regulations. Conceptual approval is granted for a period of three years. Conceptual plans will be guided by the LDRs in effect at the time of approval. Final applications shall be considered by the DRC consistent with the DRC submittal schedule. Approval of specific plats, construction drawings, and other detailed submittals shall continue to be the responsibility of the relevant department head. For residential developments, a plan book showing how the homes will meet the standards set forth in this document will be required prior to final approval.

d. Conflicts. To the extent that these LDRs may conflict with or may not be consistent with other applicable County laws, ordinances, rules or regulations, these LDRs shall govern and control.

When the LDRs are silent on an issue that would otherwise be governed by other codes of the County, those codes shall prevail. To the extent that there is internal conflict, the stricter provision shall prevail.

- e. Appeal. Questions of interpretation which do not involve specific and measurable standards may be appealed to the Planning Commission and Board of County Commissioners. Such an appeal may be filed within 45 days of the written issuance of interpretation by the Director of Planning. The Director of Planning must schedule a public hearing within 21 days from receipt of the appeal. The appeal hearing shall be a quasi-judicial, de novo hearing and shall allow expert testimony. Public notice shall be no less than two columns by ten inches (1/8 page) in size and shall be advertised in a newspaper of general circulation at least seven days prior to the hearing.
- f. Modifications. Any proposed major or substantial change in the approved project which affects the intent of the development, the density or land use pattern, the internal circulation, or similar substantial changes shall be reviewed by the DRC consistent with section (a) above. A major change is defined as an increase in dwelling units which equates to a change of 5% or 50 units, whichever is greater. For non-residential projects, a change which results in an increase of 5% or 60,000 square feet, whichever is greater, is determined to be substantial. Changes in these areas that are not major or substantial may be approved by the Directors of Planning and Zoning.
- g. Variances. A landowner may apply to the Board of Adjustment for a variance in accordance with the procedures and standards provided generally for variances under the Zoning Code. This procedure shall be allowed only for specific and measurable standards that the applicant contends to cause a hardship due to unique site characteristics.
- h. Land Uses. Land uses within Branan Field are limited to those designations on the Branan Field Future Land Use Map, but may also include the Planned Community designation which shall be subject to the development standards set forth in any such Planned Community DRI Development Order and Planned Unit Development zoning which shall take precedence over these land development regulations.

i. Homeowners Associations. Homeowners Associations (HOAs) are required for all residential subdivisions. HOAs shall formally assume maintenance responsibility, submitted to the county a fully executed indemnification and maintenance guarantee regarding common areas and facilities, and shall be invested with the power to levy recurring assessments on property within the development sufficient to fund the cost of such maintenance, and to compel the payment of such assessments through lien and foreclosure, whereupon such association shall bear such responsibility. HOAs shall be responsible for the maintenance in perpetuity of commonly owned facilities including but not limited to retention, neighborhood parks, private alleys and streets, and buffers. HOAs shall be established prior to the construction of 50% of the lots within a development. Maintenance responsibilities shall be that of the developer until such time that such responsibilities are turned over to a functional HOA. Covenants and restrictions on properties shall be required, and shall set forth participation and financial obligations pertaining to HOAs. HOAs shall levy assessments on property owners that are adequate to maintain commonly owned facilities. HOAs shall carry insurance covering common areas and facilities.

j. Interpretation Flexibility. The Planning and Zoning Directors may consider and approve deviations from specific LDR requirements including use, building arrangement, street layout, parking location, pedestrian corridor location, landscape buffer width, and tree type. However such approval shall only be granted if a compelling need and an improved outcome are apparent, and if the intent of the regulations is upheld and in fact exceeded, particularly in regard to pedestrian orientation.

3. Adequate Public Facilities. Developers shall donate lands for planned road, (shown as “dashed line roads”) and other public facilities as required herein at or prior to approval of final plat. Public facilities must be shown on the adopted Future Land Use Map.

a. Timing. If such lands are conveyed to the County by deed, donation shall be made prior to issuance of a building permit or at a later date as agreed to by the County. APF donations may be made on a phase-by-phase basis, or for an entire development at the option of the developer.

b. Credits. Such donations shall be credited toward road impact fees, if such fees are adopted by the County. Construction costs that exceed the calculated “fair share” or proportionate share

amount, if the County adopts such a program, may be credited toward road impact fees. Donation of lands for roads that are in excess of the required APF contribution may be counted toward required fair share payments, if such a program is adopted by the County. When donations are made for an entire, phased development, the County shall “bank” excess credits for future phases for the purposes of meeting APF requirements and for potential impact fee credits. Road impact fee credits may be transferable throughout the Branan Field Plan area.

- c. Extent of Donation and Priorities. Developers shall be required to donate 5% of developable land acreage for the following public facilities in order of priority: roads, fire stations, libraries, transit facilities, greenway trails, community parks, regional retention, and BF Primary Conservation Network. Developable lands in this case shall not include wetland areas, required upland-wetland buffers and lands contained within the BF Primary Conservation Network.
- d. Payment in Lieu of Donation. If no public facilities lands are present on a specific site or less than 5% of the APF requirement, that development may satisfy this requirement by paying an adequate public facilities fee that is equivalent to 5% of the fair market value of the developable lands. Fair market value shall be determined at the expense of the developer by an appraiser approved by the County. Value shall be based on land use, and an average per-acre value shall be determined by dividing the total development parcel value by total developable acres. When a road divides two land uses, the value shall be based on the more intensive use. This value shall be adjusted annually using the appropriate Consumer Price Index, with the option of obtaining a new appraisal. This fee shall be paid to a fund dedicated to public facilities acquisition and construction occurring within three miles of the property in question.
- e. Donation over Required Minimum. If land is needed for a public facility that is in excess of the 5% contribution, the County must either pay the difference or remove the facility from the Future Land Use Map. Should the County commit to a contribution, final approval shall be given by the Board of County Commissioners upon execution of a development agreement. In situations where a developer contributes different APF lands and the total donation is in excess of the requirement, the developer may redefine the priority of public facilities in order to claim impact fee credits.

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4. Recreation. Neighborhood and Community Parks will be designated during development review. Neighborhood parks are only required for residential developments within the BF Master Planned Community, BF Community Center and BF Activity Center land uses, and only for residential projects utilizing the density bonus program within the BF Rural Suburbs. All parks shall be designed to sensitively connect with residential areas and with each other.
- a. Park Types. A primary neighborhood park in residential categories shall be required for each development. Primary parks shall be equipped with playground equipment, picnic areas, and a multi-use playfield, and may also include basketball courts, tennis courts, or other recreational uses. Other neighborhood parks (pocket parks) may include open, grassed areas. In such areas, improvements may be installed but are not required. Pocket parks shall provide a gazebo structure, or at least two picnic tables, or the equivalent thereof as approved by the Director of Planning.
- b. Residential Park Accessibility. All homes shall be within a reasonable walking distance of a neighborhood park facility. In the BF MPC Village Zones, all dwelling units must be within 1,000 feet of a pocket park or a primary park. In the BF MPC Suburban Zone, all dwelling units must be within 1,200 feet of a pocket park or a primary park. All residential units shall be able to reach neighborhood parks via a sidewalk or other form of pedestrian circulation approved through review process.
- c. Nonresidential Park Accessibility. Within the BF Activity Center, BF Community Center, and Neighborhood Centers, plazas or greens shall be centrally located within areas of greater activity. If more than one plaza or green is required, each must be located no more than 1,320 feet, measured in walking distance, from the other.
- d. Nonresidential Park Facilities. Neighborhood parks in non-residential categories shall include areas predominately with grass or ground cover, with benches and at least one gazebo structure. Such plazas may also include small outdoor amphitheaters and stages. Plazas shall be located centrally within shopping streets, office parks, and other areas.

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- e. Residential Park Parking. Primary parks shall provide at least five on-site parking spaces. More spaces will be required depending on the extent of facilities. Neighborhood park design shall allow for adjacent on-street parallel parking.

 - f. Ownership and Control. Neighborhood parks shall be provided by the developer and must be owned and maintained by the homeowners association unless otherwise authorized by a development agreement.

 - g. Community Parks. Community parks shall be designed to serve the needs of the surrounding larger community, offering a variety of programs and facilities such as baseball fields, swimming pools and tennis courts. Location adjacent to a school is preferred to maximize utilization of facilities, and community parks shall also be located in close proximity to a community center or a neighborhood center. Community parks shall be located on the Future Land Use Map. The County will construct and operate community parks, although developers may donate land for and/or construct facilities for community parks under the Adequate Public Facilities requirement. If park impact fees are instituted, park impact fee credits will also be available for developers who construct community park facilities. Park impact fee revenues would also be available if the County determines that community park land is needed on a development site (as shown on the Future Land Use Map and amended by ordinance) and the adequate public facilities requirement has been met with other facility land, or if additional community park land was needed along with APF park land reserved on that site.

 - h. Level of Service Standards. The County will adopt and maintain the following recreation levels of service (LOS) for parks within the Master Plan Area:

Type of Park	Standard	Minimum Size
Neighborhood Park (overall)	500 SF per Single-Family Detached Unit; 150 SF per Multi-Family Unit	

Type of Park	Standard	Minimum Size
Primary (Neighborhood) Park * – with facilities	Minimum 300 SF per Single-Family Detached Unit; minimum 100 SF per Multi-Family Unit (up to 60,000 SF)	15,000 SF
Pocket (Neighborhood) Parks – (for developments with 100 or more units)		7,500 SF
Neighborhood Park - Nonresidential (Plaza or Green)	200 SF per 1,000 SF Commercial Space	2,500 SF
Community Park **	500 SF per Unit	20 Acres

* Where the development provides a swimming pool, tennis courts or basketball courts, the following alternative standards may apply.

** Community park space in excess of APF requirements will count toward neighborhood park LOS requirements.

- i. When a Swimming Pool (minimum 1,000 sf) is provided, the LOS neighborhood park standard may be reduced by ten times the square foot of pool area. Neighborhood park minimum size may be reduced by this calculation, provided that such minimum park size is not reduced by more than 75%.
- ii. When Tennis Courts or Basketball Courts (minimum of two) are provided, the LOS neighborhood park standards may be reduced by 8,750 SF per tennis court and 5,000 SF per basketball court. Neighborhood park minimum size may be reduced by this calculation, provided that such minimum park size is not reduced by more than 75%.
- i. Platting. Park acreage shall be platted. Improvements shall be made prior to the occupancy of 50% of the lots and/or units within a development.
- j. Pedestrian/Bicycle Linkage. All development shall provide a system of bikeways, footpaths, or nature trails linking larger, improved recreational facilities and open space with residential areas. Pathway corridors provided above and beyond required sidewalks

and bike lanes shall receive credit toward adequate public facilities or park LOS standards. Pathway corridor width shall be 15 feet. At such time as the County establishes a pedestrian/bikeway master plan, such plan will guide development of the system.

5. Schools. School sites are designated in the Future Land Use Map Series, which may be amended as needed by the County Commission by ordinance with the concurrence of the Clay County School Board. The following standards shall apply to schools.
 - a. Vista termination. To reinforce the importance of these facilities, schools shall be sited at strategic intersections and at the ends of streets to create important vistas within the community.
 - b. Entry highlighting. Tower elements, arbors, gateways, or other architectural features shall be used at entries to school buildings.
 - c. Parts of the building that face the road shall include window arrangements – large blank walls associated with cafeterias, gymnasiums, and similar uses shall orient toward the rear or sides of the school.
 - d. Pedestrian orientation. School buildings shall front on the street, with parking on the side and/or the rear. Driveways may be placed in front of the building, but not parking areas.
 - e. Screening of parking areas. When parking areas are adjacent to a street, a landscape buffer of at least 25 feet shall be provided. Shade trees shall be located within this buffer, or as an alternative between the sidewalk and the street, with a minimum spacing of 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. The landscape buffer shall also include a continuous hedge to visually screen the parking area that when established will be between 36 and 48 inches in height.

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- f. Shade Coverage. The County's Landscape and Tree Ordinance provides for increased shade coverage, reduced erosion, reduction of the "heat island" effect, and other goals through the preserving and/or planting of shade trees. Given the large size of school sites, the County encourages the School Board to consider preserving or placing shade trees in strategic areas such as parking lot islands, the perimeter of athletic fields, along walkways and driveways, property perimeters, areas adjacent to street right-of-ways, and within areas that would shade the southern exposure of buildings.
6. Civic and Public Facilities. These include schools, libraries, sheriff's substations, fire/EMS stations, day care centers, and post offices. Such facilities shall be located to provide a public focal point within the BF Activity, BF Community and Neighborhood Centers. The following design elements shall be employed for civic and public facilities.
- a. Vista termination. To reinforce the importance of these facilities, they shall be sited at strategic intersections and at the ends of streets to create important vistas within the community.
- b. Entry highlighting. Tower elements, arbors, gateways, or other architectural features shall be used at entries to civic buildings.
- c. Pedestrian orientation. Civic buildings shall front on the street, with parking in the rear.
7. Roadway Standards.
- a. Connectivity.
- i. General. A connected system of streets allows for improved pedestrian and vehicular movement and shorter vehicle trips, allows for quicker access by emergency vehicles, provides alternative routes during natural disasters or accidents, allows better access for school buses, and eliminates backtracking by service vehicles. Variations on the grid street pattern are allowed, with cul-de-sacs, or "U" shaped streets used where such street design will respond to and preserve natural features. Arterials and collector roads shall continue through the plan area without interruption.

ii. Street Pattern.

- A. Residential. The pattern of streets in new residential subdivisions shall provide for the continuation of existing collector and in some cases local streets from adjoining areas, or for their proper projection where adjoining land is not subdivided. All street stubs shall be provided with a cul-de-sac that reaches the adjoining property line and is constructed at the same time that the other roads are constructed for a particular project or phase of a project, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land unless physical constraints of the land prevent such connection. The design of a development shall allow for through streets at least every one thousand feet along the periphery. As an alternative, developments shall allow for through streets at least every fifteen hundred feet with a separate pedestrian connection midway between street connections. The Planning Director may utilize averaging to provide flexibility in administering this standard. The through street spacing requirement shall be relaxed when the presence of an existing wetland or an existing development (prior to plan adoption) would prevent the placement of the connection at that location. In that event, the connection shall be placed outside the wetland boundary, or if the configuration of the wetland area or existing development practically prohibits through streets, then that connection may be eliminated.
- B. Residential developments with more than 100 dwelling units shall have at least two entrances fronting on the principal thoroughfare. This thoroughfare must be classified as a minor collector or above, and must be part of the County's Concurrency Management System of roadways. This standard shall not apply if frontage along that thoroughfare is less than 1,000 feet, or if it is determined by the County's Engineering Department that the additional entrance would constitute a substantive traffic safety problem. In the event that only one entrance is provided along the principal thoroughfare, the entrance must be constructed as a two-lane boulevard with a median. Residential developments with more than 150 dwelling units must provide at least two through connections to a secondary road with a classification of minor collector or above. Such connection must be made prior to issuance of the building permit for the 151st dwelling unit. Residential developments with more than 250 dwelling units must

provide at least two through connections to at least two different roads classified as minor collector or above. Residential developments with more than 250 dwelling units must provide at least two through connections or construction bonds for such connections to at least two different secondary roads classified as minor collector or above. These connections must be completed and accepted by the County during the course of the development and construction of the first 150 dwelling units. The Developer has the option of delaying the completion of the additional connections if it enters into a development agreement with the County prior to the issuance of the building permit for the 151st or 251st dwelling unit which commits to the construction and completion of the additional connections through acceptance and bonding by the County pursuant to the County's subdivision regulations. Prior to the entry into a development agreement, the County must first have had an opportunity to review and approve the construction plans for the additional connections and to review the projected costs of constructing the additional connections (including right of way acquisition, design and other soft costs, hard construction costs and County administrative costs, including attorney's fees associated with the enforcement of the development agreement, in the event the County must complete the project) in order to ascertain the appropriate amount of the construction bond. In addition, prior to entry into the Agreement, the County must have had an opportunity to review and approve the location of the additional connections. The development agreement may include such other terms that the County, acting necessary, deems necessary. The development agreement must contain the following material terms: (1) road improvements that must be completed and accepted by the County within 18 months of the date of the Development Agreement; (2) a liquidated damages clause for delay in completion; (3) a construction bond, in a form acceptable to the County, or a letter of credit, in an amount sufficient to reimburse the County for all expenses and damages incurred in the event of default under the terms of the development agreement by the developer; (4) a mechanism for the transfer of real property upon which the additional connections will be constructed in the event the developer defaults under the terms of the development agreement by not commencing or completing the construction of the additional connections; and (5) the amount of the construction bond. The development agreement may include such other terms that the County, acting necessary, deems necessary.

C. Developments meeting the following conditions shall be exempt from the access standards found in subpart B. above. No exemption shall be allowed on developments with more than 500 units.

- Connectivity index of 1.5 or higher
- External connection points every 700 feet (average). The spacing requirement shall be relaxed when the presence of an existing wetland or an existing development (prior to plan adoption) would prevent the placement of the connection at that location.
- Neighborhood park space exceeding 200% of the minimum required
- An area or office and/or commercial use must be provided at a ratio of 50 square feet per unit.

D. Nonresidential. Nonresidential development shall be served by internal streets, except where existing (prior to plan adoption) street layout does not allow utilization of internal streets. Such streets do not have required right-of-way, but developments must comply with all other applicable County standards, and must provide for location of required utilities within the development. Nonresidential and residential development must provide vehicular and pedestrian connections to adjacent development.

iii. Gated Communities. Gated communities are allowed but may not block off any arterial, collector, or public local streets and will receive no impact fee credits for roads, parks, or other facilities contained within the development.

iv. Connectivity Index. The following connectivity index is established. (In this context, “nodes” are through intersections where at least three streets converge, and “street links” are street segments between nodes.) The measure of connectivity to be used is the number of street links (as measured between nodes) divided by the number of nodes and street link-ends including cul-de-sacs. The more links relative to nodes, the more connectivity. A connectivity index of at least 1.2 is required for the street network within Branan Field. In the event that topographical or parcel shape (at the time of adoption) prevent conformity

with this standard, pedestrian connections and emergency accessways in keeping with the intent of this provision shall substitute for strict adherence.

- b. Linkage. While limited use of separate pedestrian and bicycle pathways are allowed, vehicular and pedestrian routes shall be predominantly linked. Separate pedestrian/bicycle systems may not generate sufficient traffic to provide for real or perceived security.

- c. Access Control. The County shall strive to limit access points through the use of shared access, secondary access between adjacent uses, and reasonable spacing between primary access points. Residential dwellings shall not be accessed by roadways classified as minor collector or above. The following standards shall be applied to minor collector, major collector, and arterial roads to reduce traffic congestion and safety issues, reduce the amount of pavement in driveways, as well as to reduce the visual impacts of strip development caused by multiple access points.
 - i. Access Points. Median openings will be allowed only at intersections of other arterial or collector roads. Auxiliary lanes may be required. Additional access points may be permitted only if deemed necessary by the Engineering Director for reasons of public safety.

 - ii. Access Separation. The first point of access for a commercial/multi-family driveway or a new road not shown on the Future Land Use Map shall be at least 200 feet from the intersection of an arterial, collector, and/or an existing local road. Subsequent access points must be spaced at least 400 feet apart, except for minor and residential collectors, which must be spaced at least 280 feet apart. Additional access points may be permitted only if deemed necessary by the Engineering Director for reasons of public safety.

- d. Roadway Configurations. Road design shall comply with the following table and with the roadway design standards included as appendices to this document. Minimum widths may not be exceeded by more than two feet, except where turning radii or other factors justify a wider paved width.

Type Road	Min. Paved Width	Min. Right-of-Way *	On-Street Parking
Alley (one-way/lane)	12'	18'	No (allowed outside right-of-way)
Alley (two-way/lane)	18'	24'	No (allowed outside right-of-way)
Local Residential	24'	60' with 3' easements both sides	One side only
Local Residential	24'	60' with 3' easements both sides	Both sides
Nonresidential Internal Street	20'	None	One side only
Nonresidential Internal Street	24'	None	Both sides required (outside of 24')
Residential Collector	24'	80'	One side only
Minor Collector	24'	80'	One side only
Major Collector	24'	80'	No

* As an incentive for Traditional Neighborhood Developments, right-of-way widths may be reduced by the following dimensions when developments are served by rear alleys. Right-of-way widths may be reduced by the following dimensions when the following utilities, which are typically placed in the right-of-way, are not present in the right-of-way: water (10'), reuse (6').

- e. Roundabouts. Roundabouts shall be encouraged for intersections of the following roads in any combination: minor collectors, neighborhood collectors, and local roads. Roundabout design shall be approved by the Director of Engineering.
- f. TND Relief. The following standard shall provide relief from the County's Subdivision Regulations: right-of-way at intersections of Traditional Neighborhood Developments shall

be rounded and may have a minimum of 15-foot radius provided additional design elements ensure the safety of pedestrians and the accessibility of fire and other service vehicles.

- g. Alley/Interior Courtyard Standards. Alleys shall provide access to rear parking and/or delivery area for residential and nonresidential areas, as further described in standards for land use categories. Alley and courtyard paving may be of concrete or asphalt. The alleys shall be publicly retained and maintained with easements granted to the County Commission. While paved width may be less, alley width must be at least 18 feet. Buildings must be set back at least eight feet from the edge of pavement. For a distance of one foot from both edges of pavement, the pavement shall consist of a minimum of two inches of asphalt on ten inches of limerock base. Alternate base groups may be substituted if approved by the County Engineer. Inside of this area, the standard pavement requirements shall apply. The depth of such interior courtyards may not exceed 250 feet. Interior courtyards must have landscape strips with a width of at least 10 feet to separate parking rows, and landscape islands with shade trees at least every 80 feet.
- h. Traffic Calming. Through local residential collector streets of more than two blocks in length shall employ traffic calming techniques such as vertical deflections, horizontal deflections, road narrowing, ripples, pavers, central islands, entry or gateway treatments, raised medians, roundabouts, raised crosswalks, textured pavement, and bulbouts (neckdowns), and similar treatments with the approval of the Engineering Director. Such techniques will also be applied at pedestrian crossings on minor and major collectors and within Neighborhood, BF Community, and BF Activity Centers. For streets such as this, when block length exceeds 700 feet, mid-block pedestrian crossings consisting of striped pavement, raised crosswalks, or different pavement treatments shall be required.
- i. Transit-Oriented Design (TOD). Areas within the BF Activity Centers shall be identified as park and ride lots/future transit stations, and shall be acquired through the Adequate Public Facilities process. Sites within the Neighborhood, BF Community, and BF Activity Centers shall include adequate right-of-way for potential future bus stops.
- j. Sidewalks. Sidewalks shall be required on both sides of all streets. Local streets shall have a minimum sidewalk width of five feet. Arterial and Major Collectors shall have minimum

eight-foot wide sidewalks and shall be separated from the road with a landscape strip that is at least fifteen feet in width. Minor and Residential Collectors shall have minimum six-foot sidewalks. Special sidewalk standards are detailed in the Neighborhood Center, BF Community Center, and BF Activity Center standards.

- k. Bicycle Lanes. All roads classified as Minor Collector or above will have minimum four-foot wide dedicated or designated bicycle lanes. Where in-street bicycle lanes are not provided, a minimum eight-foot wide off-street bicycle/pedestrian path shall be provided. These standards may be substituted with an approved alternative pedestrian circulation system that accomplishes the same result in terms of pedestrian and bicycle movement, as set forth in the land development regulations.
 - l. Right-of-way Tree Planting. All roads classified as Minor Collector or above, with the exception of Branan Field Road, will have trees planted in the rights-of-way on both sides of the road at intervals of not more than one tree per 30 lineal feet or less than one tree per 50 lineal feet, the exact distance dependent on local conditions and the approval of the County.
 - m. Transit Stops. Transit stops or pullout bays shall be planned for during the construction of roadways and development of adjacent parcels at major stops or destinations such as community centers and schools.
8. Exterior Lighting. These standards are intended to ensure that exterior (outdoor) lighting positively enhances the visual impact of a building or project on surrounding properties and uses. To that end, exterior lighting at a building or project shall be designed and installed in a consistent and coordinated fashion to provide safe, convenient and efficient lighting for customers, pedestrians and vehicles, and to avoid the creation of hot spots, glare, obtrusive light, light pollution, light trespass, and visual nuisance. Also, exterior lighting shall accentuate key architectural elements of the building or project, and highlight or otherwise emphasize landscape features. These standards shall apply to all buildings and projects with exterior lighting, except agricultural uses; and single family residential, duplexes, triplexes, and quadraplexes on single lots. These standards will help to reduce light pollution, meaning the adverse effect of manmade lights on the night sky, commonly known as urban sky glow.

a. Definitions.

- i. *Footcandle (f.c.)* shall mean a measure of light noted as a unit of luminance amounting to one lumen per square foot.
 - ii. *Full cutoff fixture* shall mean an outdoor light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the fixture.
 - iii. *Luminaire* shall mean a complete lighting unit consisting of the lamp, the fixture and other parts designed to distribute the light.
 - iv. *Photometric plan* shall mean a schematic that shows predicted maintained lighting levels of all proposed lighting fixtures on a site.
 - v. *Uniformity Ratio* describes the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. Ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 25% or “4 times less” than the average (4) level of illumination.
- b. Exterior Lighting Plan. An exterior lighting plan, including a photometric plan (which covers the parcel which is the site of the building or project in question), appropriate pole, fixture, and lamp cut sheets, and descriptions of lenses and appropriate data tables, shall be submitted for review. The exterior lighting plan shall be prepared by a licensed professional, who shall certify that the exterior lighting plan complies with this article. (The photometric plan shall be prepared in a scale that is easily legible.) The plan shall be submitted at the time of construction plan submittal.
- c. Illumination. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across the property lines and or disability glare at any location on or off the property. The “maintained horizontal luminance recommendation” set by the Illuminating Engineers Society of North America (IESNA) shall be observed. (See “Lighting Table” below)

Lighting Tables

Levels of Activity	General Parking Lot and Pedestrian Lighting		
	Average Light Level – not to exceed (Footcandles)	Minimum Light Level (Footcandles)	Uniformity Ratio
High	3.6	0.9	4:1
Medium	2.4	0.6	4:1
Low	0.8	0.2	4:1

High – Civic/Recreational Fields, Fast Food Facilities, Gas/Convenience Stores

Medium – Shopping Centers, Office Parks, Hospital Parking, Transportation Parking, Residential Complex Parking

Low – Neighborhood Shopping, Industrial Employee Parking, Storage Parking

- d. Footcandle Intensities. Footcandle intensities specified in this article shall be maintained values calculated using a maintenance factor (“m.f.”) not lower than 72% of original intensity.
- e. Light fixtures; types. All light fixtures, including security lighting, shall be full cut-off fixtures, and shall be incorporated as an integral design element that complements the design of the building or project through style, material or color.
- f. Building Lighting. Lighting of or on buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spill light or glare. A cutoff fixture shall not have more than one percent (1%) of lamp lumens above horizontal. Sag lenses, convex lenses, and drop lenses shall be prohibited. Lighting at a building or project shall not be comprised in whole or part of any floodlights, except floodlights may be permitted with a non-commercial industrial use, provided the floodlights are shielded to meet cut-off standards.
- g. Illumination Levels. Illumination levels at the property line of the building or project shall not be more than 0.5 f.c. at any point when the building or project is located next to any residential use, and shall not be more than 1.0 f.c. when located next to any other use. To avoid glare or spill light from encroaching onto adjacent properties, illumination shall be installed with

houseside shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises of the building or project.

- h. Time Controls. Non-residential lighting shall be installed with time controls so that light levels are reduced not later than one hour after the close of operations to the minimum levels needed under the IESNA to ensure safety and security (approximately a 50% reduction).
- i. Upgrade or Replacement. When fifty percent (50%) or more of any component (e.g., luminaries, poles) of the exterior lighting system at a building or project is upgraded, changed or replaced (not including regular maintenance), such component for the remainder of the exterior lighting shall be brought into substantial compliance with the requirements of this article.
- j. Height. Light fixtures shall not exceed 30 feet in height in parking areas and other parts of the site, and along sidewalks and parking lot pedestrian corridors may not exceed 12 feet in height, unless otherwise required by FDOT.
- k. Lighting of Gas Station/Convenience Store Aprons and Canopies. All of the above standards shall apply for gas stations/convenience stores, as well as the following standards:
 - a. Lighting levels on gas station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses;
 - b. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area;
 - c. Areas around the pump islands and under canopies shall be illuminated in accordance with the Lighting Table; and

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- d. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and /or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
1. Temporary Lighting. Temporary (3 months) Holiday lighting during the months of November, December and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.
9. Curbs. All streets within the BF Community Center and BF Activity Center land uses, and within the Village and Neighborhood Center zones of the BF Master Planned Community land uses, shall have a minimum six-inch high curb. Miami curbs are not allowed within these areas.
10. Storm Drainage. All stormwater facilities shall be located within or adjacent to parks, common areas or streets. Retention facility design shall avoid a system of small, disconnected ponds, and shall foster larger ponds and lakes that provide for scenic vistas. To provide a natural and pleasing appearance, pond edges shall be undulating, and native and drought-resistant landscaping shall be planted at various locations along the waters edge.
11. Underground Utilities. All developments shall be required to install all secondary utility service lines (i.e. water, sewer, electric, phone and cable) underground and within a public right-of-way or easement. Primary lines are not required to be installed underground, but shall be buffered from the right-of-way and from adjacent development by planted or preserved trees, with shade trees planted or preserved at least every 30 feet on center.
12. Fencing. Fences in front yards in the BF Master Planned Community are limited to three feet in height, and shall be constructed of decorative wrought iron or wood pickets or other materials that specifically resemble these types of fences. Fences or walls abutting alleys shall not exceed six feet in height.
13. Signs.
- a. Shopping Center Signs. Monument signs are allowed.
- i. Signs. Monument signs shall be allowed at each entrance into shopping centers. Allowable sign size shall be 50 square feet, exceeding this figure when a calculation of

one square foot per 1,000 square feet of building area allows. Sign size shall not exceed 150 square feet, and sign height shall not exceed 8 feet, with architectural features of the sign not to exceed 12 feet in height. Pole and pylon signs are prohibited. Monument signs may be externally illuminated and shall be designed such that all means of support are concealed. Street numbers shall be placed on signs at a minimum letter height of 3 ½” or 10% of sign face height.

- ii. Canopy Signs. One canopy or awning sign per occupancy may be permitted subject to the following. The area of copy shall not exceed one square foot per linear foot of canopy, front and sides or a maximum of 75 square feet, front and sides. No canopy sign shall be less than nine feet above the ground immediately below it. Copy may be installed above or on the face of the canopy, provided that the copy area of a sign installed above or on the canopy will be computed on the total of the sign face and the canopy apron. Signs attached to the underside of a canopy shall have a copy area no greater than six square feet.
 - iii. Projecting Signs. Retail uses in the BF Community Center and BF Activity Center and in Neighborhood Centers may also have projecting signs on buildings. Such signs shall not project more than four feet from the wall and shall not be more than three feet high. Such signs shall be mounted on second floor facades, or if there is no second floor, at least ten feet above the sidewalk, located above awnings, canopies, or the like.
- b. Freestanding Retail, Office, and Industrial Signs. Monument signs are allowed. Allowable sign size is 50 square feet, exceeding this figure when a calculation of one square foot per five linear feet of lot frontage allows. Such signs shall be a maximum of 75 square feet and a maximum height of ten feet. Signs shall be located in an area that is between five and 20 feet from the right-of-way. One freestanding sign per parcel is allowed for the primary street frontage, as indicated by the orientation of the main entrance of the building.
 - c. Office/Industrial Park/Complex Uses. Freestanding monument signs are allowed. Size of signs is calculated at a rate of one square foot per 1,000 square feet of building area, beyond a base of 50 square feet. Maximum sign size is 150 feet and maximum height is 15 feet.

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- d. Hospital Uses. One double-faced freestanding monument sign is allowed per street frontage and at each entrance into the hospital facility. The primary sign shall not exceed two (2) square feet of sign area for each linear foot of street frontage but shall, in no case, exceed 225 total square feet per side. The primary sign is limited to an overall height of twenty (20) feet above ground level. Additional signs may not exceed 100 square feet per side and an overall height of twelve (12) feet above ground level. Signs shall be a minimum of five feet from any public right-of-way. A maximum of eight interior campus directional signs for the purpose of designating parking areas and emergency room access points may be permitted, provided that such parking area signs shall not exceed 8 feet in height and 18 square feet in area, and such emergency room access point signs shall not exceed 8 feet in height and 44 square feet in area.
- e. Off-Premises/Off-Site Signs for Shopping Centers Located in the BF-AC Zoning Land Use District. Due to the unique characteristics and design requirements for commercial developments within the Branan Field Activity Center zoning category, off-premises/off-site signs, as defined in Article VII of the Clay County Land Development Code, may be utilized for certain shopping center developments meeting the following requirements of this section:
- i. Applicability. This subsection applies to shopping centers which: (1) are designed as BF-AC on the Branan Field Master Plan 2025 FLUM; (2) are located at the intersection of two roadways classified as major collector roads or higher; and (3) have access on both roadways.
 - ii. Permitted Signage. In addition to other permitted signage, the shopping center may have one single or double-faced internally or externally illuminated freestanding off-premises/off-site monument sign. The sign shall not exceed two (2) square feet of sign area for each linear foot of street frontage but, in no case shall the sign face exceed 175 total square feet per side. The sign is limited to an overall height of twenty (20) feet above ground level. The off-premises/off-site sign shall be located at the intersection of the two roadways and may be constructed in a v-shape as long as each sign generally faces each road. Any such sign may identify one or more users within the shopping center development.
- f. Sign Illumination. Any external above-ground light source shall be located and hidden within a planter bed. Light sources located outside the planter bed shall be in a burial fixture. Sign

lights shall be focused, directed, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto residential districts or onto the abutting roadways. No flashing or pulsating lights shall be permitted on any sign.

- g. Wall Signs. Wall signs are allowed for commercial, office, and industrial buildings. Maximum sign area shall be determined by multiplying the occupancy front foot (linear footage) by 1.5 feet. The maximum sign vertical dimension shall not exceed 20 percent of the building height. In the case of multi-use buildings with individual frontages, these standards shall apply to each portion of the building occupied by a use. Total wall sign size may not exceed 325 square feet.
- h. Prohibited Signs.
- i. Pole or pylon signs.
 - ii. Billboards and off-premises signs.
 - iii. Flashing or revolving signs, except for barber poles (allowable only in the supplemental sidewalk zone in shopping streets in the BF Community and BF Activity Center and in the Neighborhood Center;
 - iv. Roof signs;
 - v. Any sign suspended between poles and illuminated by a series of lights;
 - vi. Any sign erected on a tree or utility pole, or painted or drawn on a rock or other natural feature;
 - vii. Any sign suspended between poles which is either a pennant or spinner;
 - viii. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or light except for those giving public service information such as time, date, temperature, weather, or similar information.

14. Reclaimed Water. All developments shall utilize reclaimed water when water reuse lines are located within 500 feet of the subject property line, or as in accordance with CCUA requirements.

15. Parking. The following standards shall apply.

a. Minimum Spaces. Uses must meet minimum parking requirements of the Zoning Code, except for the following.

i. Restaurants, nightclubs, bars, or taverns: one space for every 100 square feet

ii. Theaters: 15 spaces for the first 100 seats, plus one space for each additional four seats

iii. Medical and dental offices or clinics: one space for every 250 square feet

iv. Research laboratories: one space for every 300 square feet

v. Professional business offices (other than medical or dental offices): one space for every 300 square feet

vi. Business, commercial, or personal service establishments: one space for every 300 square feet

vii. Commercial shopping centers: one space for every 250 square feet

viii. Convenience stores: one space for every 250 square feet.

b. Maximum Spaces. Uses must not exceed more than 125 percent of required minimum parking, unless such parking is provided in the form of stabilized grass parking.

c. Shared Parking. Minimum parking requirements will be reduced to a percentage that is equivalent to the percentage reduction in single group use. For example, when calculating required parking for a development that is 75% weekday peak uses and 25% evening peak uses, minimum parking requirements for the weekday peak uses would be 75% of the normal

required minimum, and minimum parking for the evening peak uses would be 25% of the normal required minimum. Parking areas may not be separated from uses by roads with a higher classification than minor collector, and a clear system of pedestrian corridors and directional signage shall connect parking areas with uses. Eligible uses are described in the following table.

Shared Parking Groups

Weekday Peak Uses	Evening Peak Uses	Weekend Uses
Banks	Restaurants *	Places of worship
Schools	Theaters	Retail and service uses *
Distribution facilities	Bars and nightclubs	
Industrial uses	Lodges and clubs	
Medical clinics and offices		
Professional offices		
Professional services		

* parking reduction may not exceed half of the maximum allowable reduction

- f. Restaurant Parking. Restaurants within shopping centers where parking is calculated using shopping center minimum parking requirements may not exceed 35% of the shopping center space, unless additional parking is required to meet parking needs as calculated for individual uses within such shopping centers. Individual use calculation may utilize shared parking assumptions.
- g. Parking for places of worship. Up to 35% of required minimum parking for places of worship may be in the form of stabilized grass parking.
- h. Grass parking standards. Where stabilized grass parking is required, an interlocking plastic grid shall be covered with topsoil and grass. Providing that the appearance is that of a grassy area, grass pavers may also be used in the form of concrete interlocking blocks or synthetic fibrous grid systems with open areas designed to allow grass to grow within the void areas. Topsoil shall be a mixture of aggregate, which provides structural stability, and a sand/soil mixture that allows for drainage and provides the soil components required for grass growth.

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16. Communications Towers. Communications towers are allowed as Conditional uses in the BF Rural Suburbs, BF Master Planned Community, BF Rural Activity Center, BF Community Center, and BF Activity Center districts, within 200 feet of residentially zoned property, if they meet the provisions of Section 20.3-46 of the Land Development Regulations, except that those provisions related to setbacks from residential districts shall not apply, along with the following conditions:
- a. Documentation from a Professional Engineer (P.E.) experienced in the area of radio frequency demonstrating that the tower location is necessary for adequate area coverage and that such coverage carrier's designed service cannot be achieved by placing towers in commercial land use and zoning districts;
 - b. Documentation from a Professional Engineer (P.E.) experienced in the area of radio frequency sets the maximum height at no more than that needed for adequate area coverage needed for the carrier's designed service;
 - c. Documentation a Professional Engineer (P.E.) experienced in the area of radio frequency that a bona fide need exists for the facility and that no reasonable combination of sites, heights, or designs will achieve the carrier's designed service.
 - d. The applicant must further prove that it has made all reasonable efforts to procure antenna space on existing facilities, or and that space is not reasonably available on the structure, or the structure cannot reasonably support the antenna facilities, or that the cost of co-location exceeds the cost of a new facility by at least fifty percent. Prior to the issuance of a permit for a new tower in excess of 100 feet in height, the applicant shall demonstrate commitment to joint use as follows.
 - i. The applicant requesting the permit shall submit evidence to the County demonstrating that a genuine effort has been made to solicit additional users for the proposed new tower. Evidence of this shall include, at a minimum, copies of notices sent by registered mail, return receipt requested, to all other providers of cellular and wireless communications services within Clay County and adjacent counties, advising of the intent to construct a

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- new tower, identifying the location, inviting the joint use and sharing of costs, and requesting a written response within fifteen business days.
- ii. The applicant shall sign an instrument, maintained by the County, agreeing to encourage and promote the joint use of telecommunications towers within the County and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and just market reasonable compensation is offered for such use.
 - e. Towers must be buffered from adjoining residentially zoned areas by an average 50 foot buffer between the tower and the adjoining residentially zoned parcel(s). The buffer area shall contain screening from a combination of existing or planted evergreen shade trees, understory trees, and shrubs that provide at least 85% opacity within two years of planting.
 - f. Non-camouflaged towers located within 100 feet of roads shall be placed along relatively straight roads or on the inside of a curve, as opposed to along the outside of a curve where they are more apparent to motorists within a view corridor.
 - g. A tower in excess of 100 feet in height shall be designed to accommodate antennas for at least two separate providers.
 - h. Tower height is limited to 130 feet.
 - i. Camouflaged towers are allowed, meaning a tower that is designed to hide, obscure or conceal the presence of antennas and the tower. Examples include, but are not limited to, clock towers, bell towers, church steeples, utility poles, flag poles, light poles, tree towers, and water towers. Camouflaged towers may exceed the 130 foot height limit, up to a maximum height of 189 feet, so long as the proposed tower is architecturally and aesthetically compatible with the surrounding community.

II. RESIDENTIAL LAND USES

1. ***BF Rural Suburbs (BF RS)***. The BF Rural Suburbs land use category applies to much of the area west of the First Coast Expressway. The BF Rural Suburbs (BF RS) land use category is intended to maintain the rural character of the area. Development within the BF Rural Suburbs is characterized predominately by five-acre or larger lots served by wells and septic tanks, but densities of up to one unit per gross acre are allowed through a density bonus program that requires the preservation of environmentally sensitive lands and/or open space. Permitted uses include single-family residential as well as limited agricultural uses.

a. Uses Permitted by Right. Uses of the lands and structures shall be permitted within the BF Rural Suburbs as follows:

i. Single-family dwellings or Manufactured Homes, including the customary accessory uses and buildings. Manufactured Homes are prohibited in recorded subdivisions.

ii. Limited commercial uses allowed under density bonus program within Neighborhood Centers.

iii. Places of worship, allowed on minor and major collectors. Forty thousand square foot limitation and additional 10,000 square foot allowed for classrooms, meeting space, and other ancillary uses on minor collectors; no size limitations on major collectors..

iv. Private boat pier or slip for the use of occupants of principal residential structures of the lot; provided said pier or slip does not interfere with navigation.

v. Satellite dish receivers for individual use.

vi. Recreational vehicle (RV) parking in side yards only if screened from public view.

vii. Cemeteries.

viii. Public and/or Private Utility Sites

b. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.

- i. Home occupations.
- ii. Swimming pools.
- iii. Private drainage ponds.
- iv. Aviculture (Hobbyist).
- v. Community Parks
- vi. Public and Private Schools
- vii. Youth Camps,
- viii. Temporary structures or buildings (excluding mobile homes).
- ix. Riding stables and academies.
- x. Recreational vehicle parking for temporary use.
- xi. Temporary living quarters during construction of a residence.
- xii. Rural Event Centers.
- xiii. Rural Event Venue.

c. Uses or Activities Permitted By Right as Accessory. The use of land or activities upon such land, which are secondary or incidental to the primary use as set forth herein, shall be as follows:

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- i. The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
 - ii. For lots over one acre in size, the non-commercial keeping and raising of horses, cattle, sheep, goats, swine and other similar animals.
 - iii. Non-commercial agricultural pursuits of a variety similar, but not limited to, truck gardens, horticultural farming, greenhouse, nurseries, farms and fruit groves as a secondary use to the primary residence; provided, however, that said agricultural pursuit as referenced herein is located and conducted upon a parcel which is the same as or immediately abuts the parcel upon which the main residence is located.
 - iv. Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year per property. The duration of each garage sale shall be a maximum of seventy-two (72) hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
- d. Prohibited Uses or Activities.
- i. Any use or activity not permitted in (a), (b), or (c) above.
 - ii. Any use or activity which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
 - iii. Any agricultural pursuit as a commercial venture or enterprise or the keeping or maintaining of any animal, reptile or rodent, as a commercial venture or enterprise.
 - iv. Boat piers and slips for commercial docking of watercraft.
 - v. Mobile homes.

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- vi. Any commercial agricultural pursuit or the breeding, raising, grazing, or keeping of animals, fowl, or insects.
 - e. Density Requirements. The maximum densities and minimum lot areas for residential uses shall be as follows:
 - i. Maximum Density: One (1) unit per five (5) gross acres
 - ii. Minimum Lot Size: Four (4) acres
 - iii. Density Bonus. Higher densities and smaller lot sizes may be obtained through the density bonus program, as described in subsection g.
 - f. Lot and Building Requirements. The principal buildings, accessory buildings, and other lot uses shall be located so as to comply with the following requirements, except for density bonus point development, which shall conform with requirements of the BF Master Planned Community category:
 - i. Minimum lot width at building line: 100 feet
 - ii. Minimum lot depth: 100 feet
 - iii. Minimum front setback: 20 feet front façade; 25 feet for attached or detached front facing garage or carport
 - iv. Minimum side setback: 10 feet
 - v. Minimum rear setback: 30 feet
 - vi. Minimum setback from all lot lines of accessory structures (except fences): side and rear: 7.5 feet; front: 30 feet (but in no event nearer to front line than the front of the principal building.)

vii. Maximum percent of lot coverage 30 percent (total for all primary and accessory buildings)

viii. Maximum percent of rear lot coverage 30 percent

ix. Minimum living area 1,200 sq. feet

x. Maximum height 45 feet.

g. Density Bonus Program. Properties eligible for the Density Bonus Program include those properties that were in the Rural Residential land use on the 2015 Comprehensive Plan at the time of adoption of these LDRs, and shall also include those properties that were greater than 200 acres and under common ownership as shown by the Property Appraiser tax rolls at the time of adoption of these LDRs. Additional density not to exceed one unit per gross acre (except under D – Additional Bonus) will be granted with the following conditions.

i. Minimum Open Space Required. A minimum of thirty-five percent open space is required, with no more than 60% of this being wetland area. This shall be usable open space intertwined throughout the community and shall include connected, paved or unpaved walking trails and/or bike paths.

ii. Perimeter Buffer.

A. Buffer Width. The development shall be designed to maintain a natural and rural character. No additional buffers are required for proposed developments along lot lines that are adjacent to an existing perimeter buffer. Perimeter buffers shall be required and shall average 50 feet in width. Buffer width may be reduced to no less than 35 feet, if the following conditions are met:

Item 1. Reduced buffers must include established vegetation.

Item 2. Areas included in calculation of overall average buffers shall not include wetland or BF PCN.

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- B. Buffer Contents. These buffers must include preserved or planted vegetation that provides an effective visual screen (at least 85% opacity) from rights-of-way and adjacent properties. If such a buffer is planted or supplemented, the 85% opacity standard must be met within three years after planting. Where such buffers are planted or supplemented, a performance bond must be provided to the County for the period of two years to ensure that planted vegetation is established. Buffers shall not include roads, retention, or any other areas that are not vegetated, except for utility easements at a maximum width of 15 feet when right-of-way is not available to serve lots with utilities, and/or hiking or multi-purpose trails not to exceed a paved feet of eight feet. Where practicable, buffers shall include unpaved or paved trails of at least six feet in width for the use of residents.
- C. Buffers shall include native vegetation to ensure drought tolerance and survivability.
- D. Buffer Ownership and Control. Such buffers may not be part of individual lots, but must be common areas owned by homeowners' associations or deeded to the County or water management district.
- iii. BF MPC Standards. Developments utilizing the density bonus program that achieve net densities (less wetlands and parks/open space) that are higher than 1.5 units per two acres must meet applicable development standards of the BF Master Planned Community. For developments with more than 20% of lots smaller than 6,000 square feet, BF MPC Village Zone standards shall apply. Other developments shall be subject to the BF MPC's Suburban Zone standards. Neighborhood Centers are required and shall include, at a minimum, a centrally located primary neighborhood park with facilities and required civic space. Neighborhood Centers that provide retail/office uses as described in the BF MPC category are encouraged.
- iv. Central Water and Sewer. Septic tanks and wells shall be allowed for single-family units on existing lots of record as of the adoption date of this plan. New commercial, except within the BF Rural Activity Center as specified in the standards for this land use, must tie into central water and sewer. Residential subdivisions may also be served by well and septic tanks meeting the following standards: no more than fifty lots, an overall gross

density of no greater than two-and-one-half units per acre, and no lots smaller than three-quarters of an acre.

- v. Density calculation. Higher density may be obtained in the following manner.
- A. Base Density. One dwelling unit per 5 gross acres (density allocated to wetlands within conservation easements may be transferred to upland areas).
- B. Complimentary Use Bonus. One dwelling unit per two gross acres will be allowed when development is adjacent to one or more of the following land uses: BF Activity Center, BF Community Center, BF Master Planned Community or any other land use that allows densities of greater than two units per gross acre. In this case, “adjacent” requires that the property in question share a property boundary that is at least one-third of the perimeter of the property in question with one or more of the above land uses. Lands across a road classified as collector or below shall be counted in this calculation, however land across the BF PCN or a Conservation area shall not be counted.
- C. BF Primary Conservation Network and Open Space Setaside Bonus. Up to a maximum of one dwelling unit for each gross acre beyond the Base Density, with density accumulated in the following manner by the following types of land setasides. Ten units per acre of additional density is available for each acre of new upland BF PCN lands that are immediately adjacent to the existing BF PCN or that will function as a corridor providing for wildlife movement between BF PCN lands. If BF PCN lands are not located on a site, four units per acre of density is available for each acre of upland area dominated by ecologically sensitive communities like longleaf pine, turkey oak, or sand hill communities. In the absence of these two types of non-BF PCN density bonus lands, open space shall be forested areas or an extension of required perimeter buffers, with two units per acre of density is available for each upland acre preserved. Such lands must be contiguous areas that are at least two acres in size, and shall be located so as not to create disconnected or isolated fragments. Average width and depth of BF PCN bonus lands shall generally exceed 200 feet. All new density bonus conservation lands will be preserved as permanent open space.

D. Additional Bonus. Additional density not to exceed the lesser of 25 percent of maximum allowed units or 100 units will be allowed under the following requirements.

Item 1. Development rights allowing the additional units must be permanently transferred from lands within the master parcel.

Item 2. Park space shall exceed minimum requirements by 150%.

Item 3. Additional BF PCN lands shall be provided within the development in the amount of at least 10,000 SF per additional unit. Such lands must be uplands and may not include any lands within utility easements.

Item 4. At least one or a blend of the following traditional neighborhood development elements shall be utilized in the majority of the development: block lengths not to exceed 600 feet, alleys, elevated front porches, designated mixed-use Neighborhood Center.

Item 5. Civic space with a clubhouse is required.

2. ***BF Master Planned Community (BF MPC).*** The BF Master Planned Community land use/zoning category is the principal suburban residential category for the Master Plan Area. This community is characterized by a mix of residential, recreation, and neighborhood commercial uses within clearly defined neighborhoods. BF MPC neighborhoods should be defined, whenever possible, by natural buffers such as tree screens, wetlands, and/or lakes, rather than physical barriers such as walls or fences. Civic buildings for education, community meetings, religion and culture serve as landmarks by being centrally located. This balanced mix of land uses allows for increased efficiency and economy by providing home, work, and service places in close proximity to each other. Project density ranges between one unit per three gross acres (Contemporary Residential) to twelve units per gross acre, with an average density of five units per gross acre. To ensure that the density will not deviate substantially from the planned average, this average may not depart from the range of 2 to 5 units per gross acre at any time. The development pattern is arranged in the form of villages, with three zones within each village, starting with the business

and civic core known as the Neighborhood Center, which is surrounded by the denser Village zone, and finally with the periphery of the village being the single-family Suburban zone.

The Neighborhood Center zone shall consist of a small-scale business area with a central civic park area that is at least 2,500 square feet in size. The Neighborhood Center shall be between two and ten acres in size, with no more than 8 acres in retail commercial use and shall be located around the intersection of a collector road and a collector road, or a collector road and a local road. A designated BF Activity or BF Community Center may substitute for the Neighborhood Center. Such a center is encouraged to be within a 1 mile walking distance of all dwellings. Neighborhood Centers must be located at least one mile from another Neighborhood, BF Activity or BF Community Center, unless the Neighborhood Center is utilized as a transition element for an existing BF Activity or BF Community Center. Neighborhood Centers are not required when surrounding development is less than 3 units per acre.

The Village zone shall be the residential area around the Neighborhood Center, and shall be designated for multi-family units, single-family attached dwellings, and smaller-lot single-family utilizing the design standards of Traditional Neighborhood Developments. The Village zone is also appropriate for areas close to designated BF Community Centers and BF Activity Centers.

The Suburban zone is intended to be an “outer ring” around the Village zone, and shall be designated primarily for single-family detached dwellings. A Suburban Zone may be located adjacent to a Neighborhood Center.

a. Uses Permitted by Right. Uses of the lands and structures shall be permitted as follows:

i. Neighborhood Center

- A. Uses serving neighborhoods such as florists, shoe repair, dry cleaners, service establishments such as barber or beauty, artist or photographic studio, dance or music studio, tailor or dressmaker, jewelry, bakery (non-wholesale), gift shop, travel agent, video rental, delicatessens & sit down fast food (without drive-thru); retail alcohol/beer/wine sales for on-premise or off-premise consumption; tobacco and related shops; private clubs; libraries and museums; retail outlets for the sale of food,

toiletries, sundries, notions and drugs; leather goods and luggage; household appliances; sporting goods; hobby shops; pet shops, school, colleges/universities; supplies and veterinarian services (not kennels); television, audio/video and radio sales (including repair); home and/or office supplies/equipment, computers, software sales and/or rentals; furniture (new and antique); shoe sales and repair; Laundromat, laundry and drycleaning (pickup station only); telephone sales and repair; government/public offices; printing/copying/mailing outlets; books, magazines and stationery; lawn/garden/hardware; gymnasiums and physical fitness centers; bed and breakfast facilities; awards and trophies; eye wear and hearing aid sales and service; and similar uses. Places of worship (with an allowable additional 5,000 square feet allowed for classrooms, meeting space, and other ancillary uses), day care centers, nursing homes, and assisted living facilities are also allowed. Café/restaurants, banks (without drive-through), gourmet food stores and individual medical and professional office uses are allowed when limited in size to 3,000 square feet or less. Convenience stores with gas pumps are allowed under conditions described in Item 10 under L., Design Guidelines, in this section.

B. Individual second-floor apartments are allowed over commercial uses. Such units, as well as upper floor office space shall be exempt from road concurrency.

C. Parks.

ii. Village Zone

A. Single-family detached dwellings

B. Single-family attached dwellings, multiple-family dwellings, and customary accessory buildings incidental thereto.

C. Assisted living facilities, not within a residential subdivision.

D. Satellite dish receivers to serve the development in which located.

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- E. On-premises consumption of alcoholic beverages within recreation- and clubhouse-type facilities developed as part of a unified plan of development and only for use by the residents and their guests and licensed under Chapter 11-C of the Florida Division of Alcoholic Beverage and Tobacco.
 - F. Private boat pier or slip for the use of occupants of principal residential structures of the abutting lot; provided said pier or slip does not interfere with navigation.
 - G. Parks.
 - H. Places of worship.
 - I. Public and/or Private Utility Sites

iii. Suburban Zone

- A. Single-family detached dwellings and customary accessory buildings incidental thereto.
- B. Satellite dish receivers to serve the development in which located.
- C. On-premises consumption of alcoholic beverages within recreation- and clubhouse-type facilities developed as part of a unified plan of development and only for use by the residents and their guests and licensed under Chapter 11-C of the Florida Division of Alcoholic Beverage and Tobacco.
- D. Private boat pier or slip for the use of occupants of principal residential structures of the abutting lot; provided said pier or slip does not interfere with navigation.
- E. Parks.

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- F. Places of worship, allowed on minor and major collectors. Forty thousand square foot limitation and additional 10,000 square foot allowed for classrooms, meeting space, and other ancillary uses on minor collectors; no size limitations on major collectors.
- G. Washing facilities for use by residents.
- H. Storage of travel trailers, recreational vehicles and boats for residents of a subdivision, within that subdivision, provided such units are stored in a separate area that is landscaped, visually screened, and maintained. Storage of these units shall not be permitted on individual lots.
- I. Public and/or Private Utility Sites.
- b. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.
- i. Home occupations.
 - ii. Swimming pools.
 - iii. Private drainage ponds.
 - iv. Temporary structures or buildings (excluding mobile homes).
 - v. Recreation vehicle parking for temporary use.
 - vii. Medical Marijuana Treatment Center Dispensing Facility
 - viii. Recreational Vehicle and Boat Storage
- c. Uses or Activities Permitted By Right as Accessory. The use of land or activities upon such land, which are secondary or incidental to the primary use as set forth herein, shall be as follows:

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- i. The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
 - ii. Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year. The duration of each garage sale shall be a maximum of seventy-two (72) hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
- d. Prohibited Uses or Activities.
- i. Any use or activity not permitted in (a), (b), or (c) above.
- e. Density Requirements. The density range in the BF Master Planned Community is between one dwelling unit per three gross acres to 12 dwelling units per gross acre, with an average density of three units per gross acre. To ensure that the density will not deviate substantially from the planned average, this average may not depart from the range of two to five units per gross acre at any time. Higher density and senior housing will be located close to Neighborhood Centers, BF Community Centers, and BF Activity Centers, which will provide travel opportunities for the least mobile residents. Density will be reduced based on distance from the Neighborhood Centers, BF Community Centers and BF Activity Centers, placing housing with lower densities near conservation areas, and higher densities in close proximity to the centers.
- f. Lot, Building, and Other Requirements. The principal buildings, accessory buildings, and other lot uses shall be located so as to comply with the following requirements:
- i. Neighborhood Center
 - A. Minimum lot width at building line: 25 feet
 - B. Minimum front setback: None.

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- C. Maximum front setback: 15 feet.
- D. Minimum side setback: None
- E. Minimum rear setback: 8 feet
- F. Maximum percent of lot coverage 80 percent (total for all primary and accessory buildings)
- G. Maximum Lot Area: one acre (not including public schools).
- H. Design Standards.
- Item 1. To retain the pedestrian-scale of the neighborhood center, no building footprint shall exceed 10,000 square feet. Individual uses shall not exceed 5,000 square feet.
- Item 2. Doorways, windows, and other openings in the façade of a building shall be present and shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
- Item 3. To create a walkable environment, buildings shall be grouped close together. Within each block buildings shall occupy at least 65 percent of street frontage.
- Item 4. Commercial structures must include awnings, covered walkways, open colonnades, or similar weather protection.

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- Item 5. A building shall avoid long, monotonous, uninterrupted walls or roof planes. The façade of a building shall be divided into distinct modules no longer than 60 feet.
- Item 6. Buildings may have their entrances from parking areas, but must also provide an entrance to the street. This street entrance shall be clearly articulated through the use of architectural detailing. Entrances shall include at least three of the following features: raised above-the-doorway cornice parapets, peaked roof forms, arches, display windows, and/or integrated architectural details such as tile work, moldings, or planters.
- Item 7. Rooflines must be pitched or gabled at a minimum 4:12 slope or, if flat, must include parapet walls or partial roofs.
- Item 8. Exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, wood or other similar material including synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block or metal finishes shall not be permitted.
- Item 9. Only wall and awning signs are allowed.
- Item 10. Convenience stores. Store size shall not exceed 4,000 square feet. A streetwall consisting of a continuous hedge between three and four feet in height shall run along the length of all street property lines with openings for access driveways. There shall be no more than two gasoline pump islands, and each island shall have no more than four gas pumps (paired). Buildings and island structures must have pitched roofs. The building shall orient to the front street, and the entrance shall be located in a wall plane that runs in

a 45-degree angle to the front building wall, providing convenient entry to both pedestrians and drivers. The building shall have a porch or covered area facing the front and side streets and also on the rear of the building if parking is provided there. A minimum five foot wide landscape strip shall be located adjacent to the side porch or covered area of the building, with shrubs of at least four feet in height spaced less than five feet apart, and ground cover.

- I. Small Parcel Availability. To ensure opportunities for small businesses as well as a walkable design, at least 25% of parcels within the neighborhood center shall be less than 12,500 square feet in size, and an additional 25% shall be less than 20,000 square feet.
- J. Alleys. Alleys or rear courtyard parking shall be required for all development, meeting the standards set forth in Section 7.
- K. Parking. Parking spaces are allowed either in garages, driveways, or carports on single lots, or in commonly-owned courtyards for multi-family, townhome, and commercial development. Parking must be located to the rear or side of buildings, except for on-street parking. On-street parking shall be in the form of parallel or diagonal parking. If located on the side of the structure the parking must be screened using solid streetwalls not exceeding four feet in height or landscaping. Frontage along the street shall be limited to 100 feet.
- L. Block Lengths. To promote walkability, block lengths within the Neighborhood Center may not exceed 500 feet.
- M. Sidewalks. Sidewalks shall be a minimum of 15 feet in width, with a clear zone of seven and one-half feet. A street furniture zone of seven and one-half feet shall be located adjacent to the curb, and shall accommodate trash cans, utility poles, hydrants, benches, bus shelters, street trees, and the like. A supplemental sidewalk zone of up to fifteen additional feet may be located between the sidewalk and the building façade.

The supplemental sidewalk may be used for outdoor cafes and sidewalk sales and when such activities occur, the outer edge of the supplemental sidewalk must be defined by movable planters or fences with a maximum height of 36 inches.

ii. Village Zone

- A. Minimum Density: 6 units per gross acre
- B. Maximum Density: 12 units per gross acre
- C. Minimum Lot Size: 2,700 square feet for single-family detached units; 1,350 square feet for single-family attached units.
- D. Minimum Lot Width: 15 feet for single-family attached units, 32 feet for single-family detached homes, 80 feet for multi-family structures.
- E. Minimum Front Setback: 10 feet for front porches, 15 feet for front façade, 25 feet for attached or detached front facing garage or carport for single-family attached or detached; 15 feet for all non-residential.
- F. Maximum Front Setback: 25 feet front facade.
- G. Minimum Side Setback: 5 feet
- H. Minimum Rear Setback: 8 feet
- I. Maximum Percent of Lot Coverage: 80 percent (total for all primary and accessory buildings)
- J. Maximum Lot Area: 20,000 square feet (not including public and private schools, places of worship, and multiple-family development parcels).

K. Lot Size Variety. To promote a diversity of housing types and to encourage affordable housing, there shall be at least two different lot widths within a single-family detached residential subdivision. The two lot widths shall vary by at least 25%. At least 30% of the lots must have a different lot width as described above. To ensure walkability and affordability, at least 75% of single-family lot sizes within a development must be less than 6,000 square feet.

L. Design Standards.

Item 1. Rooflines must be pitched or gabled at a minimum 4:12 slope or, if flat, must include parapet walls or partial roofs.

Item 2. Exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, wood or other similar material including synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block or metal finishes shall not be permitted.

Item 3. Front porches are required for all single-family detached, single-family attached and townhome development. Porches must have a minimum width of four feet and a floor level that is at least 18 inches higher than the top of the curb.

Item 4. Front stoops and porches may encroach into the minimum front yard setback.

Item 5. Each residence or building, in the case of multifamily developments, must have an entrance facing the street.

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- Item 6. Development and neighborhood signs are limited to monument signs that are less than six feet in height and thirty square feet in size. These signs may be exterior lit.
- M. Parking. A minimum of 80% of all off-street parking places within a development shall be to the rear of buildings and accessed by alleys. Front-loaded single-family detached lots will be allowed along the perimeter boundary of the development. These lots may be served by curb cuts with maximum 12 foot wide driveways and garages set back at least 8 feet behind the front façade of the home. Commonly owned interior courtyards may be utilized for multi-family and townhome development. On-street parking shall be in the form of parallel or diagonal parking. If located on the side of the structure the parking must be screened using solid streetwalls not exceeding four feet in height or landscaping. For multi-family development, parking between buildings may not exceed two parking rows as arranged perpendicular to the street.
- N. Block Lengths. To promote walkability, block lengths within the Village zone may not exceed 600 feet.
- O. Civic Space. Developments with more than 200 units shall be required to have a central civic space within a neighborhood park including a clubhouse or open air pavilion. This structure shall be constructed prior to the issuance of a building permit for more than 50% of the lots and/or units of the development. The developer and later the homeowners association shall be responsible for construction and upkeep of the civic space. Structure size shall be set at five square feet per unit for an enclosed building and ten square feet per unit for an open air pavilion. Enclosed buildings and pavilions shall have a minimum size of 750 square feet. Enclosed buildings and pavilions shall not be required to exceed 2,000 square feet.
- P. Accessory Apartments. To promote housing diversity and affordable housing, no more than one accessory structure and one garage apartment shall be allowed in conjunction with a single-family home. For the purposes of calculating density only, accessory units will not be recognized as a separate unit, and for concurrency purposes, shall be

counted as one-half of a unit. Accessory apartments shall conform to the following standards.

Item 1. Ownership. The primary unit and the accessory unit must remain under single ownership.

Item 2. Form. Accessory apartments in conjunction with single-family homes must be in the form of a garage apartment (an apartment over a freestanding garage).

Item 3. Size. Accessory apartments may not exceed six hundred (600) square feet.

Item 4. Entrances: entrances to garage apartments and cottages may not face adjacent residential properties, but shall face the principal residence to which they are associated.

Q. Open Space. A minimum of five percent upland open space is required for each development. Open space may include parks, buffers, and other common areas.

iii. Suburban Zone

A. Minimum Density: 1 unit per three gross acres.

B. Maximum Density: 6 units per gross acre; 7 units per gross acre with rear alleys.

C. Minimum Lot Size: 5,500 square feet; 3,500 with rear alleys.

D. Minimum Lot Width at Building Line: 50 feet; 40 feet with rear alley easement.

E. Minimum Front Setback: 10 feet for front porches; 15 feet for front façade, 20 feet for both attached and detached front facing garages.

F. Minimum Side Setback: 5 feet.

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- G. Minimum Rear Setback: 10 feet; 8 feet with rear alleys.
- H. Maximum Percent of Lot Coverage: 50 percent (total for all primary and accessory buildings).
- I. Garage Standards: Garages shall not block front entries. All front entries must be visible from the street (measured as a straight line from the front door to the street).
- J. Lot Size Variety. To promote a diversity of housing types and to encourage affordable housing in subdivisions, there shall be at least two different lot widths. The two lot widths shall vary by at least 15% (rounded to the nearest 10). At least 25% of the lots must have a different lot width as described above.
- K. Alleys. Alleys are encouraged, meeting standards set forth in Section 7.
- L. Parking. Where alleys are present, all off-street parking places shall be to the rear of buildings. In areas with alleys, parallel on-street parking is allowed, but no driveways or curb cuts are allowed along streets, except as in accordance with access control standards.
- M. Block Lengths. To promote walkability in neighborhoods, block lengths within the Suburban zone shall be limited in the following manner. The base maximum block length is 600 feet. This block length may be exceeded to a maximum block length that is ten times the average lot width of a development, not to exceed 1,000 feet. The maximum block length as set above may be exceeded by no more than one-half if one of the following conditions are met: if a park or civic space is at the end of a block, or if a mid-block pedestrian and bicycle connection is provided. In the event that topographical or parcel shape (at the time of adoption) prevent conformity with this standard, pedestrian connections and emergency accessways in keeping with the intent of this provision shall substitute for strict adherence.

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- N. Civic Space. Developments with more than 200 units shall be required to have a central civic space within a neighborhood park including a clubhouse or open air pavilion. This structure shall be constructed prior to the issuance of a building permit for more than 50% of the lots and/or units of the development. The developer and later the homeowners association shall be responsible for construction and upkeep of the civic space. Structure size shall be set at five square feet per unit for an enclosed building and ten square feet per unit for an open air pavilion. Enclosed buildings and pavilions shall have a minimum size of 750 square feet. Enclosed buildings and pavilions shall not be required to exceed 2,000 square feet.
- O. Signs. Development and neighborhood signs are limited to monument signs that are less than six feet in height and thirty square feet in size. These signs may be exterior lit.
- P. Open Space. A minimum of ten percent upland open space is required for each development. Open space may include parks, buffers, and other common areas.

III. NON-RESIDENTIAL LAND USES

1. ***BF Primary Conservation Network (BF PCN)***. The BF PCN depicted on the Future Land Use Map will interconnect natural resources throughout the Master Plan area protecting drainage systems and headwaters of the regional tributaries. This network will serve to separate and buffer adjacent land uses while providing for wildlife habitat and opportunities for passive recreation.
 - a. Allowable Activities and Impacts. Pedestrian walkways, bicycle paths, boardwalks, docks built for water access, fences necessary to protect habitat areas, and similar uses as articulated in the conservation easement. Impacts to the network may include filling for roadway and utility construction for crossings shown on the adopted plan. Impacts to the network may also include road crossings not shown on the adopted plan where no other practical alternatives exist, excavation of stormwater management systems when accompanied by the dedication of additional land that is generally equivalent in quality and quantity for conservation, and construction of the passive recreational facilities identified above. All roadway and utility encroachments not shown on the adopted plan shall be avoided and/or minimized when practical. BF PCN impacts to accommodate vertical development are allowed only in cases where there is no net loss of wetlands and where additional uplands are added. The quantity of upland additions to the BF PCN shall exceed 50% of impacted wetlands. Changes to the BF PCN boundary must be approved by the Board of County Commissioners.
 - b. Boundary Determination. The boundary of the BF PCN (depicted on the Future Land Use Map) shall be a minimum of 200 feet in width or 25 feet from the jurisdictional wetland line, whichever is greater. Wetland systems not identified on the Future Land Use Map as BF PCN lands are eligible for inclusion within the BF PCN boundary only if these lands contain a viable creek system providing a functioning, reasonable connection to Black Creek. In the event that the width of the wetland identified as part of the BF PCN is less than 150 feet, then each owner of the property on each side of the wetland shall provide 50% of the additional width required so that the BF PCN attains the minimum required 200 foot width. Changes to the BF PCN boundary must be approved by the Board of County Commissioners.
 - c. Ownership and Control. Except for that portion of the BF PCN that lies within the BF Community Park Overlay, all natural vegetation and wetlands within the PCN shall be

protected by a conservation easement that is dedicated to the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, an established private non-profit land trust, or the County. These lands shall be deeded to one of these agencies, the homeowners' association, or retained by the landowner or developer, but shall not be deeded to individual homeowners. Specific restrictions will be placed on these lands prohibiting development or disturbance except for environmental management or the creation of hiking trails and other passive recreational uses described above.

2. *BF Rural Activity Center (BF RAC).*

- a. Uses Permitted by Right. Uses serving neighborhoods such as florists, shoe repair, dry cleaners, service establishments such as barber or beauty, artist or photographic studio, dance or music studio, tailor or dressmaker, jewelry, bakery (non-wholesale), gift shop, travel agent, video rental, delicatessens and sit down fast food; retail alcohol/beer/wine sales for on-premise or off-premise consumption; tobacco and related shops; private clubs; libraries and museums; retail outlets for the sale of food, toiletries, sundries, notions and drugs; leather goods and luggage; household appliances; sporting goods; hobby shops; pet shops, school, colleges/universities; supplies and veterinarian services; television, audio/video and radio sales (including repair); home and/or office supplies/equipment, computers, software sales and/or rentals; furniture (new and antique); shoe sales and repair; laundromat, laundry and drycleaning (pickup station only); telephone sales and repair; government/public offices; printing/copying/mailing outlets; books, magazines and stationery; lawn/garden/hardware; gymnasiums and physical fitness centers; bed and breakfast facilities; awards and trophies; eye wear and hearing aid sales and service; places of worship; day care centers; café/restaurants; banks; food stores; medical and professional offices; convenience stores with gas pumps and similar uses.

b. Conditional Uses.

- i. Temporary structures or buildings (excluding mobile homes).
- ii. Medical Marijuana Treatment Center Dispensing Facility

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- c. Density Requirements. The maximum intensity of development for land in the BF Rural Activity Center classification shall correspond to a floor area ratio (FAR) of 30 percent.
- d. Sidewalks. Sidewalks in front of buildings shall be a minimum of ten feet in width, with an optional zone of up to fifteen additional feet for outdoor cafes and sidewalk sales. When such activities occur, the outer edge of the additional sidewalk area must be defined by movable planters or by fences with a maximum height of 36 inches.
- e. Design Standards.
- i. Scale. Building size shall not exceed 35,000 square feet.
- ii. Building Arrangement. Buildings may front on a collector roadway or an internal street. If fronting on internal streets, the rear of buildings must be visually screened through landscape buffers from adjacent collector roadways. Such buffers must be at least 50 feet wide, and the screening shall be of at least 85%, which must be achieved within three years of planting. Buildings shall be clustered together to allow for better pedestrian access and human scale. Freestanding buildings on separate and adjacent lots shall be placed as close together as possible and shall provide a shared access driveway on the non-clustered side. For shopping centers (multiple buildings on one parcel), buildings shall occupy at least 75 percent of linear frontage within a block. Block length shall not exceed 500 feet. Block limits shall be defined as through side streets and pedestrian walkways or civic spaces.
- iii. Parking. Surface parking shall be visually screened from public and/or private streets by means of building placement and/or landscaping. Parking shall be located primarily to the rear of buildings, but will also be allowed on one side of a building. In the case of shopping centers, side parking areas may not exceed 75% of a block. Parking will be allowed in front of buildings in the form of a single row of parallel or diagonal on-street parking along internal shopping streets. Additional parking areas may be provided in front of buildings meeting the Pedestrian Corridor, Landscaping, and Buffers standards associated with the

Park Center shopping center alternative found in the BF Community and BF Activity Center Standards section. Side parking areas shall have a streetwall (wall or hedge at least 42” in height) adjacent to the internal street that will screen the parking area and continue the line of front building facades.

- iv. Covered Entry Areas. Structures must include awnings, covered walkways, open colonnades, or similar weather protection along building sides with customer entrances.

- v. Architectural and Additional Standards. Reduction of building mass may be achieved by using the following techniques:
 - A. Variation in the rooflines and form.
 - B. Use of ground level arcades and covered areas.
 - C. Use of protected and recessed entries.
 - D. Use of vertical elements (including architectural features such as pilasters, columns, canopies/porticos, arcades, colonnades, and/or parapets) on or in front of expansive blank walls, to interrupt facades into modules of less than 60 feet.
 - E. Use of pronounced wall plane offsets and projections.
 - F. Use of focal points and vertical accents.
 - G. Inclusion of windows on elevations facing streets and pedestrian areas.
 - H. Retaining a clear distinction between roof, body and base of a building.
 - I. Office and Industrial buildings that are substantially screened by landscaping shall not have to meet Items v.D, v.E, v.F, v.H.

- vi. Building Entrances. Buildings may have their entrances from parking areas, but must also provide an entrance to the internal street. Entrances oriented toward a minor collector roadway are required when buildings front on such a road, unless buildings are visually screened from such roadway, as described in Item 2. Building entrances shall be clearly articulated through the use of architectural detailing. Entrances shall include at least two of the following features: raised above-the doorway cornice parapets, peaked roof forms, arches, display windows, and/or integrated architectural details such as tile work, moldings, and planters.

vii. Pedestrian Walkways. All uses shall be connected by pedestrian walkways.

viii. Rooflines. Rooflines of structures including gas pump islands must be pitched or gabled at a minimum 4:12 slope. Flat roofs must include parapet walls, partial roofs, awnings or mid-façade sloping roofs.

ix. Exterior Walls. Exterior walls shall be constructed of stucco, natural brick or stone, finished concrete, wood or other similar material including synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block or metal finishes shall not be permitted.

x. Architectural Style. Structures shall utilize elements associated with vernacular style architecture of the southeastern United States including roof overhangs and front porches.

3. ***BF Community Center (BF CC)***. The BF Community Center land use category is characterized by a variety of community-scaled residential, restaurant, office and commercial facilities (including grocery store, but excluding “big box” uses) intended to generally serve a population of 25,000. BF Community Centers are 30 to 50 acres in size and located at the intersections of major collector and/or arterial roads. BF Community Centers are intended to be a minimum of 800 feet in depth and grouped so as not to encourage strip development patterns. A maximum of twenty percent of each BF Community Center may be developed to support multi-family residential use at a density of eight to 16 units per acre.

It is the County’s intent to encourage a mix of uses within the BF Community Center to serve the surrounding residential community. The mixture of uses indicated in the following table are to be applied to the entire BF Community Center, not individual parcels.

The quantification of uses within the Community Center land use designation shall be consistent with the following:

Land Use	Minimum Required	Maximum Permitted
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Office	10%	35%
Commercial/Retail	20%	60%
Residential	10%	25%
Public Parks and Open Space	2%	No Max

The intent of the Branan Field Master Plan is to develop a pedestrian-friendly and walkable community. The strip shopping centers of other corridors in the County are geared to the automobile. These regulations promote a different approach to our commercial centers, reflecting the historical "Main Street" of the Southeastern United States. Walkable shopping areas will create destinations where people can walk to shopping areas from their homes, or park their cars and leave them behind while visiting different shops or workplaces. Branan Field commercial areas will be destinations, with attractive, tree-lined streets with shops and offices, with wide sidewalks and street life, while also having convenient parking and vehicular access.

a. Uses Permitted by Right.

- i. All uses allowed in Neighborhood Centers, with a single use not occupying more than 100,000 square feet.
- ii. Banks and financial institution with drive-in facilities; drive in restaurants; the sale of gasoline without garage or car repair.
- iii. Retail sales of beer and wine at establishments commonly known as convenience stores only pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation, for off-premises consumption only.
- iv. Places of worship, day care centers and private schools, not to exceed 100,000 square feet in size.
- v. Multifamily residential uses at eight to sixteen units per acre. Residential development within the BF Community Center must conform to the Activity Center Residential Design Requirements.

vi. Professional and medical offices.

vii. Plant nurseries.

viii. Funeral homes, cemeteries, mausoleums and crematoriums.

ix. Public and/or Private Utility Sites.

b. Conditional Uses. The following uses are permitted in the BF Community Center District subject to conditions provided in Section 20.3.5 of the Zoning Code.

i. Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are 200 feet from adjacent residentially zoned property.

ii. Microwave towers.

iii. Sales from vehicles.

iv. Seasonal outdoor sales.

v. Temporary structures or buildings (excluding mobile homes).

vi. Hospitals or hospital satellite facilities; and single-practice clinics, provided that said uses are located on a roadway classified as a minor arterial or above.

vii. Medical Marijuana Treatment Center Dispensing Facility

viii. Recreational Vehicle and Boat Storage

ix. Carwash in Conjunction with a Convenience Store that includes Gas Pumps.

c. Uses Not Permitted.

i. Any use not allowed in a. or b. above.

d. Density requirements. The maximum floor area ratio (FAR) for each nonresidential development within the BF Community Center classification shall not exceed 80%, with an average not to exceed 40 percent.

4. ***BF Activity Center (BF AC).*** BF Activity Centers are planned to accommodate a range of activities from employment-based office and light industrial activities to commercial services, recreational facilities, and housing. Design shall emphasize walkability and strategic landscaping to create a human-scale, attractive built environment. These areas shall be high-intensity, design-unified areas containing a concentration of different urban functions and housing. The concentration of uses will provide the opportunity for the efficient provision of public facilities and will minimize the need to provide buffers for incompatible uses.

BF Activity Centers may be designated to serve many different property owners, but will function in a manner to share facilities and services to reduce inefficiency and redundancy. These districts shall provide a high development quality that emphasizes pleasant, convenient, and satisfying work conditions, along with amenities such as recreational areas, restaurants, retail services, and convenient locations relative to residential areas.

BF Activity Centers are generally designed to serve a regional population of at least 75,000. A maximum of fifteen percent of each BF Activity Center may be developed to support multi-family residential uses at a density of 8 to 20 units per acre.

The quantification of uses within the BF Activity Center land use designation shall be consistent with the following:

Land Use	Minimum Required	Maximum Permitted
Office and/or Light Industrial	10%	80%
Commercial/Retail	2%	65%

Residential	10%	15%
Public & Civic	5%	20%
Public Parks & Open Space	5%	10%

Residential development within the Activity Center category may utilize TND standards.

a. Uses Permitted by Right.

- i. All uses permitted within the BF Community Center land use as well as “big box” uses.
- ii. Light industries, with related offices and showrooms, which manufacture, assemble, process, package, store, and distribute small unit products such as optical devices, precision instruments, electronic equipment, toys, fishing tackle, research facilities and laboratories, and the like.
- iii. Automobile sales, service, and rentals; tire sales and service (both new and used); repair garages; motorcycle sales and service; wholesale bakeries; commercial heating and air conditioning; plumbing and electrical shops; wholesale sales rooms and storage rooms; retail meat markets; hardware stores (outside display); commercial plant nurseries; building supply materials; boat and motor sales and service; funeral homes; animal hospitals; miniature golf courses; lawnmower and outboard rentals, sales and service; driving ranges; feed and hay processing and sales.
- iv. Warehouse, warehouse-showroom, or distribution uses.
- v. Outdoor storage activities associated with construction, electrical, and similar contractors.
- vi. Corporate, professional, and business offices.
- vii. Hospitals or hospital satellite facilities; and single-practice clinics.
- viii. Accessory uses, such as dining and recreational facilities, as well as professional services such as copying centers, shipping offices, and computer services.

ix. Places of worship, day care centers and private schools.

x. Plant nurseries.

xi. Funeral homes, cemeteries, mausoleums and crematoriums.

xii. All of the above uses are subject to the following provisions:

A. such uses shall be conducted entirely within an enclosed building and include no outside storage or activities, unless such storage or activities are visually screened from adjacent rights-of-way and properties and are located at least fifty feet from a property line of a less intensive use. In addition, outdoor activities associated with schools and day care are permissible. In the case of car, boat, or similar sales uses, storage or activity areas shall be visually screened from adjacent rights of-way and properties using the following screening standards

1. The landscaped area shall be at least 25 feet wide.

2. Sufficient canopy trees shall be planted or preserved to receive at least twelve tree points per one hundred lineal feet or fraction thereof and arranged so that the trees are distributed along the distance.

3. The landscaping shall include a masonry wall, solid fence, berm or hedge that is maintained between thirty and forty-eight inches in height above grade. Hedges shall be a minimum of twenty-four inches in height above grade at the time of planting, spaced not more than thirty-six inches apart and maintained so as to form a continuous visual screen thirty inches in height above grade, under normal growing conditions, within one year after planting.

4. In order to break the visual monotony of a masonry or wood wall when such walls are used, at least two shrubs or vines shall be

planted abutting the wall within each ten feet but not necessarily evenly spaced ten feet apart. Such shrubs or vines shall be planted along the street side of the screen, shall be a minimum of twenty-four inches in height above grade at the time of planting, and maintained so as to form a visual screen thirty inches in height above grade, under normal growing conditions, within one year after planting.

5. The remainder of the required landscaped areas shall be landscaped with turf grass, ground cover or other landscape materials.

- B. such uses shall provide off-street loading facilities which are located at the rear or side of the building and visually screened from any abutting public or approved private street or residentially zoned property.
- xiii. Hotels and motels.
- xiv. Public and/or Private Utility Sites.
- xv. Commercial Kennels. Commercial Kennels are allowed subject to the following:
- A. An open space for free running of pets may be in a courtyard surrounded by a building on all sides. Such open space may be open air or may also be located outside of the building footprint requiring fencing and landscape buffering subject to County approval. When a property is not enclosed or bordered by natural wetlands, road or other commercial uses, an 8 foot wall should also be provided between the runs and the property boundary.
- B. Pet runs of any other nature may not exceed 50 square feet per pet and be attached to the main structure with a minimum 15' set back from the property line.
- C. Domestic pets only are allowed.

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- D. No breeding shall be allowed.
- E. All animals shall be inside enclosed structures between the hours 10 PM and 6 AM.
- b. Conditional Uses.
- i. Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are 200 feet from adjacent residentially zoned property.
 - ii. Sales from vehicles.
 - iii. Seasonal outdoor sales.
 - iv. Temporary structures or buildings (excluding mobile homes).
 - v. Multi-story mini-warehouses. with the following provisions in lieu of, those set forth in Sec. 20.3-5:
 - (a) The proposed site is not required to have direct access to an arterial roadway.
 - (b) Entrance shall be oriented to the street that the building fronts on.
 - (c) Maximum impervious surface area shall be sixty-five percent (65%) of the site.
 - (d) Maximum intensity of development of land shall correspond to a FAR (Floor Area Ratio) of eighty (80) percent.
 - (e) All buildings shall be separated by a distance of at least twenty-four (24) feet for driveway, parking, and fire-lane purposes.
 - (f) The building setbacks shall follow Branan Field Activity Center “Shopping Street” standards (Sec. 3-33A.III.5.b) with the building entrances close to the street, side setback of twenty (20) feet, and twenty (20) feet from the rear property line, unless the property is adjacent to single-family residential in which case the rear setback shall be twenty-five (25) feet.
 - (g) A single residential unit for an on-site manager may be provided.

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- (h) Off-street parking:
 - 1. Parking shall be limited to the side and rear of the building.
 - 2. One (1) space per seventy-five (75) storage units plus two (2) spaces if manager's quarters are provided.
 - 3. Loading zones may be located along the side or rear of the building due to the nature of the use. All loading spaces shall be covered with a canopy or awning with a minimum four (4) foot projection from the building.
 - (i) Maximum height shall be thirty-five (35) feet if within 150 feet from residential land use boundary, and fifty-five (55) feet if within 150 feet to 300 feet from a residential land use boundary. For structures more than 300 feet from a residential land use boundary, no structure shall protrude through a transitional height plane beginning thirty-five (35) feet above the buildable area boundary nearest to a boundary of a residential land use and extending inward over the commercial district at an angle of forty-five (45) degrees. This standard protects areas within residential land use from the visual intrusion of tall buildings.
 - (j) Landscaping and tree requirements shall comply with the County's Code; Article VI, Tree Protection and Landscaping Standards for the 20/B Perimeter Buffer and shall also follow the Landscaping section within the Branan Field Activity Center "Shopping Street" Landscaping requirements (Sec. 3-33A.III.5.b.vi).
 - (k) At least forty (40) percent of the site shall be in open space. Landscape buffers and other vegetated areas may be used to achieve this requirement.
 - (l) The site shall be secured with a masonry wall at least six (6) feet in height. Walls must be finished or painted on both sides. Barbed wire, razor wire and electric fences are not permitted. In lieu of the wall, a wrought-iron fence (or fence resembling wrought iron) may be utilized in conjunction with a hedge or natural vegetation that provides for 100% opacity within two years of the time of planting.
 - (m) Open storage of materials or equipment, including RV's and boat storage, shall be permitted, provided that the area designated for open space storage is included within the required fenced area with 100% opacity as per the previous sections.
 - (n) The use of the property shall be limited to dead storage, whether interior to the buildings or outdoor. No activities shall occur within the site which the average person could construe to include the manufacture, repair, or sale of goods or services.

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- (o) All structures shall also meet the provisions in Section 3-33A.III.5.j. Architectural and Additional Standards in effect as of July 2021.
 - vi. Recreational Vehicle and Boat Storage.
 - vii. Solar Farms.
 - viii. Medical Marijuana Treatment Center Dispensing Facility

c. Density and Residential Design Standards.

- i. Minimum Density: 8 units per gross acre
- ii. Maximum Density: 20 units per gross acre in BF Activity Center; 16 units per gross acre in BF Community Center
- iii. Minimum Lot Size: 2,700 square feet for single-family detached units; 1,350 square feet for single-family attached units
- iv. Minimum Lot Width: 15 feet for single-family attached units; 32 feet for single-family detached homes, 80 feet for multi-family structures. Single-family attached structures shall not exceed 8 attached dwelling units. Structures shall not exceed 200 feet in width.
- v. Minimum Front Setback from Right of Way: 15 feet front facade, 10 feet for front porches and stoops; 25 feet for attached or detached front facing garage or carport.
- vi. Maximum Front Setback: 25 feet front façade.
- vii. Minimum Side Setback: 5 feet; 10 feet for corner lots
- viii. Minimum Rear Setback: 8 feet

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- ix. Maximum Percent of Lot Coverage: 80 percent (total for all primary and accessory buildings)
 - x. Lot Size Standards. To ensure walkability and affordability, at least 75% of single-family lot sizes within a development must be less than 6,000 square feet.
 - xi. Design Standards
 - A. Rooflines must be pitched or gabled at a minimum 4:12 slope or, if flat, must include parapet walls or partial roofs.
 - B. Exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, wood or other similar materials including synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block or metal finishes shall not be permitted.
 - C. Front porches are required on all single-family detached, single-family attached and townhome development. Porches must have a minimum width of four feet.
 - D. Each residence or building, in the case of multi-family developments, must have an entrance facing the street. Single-Family attached units, when constructed as 4 or more attached units, may have 2 units with side entries per building.
 - E. Development and neighborhood signs are limited to monument signs that are less than six feet in height and thirty feet in size.
 - F. Alleys are encouraged, but not required. Interior courtyards are required for all multifamily developments. Alleys and interior courtyards must meet the standards set forth in Subsection I., General Standards, paragraph 7.g. herein.
 - G. A minimum of 80% of all off-street parking places in a multi-family development shall be to the rear of buildings and accessible by alleys. Alleys are encouraged,

however front facing garages for single-family detached and single family attached lots will be allowed. These lots may be served by curb cuts with maximum 12 foot wide driveways. Parallel on-street parking is allowed, but no driveways or curb cuts are allowed along streets, except as provided above. For multi-family development, parking between buildings may not exceed two parking rows as arranged perpendicular to the street. Single-family attached residential development must provide a minimum of 5 spaces and a maximum of .5 spaces per residential unit in a parking courtyard in addition to the driveway and garage spaces per unit. These parking spaces may also be attributable to amenity parking within the development, but shall be available for residential and guest parking.

- H. To promote walkability, block lengths may not exceed 600 feet, unless a pedestrian path or neighborhood park is divides the length of the block, not to exceed 1,000 feet.
- I. Developments with more than 200 units shall be required to have a central civic space within a neighborhood park including a clubhouse or open air pavilion. This structure shall be constructed prior to the issuance of a building permit for more than 50% of the lots and/or unit of the development. The developer and later the homeowners association shall be responsible for the construction and upkeep of the civic space. The pavilion size shall be set at five square feet per unit for an enclosed building and ten square feet per unit for an open air pavilion. Enclosed buildings and pavilions shall have a minimum size of 750 square feet. Enclosed buildings shall not be required to exceed 2,000 square feet and pavilions shall not be required to exceed 1,500 square feet.
- J. To promote housing diversity, no more than one accessory structure and one garage apartment shall be allowed in conjunction with a single-family detached home. For the purposes of calculating density only, accessory units will not be recognized as a separate unit, and for concurrency purposes, shall be counted as one-half of a unit. Accessory apartments shall conform to the following standards:

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1. Ownership. The primary unit and the accessory unit must remain under single ownership.
 2. Form. Accessory apartments in conjunction with single-family homes must be in the form of a garage apartment (an apartment over a freestanding garage).
 3. Size. Accessory apartments may not exceed six hundred (600) square feet.
 4. Entrances. Entrances to garage apartments and cottages may not face adjacent residential properties, but shall face the principal residence to which they are associated.
- K. To promote a diversity of housing types in subdivisions, there shall be at least two different lot widths. The two lot widths shall vary by at least 15%. At least 30% of the lots must have a different lot width as described above.
- L. Open Space. A minimum of five percent upland open space is required for each development. Open Space may include parks, buffers, and other common areas.
- M. Recreation. See Subsection I. General Standards, paragraph 4. herein.
- d. Intensity Requirements. The maximum floor area ratio (FAR) for each nonresidential development within the BF Activity Center classification shall not exceed 80%, with an average not to exceed 60 percent.
5. ***BF Community and BF Activity Center Standards.*** The following standards shall apply within the BF Community and BF Activity Center land uses:
- a. General. Buildings and parking areas shall be arranged in a way that emphasizes the importance of the pedestrian, while allowing for conveniences associated with the automobile. Free standing stores and shopping centers will be arranged along pedestrian-oriented “shopping streets,” instead of in the middle of parking lots. As an alternative,

conventional shopping centers will have pedestrian corridors within parking lots along with a significant amount of landscaped area. These designs will encourage walking and also create a much more attractive appearance than a conventional strip shopping center. While individual stores over 100,000 square feet (“big boxes”) need not be arranged along internal streets in this manner, they shall have wide sidewalks in front of them, shall have pedestrian corridors that link parking areas to the store, shall have direct pedestrian links to adjacent shopping areas, and will also have a significant landscaped area component.

b. “Shopping Street” Standards (Freestanding commercial buildings under 100,000 square feet in size and shopping centers with multiple tenants).

i. Street Layout. Development shall be arranged along internal shopping streets within a development. Block length for such streets shall be a maximum of five hundred feet, with block limits defined as through side streets and pedestrian walkways or civic spaces (not applicable to freestanding buildings). For shopping streets on parcels less than 500 feet, driveways or pedestrian walkways linking rear parking areas to internal streets or sidewalks shall be provided between the ends of buildings and the side property lines. Shopping streets shall connect adjacent parcels in the case of freestanding buildings, and such connections must be shown on submitted site plans. Shopping streets shall include two travel lanes and on-street parking lane(s) on at least one side of the street. Streets may also include a landscape median. The only exception to the requirement of an internal street is if existing (at the time of original Master Plan adoption) property dimensions do not allow room for such an internal street. In this case, development may be accessed by adjacent streets, with shared and limited access points required whenever possible. When freestanding buildings on separate lots linked by internal streets do not have access to such internal streets from adjacent properties, temporary access may be allowed from adjacent non-internal streets.

ii. Building Arrangement. Buildings shall be placed close to the shopping street, with entrances oriented to that street. Buildings shall be clustered on both sides of a shopping street, or clustered buildings on one side of a street shall face a linear park/civic space on

the other side of the street. Clustering shall be achieved in the following manner. Freestanding buildings on separate and adjacent lots shall be placed as close together as possible and shall provide a shared access driveway on the non-clustered side. For shopping centers, buildings shall occupy at least 75 percent of linear frontage within a block.

- iii. Parking. Parking shall be located primarily to the rear of buildings, but will also be allowed on one side of a building (in the case of shopping centers, in conformance with the 75% frontage limitation set in item ii above). Parking will be allowed in front of buildings in the form of a single row of parallel or diagonal on-street parking along internal shopping streets. Side parking areas shall have a streetwall (wall or hedge at least 42" in height) adjacent to the internal street that will screen the parking area and continue the line of front building facades.
- iv. Sidewalks. A sidewalk is required on both sides of internal streets. This sidewalk shall be a minimum width of ten feet, except where sidewalks are not adjacent to building sides with an entrance, minimum width shall be six feet. Sidewalks within park/civic areas must be at least eight feet wide. Sidewalks shall be placed on the parking lot and street sides of freestanding buildings, and shall also connect to building entrances. Sidewalks may be placed either on the building side of the required landscape strip or on the other side of the landscape strip.
- v. Pedestrian Corridors. For parking lots where the distance between parking spaces and storefront sidewalks exceeds 200 feet, pedestrian corridors are required. Pedestrian corridors should run with at least every other double parking row or every 120 feet, whichever is less. Pedestrian corridors shall be clearly identified when crossing driveways through the use of raised speed humps, crosswalk striping, different pavement patterns, or similar techniques. Sidewalks within pedestrian corridors shall be at least five feet in width, with a landscape strip on either side that is at least five feet wide. This landscape strip shall include planted palm trees no more than 15 feet apart, and/or parking lot shade trees no more than 30 feet apart, placed within landscape islands. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species.

vi. Landscaping. In addition to the County's Landscaping and Tree requirements, the following standards shall apply. Buildings should be designed to incorporate landscaping into store frontage. This can be done by means of raised planters, sidewalk cutouts, or portable planters, or by varying building setbacks that can easily accommodate landscape planters. Street trees shall be placed along internal shopping streets at a spacing that is at least an average of 40 feet on center. Freestanding buildings must provide either a landscape strip with parking lot or street trees placed with a spacing that is no more than 30 feet on center that is at least ten feet in width on the front and sides of the building. A minimum five-foot wide sidewalk shall be placed on either side of the landscape strip facing any parking areas, entrances, and adjacent streets. As an alternative, the landscape strip may be eliminated from areas facing the parking lot, entrances, and adjacent streets if a minimum ten-foot wide sidewalk is provided with parking lot or street trees in cut-outs or landscape islands spaced no more than 30 feet on center. The spacing of trees within the building landscape strip may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. For shopping centers with multiple tenants, street trees shall be approved parking lot trees and may also include Washingtonian Palm trees, or similar tall palms. All landscape islands in parking lots shall have shade trees. Park/civic areas utilized instead of buildings on one side of a shopping street must have an average width of at least 75 feet and a minimum width of 40 feet, include shade trees at the ratio of one per 1,500 feet, and include a sidewalk traversing the area. For freestanding buildings that are less than 7,500 square feet in size, the minimum 40-foot width is required but the average 75 foot width is not required. Retention facilities may occupy no more than half of the linear frontage along the shopping street, and shall not encroach on more than half of the depth of that buffer. At least 50% of retention lands shall be utilized for the calculation of required trees within buffers. Such facilities must shall be visually and functionally complement the park/civic space through the use of pedestrian bridges, boardwalks, and docks; provide fountains for aeration and improved appearance, -like in appearance and provide visual screening of interior parking through the placement of shall include shade trees and other landscaping planted or preserved around the retention facility.

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- c. “Park Center” for commercial buildings under 100,000 square feet in size and shopping centers with multiple tenants (not including freestanding buildings).
- i. Street Layout. Development shall front along an internal street within a development.
- ii. Sidewalks. A minimum ten-foot wide sidewalk is required along the building side of internal streets.
- iii. Pedestrian Corridors. For parking lots where the distance between parking spaces and storefront sidewalks exceeds 200 feet, landscaped pedestrian corridors shall be provided. Pedestrian corridors should run with at least every other double parking row or every 120 feet, whichever is less. Pedestrian corridors shall be clearly identified when crossing driveways through the use of raised speed humps, crosswalk striping, different pavement patterns or similar techniques. Sidewalks within landscaped pedestrian corridors shall be at least six feet in width, with a landscape strip on both sides that is at least 17 feet wide. Shade trees must be planted on both sides of the sidewalk at least 20 feet apart but no more than 35 feet apart. Pedestrian connections at the same spacing shall also be provided perpendicular to the main pedestrian corridors by enlarging landscape islands, however such perpendicular connections shall only require walkways and not additional landscaping.
- iv. Landscaping. In addition to the County’s Landscaping and Tree requirements, the following standards shall apply. Street trees shall be placed in sidewalk cutouts along internal streets at a spacing that is at least an average of forty feet on center. Street trees shall be approved parking lot trees and may also include Washingtonian Palm trees, or similar tall palms. All landscape islands in parking lots shall have shade trees, planted or preserved at a minimum caliper of four inches. Trees less than five inches in caliper shall be counted as small trees for Tree Protection and Landscaping Standards calculation purposes. At least 15% of the parking lot shall be landscaped area (not including the perimeter and right-of-way buffers).

v. Buffers. Perimeter buffers shall be at least 30 feet in width and include shade trees planted or preserved at least every 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. Right-of-way buffers shall be at least 75 feet and include shade trees planted or preserved at a ratio of at least one tree per 1000 square feet. In addition, shade trees must be located between the sidewalk and the principal thoroughfare, with a minimum spacing of 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. Retention facilities may occupy up to 30% of the park/civic space. At least 50% of retention lands shall be utilized for the calculation of required trees within buffers. Such facilities shall visually and functionally complement the park/civic space through the use of pedestrian bridges, boardwalks, and docks; provide fountains for aeration and improved appearance, and shall include shade trees and other landscaping planted or preserved around the retention facility. At least 50 percent of the planted or preserved trees within the perimeter and right-of-way buffers must be a minimum four inch caliper, with trees under five inches in caliper being counted as small for Tree Protection and Landscaping Standards calculation purposes.

d. “Hybrid Alternative” for shopping centers with multiple tenants.

Such shopping centers may include components of both shopping streets and park centers. The size of required landscaped areas is reduced as the hybrid achieves more of the shopping street elements in accordance with the following table.

Percentage of Building Space in Shopping Street Design	Right-of-Way Buffer Minimum Width	Perimeter Buffer Minimum Width	Pedestrian Corridor Minimum Width	Parking Lot Landscape Percentage	Parking Lot Island Minimum 4” Trees
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0 -25% (Park Center)	75'	30'	40'	15%	Yes
26-39%	50'	20'	30'	12%	Yes
40-59%	35'	10'	20'	N/A	No
60-100% (Shopping Street)	20'	0'	15'	N/A	No

e. “Big Boxes” (commercial buildings over 100,000 square feet in size).

- i. Street Layout. ”Big boxes” and grocery stores are not conducive to the human scale of a walkable shopping street, and therefore these uses are not subject to the requirement of locating on a street with buildings on both sides (although there are no prohibitions against this). It is preferable that a shopping center terminates at an entrance to a larger building, so that pedestrian traffic can help to support both the larger use and the smaller shopping center uses.
- ii. Building Arrangement. Big boxes shall generally be located in the rear of the site. Interior parking shall be screened through the use of shopping street “liner” buildings along an internal street located between the parking area and the principal thoroughfare(s) that provides access to the big box. Retention facilities may occupy no more than half of the linear frontage along the principal thoroughfare of access, provided that such facilities are park-like in appearance and provide visual screening of interior parking through the placement of shade trees and other landscaping around the retention facility.
- iii. Sidewalks. Storefront sidewalk areas shall have an overall average width of at least 15 feet. The storefront shall be the area in front of the building and any other sides of the building where entrances exist. Sidewalk width may be reduced to no less than ten feet provided that this width is limited to no more than ten percent of the storefront.
- iv. Pedestrian Corridors. At least three landscaped pedestrian corridors are required in principal parking areas to link peripheral parking areas with storefront entrances.

One of these corridors should be a central pedestrian mall. The others should in general be distributed to provide walking routes from all parking areas. If the pedestrian corridor is located diagonally across the parking area, the corridor should run through landscape islands on each parking row. Pedestrian corridors shall be clearly identified when crossing driveways through the use of raised speed humps, crosswalk striping, different pavement patterns or similar techniques. Sidewalks within landscaped pedestrian corridors shall be at least six feet in width, with a landscape strip on both sides that is an average of ten feet in width. Shade trees must be planted on both sides of the sidewalk at least 20 feet apart but no more than 35 feet apart. Alternatively, Washingtonian Palm trees, or similar tall palms, must be planted on both sides of the sidewalk no more than 10 to 20 feet apart. Additionally, parking lot pedestrian corridors must connect storefront sidewalks to adjacent properties to existing or future development.

v. Landscaping. In addition to the County's Landscaping and Tree requirements, the following standards shall apply. Trees shall be placed with a spacing averaging twenty feet on center or less. The Tree Protection and Landscaping Standard requiring a landscape island for each 100 feet of parking row shall be relaxed when the following conditions are met.

- A. In no case shall an unbroken row of parking exceed 150 feet.
- B. For every landscape island not meeting the 100 foot spacing requirement, an additional 150 square feet must be added to an adjacent landscape island.

Cart corrals within the parking area shall be located adjacent to landscape islands. Planted or preserved shade trees within the landscape islands must have a caliper of at least four inches. For the purposes of the Tree Protection and Landscaping Standards, four inch trees shall be considered "small" trees, and medium trees shall be at least six inches in caliper. At least 15% of the parking lot shall be landscaped area (not including the perimeter or right-of-way buffers).

As an alternative to the Tree Protection and Landscaping Standards requirement of shade trees within landscape islands, the main storefront driveway shall be lined with Washingtonian Palm trees, or similar tall palms, which shall be placed in endcap islands (the end of parking rows in front of the storefront) and in sidewalk cutouts in front of the building.

- vi. Buffers. Perimeter buffers shall be at least 30 feet in width and include shade trees planted or preserved at least every 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. Right-of-way buffers shall be at least 75 feet and include shade trees planted or preserved at a ratio of at least one tree per 1000 square feet. In addition, shade trees must be located between the sidewalk and the internal street, with a minimum spacing of 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. At least 50 percent of the planted or preserved trees within the perimeter and right-of-way buffers must be a minimum four inch caliper, with trees under five inches in caliper being counted as small for Tree Protection and Landscaping Standards calculation purposes. Retention facilities may occupy up to 30% of the required park/civic area. At least 50% of retention lands shall be utilized for the calculation of required trees within buffers. Such facilities shall visually and functionally complement the park/civic space through the use of pedestrian bridges, boards, docks, or similar features; provide fountains for aeration and improved appearance; and shall include shade trees and other landscaping planted and/or preserved around the retention facility.
- f. Office and Industrial freestanding buildings. Freestanding office and industrial buildings must provide either a landscape strip that is at least ten feet in width on the front and sides of the building. A minimum five-foot wide sidewalk shall be placed on either side of this landscape strip. As an alternative, the landscape strip may be eliminated from areas facing the parking lot, entrances, and adjacent streets if a minimum ten-foot wide sidewalk is provided with parking lot or street trees within cut-outs or landscape islands spaced no more than 30 feet on center. The spacing of shade trees within the landscape strip may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is

needed due to tree species. Buildings with bays shall provide for landscape islands between bays that will include shade trees.

- g. Office and Industrial parks or complexes. Office and industrial buildings shall have a sidewalk and landscaped area between the building and the street that the buildings front on. Street trees shall be located between the sidewalk and the street, planted at a minimum of thirty feet on center. Parking areas shall be provided to the rear of buildings and on the side of the building, set back behind the front façade of the building. Side parking areas shall have a streetwall (wall or hedge of at least 42” in height) continuing the front façade line of surrounding buildings.
- h. Convenience Stores and Service Stations. Driveway openings shall be limited to the maximum needed for safe egress in and out of the property. There shall be no more than 20 fueling stations (each fueling station serving one vehicle). All pump islands shall be contained under one canopy. Buildings must have pitched roofs. A minimum five-foot wide landscape strip shall be located adjacent to the building, with shrubs of at least four feet in height spaced less than five feet apart, and ground cover. Right-of-way buffers for these uses shall be ten feet in width. Landscaping within the buffer shall conform to Article VI, Section 6.6.
- i. Height Limitations. Height limits in residential categories and the BF Rural Activity Center shall be 45 feet. Within the Neighborhood, BF Community and BF Activity Center land uses, the following height regulations shall apply. Thirty-five feet within 150 feet from residential land use boundary, and 52 feet between 150 and 300 feet from residential land use boundary. Beyond 300 feet from a residential land use boundary, no structure shall protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to a boundary of a residential land use and extending inward over the commercial district at an angle of 45 degrees. This standard protects areas within residential land use from the visual intrusion of tall buildings.
- j. Architectural and Additional Standards.

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- i. Reduction of building mass shall be achieved by using the following techniques:
 - A. Variation in the rooflines and form.
 - B. Use of ground level arcades and covered areas.
 - C. Use of protected and recessed entries.
 - D. Use of vertical elements (including architectural features such as pilasters, columns, canopies/porticos, arcades, colonnades, and/or parapets) on or in front of expansive blank walls, to interrupt facades into modules of less than 60 feet.
 - E. Use of pronounced wall plane offsets and projections.
 - F. Use of focal points and vertical accents.
 - G. Inclusion of storefront and other windows on elevations facing streets and pedestrian areas.
 - H. Retaining a clear distinction between roof, body and base of a building.
 - I. Office and Industrial buildings that are substantially screened by landscaping shall not have to meet Items i.D, i.E, i.F, i.H.

 - k. Roofline Pitch. Rooflines must be pitched or gabled at a minimum 4:12 slope or, if flat, must include parapet walls or partial roofs. HVAC and other rooftop equipment should be screened from view.

 - l. Exterior Wall Material. Exterior walls shall be constructed of finished materials such as stucco; natural brick or stone; colored, sand blasted, or stained textured masonry; scored concrete masonry units; textured tilt-up concrete panels; wood; or other similar material including synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block, corrugated or other metal finishes, untextured tilt-up concrete panels, pre-fabricated steel panels and the like, shall not be permitted. Roofs shall be covered by metal, concrete or clay tile, or architectural shingles.

 - m. Entryways. At least one building entrance must face the street and be clearly articulated through the use of architectural detailing. This buffer shall be at least ten feet wide, with foundation landscaping in planting beds and a minimum of one parking lot tree every 30 feet. Customer entrances shall be clearly defined and include at least three of the following features: canopies/porticoes; overhangs; recesses/projections; arcades; raised above-the

doorway cornice parapets; peaked roof forms; arches; outdoor patios; display windows; integrated architectural details such as tile work, moldings, planters; and/or landscaped sitting areas.

- n. Fenestration. For commercial buildings and for facades on office and industrial buildings that face the street or a parking area, doorways and windows shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level. For multiple commercial uses within a single building, the following standard shall apply. The street level façade of each store shall provide windows between the height of three feet and eight feet above the walkway grade, for no less than 60 percent of the horizontal length of the building façade for each store.
- o. Covered Entry Areas. Commercial structures must include awnings, covered walkways, open colonnades, or similar weather protection. Such features shall be applied to the front of the building, and to the sections of the sides of building where direct pedestrian links from adjacent or nearby shopping areas exist.
- p. Entrance Lighting. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape uplighting, etc.).
- q. Street lighting. Lighting along pedestrian corridors and sidewalks within commercial developments shall be in the form of decorative streetlights, with a height between 10 and 16 feet.
- r. Large-Scale Uses. Large-scale uses like hospitals must be located on either an arterial or major collector roadway.

6. ***Branan Field Mixed Use (BF MU)***. The BF MU District is intended to be a focal point for economic activity characterized by a mix of office, commercial, retail, light industrial, high density residential, recreation, and neighborhood commercial uses providing a range of employment opportunities and integrated residential development. BF MU uses should be defined, whenever possible, by natural buffers such as tree screens, wetlands, and/or lakes.

Design shall emphasize walkability and strategic landscaping to create a human-scale, attractive built environment. This balanced mix of land uses allows for increased efficiency and economy and the efficient provision of public facilities. The BF MU district may be applied to parcels or a contiguous combination of parcels which total a minimum of 500 acres adjacent to or located near major arterial roads.

Residential uses shall have a high quality urban character, shall be integrated in the community, and shall encourage a live/work environment. Types of residential units may include single-family attached, townhouse and multi-family units, as well as apartments over retail and office uses. Residential density ranges between 8 and 16 units per gross acre.

Non-residential development in the BF MU district may be designated to serve many different property owners, but is encouraged to function in a manner to share facilities and services to reduce inefficiency and redundancy. Non-residential development shall provide a high development quality that emphasizes pleasant, and satisfying work conditions, along with amenities such as recreational areas, restaurants, retail services, and convenient locations relative to residential areas. A vibrant street life shall be encouraged for residents, employees and tourists through outdoor cafés, use of plazas for art exhibits, festivals, farmer’s markets and concerts in addition to the rich mix of uses within the district. BF MU non-residential districts are generally designed to serve a regional population of at least 75,000.

A Concept Plan shall be submitted to the Director of Planning and Zoning prior to any BFMU development which shall at a minimum provide a layout plan that addresses:

- a. an integrated street layout in accordance with the roadway provisions herein;
- b. a bicycle and pedestrian plan, showing bike lanes, multipurpose trails and sidewalk system; and
- c. the spatial organization of generalized uses of the BFMU area, including office, industrial, retail, commercial, recreation and residential uses and including consistency with the designation of the Gateway and Multi-field Recreation Complex designations on the Future Land Use Map.

Changes to the concept plan may be approved by the Director of Planning and Zoning when such changes are consistent with the intent of this code and the Branan Field Master Plan.

The BFMU will be organized to provide an aesthetically superior and functionally integrated “Gateway” district, Multi-field Recreational Complex and Office/Industrial District:

The Gateway district will include Commercial/Retail/Residential uses within the area depicted on the Branan Field Master Plan Map. The pattern of development within the BFMU shall locate the more intense Commercial/Retail uses along or closest to Challenger Drive.

The Multi-field Recreational Complex shall include sporting fields for baseball and soccer and may include other ball sports, passive recreation, restaurants, souvenirs and athletic facilities.

The Office/Light Industrial district shall provide a high development quality that emphasizes pleasant, convenient, and satisfying work conditions, along with amenities such as recreation areas. The Office/Light Industrial area shall be away from Challenger Drive.

a. “Gateway” uses.

- i. Residential uses permitted by right: Single family-attached, townhouse and multi-family housing, including apartments over retail, commercial, and office uses. Individual “upper floor” apartments are allowed. For concurrency purposes, one upper-story dwelling unit per 1000 square feet of non-residential space in the same building shall be exempt from road concurrency.
- ii. Uses permitted by right as accessory to residential uses:
 - A. Keeping of domesticated cats and dogs with a limit of six per household over six months of age.
 - B. Garage sales will be allowed with a maximum of 2 per calendar year. The duration of each garage sale shall be a maximum of 72 hours, conducted in daylight hours. No sign may be placed on any public right-of-way.

iii. Residential Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.

- A. Home occupations.
- B. Swimming pools.
- C. Private drainage ponds.
- D. Recreational vehicle parking for temporary use.
- E. Temporary structures or buildings (excluding mobile homes).
- F. Group Homes.

iv. Non-residential uses by right:

- A. Assisted living facilities and nursing homes, not within a residential subdivision.
- B. Uses permitted in Neighborhood Centers.
- C. Parks.
- D. Convenience stores with gas pumps and car washes. Retail sales of beer and wine at convenience stores shall be for off-premises consumption only.
- E. Public and/or Private Utility Sites.
- F. Banks, financial institutions and restaurants with drive-in facilities.
- G. Corporate, professional, and business offices.
- H. Hospitals or hospital satellite facilities; and single-practice clinics.
- I. Places of worship, and private schools.
- J. Funeral homes.
- K. Hotels and motels.
- L. Bowling Alleys, miniature golf courses, children's party centers, water parks, swimming pools and other ball fields.
- M. On-premises consumption of alcoholic beverages within parks, recreation and clubhouse-type facilities, and bar/restaurant facilities developed as part of a unified plan of development and for use by the residents and guests pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation.

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- N. Bottling beverages, including facilities and structures for acquisition, assemblage, filling, processing, storing, warehousing, and distribution of beverages.

 - v. Non-residential Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.
 - A. Seasonal outdoor sales.
 - B. Outdoor cafés.
 - C. Farmer’s markets.
 - D. Special events.
 - E. Golf Driving Ranges.
 - F. Skating Rinks.
 - G. Outdoor sales in conjunction with special events of game related souvenirs and food.
 - H. Medical Marijuana Treatment Center Dispensing Facility

Non-residential uses shall be conducted entirely within an enclosed building and include no outside storage or activities, except outdoor cafés, farmer’s markets and special events.

- b. Multi-Field Recreation Complex uses permitted by right.
 - i. Baseball Fields, Soccer Fields and other sports fields, accessory stadiums and clubhouses.
 - ii. Bowling Alleys, miniature golf courses, children’s party centers, water parks, swimming pools and other ball fields.
 - iii. On-premises consumption of alcoholic beverages within parks, recreation and clubhouse-type facilities, and bar/restaurant facilities developed as part of a unified plan of development and for use by the residents and guests pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation.
 - iv. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code:

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- A. Golf Driving Ranges.
 - B. Skating rinks.
 - C. Outdoor sales in conjunction with special events of game related souvenirs and food.
- c. Office and Industrial Area uses permitted by right:
- i. Corporate, professional or business offices.
 - ii. Business park uses with related offices and showrooms, which manufacture, assemble, process, package, store and distribute small unit products such as optical devices, precision instruments, electronic equipment, toys, fishing tackle, research facilities and similar business park uses allowed under Section 3.30.1(c) of the Business Park zoning district of the Zoning Code.
 - iii. Bottling beverages, including facilities and structures for acquisition, assemblage, filling, processing, packaging, storing, warehousing, and distribution of beverages.
 - iv. Automobile sales, service, and rentals; tire sales and service (both new and used); repair garages; motorcycle sales and service; wholesale bakeries; commercial heating and air conditioning; plumbing and electrical shops; wholesale sales rooms and storage rooms; retail meat markets; lawn, garden and hardware stores (outside display); building supply materials; boat and motor sales and service; lawnmower and outboard rentals, sales and service.
 - v. Warehouse, warehouse showroom or distribution uses.
 - vi. Places of worship.
 - vii. Public Schools, private schools and day care centers.
 - viii. Funeral homes, cemeteries, mausoleums and crematoriums.
 - ix. Hospital, or hospital satellite facilities; and single-practice clinics.

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- x. Residential uses permitted by right: Single family-attached, townhouse and multi-family housing, including apartments over retail, commercial and office uses. Individual “upper-story apartments are allowed. For concurrency purposes, one upper-story dwelling unit per 1000 square feet of non-residential space in the same building shall be exempt from road concurrency.

 - xii. Uses permitted by right as accessory to residential uses:
 - A. Keeping of domesticated cats and dogs with a limit of six per household over six months of age.
 - B. Garage sales will be allowed with a maximum of 2 per calendar year. The duration of each garage sale shall be a maximum of 72 hours, conducted in daylight hours. No sign may be placed on any public right-of-way.

 - xiii. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code:
 - A. Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are 200 feet from adjacent residentially zoned property or existing residential uses.
 - B. Multi-story mini-warehouses.
 - C. Solar Farms.
 - D. Seasonal Outdoor Sales.
 - E. Home occupations.
 - F. Swimming pools.
 - G. Private drainage ponds.
 - H. Recreational vehicle parking or temporary use.

 - xiv. Accessory uses, such as dining and recreational facilities, as well as professional services such as copying centers, shipping offices, computer services, and restaurants less than 2500 square feet.

e. Prohibited Uses or Activities.

i. Any use or activity not permitted in a, b, or c above.

f. BF MU Development Standards. Development within the BF MU shall adhere to the Branran Field Land Development Regulations except as specifically modified herein.

i. Roadway Standards. The Roadway Standards set forth in Section 7 of the Branran Field LDRs shall apply to the BF MU district with the following exceptions:

A. The connectivity index shall not apply, however the roads shall be designed as a grid or modified grid system insofar as property configuration limitations and topography allow. Access to properties along Challenger Drive shall be limited to rear service driveways from the interior roadway network. No more than two access points to Challenger Drive shall be permitted, as depicted on the Concept Plan.

B. Roundabouts shall not be required.

C. Sidewalks on both sides of all streets shall be five feet wide. To the extent that any planned four lane road is constructed initially with only two lanes, sidewalks shall only be required to be constructed on one side of the lanes and the sidewalks for the other side shall be constructed when the remaining lanes are constructed.

ii. Curbs.

A. Miami curbs shall be permitted in BF MU district on all streets classified as local and private streets. Both entrance roads from Challenger Drive shall have a minimum 6-inch high curb, meeting Florida Department of Transportation Type F.

iii. Parking and Loading Facilities.

A. Parking requirements must meet the requirements of Section I.15 of the Branran Field Land Development Regulations.

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- B. All off-street loading facilities shall be located at the rear or side of the building and visually screened from any abutting public or approved private street or residential property.
- iv. Landscaping. In addition to the County's Landscaping and Tree requirements, the following standards shall apply.
- A. Commercial and office uses over 100,000 gross square feet in floor area shall provide raised planters, sidewalk cutouts, or portable planters or may vary building setbacks to accommodate landscape planters. Street trees shall be placed in sidewalk cutouts along streets at a spacing that is at least an average of forty feet on center. Street trees shall be approved parking lot trees and may also include Washingtonian Palm trees, or similar tall palms. All landscape islands in parking lots shall have shade trees, planted or preserved at a minimum caliper of four inches. Trees less than five inches in caliper shall be counted as small trees for Tree Protection and Landscaping.
- B. Freestanding retail, commercial, office and industrial buildings under 100,000 gross square feet in floor area must provide a landscape strip that is at least ten feet in width on the front and sides of the building. A minimum five-foot wide sidewalk shall be placed on either side of this landscape strip. As an alternative, the landscape strip may be eliminated from areas facing the parking lot, entrances, and adjacent streets if a minimum ten-foot wide sidewalk is provided with parking lot or street trees within cutouts or landscape islands spaced no more than 30 feet on center. The spacing of shade trees within the landscape strip may exceed the 30 foot standard no more than 150%, if the Planning and Zoning Director finds that wider spacing is needed due to tree species.
- C. Office and Industrial Parks or Complexes. Office and industrial buildings shall have a sidewalk and landscaped area between the building and the street that the buildings front on. Street trees shall be located between the sidewalk and the street, planted at a minimum of thirty feet on center. Parking areas shall be provided to the rear of buildings and on the side of the building, set back behind the front façade of the

building. Side parking areas shall have a streetwall (wall or hedge of at least 42” in height) continuing the front façade line of surrounding buildings.

- D. In the case of car, boat, or similar sales uses, storage or activity areas shall be visually screened from adjacent streets and properties using the following screening standards;
1. The landscape area shall be at least 25 feet wide.
 2. Sufficient canopy trees shall be planted or preserved to receive at least twelve (12) tree points per one hundred (100) lineal feet or fraction thereof and arranged so that the trees are distributed along the distance.
 3. The landscaping shall include a masonry wall, solid fence, berm or hedge that is maintained between thirty (30) and forty-eight (48) inches in height above grade at the time of planting, spaced not more than thirty-six (36) inches apart and maintained so as to form a continuous visual screen thirty (30) inches in height above grade, under normal growing conditions within one year after planting.
 4. In order to break the visual monotony of a masonry or wood wall, when such walls are used, at least two (2) shrubs or vines shall be planted abutting the wall within each ten (10) feet but not necessarily evenly spaced ten (10) feet apart. Such shrubs or vines shall be planted along the street side of the screen, shall be a minimum of twenty-four (24) inches in height above grade at the time of planting and maintained so as to form a visual screen thirty (30) inches in height above grade under normal growing conditions within one year after planting.
 5. The remainder of the required landscaped areas shall be landscaped with turf grass, ground cover or other landscape materials.
- E. For standards calculation purposes, at least 10% of the parking lot shall be landscaped area (not including the perimeter and right-of-way buffers).

v. Buffers.

- A. Perimeter buffers, between Branan Field land use categories, shall be at least 30 feet in width and include shade trees planted or preserved at least every 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Director of Planning and Zoning finds that wider spacing is needed due to tree species.
 - B. Right-of-way buffers shall be necessary when there is a gap in the continuity of buildings or landscape buffers along a street including when a building is setback more than 25 feet from the street edge, or property line, whichever is greater, or when stormwater management basins are located along the street frontage. The buffer shall be at least 25 feet in width and include shade trees planted or preserved at a ratio of at least one tree per 1000 square feet. In addition, shade trees must be located between the sidewalk and the principal thoroughfare, with a minimum spacing of 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Director of Planning and Zoning finds that wider spacing is needed due to tree species.
 - C. Retention facilities may occupy up to 30% of Park/Civic Space in non-residential areas. At least 50% of retention lands shall be utilized for required trees within buffers. Such facilities shall visually and functionally complement the park/civic space through the use of pedestrian bridges, boardwalks, and docks; provide fountains for aeration and improved appearance, and shall include shade trees and other landscaping planted or preserved around the retention facility.
 - D. At least 50% of the planted or preserved trees within the perimeter and right-of-way buffers must be a minimum four inch caliper, with trees less than 5 inches in caliper counted as small for Tree Protection and Landscaping Standards calculations purposes.
- vi. Signs. The Sign Standards set forth in Section 13 of the Branan Field LDRs shall apply to the BF MU district with the following exceptions:
- A. All free-standing signs shall be monument signs. All commercial signs shall be channel letter style. No cabinet signs shall be permitted.

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- B. Residential development and neighborhood identification signs are limited to monument signs that are less than six feet in height and thirty square feet in size. If lighted, these signs shall be externally lighted.
- C. Place-making markers for the purpose of general directions may be provided consistent with paragraph e. ix. F. of these regulations.
- vii. Residential Standards.
- A. Residential Lot Setbacks and Other Requirements. The principal buildings, accessory buildings, and other lot uses shall be located so as to comply with the following requirements:
1. Minimum Lot Width at Building Line: 25 feet.
 2. Minimum Front Setback: 25 feet for front facing garage or carport in residential developments.
 3. Minimum Side Setback: None.
 4. Maximum Percent of Lot Coverage: The average lot coverage shall be 50%, all primary and accessory buildings shall be calculated.
- B. To retain the pedestrian-scale of the BF MU residential areas, no building footprint shall exceed 20,000 square feet. Individual uses shall not exceed 5,000 square feet.
- C. Height Limitations. Height limits of thirty-five feet within 150 feet from residential use boundary, and 52 feet between 150 and 300 feet from residential land use boundary. Beyond 300 feet from a residential use boundary, no structure shall protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to a boundary of a residential use and extending inward over the commercial area at an

angle of 45 degrees. This standard protects areas within residential land use from the visual intrusion of tall buildings.

D. Design standards for residential development:

1. Doorways, windows, and other openings in the façade of a residential building shall be present and shall be proportioned to reflect pedestrian scale and movement, and encourage interest at the street level.
2. To create a walkable environment, residential buildings shall be grouped close together. Within each block residential buildings shall occupy at least 65 percent of the street frontage.
3. Apartment buildings shall have a balcony or porch for each unit facing the street; townhouses and single-family attached shall provide a change in plane at a minimum of every 60 feet.
4. Residential buildings may have their entrances from parking areas, but must also provide an entrance to the street. The street entrance shall be clearly articulated through the use of architectural detailing. Entrances shall include at least two of the following features: pediment raised above-the-doorway parapets with cornice, peaked roof forms, side lites and/or transoms, arched doorways. The architectural details shall be consistent with the architectural style of the building as a whole.
5. Rooflines must be pitched or gabled at a minimum 4:12 slope or, if flat, must include parapet walls or partial roofs.
6. Exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, wood or other similar material including synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block or metal finishes shall not be permitted.

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7. Front porches are required for all single-family attached and townhome development. Front stoops and porches must have a minimum width of four feet and floor level at least 18 inches higher than the top of curb.
 8. Front stoops and porches shall be consistent with prudent utility practice.
- E. Parking spaces are allowed either in garages, driveways, or carports on single lots, and for multi-family, townhome, and other high density residential uses the parking may be in commonly owned courtyards, or may be located to the rear or side of buildings. If located on the side of the structure the parking must be screened using solid streetwalls not exceeding four feet in height or landscaping.
 - F. Developments with more than 200 residential units shall be required to have a central civic space within a neighborhood park including a clubhouse or open air pavilion. This structure shall be constructed prior to the issuance of a building permit for more than 50% of the lots and/or units of the development. The developer and later the homeowners association shall be responsible for construction and upkeep of the civic space. The pavilion size shall be set at five square feet per unit for an enclosed building and ten square feet per unit for an open air pavilion. Enclosed buildings and pavilions shall have a minimum size of 750 square feet. Enclosed buildings shall not be required to exceed 2,000 square feet and pavilions shall not be required to exceed 1,500 square feet.
- viii. Design Standards for Non-Residential Development.
 - A. Non-Residential Intensity Requirements. The maximum floor area ratio (FAR) for each non-residential development within the BFMU non-residential classification shall not exceed 80%, with an average not to exceed 50 percent. Lot coverage is the total of all primary and accessory structures.
 - B. Non-Residential Architectural and Additional Standards.

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1. Reduction of building mass shall be achieved by using the following techniques:
 - (a) Variation in the rooflines and form.
 - (b) Use of ground level arcades and covered areas.
 - (c) Use of protected and recessed entries.
 - (d) Use of vertical elements (including architectural features such as pilasters, columns, canopies/porticos, arcades, colonnades, and/or parapets) on or in front of expansive blank walls, to interrupt facades into modules of less than 60 feet.
 - (e) Use of pronounced wall plane offsets and projections.
 - (f) Use of focal points and vertical accents.
 - (g) Inclusion of storefront and other windows on elevations facing streets and pedestrian areas.
 - (h) Retaining a clear distinction between roof, body and base of a building.
 - (i) Office and Industrial buildings that are substantially screened by landscaping shall not have to meet Items (d),(e),(f) and (h) above.
 2. Rooflines must be pitched or gabled at a minimum 4:12 slope or, if flat, must include parapet walls or partial roofs. HVAC and other rooftop equipment should be screened from view.
 3. Exterior walls shall be constructed of finished materials such as stucco; natural brick or stone; colored, sand blasted, or stained textured masonry; scored concrete masonry units; textured tilt-up concrete panels; wood; or other similar material including synthetic materials similar in appearance and durability to those materials previously named on all sides. Exposed smooth concrete block, corrugated or other metal finishes, untextured tilt-up concrete panels, pre-fabricated steel panels and the like, shall not be permitted. Roofs shall be covered by metal, concrete or clay tile, or architectural shingles.

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4. At least one building entrance must face the street and be clearly articulated through the use of architectural detailing. Customer entrances shall be clearly defined and include at least three of the following features: canopies/porticoes; overhangs; recesses/projections; arcades; raised above-the doorway cornice parapets; peaked roof forms; arches; outdoor patios; display windows; integrated architectural details such as tile work, moldings, planters; and/or landscaped sitting areas.
 5. Fenestration. For commercial buildings and for facades on office and industrial buildings that face the street or a parking area, doorways and windows shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level. The street level façade of each commercial use shall provide windows between the height of three feet and eight feet above the walkway grade, for no less than 60 percent of the horizontal length of the building façade for each store.
 6. Covered Entry areas. Commercial structures must include awnings, covered walkways, open colonnades, or similar weather protection. Such features shall be applied to the front of the building, and to the sections of the sides of building where direct pedestrian links from adjacent or nearby shopping areas exist or are planned.
 7. Convenience Stores and Service Stations. Driveway openings shall be limited to the maximum needed for safe egress in and out of the property. There shall be no more than 20 fueling stations (each fueling station serving one vehicle). All pump islands shall be contained under one canopy, which shall be not higher than 17 feet. All under-canopy lighting shall be recessed. Buildings must have pitched roofs. A minimum five-foot wide landscape strip shall be located adjacent to the building, with shrubs of at least four feet in height spaced less than five feet apart, and ground cover. Landscaping within the buffer shall conform to Article VI, Section 6.6.

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8. Height Limitations. Height limits of thirty-five feet within 150 feet from residential use boundary, and 52 feet between 150 and 300 feet from residential land use boundary. Beyond 300 feet from a residential use boundary, no structure shall protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to a boundary of a residential use and extending inward over the commercial area at an angle of 45 degrees. This standard protects areas within residential land use from the visual intrusion of tall buildings.
- C. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, low-voltage landscape up lighting, etc.).
 - D. Building Placement: Buildings shall be located to foster a walkable, urban atmosphere.
 1. Setbacks for non-residential structures:
 - (a) Minimum Lot Width at Building Line: 25 feet.
 - (b) Minimum Front Setback: The minimum necessary to meet prudent utility standards and to protect street trees.
 - (c) Minimum Side Setback: None.
 - (d) Maximum Percent of Lot Coverage: The average lot coverage shall be 50%, all primary and accessory buildings shall be calculated.
 2. A “Big Box”, commercial uses of 100,000 square feet or more, shall be accompanied by “outparcel” development that encompasses 60% of the street frontage, and as such, shall provide the “windows on the street” for the big box. The out-parcel buildings shall face the street and have a customer doorway on the principal street. Parking shall be permitted to the side and rear of the outparcels. Parking shall be permitted between the big box and the outparcels. Landscaping shall be provided within the parking lot consistent with these regulations. In lieu of meeting the 60% glazing requirement on the “Big Box”,

the architecture may incorporate colonnades, high quality faux windows with shutters (not painted on the wall), pilasters, changes in texture and plane and changes in roof line. Buildings shall be detailed to identify the base, body and roofline of the building. Multiple stores shall be identified by demarcation of each story.

E. Street Lighting. Lighting along pedestrian corridors and sidewalks within commercial developments shall be in the form of decorative streetlights, with a height between 10 and 16 feet.

F. Additional BF MU Guidelines shall be submitted to the Planning and Zoning Director prior to any construction in the BF MU for review and approval, to address the following:

1. an integrated street lighting plan, including fixture style and pole heights;
2. Sign and place marking design guidelines in order to provide a uniform sign format;
3. Generalized landscape plan identifying a compatible mix of trees types that promote seasonal color and species diversity; and
4. Generalized location and size of neighborhood and community parks.

f. Conflicts. In the event of conflicts or inconsistencies between the Branan Field Master Plan Land Development Regulations and these BF MU standards, the BF MU Regulations shall prevail. Silence or a lack of inclusion shall be addressed by the Branan Field Land Development Regulations, and in the event that it is silent, then the Clay County Land Development Regulations shall prevail.

7. BF Rural Neighborhood Center (BF RNC).

a. Uses Permitted by Right

- i. Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshop), art supplies, camera repair, plant nurseries, sporting goods, hobby shops and pet shops (but not animal kennels), musical instruments, television and radio shops (including repairs), florist or gift shops, bake shops (but not wholesale bakeries), convenience stores without gasoline pumps.
- ii. Service establishments such as barber or beauty shops, shoe repair shops, restaurants (without drive-thru except that coffee/donut shops of less than 2,900 square feet shall be entitled to one drive-thru) and delicatessens, interior decorators, photographic studios, dance, music, or martial arts studios, reducing salons or physical fitness centers, self-service laundries or dry cleaners (pick up only), tailors or dressmakers.
- iii. Medical and dental offices and clinics, veterinary offices without kennels.
- iv. Places of worship, day care centers, private schools, nursing homes, convalescent homes, rest homes, or homes for the aged.
- v. Grocery stores, including integrated pharmacies with drive-thru, not exceeding 52,000 square feet.

b. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.

- i. Medical Marijuana Treatment Center Dispensing Facility

c. Density Requirements.

The maximum intensity of development for land in the Rural Neighborhood Classification shall correspond to a Floor Area Ratio (FAR) of 30%.

d. Sidewalks.

Sidewalks in front of all buildings shall be a minimum of ten feet in width.

e. Design Standards.

- i. To retain the pedestrian scale of the BF Rural Neighborhood Center, no building footprint shall exceed 10,000 square feet, except adult living facilities and places

of worship and schools, and except for grocery stores, including integrated pharmacies with drive-thru, that shall not exceed 52,000 square feet, all other individual uses shall not exceed 5,000 square feet.

- ii. Doorways, windows and other openings in the façade of a building shall be present and shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
- iii. To create a walkable environment, buildings shall be grouped close together. Within each block, building shall occupy at least 65 percent of street frontage, except that with respect to a grocery store, the buildings, any outdoor seating area and open space/ponds shall occupy at least 25 percent of store frontage.
- iv. Commercial structures must have awnings, covered walkways, open colonnades, or similar weather protection.
- v. A building shall avoid long, monotonous, uninterrupted walls or roof planes. The façade of the building shall be divided into distinct modules, of no longer than sixty feet, by indentations or projections of plane of the building at each increment by a minimum of 12 inches.
- vi. Buildings may have their entrances from parking areas, but must also provide an entrance to the street, except that a grocery store may have a sole entrance from the parking areas. This street entrance shall be clearly articulated through the use of architectural detailing. Entrances shall include at least three of the following features: raised above-the doorway cornice parapets, peaked roof forms, arches, display windows, and/or integrated architectural details such as tile work, moldings, or planters.
- vii. Rooflines must be pitched or gabled at a minimum of 4:12 slope or, if flat, must include parapet walls or partial roofs.
- viii. Exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, wood or other similar material including synthetic materials previously named on all sides. Exposed smooth concrete block or metal finishes shall not be permitted.
- ix. Only wall and awning signs are allowed, except that if the property includes a grocery store, there shall be permitted one (1) monument sign for the property.
- x. Convenience stores. Store size shall not exceed 5000 square feet. A streetwall consisting of a continuous hedge three in height shall run along the length of all

street property lines with openings for access driveways. There shall be no gasoline pumps. A minimum five foot wide landscape strip shall be located adjacent to the covered area of the building, with shrubs at least three feet in height spaced not less than five feet apart, and ground cover.

f. Parking.

Parking spaces must be located to the rear or side of buildings, except on-street parking and except for grocery stores where parking spaces may be located at the front of the building if the side of the building faces a street. On-street parking shall be in the form of parallel or diagonal parking. If located on the side of the structure the parking must be screened using solid streetwalls not exceeding three feet in height or landscaping. Parking frontage along the street shall be limited to 100 feet.

g. Block Lengths.

To promote walkability, block lengths within the BF Rural Neighborhood Center may not exceed 500 feet, except for centers with a grocery store.

h. Sidewalk and Trail.

Sidewalks shall be required as per these land development regulations and connections shall be provided to any existing or planned multi-use pathways.

i. Retail Limitation.

The limitation on the size of the portion of the Rural Neighborhood Center shall be determined without regard to the stormwater management facilities constructed to serve the retail portion.

IV. GENERAL STANDARDS

1. Residential. Residential land uses, developed lots of record, developments created prior to plan adoption, and properties designated Rural Residential, Urban Core and Urban Fringe within the boundary of the Branan Field Master Plan on the Future Land Use Map shall be exempt from requirements of the Master Plan and LDRs. These properties shall be subject to provisions of the 2015 Comprehensive Plan, Zoning Code, and other applicable regulations in effect at the time of adoption of the Master Plan.
2. Nonresidential. Existing nonresidential uses within the Branan Field Master Plan area at the time of Master Plan adoption shall be exempt from requirements of the Master Plan and LDRs. These properties shall be subject to provisions of the 2015 Comprehensive Plan, Zoning Code, and other applicable regulations in effect at the time of adoption of the Master Plan. However when expansion of such uses exceeds 1,000 square feet in size, new building and parking areas shall be subject to the LDRs. Properties with zoning designations of AG, AR, BB, BB-1, BB-2, BB-3, BB-4, BB-5 PS-1, PS-2, PS-3, PS-4, PO-1, PO-2, PO-3, and PO-4 prior to adoption of the Master Plan may develop consistent with permitted and conditional uses identified in each of these zoning categories at the time of Master Plan adoption. However such uses must meet parking, landscaping, architectural, and other applicable standards of the LDRs. Finally, for areas that were under the PS-1, PS-2, PS-3, and PS-4 zoning districts prior to plan adoption and upon plan adoption were put into residential land use and zoning where it is not feasible to designate such areas as Neighborhood Centers, applicants may obtain approval to expand from the Board of County Commissioners, providing that such use expansions will not result in a negative impact on adjacent residential uses due to reasons of traffic, noise, and other measures of intensity. Such expansions may not exceed the property and building area by more than two times.

Sec. 3-33 B. LAKE ASBURY MASTER PLAN AREA

A. *PLAN ADMINISTRATION.*

1. Rezoning. The County shall rezone undeveloped properties to the base zoning district for each land use.
2. Application Requirements. Applications for development review shall include, at a minimum, a narrative, site plan, jurisdictional wetland/Greenway delineation, survey, and building elevations when applicable that specifically demonstrate how the project meets the LDRs.

All developments shall be required to provide an environmental assessment for lands proposed for development, prepared and certified by a qualified environmental professional, at the time of development review and prior to any land clearing or disturbance of the site.

3. Project Review. All projects will undergo separate conceptual and final reviews by the County's staff Development Review Committee, with representatives of specific County departments reviewing items pertinent to their responsibilities. Applications shall be considered by the DRC no later than 22 days from the date of submittal.
4. Project Approval. Project approval shall be given by the Director of Planning and Zoning, with written confirmation of compliance from other County department heads as required in these regulations. Conceptual approval is granted for a period of three years. Conceptual plans will be guided by the LDRs in effect at the time of approval. Final applications shall be reviewed by the DRC consistent with the DRC submittal schedule. Approval of specific plats, construction drawings, and other detailed submittals shall continue to be the responsibility of the relevant department head.
5. Conflicts. To the extent that these LDRs may conflict with or may not be consistent with other applicable County laws, ordinances, rules or regulations, these LDRs shall govern and control. When the LDRs are silent on an issue that would otherwise be governed by other codes of the County, those codes shall prevail. To the extent that there is internal conflict, the stricter provision shall prevail.
6. Appeal. Questions of interpretation which do not involve specific and measurable standards may be appealed to the Planning Commission and Board of County Commissioners. Such an appeal may be filed within 45 days of the written issuance of interpretation by the Director of Planning and Zoning. The Director of Planning and Zoning must schedule a public hearing within 21 days from receipt of the appeal. The appeal hearing shall be a quasi-judicial, de novo hearing and shall allow expert testimony. Public notice shall be no less than two columns by ten inches (1/8 page) in size and shall be advertised in a newspaper of general circulation at least seven days prior to the hearing.
7. Modifications. Any proposed major or substantial change in the approved project which affects the intent of the development, the density or land use pattern, the internal circulation, or similar substantial changes shall be reviewed by the DRC consistent with section (a) above. A major change is defined as an increase in dwelling units which equates to a change

of 5% or 50 units, whichever is greater. For non-residential projects, a change which results in an increase of 5% or 60,000 square feet, whichever is greater, is determined to be substantial. Changes in these areas that are not major or substantial may be approved by the Director of Planning and Zoning.

8. Variances. A landowner may apply to the Board of Adjustment for a variance in accordance with the procedures and standards provided generally for variances under the Zoning Code. This procedure shall be allowed only for specific and measurable standards that the applicant contends to cause a hardship due to unique site characteristics.
9. Land Uses. Land uses within the Lake Asbury Master Plan Area (LAMP) are limited to those designations on the Future Land Use Map, but may also include the Planned Community designation which shall be subject to the development standards set forth in any such Planned Community DRI Development Order and Planned Unit Development zoning which shall take precedence over these land development regulations.
10. Homeowners Associations. Homeowners Associations (HOAs) and /or Community Development Districts (CDDs) are required for all residential subdivisions. HOAs and/or CDDs shall formally assume maintenance responsibility, submitted to the county a fully executed indemnification and maintenance guarantee regarding common areas and facilities, and shall be invested with the power to levy recurring assessments on property within the development sufficient to fund the cost of such maintenance, and to compel the payment of such assessments through lien and foreclosure, whereupon such association shall bear such responsibility. HOAs shall be responsible for the maintenance in perpetuity of commonly owned facilities including but not limited to retention, neighborhood parks, private alleys and streets, and buffers. HOAs shall be established prior to the construction of 50% of the lots within a development. Maintenance responsibilities shall be that of the developer until such time that such responsibilities are turned over to a functional HOA. Covenants and restrictions on properties shall be required, and shall set forth participation and financial obligations pertaining to HOAs. HOAs shall levy assessments on property owners that are adequate to maintain commonly owned facilities. HOAs shall carry insurance covering common areas and facilities.
11. Interpretation Flexibility. The Planning and Zoning Director may consider and approve deviations from specific LDR requirements including use, building arrangement, street layout, parking location, pedestrian corridor location, landscape buffer width, and tree type. However such approval shall only be granted if a compelling need and an improved outcome are apparent, and if the intent of the regulations is upheld and in fact exceeded, particularly in regard to pedestrian orientation.

B. ZONING DISTRICTS

Each land use category within the LAMPA has allowable zoning districts (Permitted Zoning) and in addition to such zoning, also has standards in the form of an overlay. The Overlay Design Standards will apply to all development within the LAMPA boundary, regardless of zoning.

Base zoning will reflect uses and intensity/density in the adopted LAMPA. Permitted uses and conditional uses under the base zoning are to be identified. Certain public and private service uses are permitted under the base zoning, including churches and schools. Certain Zoning Districts other than the base zoning are identified as consistent with each land use category, subject to approval under the re-zoning requirements of Clay County.

1. Lake Asbury Master Planned Community (LA MPC) Land Use

The Base Zoning is LA MPC, permitting single family detached dwellings. Single-family attached dwellings are also permitted subject to locational criteria. All development must submit site plans for review to ensure conformance with LDR standards, and shall be bound by such site plans. Other Zoning Districts permitted in the LA MPC Land Use (consistent Zoning Districts) are PO-1, PO-2, PO-3, PO-4, PS-1, PS-2, PS-3, PS-4, and PS-5.

Development within the Lake Asbury Master Planned Community category will be in the form of walkable neighborhoods. Walkability shall be achieved through sidewalks on both sides of streets, connected neighborhoods, parks within walking distance, and traffic calming techniques. Local and collector streets and pedestrian/bicycle paths will contribute to a connected system of routes from individual neighborhoods to village centers, the activity center and other neighborhoods. Street design shall encourage pedestrian and bicycle use. Neighborhoods shall contain a diversity of housing types through lot size varieties and are encouraged to provide for affordable housing utilizing garage apartments; small lot subdivisions, and townhomes. To create a sense of neighborhood identity, neighborhoods within this category shall have primary neighborhood parks as well as pocket parks where neighbors can interact.

All development is subject to the Lake Asbury Overlay Standards.

Allowable uses are single-family detached dwellings, with single-family attached dwellings uses allowed adjacent to village centers. Single-family attached units may not exceed ten percent of potential units in the Lake Asbury Master Planned Community within each village, and are subject to the Dimensional Standards of the Village Center. Central water and sewer is required in this land use category.

The maximum base density for single-family detached development is 3 units per net acre (net calculated as uplands only). Single-family detached density may go up to five units per net acre through the dedication of wetland-upland buffers and/or environmentally significant lands. Single-family attached density is allowed at a range between six and ten units per acre, and may go up to 12 units per acre through additional density associated with wetland-upland buffers and/or environmentally significant land dedication as described in paragraph 4 of Subsection D.

a. Permitted uses:

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- i. Single-family detached dwellings and customary accessory buildings incidental thereto, meeting the standards of this code.
 - ii. Single family attached, subject to locational criteria.
 - iii. Accessory apartments, meeting the standards of this code.
 - iv. Satellite dish receivers to serve the development in which located.
 - v. On-premises consumption of alcoholic beverages within recreation- and clubhouse-type facilities developed as part of a unified plan of development and only for use by the residents and their guests and licensed under Chapter 11-C of the Florida Division of Alcoholic Beverage and Tobacco.
 - vi. Neighborhood parks.
 - vii. Places of worship, allowed on minor and major collectors. Forty thousand square foot limitation and additional 10,000 square foot allowed for classrooms, meeting space, and other ancillary uses on minor collectors; no size limitations on major collectors.
 - viii. Washing facilities for use by residents.
 - ix. Storage of travel trailers, recreational vehicles and boats for residents of a subdivision, within that subdivision, provided such units are stored in a separate area that is landscaped, visually screened, and maintained. Storage of these units shall not be permitted on individual lots.
 - x. Public and private educational facilities subject to locational criteria in the 2015 Plan.
 - xi. The non-commercial keeping and raising of horses, cattle, sheep, goats, swine and other similar animals; provided, however, that no more than one horse, cattle, sheep, swine, goat or other large farm animal six months of age or older shall be permitted to be kept or maintained per two acres of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty feet to the property.
 - xii. Agricultural classification for ad valorem tax purposes.
 - xiii. Public and/or Private Utility Sites.
- b. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.
- i. Home occupations.
 - ii. Swimming pools.
 - iii. Private ponds.
 - iv. Temporary structures or buildings (excluding mobile homes).
 - v. Recreation vehicle parking for temporary use.
- c. Uses or Activities Permitted By Right as Accessory. The use of land or activities upon such land, which are secondary or incidental to the primary use as set forth herein, shall be as follows:
- i. The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
 - ii. Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year. The duration of each garage sale shall be a maximum of seventy-two (72) hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
- d. Prohibited Uses or Activities.

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- i. Any use or activity not permitted in (a), (b), or (c) above.
 - e. Dimensional Standards.
 - i. Minimum Density: 1 unit per net acre.
 - ii. Maximum Density: 2.5 units per net acre; 3 with density bonuses.
 - iii. Minimum Lot Size: 4,000 square feet (applied to a maximum of 20% of the lots within in given development) 5,500 square feet; 3,500 with rear alleys
 - iv. Minimum Lot Width at Building Line: 40 feet (applied to a maximum of 20% of the lots within in given development); 30 feet with rear alleys
 - v. Minimum Front Setback: 5 feet for front porches; 10 for front façade; 25 feet for front facing attached or detached garage or carport.
 - vi. Minimum Side Setback: 5 feet.
 - vii. Minimum Rear Setback: 10 feet¹⁴ with rear alleys
 - viii. Maximum Percent of Lot Coverage: 50 percent (total for all primary and accessory buildings), 70 with rear alleys

2. Lake Asbury Rural Reserve (LA RRSV) Land Use

The Base Zoning is LA RRSV, permitting single family and limited multi-family as permitted uses. All development must submit site plans for review to ensure conformance with design standards, and shall be bound by such site plans. Other Zoning Districts permitted in the LA RRSV Land Use (consistent Zoning Districts) are PO-1, PO-2, PO-3, PO-4, PS-1, PS-2, PS-3, PS-4, and PS-5.

Density is set at 1.5 units per gross acre, with the wetlands utilized for density calculation limited to no more than 25% of total acreage – a level that will accommodate central services, but at the same time will not greatly depart from lower rural densities.

Developments must retain at least 35 percent of the site in open space, which may include the buffers, required parks, and conservation areas. Sixty percent of the open space preservation area must be in uplands.

Vegetated perimeter buffers are required at a minimum width of 50 feet. Perimeter buffers increase as the parcel width and depth increases. The perimeter buffer is calculated at 2.5 percent of the average lot width and depth. Perimeter buffers would also apply along roadways. In calculating the average parcel width or depth, the length of either the width or depth may be reduced if wetlands with the following characteristics cross the perimeter: wetlands or preserve areas with forested areas that will not be developed, and wetlands or preserve area that have a depth of at least 50 feet measured at the property line. The length of a parcel width or depth dimension may be reduced by the dimension of the wetland or portion thereof meeting the conditions stated above. Perimeter buffers must include preserved or planted vegetation to provide an effective visual screen for development.

The Lake Asbury Rural Reserve Land Use Category may include up to 25 percent of the developed dwelling units as multi-family units.

At least 35% of a parcel must be preserved as permanent open space. This may include perimeter buffers, wetlands, wetland-upland buffers, parks, and other open space (not including retention ponds).

All development is subject to the Lake Asbury Overlay Standards.

a. Permitted uses:

- i. Single-family detached dwellings and customary accessory buildings incidental thereto, meeting the standards of this code.
- ii. Single-family attached units and/or multi-family units not to exceed 25% of total development units
- iii. Accessory apartments, meeting the standards of this code.
- iv. Satellite dish receivers to serve the development in which located.
- v. On-premises consumption of alcoholic beverages within recreation- and clubhouse-type facilities developed as part of a unified plan of development and only for use by the residents and their guests and licensed under Chapter 11-C of the Florida Division of Alcoholic Beverage and Tobacco.
- vi. Neighborhood parks.
- vii. Places of worship, allowed on minor and major collectors. Forty thousand square foot limitation and additional 10,000 square foot allowed for classrooms, meeting space, and other ancillary uses on minor collectors; no size limitations on major collectors.
- viii. Washing facilities for use by residents.
- ix. Storage of travel trailers, recreational vehicles and boats for residents of a subdivision, within that subdivision, provided such units are stored in a separate area that is landscaped, visually screened, and maintained. Storage of these units shall not be permitted on individual lots.
- x. Public and private educational facilities.
- xi. The non-commercial keeping and raising of horses, cattle, sheep, goats, swine and other similar animals; provided, however, that no more than one horse, cattle, sheep, swine, goat or other large farm animal six months of age or older shall be permitted to be kept or maintained per two acres of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty feet to the property.
- xii. Agricultural classification for ad valorem tax purposes.
- xiii. Public and/or Private Utility Sites.

b. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.

- i. Home occupations.
- ii. Swimming pools.
- iii. Private ponds.
- iv. Temporary structures or buildings (excluding mobile homes).
- v. Recreational vehicle parking for temporary use.

c. Uses or Activities Permitted By Right as Accessory. The use of land or activities upon such land, which are secondary or incidental to the primary use as set forth herein, shall be as follows:

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- i. The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
 - ii. Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year. The duration of each garage sale shall be a maximum of seventy-two (72) hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
- d. Prohibited Uses or Activities.
- i. Any use or activity not permitted in (a), (b), or (c) above.
- e. Dimensional Standards.
- i. Maximum Density: 1.5 units per gross acre;
 - ii. Minimum Lot Size: 6,000 square feet; 3,500 with rear alleys.
 - iii. Minimum Lot Width at Building Line: 50 feet; 40 with rear alley easement.
 - iv. Minimum Front Setback: 10 feet for front porches; 15 for front façade, 25 feet for attached or detached front facing garage or carport.
 - v. Minimum Side Setback: 5 feet.
 - vi. Minimum Rear Setback: 10 feet; 14 feet with rear alleys.
 - vii. Maximum Percent of Lot Coverage: 50 percent (total for all primary and accessory buildings).

3. Lake Asbury Rural Community (LA RC) Land Use

The Base Zoning is LA RC, permitting single family as a permitted use. All development must submit site plans for review to ensure conformance with design standards, and shall be bound by such site plans. Other Zoning Districts permitted in the LA RC Land Use (consistent Zoning Districts) are PO-1, PO-2, PO-3, PO-4, PS-1, PS-2, PS-3, PS-4, and PS-5. Development within this category will be characterized predominantly by single-family homes on large lots, served by well and septic tank or by clustered subdivisions which preserve large expanses of environmental open space.

The base density is one dwelling unit per five gross acres. Density may go up to an overall maximum of two units per net acre through the dedication of wetland-upland buffers and/or environmentally significant lands as described in paragraph 4 of Subsection D. Projects utilizing the additional density associated with wetland-upland buffer and/or environmentally significant land dedication shall preserve a minimum of 40% open space with no more than 30% of this being wetlands. Central water and sewer service is required when density exceeds one unit per two acres.

All development is subject to design, environmental, and public facilities criteria.

a. Permitted uses:

- i. Single-family detached dwellings and customary accessory buildings incidental thereto, meeting the standards of this code.
- ii. Accessory apartments, meeting the standards of this code.
- iii. Satellite dish receivers to serve the development in which located.
- iv. On-premises consumption of alcoholic beverages within recreation- and clubhouse-type facilities developed as part of a unified plan of development and only for use by the residents and their guests and licensed under Chapter 11-C of the Florida Division of Alcoholic Beverage and Tobacco.
- v. Neighborhood parks.
- vi. Places of worship, allowed on minor and major collectors. Forty thousand square foot limitation and additional 10,000 square foot allowed for classrooms, meeting space, and other ancillary uses on minor collectors; no size limitations on major collectors.
- vii. Washing facilities for use by residents.
- viii. Storage of travel trailers, recreational vehicles and boats for residents of a subdivision, within that subdivision, provided such units are stored in a separate area that is landscaped, visually screened, and maintained. Storage of these units shall not be permitted on individual lots.
- ix. Public and private educational facilities.
- x. The non-commercial keeping and raising of horses, cattle, sheep, goats, swine and other similar animals; provided, however, that no more than one horse, cattle, sheep, swine, goat or other large farm animal six months of age or older shall be permitted to be kept or maintained per two acres of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty feet to the property.
- xi. Agricultural classification for ad valorem tax purposes.

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- xii. Public and/or Private Utility Sites.
- b. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.
- i. Home occupations.
 - ii. Swimming pools.
 - iii. Private ponds.
 - iv. Temporary structures or buildings (excluding mobile homes).
 - v. Commercial kennels.
 - vi. Recreational vehicle parking for temporary use.
 - vii. Temporary living quarters during construction of a residence.
 - viii. Plant nurseries.
 - ix. Rural Event Centers.
 - x. RV and Boat Storage
 - xi. Rural Event Venue.
- c. Uses or Activities Permitted By Right as Accessory. The use of land or activities upon such land, which are secondary or incidental to the primary use as set forth herein, shall be as follows:
- i. The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
 - ii. Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year. The duration of each garage sale shall be a maximum of seventy-two (72) hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
- d. Prohibited Uses or Activities.
- i. Any use or activity not permitted in (a), (b), or (c) above.
- e. Dimensional Standards.
- i. Minimum lot width at building line: 100 feet with on-site well and septic systems, 80 feet with central services
 - ii. Minimum lot depth: 100 feet
 - iii. Minimum Lot Size: one acre with density bonus, 2.5 acres without density bonus
 - iv. Minimum front setback: 25 feet
 - v. Minimum side setback: 20 feet
 - vi. Minimum rear setback: 30 feet
 - vii. Minimum setback from all lot lines of accessory structures (except fences): side and rear: 7.5 feet; front: 30 (but in no event nearer to front line than the front of the principal building.)
 - viii. Maximum percent of lot coverage 30 percent (total for all primary and accessory buildings)
 - ix. Maximum percent of rear lot coverage 30 percent
- f. Dimensional Standards (for developments utilized density bonuses).
- i. Maximum Density: 1 unit per net acre;
 - ii. Minimum Lot Size: 6,000 square feet.
 - iii. Minimum Lot Width at Building Line: 50 feet

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- iv. Minimum Front Setback: 10 feet for front porches; 15 for front façade, 25 feet for attached or detached front facing garage-or carport.
 - v. Minimum Side Setback: 5 feet.
 - vi. Minimum Rear Setback: 10 feet.
 - vii. Maximum Percent of Lot Coverage: 50 percent (total for all primary and accessory buildings).

4. Lake Asbury Rural Fringe (LA RF) Land Use

The Base Zoning is LA RF, permitting single family, detached single family detached homes as a permitted use. All development must submit site plans for review to ensure conformance with design standards, and shall be bound by such site plans. Other Zoning Districts permitted in the LA RF Land Use (consistent Zoning Districts) are PO-1, PO-2, PO-3, PO-4, PS-1, PS-2, PS-3, PS-4, and PS-5.

Densities shall be a maximum of 3 dwelling units per net acre and a minimum of one dwelling unit per net acre. All development is subject to the Lake Asbury Overlay Standards.

a. Permitted uses:

- i. Single-family detached dwellings and customary accessory buildings incidental thereto, meeting the standards of this code.
- ii. Accessory apartments, meeting the standards of this code.
- iii. Satellite dish receivers to serve the development in which located.
- iv. On-premises consumption of alcoholic beverages within recreation- and clubhouse-type facilities developed as part of a unified plan of development and only for use by the residents and their guests and licensed under Chapter 11-C of the Florida Division of Alcoholic Beverage and Tobacco.
- v. Neighborhood parks.
- vi. Places of worship, allowed on minor and major collectors. Forty thousand square foot limitation and additional 10,000 square foot allowed for classrooms, meeting space, and other ancillary uses on minor collectors; no size limitations on major collectors.
- vii. Washing facilities for use by residents.
- viii. Storage of travel trailers, recreational vehicles and boats for residents of a subdivision, within that subdivision, provided such units are stored in a separate area that is landscaped, visually screened, and maintained. Storage of these units shall not be permitted on individual lots.
- ix. Public and private educational facilities.
- x. The non-commercial keeping and raising of horses, cattle, sheep, goats, swine and other similar animals; provided, however, that no more than one horse, cattle, sheep, swine, goat or other large farm animal six months of age or older shall be permitted to be kept or maintained per two acres of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty feet to the property.
- xi. Agricultural classification for ad valorem tax purposes.
- xii. Public and/or Private Utility Sites.

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- b. Conditional Uses. The following uses are permitted subject to the conditions specified in Sec. 20.3-5 of the Zoning Code.
 - i. Home occupations.
 - ii. Swimming pools.
 - iii. Private ponds.
 - iv. Temporary structures or buildings (excluding mobile homes).

 - c. Uses or Activities Permitted By Right as Accessory. The use of land or activities upon such land, which are secondary or incidental to the primary use as set forth herein, shall be as follows:
 - i. The keeping of domesticated cats and dogs with a limit of six total per household over six months in age.
 - ii. Garage sales will be allowed up to a maximum of two (2) garage sales within any calendar year. The duration of each garage sale shall be a maximum of seventy-two (72) hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.

 - d. Prohibited Uses or Activities.
 - i. Any use or activity not permitted in (a), (b), or (c) above.

 - e. Dimensional Standards.
 - i. Minimum Density: 1 unit per net acre.
 - ii. Maximum Density: 3 units per net acre;
 - iii. Minimum Lot Size: 6,000 square feet; 3,500 with rear alleys.
 - iv. Minimum Lot Width at Building Line: 50 feet; 40 with rear alley easement.
 - v. Minimum Front Setback: 10 feet for front porches; 15 for front façade, 25 feet for attached or detached front facing garage or carport.
 - vi. Minimum Side Setback: 5 feet.
 - vii. Minimum Rear Setback: 10 feet; 14 with rear alleys.
 - viii. Maximum Percent of Lot Coverage: 50 percent (total for all primary and accessory buildings).

5. Lake Asbury Activity Center (LA AC) Land Use

The Base Zoning is LA AC, permitting the following uses: residential, office, retail commercial, or light industrial. Other Zoning Districts permitted in the LA AC Land Use category (consistent Zoning Districts) are PO-1, PO-2, PO-3, PO-4, PS-1, PS-2, PS-3, PS-4, and PS-5. A unified plan of development approved, by rezoning to PUD, for lands within the LA AC land use designation, is encouraged.

This land use category will accommodate a range of activities from employment-based office, large-scale retail, light industrial, civic, and recreational uses, as well as multi-family housing. A higher standard of design, aesthetics and environmental protection and enhancement will be emphasized in this category. The category is particularly intended to attract higher-intensity, design-unified corporate campuses that contain a concentration of different urban functions. The concentration of these multiple uses provides the opportunity for the efficient provision of public facilities. The quantification of uses shall be consistent with the ranges identified in the following table:

Land Use Sub-Category	Minimum Required (Acres)	Maximum Permitted (Acres)
Activity Center		
Office	20%	65%
Light Industrial	0%	40%
Commercial/Retail	10%	40%
Residential	10%	25%
Civic/Recreational	5%	20%

Project residential density shall be between eight and 10 units per acre, not applicable to upper floor units in nonresidential developments. Projects utilizing additional density associated with dedication of wetland-upland buffer and/or environmentally significant lands, as described in paragraph 4 of Subsection D, shall be allowed a density of up to 24 units per net acre. The maximum floor area ratio (FAR) for each non-residential development shall not exceed 80%, with an overall average not to exceed 60%.

All development is subject to the Lake Asbury Overlay Standards.

a. Permitted uses:

- i. All uses permitted within the Village Center land use as well as “big box” uses.
- ii. Light industries, with related offices and showrooms, which manufacture, assemble, process, package, store, and distribute small unit products such as optical devices, precision instruments, electronic equipment, toys, fishing tackle, research facilities and laboratories, and the like.
- iii. Automobile sales, service, and rentals; tire sales and service (both new and used); repair garages; motorcycle sales and service; wholesale bakeries; commercial heating and air conditioning; plumbing and electrical shops; wholesale sales rooms and storage rooms; retail meat markets; hardware stores (outside display); commercial plant nurseries; building supply materials; boat and motor sales and service; funeral homes; animal hospitals; miniature golf courses; lawnmower and outboard rentals, sales and service; driving ranges; feed and hay processing and sales.
- iv. Warehouse, warehouse-showroom, or distribution uses.
- v. Outdoor storage activities associated with construction, electrical, and similar contractors.
- vi. Corporate, professional, and business offices.
- vii. Hospitals or hospital satellite facilities; and single-practice clinics.
- viii. Accessory uses, such as dining and recreational facilities, as well as professional services such as copying centers, shipping offices, and computer services.
- ix. Places of worship, day care centers and private schools.
- x. Plant nurseries.
- xi. Funeral homes, cemeteries, mausoleums and crematoriums.
- xii. All of the above uses are subject to the following provisions:

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- A. such uses shall be conducted entirely within an enclosed building and include no outside storage or activities, unless such storage or activities are visually screened from adjacent rights-of-way and properties and are located at least fifty feet from a property line of a less intensive use. In addition, outdoor activities associated with schools and day care are permissible. In the case of car, boat, or similar sales uses, storage or activity areas shall be visually screened from adjacent rights of-way and properties using the following screening standards
 - 1. The landscaped area shall be at least 25 feet wide.
 - 2. Sufficient canopy trees shall be planted or preserved to receive at least twelve tree points per one hundred lineal feet or fraction thereof and arranged so that the trees are distributed along the distance.
 - 3. The landscaping shall include a masonry wall, solid fence, berm or hedge that is maintained between thirty and forty-eight inches in height above grade. Hedges shall be a minimum of twenty-four inches in height above grade at the time of planting, spaced not more than thirty-six inches apart and maintained so as to form a continuous visual screen thirty inches in height above grade, under normal growing conditions, within one year after planting.
 - 4. In order to break the visual monotony of a masonry or wood wall when such walls are used, at least two shrubs or vines shall be planted abutting the wall within each ten feet but not necessarily evenly spaced ten feet apart. Such shrubs or vines shall be planted along the street side of the screen, shall be a minimum of twenty-four inches in height above grade at the time of planting, and maintained so as to form a visual screen thirty inches in height above grade, under normal growing conditions, within one year after planting.
 - 5. The remainder of the required landscaped areas shall be landscaped with turf grass, ground cover or other landscape materials.
 - B. such uses shall provide off-street loading facilities which are located at the rear or side of the building and visually screened from any abutting public or approved private street or residentially zoned property.
 - xiii. Hotels and motels.
 - xiv. Individual second-floor apartments are allowed over commercial uses with a maximum of one dwelling unit per 1,000 square feet of nonresidential space. Such units, as well as upper floor office space shall be exempt from road concurrency.
 - xv. Banks and financial institution with drive-in facilities; drive in restaurants; the sale of gasoline without garage, car repair, or car wash facilities.
 - xvi. Retail sales of beer and wine at establishments commonly known as convenience stores only pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation, for off-premises consumption only.
 - xvii. Places of worship, day care centers and private schools, not to exceed 100,000 square feet in size.

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- xviii. Multifamily residential uses at eight to twelve units per acre, meeting the conditions of this code.
 - xix. Professional and medical offices.
 - xx. Plant nurseries.
 - xxi. Funeral homes, cemeteries, mausoleums and crematoriums.
 - xxii. Public and/or Private Utility Sites.
- b. Conditional Uses. The following uses are permitted in the Activity Center District subject to conditions provided in Section 20.3.5 of the Zoning Code.
- i. Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are 200 feet from adjacent residentially zoned property.
 - ii. Microwave towers.
 - iii. Sales from vehicles.
 - iv. Seasonal outdoor sales.
 - v. Temporary structures or buildings (excluding mobile homes).
 - vi. Recreational Vehicle and Boat Storage.
 - vii. Medical Marijuana Treatment Center Dispensing Facility
- c. Uses Not Permitted.
- i. Any use not allowed in a. or b. above.
- d. Dimensional Requirements (residential).
- i. Minimum Lot Size: 1,350 for single-family attached units.
 - ii. Minimum Lot Width: 15 for single-family attached units, 80 for multi-family structures.
 - iii. Minimum Front Setback: 15 feet for single-family attached facade, 25 feet for attached or detached front facing garage or carport; 15 feet for all non-residential.
 - iv. Maximum Front Setback: 25 feet front facade.
 - v. Minimum Side Setback: 5 feet
 - vi. Minimum Rear Setback: 14 feet.
 - vii. Maximum Percent of Lot Coverage: 80 percent (total for all primary and accessory buildings)
 - viii. Maximum Lot Area: 20,000 square feet

6. Lake Asbury Village Center (LA VC) Land Use

The Base Zoning district is LA Village Center (LA VC). Other Zoning Districts permitted are PO-1, PO-2, PO-3, PO-4, and PS-1, PS-2, PS-3, PS-4 and PS-5. Village Centers shall serve as the mixed-use focal point and central place of a village, and shall provide community shopping and parks arranged in a walkable and human-scale manner. New elementary schools are encouraged to locate close to or adjacent to Village Centers. The retail and office component is limited to small-scale uses, except for stand-alone grocery stores and drug stores. Village Center size may not be greater than 75 acres, with this figure not including schools and community parks. There shall be no more than ten Village Centers

in the LAMPA. Village Centers must be located around the intersections of roads classified as minor collector and above.

Residential uses are allowed in the form of small-lot single-family subdivisions, townhomes, apartments, and upper floor units above nonresidential uses. Project residential density shall be between five (5) and ten (10) units per acre for single family detached, single family attached and multi-family, not applicable to upper floor units in nonresidential developments. Projects utilizing additional density associated with wetland-upland buffer and/or environmentally significant land dedication, as described in paragraph 4 of Subsection D shall be allowed a density of up to sixteen (16) units per net acre. Nonresidential Project Floor Area Ratios shall not exceed 70%. Commercial uses must be in a compact, walkable form, accessible by sidewalk.

The Village Center shall be designed to provide connections to the surrounding pedestrian/bicycle path system and to integrate with the street network of surrounding neighborhoods. Open space requirements may provide park space in the form of civic spaces, plazas, and urban parks, as well as community parks. The quantification of uses shall be consistent with the ranges identified in the following table:

Land Use Sub-Category	Minimum Required (Acres)	Maximum Permitted (Acres)
Village Center		
Residential	25%	65%
Office	0%	25%
Commercial/Retail	25%	65%
Civic, Public Parks	10%	No Max

Notwithstanding the foregoing, any LA VC consisting of less than ten (10) acres existing as of the date of adoption of this ordinance shall not be subject to the quantification of uses described in the above matrix.

Village Centers adjacent to the Rural Community may only include elementary schools, parks, and rural commercial development, with individual buildings (excluding schools) less than 5,000 square feet in size and total building area less than 15,000 square feet.

All development is subject to the Lake Asbury Overlay Standards.

a. Permitted uses:

- i. Uses serving neighborhoods such as florists, shoe repair, dry cleaners, service establishments such as barber or beauty, artist or photographic studio, dance or music studio, tailor or dressmaker, jewelry, bakery (non-wholesale), gift shop, travel agent, video rental, delicatessens & sit down fast food (with drive-thru); retail alcohol/beer/wine sales for on-premise or off-premise consumption; retail sales of beer and wine at establishments commonly known as convenience stores only pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation, for off-premises consumption only; the sale of gasoline without garage, car repair, or car wash facilities; tobacco and related shops; private clubs; libraries and museums; retail outlets for the sale of food, toiletries,

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- sundries, notions and drugs including pharmacies with drive-thru; leather goods and luggage; household appliances; sporting goods; hobby shops; pet shops, school, colleges/universities; supplies and veterinarian services (not kennels); television, audio/video and radio sales (including repair); home and/or office supplies/equipment, computers, software sales and/or rentals; furniture (new and antique); shoe sales and repair; Laundromat, laundry and dry cleaning (with drive-thru but pickup station only); telephone sales and repair; government/public offices; printing/copying/mailing outlets; books, magazines and stationery; lawn/garden/hardware; gymnasiums and physical fitness centers; bed and breakfast facilities; awards and trophies; eye wear and hearing aid sales and service; and similar uses. Places of worship, day care centers, nursing homes, and assisted living facilities are also allowed. Café/restaurant, bank (with drive-through), gourmet food store and individual medical and professional office uses are allowed when limited in size to 3,000 square feet.
- ii. Individual second-floor apartments are allowed over commercial uses with a maximum of one dwelling unit per 750 square feet of nonresidential space per floor. Such units, as well as upper floor office space shall be exempt from road concurrency and density calculation.
 - iii. Places of worship, day care centers and private schools, not to exceed 100,000 square feet in size.
 - iv. Multifamily residential uses at 12 units per acre, meeting the conditions of this code.
 - v. Professional and medical offices.
 - vi. Residential. Single-family detached and single family attached units, with single family detached units limited to 15 percent of the total residential units in the VC and located on the perimeter of the VC so as to provide transitioning density between the VC and the adjacent land use.
 - vii. Public and/or Private Utility Sites.
- b. Conditional Uses. The following uses are permitted in the Village Center District subject to conditions provided in Section 20.3.5 of the Zoning Code.
- i. Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are 200 feet from adjacent residentially zoned property.
 - ii. Microwave towers.
 - iii. Sales from vehicles.
 - iv. Seasonal outdoor sales.
 - v. Temporary structures or buildings (excluding mobile homes).
 - vi. Medical Marijuana Treatment Center Dispensing Facility
 - vii. Recreational Vehicle and Boat Storage
- c. Uses Not Permitted.
- i. Any use not allowed in a. or b. above.
- d. Dimensional Requirements (residential).

- i. Minimum Lot Size: 960 square feet for single-family attached units.
- ii. Minimum Lot Width: 15 feet for single-family attached units, 80 for multi-family structures.
- iii. Minimum Front Setback: 15 feet front façade for single-family detached units, 10 feet front façade for single-family attached units, 25 feet for attached or detached front facing garage or carport, 15 feet for non-residential.
- iv. Maximum Front Setback: 25 feet front facade.
- v. Minimum Side Setback: 5 feet
- vi. Minimum Rear Setback: 8 feet
- viii. Maximum Percent of Lot Coverage: 80 percent (total for all primary and accessory buildings)
- ix. Maximum Lot Area: 20,000 square feet.

7. Lake Asbury Interchange Village Center (LA IVC) Land Use

The Base Zoning district is LA IVC. LA IVC shall serve as an access point to the First Coast Expressway and, at the same time, serve as a mixed-use center of a village. LA IVC shall provide regional and community needs. Light industrial, office, and shopping uses in this district are vital. Local parks and elementary schools may be considered in this district and shall be arranged in a walkable and human-scale manner. All development standards shall be consistent with the LA VC requirements if it is not illustrated in this section. The quantification of uses shall be consistent with the ranges identified in the following table:

Land Use Sub-Category	Minimum Required (acres)	Maximum Permitted (acres)
Interchange Village Center		
Residential	10%	50%
Office	10%	No Max
Commercial/Retail	5%	40%
Light Industrial	0%	No Max
Civic/Public Parks	10%	No Max

- a. Permitted Uses:
 - i. All uses permitted in LA VC are allowed in this district. In addition to the permitted uses for LA VC, uses within this LA IVC shall include light industrial. Light industrial uses shall be limited to light manufacturing and processing, assembly, packaging, fabrication, distribution, warehousing and storage of products that are not objectionable to surrounding land uses with regard to safety, smoke, noise, odor, fumes, dust, toxic chemicals and hazardous wastes.
 - ii. Office and retail uses can be of a regional scale and shall not be limited to small scale uses. In addition to LA VC uses being permitted without size limitation, permitted regional scale uses shall include fast food with drive through, the sale of gasoline with car wash facilities; convenience/gas

establishments, café/restaurant with drive through, bank with drive through and pharmacy with drive through.

- b. Conditional Uses: The conditional uses allowed for LA VC district are also permitted in the LA IVC district subject to conditions provided in Section 3-5 of the Zoning Code.
- c. Uses Not Permitted.
 - i. Any use not allowed in a. or b. above.

8. Lake Asbury Greenway (LA GW) Land Use

The Asbury Greenway land use category includes most creeks, streams, or riverbanks, major drainageways, major wetlands, floodways, and associated upland buffers within the LAMPA that, when combined with the Greenbelt Zoning Overlay produces a wildlife corridor continuing throughout the LAMPA.

The Asbury Greenway land use and Greenbelt Zoning Overlay that make up the conservation network will interconnect natural resources throughout the LAMPA, protecting drainage systems and headwaters of the regional tributaries. Development within this network shall be limited to passive recreational facilities pedestrian walkways, bicycle paths, boardwalks, docks built for water access, fences necessary to protect habitat areas, fences necessary to protect the habitat area, and similar uses from which minimal adverse effects to the network would result. Impacts to the network may also include road crossings not shown on the adopted plan where no other practical alternatives exist, excavation of stormwater management systems when accompanied by the dedication of additional land that is generally equivalent in quality and quantity for conservation, and construction of the passive recreational facilities identified above. Underground utilities and drainage conveyances excluding retention ponds are allowed.

Greenway impacts to accommodate vertical development are allowed only in cases where there is no net loss of wetlands and where additional uplands are added. The quantity of upland additions to the Greenway shall exceed 50% of impacted wetlands. Changes to the Greenway boundary must be approved by the Board of County Commissioners.

9. Existing Development

- a. Residential. Subdivisions with a preliminary plat approval as of October 24, 2006 are vested from the requirements of this Master Development Plan. Existing Lots of Record (LOR) recorded in the public records of Clay County as of October 24, 2006 are vested from the requirements of the Master Development Plan for up to 3 residential units. Development of up to three residential units per LOR shall be subject to the zoning applicable to the LOR on October 23, 2006 and the non-LAMPA land development regulations applicable at the time of development. If the zoning applicable on October 23, 2006 provides a range of lot sizes based on land use category, the lot size requirement for the LOR shall be the size associated with the land use category for the LOR on October 23, 2006.

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- b. Nonresidential. Existing nonresidential uses within the Lake Asbury Master Plan area at the time of Master Plan adoption shall be exempt from the requirements of the Master Plan and LDRs. These properties shall be subject to the provisions of the 2015 Comprehensive Plan, Zoning Code, and other applicable regulations in effect at the time of adoption of the Master Plan. If expansion of existing building square footage is proposed, new building and parking areas shall be subject to the parking, landscaping, architectural, and other applicable standards of the Lake Asbury Master Plan LDRs in effect at the time of the expansion. Properties with zoning designations of AG, AR, BA-2, BA-1, BA, BB, BB-1, BB-2, BB-3, BB-4, BB-5 PS-1, PS-2, PS-3, PS-4, PO-1, PO-2, PO-3, PO-4, and PUD prior to adoption of the Master Plan may develop consistent with permitted and conditional uses identified in each of these zoning categories at the time of development. However such uses must meet parking, landscaping, architectural, and other applicable standards of the Lake Asbury Master Plan LDRs in effect at the time of development.
- c. Residential homes on lots of record may be served by individual wells and septic systems.

10. Solite (LA SOL)

The Solite land use overlay category shall be that property known at the Solite site, located on the north side of CR 209, east of CR 209B. This property is under Federal EPA Administrative Order on Consent US EPA Docket # 95-05-Rs. 3008(h) of RCRA as amended, 42 USC § 6928(h), Effective Date September 13, 1996. The Board of County Commissioners will consider granting a density not to exceed 3 units per net acre if a binding commitment to remediate this site is proffered by the owner and applicant. Development under such a commitment shall meet the standards applicable to the Lake Asbury Master Planned Community land use category. The underlying land use is Mining,

C. LAKE ASBURY OVERLAY STANDARDS

I. Development Standards

1. Accessory Apartments. To promote housing diversity and affordable housing, no more than one accessory structure in the form of a garage apartment shall be allowed in conjunction with a single-family home. For the purposes of calculating density only, accessory units will not be recognized as a separate unit, and shall not be counted as residential units for concurrency purposes. Accessory apartments shall conform to the following standards.
 - a. Ownership. The primary unit and the accessory unit must remain under single ownership.
 - b. Form. Accessory apartments in conjunction with single-family homes must be in the form of an apartment over a garage (garage apartment)
 - c. Size. Accessory apartments may not exceed eight hundred (800) square feet.
 - d. Entrances to garage apartments may not face adjacent residential properties, Entrances may face rear alleys, the street providing access to the residential lot or the principal residence to which they are associated.

2. Architectural Standards for Nonresidential, Attached Single-Family Residential, and Multi-Family Residential. Architectural diversity shall be realized by variation in street patterns, setbacks, site landscape and hardscape, unit color, and other non-structural facade elements.
 - a. Reduction of building mass shall be achieved by using the techniques listed. Buildings with a façade that is less than 100 feet in length do not need to employ items iv, v, or vi,. Buildings with a façade of 100 feet or more must employ all of the techniques listed.
 - i. Variation in the rooflines and form.
 - ii. Use of ground level arcades and covered areas.
 - iii. Use of protected and recessed entries.
 - iv. Use of vertical elements (including architectural features such as pilasters, columns, canopies/porticos, arcades, colonnades, and/or parapets) on or in front of expansive blank walls, to interrupt facades into modules of less than 60 feet.
 - v. Use of pronounced wall plane offsets and projections.
 - vi. Retaining a clear distinction between roof, body and base of a building.
 - b. Roofline Pitch. Primary rooflines must be pitched or gabled at a minimum 3:12 slope or, if flat, must include parapet walls or partial roofs. HVAC and other rooftop equipment should be screened from view.

3. Additional Architectural Standards for Nonresidential. Architectural diversity shall be realized by variation in street patterns, setbacks, site landscape and hardscape, unit color, and other non-structural facade elements.
 - a. Exterior Wall Material. Exterior walls shall be constructed of finished materials such as stucco; natural brick or stone; colored, sand blasted, or stained textured masonry; scored concrete masonry units; textured tilt-up concrete panels; wood; or other similar material including synthetic materials similar in appearance and durability to

those materials previously named on all sides. Exposed smooth concrete block, corrugated or other metal finishes, untextured tilt-up concrete panels, pre-fabricated steel panels and the like, shall not be permitted. Roofs shall be covered by metal, concrete or clay tile, asphalt, or architectural shingles.

- b. Entryways. At least one building entrance must face the street frontage and be clearly articulated through the use of architectural detailing. Customer entrances shall be clearly defined and include at least three of the following features: canopies/porticoes; overhangs; recesses/projections; arcades; raised above-the-doorway cornice parapets; peaked roof forms; arches; outdoor patios; display windows; integrated architectural details such as tile work, moldings, planters; and/or landscaped sitting areas.
 - c. Fenestration. For commercial buildings and for facades on office and industrial buildings that face the street or a parking area, doorways and windows shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level. For multiple commercial uses within a single building, the following standard shall apply. The street level façade of each store shall provide windows between the height of two feet and minimum of eight feet above the walkway grade, for no less than 60 percent of the horizontal length of the building façade that faces streets or pedestrian areas for each store.
 - d. Covered Entry Areas. Freestanding retail structures, freestanding office structures under 25,000 square feet, and shopping center structures must include awnings, covered walkways, open colonnades, or similar weather protection. Such features shall be applied to the front of the building, and to the sections of the sides of building where direct pedestrian links from adjacent or nearby shopping areas exist. Attached single family structures must have porches elevated at least 12 inches above the adjacent grade.
4. Block Length Limitations. To promote walkability in neighborhoods, block lengths shall be limited in the following manner. The base maximum block length is 1000 feet. This block length may be exceeded to a maximum block length that is fifteen times the average lot width of a development, not to exceed 1,500 feet. The maximum block length as set above may be exceeded by no more than one-half if a park or civic space is at the end of a block or if a mid-block pedestrian and bicycle connection is provided. Block length limitations are not applicable where golf course links, greenways, or wetlands limit intersecting streets. In these instances, developments shall provide for definitive pedestrian ways and bicycle paths in place of intersecting streets.
5. Commercial Standards. Buildings and parking areas shall be arranged in a way that emphasizes the importance of the pedestrian, while allowing for conveniences associated with the automobile. The preferable arrangement for free standing stores and shopping centers will be pedestrian-oriented “shopping streets,” instead of in the middle of parking lots. As an alternative, conventional shopping centers will be allowed with a strong pedestrian emphasis, including landscaped pedestrian corridors within parking lots, and also with a significant amount of landscaped area. These designs will encourage walking and also create a much more attractive appearance than a conventional strip shopping center. While individual stores over 100,000 square feet (“big boxes”) need not be arranged along internal streets in

this manner, they shall have wide sidewalks in front of them, shall have pedestrian corridors that link parking areas to the store, shall have direct pedestrian links to adjacent shopping areas, and will also have a significant landscaped area component.

- a. “Shopping Street” Standards (Freestanding commercial buildings under 100,000 square feet in size and shopping centers with multiple tenants).
- i. Street Layout. Development shall be arranged along internal shopping streets within a development. Block length for such streets shall be a maximum of 800 feet, with block limits defined as through side streets and pedestrian walkways or civic spaces (not applicable to freestanding buildings). For shopping streets on parcels less than 500 feet, driveways or pedestrian walkways linking rear parking areas to internal streets or sidewalks shall be provided between the ends of buildings and the side property lines. Shopping streets shall connect adjacent parcels in the case of freestanding buildings, and such connections must be shown on submitted site plans. Shopping streets shall include two travel lanes and on-street parking lane(s) on at least one side of the street. Streets may also include a landscape median. The only exception to the requirement of an internal street is if existing (at the time of original Master Plan adoption) property dimensions do not allow room for such an internal street. In this case, development may be accessed by adjacent streets, with shared and limited access points required whenever possible. When freestanding buildings on separate lots linked by internal streets do not have access to such internal streets from adjacent properties, temporary access may be allowed from adjacent non-internal streets.
 - ii. Building Arrangement. When more than two buildings are proposed on a site, buildings shall be placed close to the shopping street, with entrances oriented to that street. Buildings shall be clustered on both sides of a shopping street, or clustered buildings on one side of a street shall face a linear park/civic space on the other side of the street. Clustering shall be achieved in the following manner. Freestanding buildings on separate and adjacent lots shall be placed as close together as possible and shall provide a shared access driveway on the non-clustered side. For shopping centers, buildings shall occupy at least 75 percent of linear frontage within a block.
 - iii. Parking. Parking shall be located primarily to the rear of buildings, but will also be allowed on one side of a building (in the case of shopping centers, in conformance with the 75% frontage limitation set in item ii above). Parking will be allowed in front of buildings in the form of a single row of parallel or diagonal on-street parking along internal shopping streets. Side parking areas shall have a streetwall (wall or hedge at least 42” in height) adjacent to the internal street that will screen the parking area and continue the line of front building facades.
 - iv. Sidewalks. A sidewalk is required on both sides of the shopping streets. This sidewalk shall be a minimum width of ten feet, except where sidewalks are not adjacent to building sides with an entrance, minimum width shall be six feet. Sidewalks within park/civic areas must be at least eight feet wide. Sidewalks shall be placed on the parking lot and street sides of freestanding

buildings, and shall also connect to building entrances. Sidewalks may be placed either on the building side of the required landscape strip or on the other side of the landscape strip.

- v. Pedestrian Corridors. For parking lots where the distance between parking spaces and storefront sidewalks exceeds 200 feet, pedestrian corridors are required. Pedestrian corridors should run with at least every other double parking row or every 120 feet, whichever is less. Pedestrian corridors shall be clearly identified when crossing driveways through the use of raised speed humps, crosswalk striping, different pavement patterns, or similar techniques. Sidewalks within pedestrian corridors shall be at least five feet in width, with a landscape strip on either side that is at least five feet wide. This landscape strip shall include planted palm trees no more than 15 feet apart, and/or parking lot shade trees no more than 30 feet apart, placed within landscape islands. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species.
- vi. Landscaping. In addition to the County's Landscaping and Tree requirements, the following standards shall apply. Buildings should be designed to incorporate landscaping into store frontage. This can be done by means of raised planters, sidewalk cutouts, or portable planters, or by varying building setbacks that can easily accommodate landscape planters. Street trees shall be placed along internal shopping streets at a spacing that is at least an average of 40 feet on center. Freestanding buildings must provide either a landscape strip with parking lot or street trees placed with a spacing that is no more than 30 feet on center that is at least ten feet in width on the front and sides of the building. A minimum five-foot wide sidewalk shall be placed on either side of the landscape strip facing any parking areas, entrances, and adjacent streets. As an alternative, the landscape strip may be eliminated from areas facing the parking lot, entrances, and adjacent streets if a minimum ten-foot wide sidewalk is provided with parking lot or street trees in cut-outs or landscape islands spaced no more than 30 feet on center. The spacing of trees within the building landscape strip may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species.

For shopping centers with multiple tenants, street trees shall be approved parking lot trees and may also include Washingtonian Palm trees, or similar tall palms. All landscape islands in parking lots shall have shade trees. Park/civic areas utilized instead of buildings on one side of a shopping street must have an average width of at least 75 feet and a minimum width of 40 feet, include shade trees at the ratio of one per 1,500 feet, and include a sidewalk traversing the area.

For freestanding buildings that are less than 7,500 square feet in size, the minimum 40-foot width is required but the average 75 foot width is not required.

Retention facilities may occupy no more than half of the linear frontage along the shopping street, and shall not encroach on more than half of the depth of that buffer. At least 50% of retention lands shall be utilized for the calculation of required trees within buffers. Such facilities shall be visually and functionally designed to complement the park/civic space through the use of pedestrian bridges, boardwalks, and docks; provide fountains for aeration and improved appearance, and provide visual screening of interior parking through the placement of shade trees and other landscaping planted or preserved around the retention facility.

- b. “Park Center” for commercial buildings under 100,000 square feet in size and shopping centers with multiple tenants (not including freestanding buildings).
- i. Street Layout. Development shall front along an internal street within a development.
 - ii. Sidewalks. An average 15-foot wide, minimum ten-foot wide sidewalk is required along the building side of internal streets.
 - iii. Pedestrian Corridors. For parking lots where the distance between parking spaces and storefront sidewalks exceeds 200 feet, landscaped pedestrian corridors shall be provided. Pedestrian corridors should run with at least every other double parking row or every 120 feet, whichever is less. Pedestrian corridors shall be clearly identified when crossing driveways through the use of raised speed humps, crosswalk striping, different pavement patterns or similar techniques. Sidewalks within landscaped pedestrian corridors shall be at least five feet in width, with a landscape strip on each side that is at least 12 ½ feet wide. Shade trees must be planted on both sides of the sidewalk at least 20 feet apart but no more than 35 feet apart. Pedestrian connections at the same spacing shall also be provided perpendicular to the main pedestrian corridors by enlarging landscape islands; however such perpendicular connections shall only require walkways and not additional landscaping.

The pedestrian corridor sidewalk shall have regularly spaced, sloped stub sidewalks that will allow shoppers to wheel carts from the sidewalk into the parking lot. Cart corrals within the parking area shall be located adjacent to landscape islands and landscape corridors.

- iv. Landscaping. In addition to the County’s Landscaping and Tree requirements, the following standards shall apply. Street trees shall be placed in sidewalk cutouts along internal streets at a spacing that is at least an average of forty feet on center. Street trees shall be approved parking lot trees and may also include Washingtonian Palm trees, or similar tall palms. All landscape islands in parking lots shall have shade trees, planted or preserved at a minimum caliper of four inches. Trees less than five inches in caliper shall be counted as small trees for Tree Protection

and Landscaping Standards calculation purposes. At least 15% of the parking lot shall be landscaped area (not including the perimeter and right-of-way buffers).

- vi. **Buffers.** Perimeter buffers shall be at least 30 feet in width and include shade trees planted or preserved at least every 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. Right-of-way buffers shall be at least 75 feet and include shade trees planted or preserved at a ratio of at least one tree per 1000 square feet. In addition, shade trees must be located between the sidewalk and the principal thoroughfare, with a minimum spacing of 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. Retention facilities may occupy up to 30% of the park/civic space. At least 50% of retention lands shall be utilized for the calculation of required trees within buffers. Such facilities shall visually and functionally complement the park/civic space through the use of pedestrian bridges, on boardwalks, on docks; provide fountains for aeration and improved appearance, and shall include shade trees and other landscaping planted or preserved around the retention facility. At least 50 percent of the planted or preserved trees within the perimeter and right-of-way buffers must be a minimum four inch caliper, with trees under five inches in caliper being counted as small for Tree Protection and Landscaping Standards calculation purposes.

- c. **“Hybrid Alternative”** for shopping centers with multiple tenants. Such shopping centers may include components of both shopping streets and park centers. The size of required landscaped areas is reduced as the hybrid achieves more of the shopping street elements in accordance with the following table.

Percentage of Building Space in Shopping Street Design	Right-of-Way Buffer Minimum Width	Perimeter Buffer Minimum Width *	Pedestrian Corridor Minimum Width	Parking Lot Landscape Percentage	Parking Lot Island Minimum 4” Trees
0 -25% (Park Center)	75’	30’	30’	15%	Yes
26-39%	50’	20’	30’	12%	Yes
40-59%	35’	10’	20’	N/A	No
60-100% (Shopping Street)	20’	0’	15’	N/A	No

The County’s Tree and Landscape Ordinance buffer is required when non-residential uses are located adjacent to residential uses that are not a part of the development.

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- d. “Big Boxes” (commercial buildings over 100,000 square feet in size).
- b. Street Layout. ”Big boxes” and grocery stores are not conducive to the human scale of a walkable shopping street, and are not subject to the requirement of locating on a street with buildings on both sides. It is preferable that a shopping center terminates at an entrance to a larger building, so that pedestrian traffic can help to support both the larger use and the smaller shopping center uses.
- c. Building Arrangement. Big boxes shall generally be located in the rear of the site. Interior parking shall be screened through the use of shopping street “liner” buildings along an internal street located between the parking area and the principal thoroughfare(s) that provides access to the big box. Retention facilities may occupy no more than half of the linear frontage along the principal thoroughfare of access, provided that such facilities are park-like in appearance and provide visual screening of interior parking through the placement of shade trees and other landscaping around the retention facility.
- d. Sidewalks. Storefront sidewalk areas shall have an overall average width of at least 15 feet. The storefront shall be the area in front of the building and any other sides of the building where entrances exist. Sidewalk width may be reduced to no less than ten feet provided that this width is limited to no more than ten percent of the storefront.
- iv. Pedestrian Corridors. At least three landscaped pedestrian corridors are required in principal parking areas to link peripheral parking areas with storefront entrances. One of these corridors should be a central pedestrian mall. The others should in general be distributed to provide walking routes from all parking areas. If the pedestrian corridor is located diagonally across the parking area, the corridor should run through landscape islands on each parking row. Pedestrian corridors shall be clearly identified when crossing driveways through the use of raised speed humps, crosswalk striping, different pavement patterns or similar techniques. Sidewalks within landscaped pedestrian corridors shall be at least five feet in width, with a landscape strip on each side that is a minimum of 12 ½ feet in width. Shade trees must be planted on both sides of the sidewalk at least 20 feet apart but no more than 35 feet apart. Additionally, parking lot pedestrian corridors must connect storefront sidewalks to adjacent properties, linking existing or future development.
- v. Landscaping. In addition to the County’s Landscaping and Tree requirements, the following standards shall apply. Trees shall be placed with a spacing averaging twenty feet on center or less. The Tree Protection and Landscaping Standard requiring a landscape island for each 100 feet of parking row shall be relaxed when the following conditions are met:
- A. In no case shall an unbroken row of parking exceed 150 feet.

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- i. For every landscape island not meeting the 100 foot spacing requirement, an additional 150 square feet must be added to an adjacent landscape island.
- vi. The pedestrian corridor sidewalk shall have regularly spaced, sloped stub sidewalks that will allow shoppers to wheel carts from the sidewalk into the parking lot. Cart corrals within the parking area shall be located adjacent to landscape islands and landscape corridors.
- vii. Planted or preserved shade trees within the landscape islands must have a caliper of at least four inches. For the purposes of the Tree Protection and Landscaping Standards, four inch trees shall be considered “small” trees, and medium trees shall be at least six inches in caliper. At least 15% of the parking lot shall be landscaped area (not including the perimeter or right-of-way buffers).
- viii. As an alternative to the Tree Protection and Landscaping Standards requirement of requiring shade trees within landscape islands, the main storefront driveway shall be lined with Washingtonian Palm trees, or similar tall palms, which shall be placed in endcap islands (the end of parking rows in front of the storefront) and in sidewalk cutouts in front of the building.
- ix. Buffers. Perimeter buffers shall be at least 30 feet in width and include shade trees planted or preserved at least every 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. Right-of-way buffers shall be at least 75 feet and include shade trees planted or preserved at a ratio of at least one tree per 1000 square feet. In addition, shade trees must be located between the sidewalk and the internal street, with a minimum spacing of 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. At least 50 percent of the planted or preserved trees within the perimeter and right-of-way buffers must be a minimum four inch caliper, with trees under five inches in caliper being counted as small for Tree Protection and Landscaping Standards calculation purposes. Retention facilities may occupy up to 30% of the required park/civic area. At least 50% of retention lands shall be utilized for the calculation of required trees within buffers. Such facilities shall visually and functionally complement the park/civic space through the use of pedestrian bridges, boardwalks, docks, or similar features; provide fountains for aeration and improved appearance; and shall include shade trees and other landscaping planted and/or preserved around the retention facility.
- e. Office and Industrial freestanding buildings. Freestanding office and industrial buildings must provide either a landscape strip that is at least ten feet in width on the front and sides of the building. A minimum five-foot wide sidewalk shall be placed on either side of this landscape strip. As an alternative, the landscape strip may be eliminated from areas facing the parking lot, entrances, and adjacent streets if a minimum ten-foot wide sidewalk is provided with parking lot or street trees within

cut-outs or landscape islands spaced no more than 30 feet on center. The spacing of shade trees within the landscape strip may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. Buildings with loading bays shall not be required to provide for landscape islands between the bays.

- f. Office and Industrial parks or complexes. Individual office buildings that are not part of a shopping center or that are over 25,000 square feet, office complexes, and industrial buildings and complexes shall have a sidewalk and landscaped area between the building and the street that the buildings front on. Street trees shall be located between the sidewalk and the street, planted at a minimum of thirty feet on center. Parking areas shall be provided to the rear of buildings and on the side of the building, set back behind the front façade of the building. Side parking areas shall have a streetwall (wall or hedge of at least 42” in height) continuing the front façade line of surrounding buildings
6. Connectivity. Developments shall provide for external and internal connectivity. External vehicular connections shall be provided for every 2,500 linear feet of perimeter, excluding wetlands, conservation areas, and existing (pre-Master Plan) developments. External connection points may be extended to no more than 3,000 feet if a mid-block pedestrian connection is provided. Parcels with less than 2500 feet of perimeter may be required to provide a minimum of one perimeter connection.

The following connectivity index is established. (In this context, “nodes” are through intersections where at least three streets converge, and “street links” are street segments between nodes.) The measure of connectivity to be used is the number of street links (as measured between nodes) divided by the number of nodes and street link-ends including cul-de-sacs. The more links relative to nodes, the more connectivity. A connectivity index of at least 0.8 is required for street networks. In the event that topographical or parcel shape (at the time of plan adoption) prevent conformity with this standard, pedestrian connections and emergency accessways in keeping with the intent of this provision shall substitute for strict adherence.

Gated communities are allowed but may not block off any arterial, collector, or public local streets and will receive no impact fee credits for roads, parks, or other facilities contained within the development.

7. Curbs. All streets within the Activity Center and Village Center land uses shall have a minimum six-inch high curb. Miami curbs are not allowed within these areas. Valley curbs may be utilized at the edge of the travel lane where on street parking is provided.
8. Exterior Lighting. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across the property lines and or disability glare at any location on or off the property. Lighting of such areas shall not be used to attract attention to the businesses.
- a. The average light level shall not exceed 3.6 footcandles on any part of the site, the minimum light level shall be 0.9 footcandles, and the uniformity ratio shall not

exceed 4:1. Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section.

- b. Lighting of or on buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spill light or glare. A cutoff fixture shall not have more than one percent (1%) of lamp lumens above horizontal. Sag lenses, convex lenses, and drop lenses shall be prohibited. Lighting at a building or project shall not be comprised in whole or part of any floodlights.
 - c. Illumination levels at the property line of the building or project shall not be more than 0.5 f.c. at any point when the building or project is located next to any residential use, and shall not be more than 1.0 f.c. when located next to any other use. To avoid glare or spill light from encroaching onto adjacent properties, illumination shall be installed with houseside shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises of the building or project.
 - d. Lighting shall be installed with time controls so that light levels are reduced not later than one hour after the close of operations to the minimum levels needed under the IESNA to ensure safety and security (approximately a 50% reduction). Light fixtures shall not exceed 20 feet in height in parking areas and other parts of the site, and along sidewalks and parking lot pedestrian corridors, decorative streetlights shall be provided with a height not to 12 feet with lights spaced no more than 40 feet apart. A photometric plan and site lighting plan shall be required with construction drawings to ensure these standards have been met.
 - e. Light fixtures shall not exceed 25 feet in height in parking areas and other parts of the site, and along sidewalks and parking lot pedestrian corridors may not exceed 12 feet in height.
 - f. Lighting of Gas Station/Convenience Store Aprons and Canopies shall also be subject to the following additional criteria:
 - i. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and /or shielded by the fixture or edge of the canopy such that the light is restrained to no more than 85 degrees from vertical
9. Garage standards for residential dwellings: Garages shall not block front entries. All front entries must be visible from the street (measured as a straight line from the front door to the street).
10. Lot size variety for residential subdivisions (single-family detached homes). To promote a diversity of housing types and to encourage affordable housing, the following standards shall apply:

Developments with a minimum single family detached lot size of less than 5,000 square feet shall meet the following criteria: no single family detached lot shall be less than 4,000 square feet in area or shall have a minimum lot width of less than 40 feet; SF detached lots less than 5,000 square feet in area may comprise no more than twenty percent of the total

single family detached lots within the development; and the remaining SF detached lots must have a minimum lot size of 5,500 square feet and a minimum lot width of 55 feet.

11. Height Limitations. Height limits in residential categories shall be the greater of three stories or 45 feet. Within the Village and Activity Center land uses, the following height regulations shall apply. Forty feet within 150 feet of a residential land use boundary, and 52 feet between 150 and 300 feet from residential land use boundary. Beyond 300 feet from a residential land use boundary, no structure shall protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to a boundary of a residential land use and extending inward over the commercial district at an angle of 45 degrees. This standard protects areas within residential land use from the visual intrusion of tall buildings.

12. Parking. Parking spaces are allowed either in garages, driveways, or carports on single lots, or in commonly-owned courtyards for multi-family, townhome, and commercial development. Parking must be located to the rear or side of buildings, except for on-street parking, and as specifically allowed for in the commercial standards of this design criteria section. On-street parking shall be in the form of parallel or diagonal parking. If located on the side of the structure the parking must be screened using solid streetwalls not exceeding four feet in height or landscaping. Frontage along the street shall be limited to 100 feet. The following standards shall apply.
 - a. Minimum Spaces. Uses must meet minimum parking requirements of the Zoning Code, except for the following.
 - i. Restaurants, nightclubs, bars, or taverns: one space for every 100 square feet
 - ii. Theaters: 15 spaces for the first 100 seats, plus one space for each additional four seats
 - iii. Medical and dental offices or clinics: one space for every 250 square feet
 - iv. Research laboratories: one space for every 300 square feet
 - v. Professional business offices (other than medical or dental offices): one space for every 300 square feet
 - vi. Business, commercial, or personal service establishments: one space for every 300 square feet
 - vii. Commercial shopping centers: one space for every 250 square feet
 - viii. Convenience stores: one space for every 250 square feet.
 - b. Maximum Spaces. Uses must not exceed more than 125 percent of required minimum parking, unless such parking is provided in the form of stabilized grass parking.
 - c. Shared Parking. Minimum parking requirements will be reduced to a percentage that is equivalent to the percentage reduction in single group use. For example, when calculating required parking for a development that is 75% weekday peak uses and 25% evening peak uses, minimum parking requirements for the weekday peak uses would be 75% of the normal required minimum, and minimum parking for the evening peak uses would be 25% of the normal required minimum. Parking areas may not be separated from uses by roads with a higher classification than minor collector, and a clear system of pedestrian corridors and directional signage shall connect parking areas with uses. Eligible uses are described in the following table.

Shared Parking Groups

Weekday Peak Uses	Evening Peak Uses	Weekend Uses
Banks	Restaurants *	Places of worship
Schools	Theaters	Retail and service uses *
Distribution facilities	Bars and nightclubs	
Industrial uses	Lodges and clubs	
Medical clinics and offices	Hospitality	
Professional offices		
Professional services		

*For these uses, the parking reduction may not exceed half of the reduction allowed under shared parking above.

- d. Restaurant Parking. Restaurants within shopping centers where parking is calculated using shopping center minimum parking requirements may not exceed 35% of the shopping center space, unless additional parking is required to meet parking needs as calculated for individual uses within such shopping centers. Individual use calculation may utilize shared parking assumptions.
- e. Parking for places of worship. Up to 35% of required minimum parking for places of worship may be in the form of stabilized grass parking.
- f. Grass parking standards. Where stabilized grass parking is required, an interlocking plastic grid shall be covered with topsoil and grass. Providing that the appearance is that of a grassy area, grass pavers may also be used in the form of concrete interlocking blocks or synthetic fibrous grid systems with open areas designed to allow grass to grow within the void areas. Topsoil shall be a mixture of aggregate, which provides structural stability, and a sand/soil mixture that allows for drainage and provides the soil components required for grass growth.

13. Roadway Standards.

- a. Connectivity.
 - i. General. A connected system of streets allows for improved pedestrian and vehicular movement and shorter vehicle trips, allows for quicker access by emergency vehicles, provides alternative routes during natural disasters or accidents, allows better access for school buses, and eliminates backtracking by service vehicles. Variations on the grid street pattern are allowed, with cul-de-sacs, or “U” shaped streets used where such street design will respond to and preserve natural features. APF arterials and major collector roads shall continue through the plan area without interruption.
 - ii. Street Pattern.
 - A. Residential. The pattern of streets in new residential subdivisions

shall provide for the continuation of existing collector and in some cases local streets from adjoining areas, or for their proper projection where adjoining land is not subdivided. All street stubs shall be provided with a cul-de-sac that reaches the adjoining property line and is constructed at the same time that the other roads are constructed for a particular project or phase of a project, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land unless physical constraints of the land prevent such connection. The design of a development shall allow for through streets at least every twenty-five hundred feet along the periphery. As an alternative, developments shall allow for through streets at least every three thousand feet with a separate pedestrian connection midway between street connections. The Planning and Zoning Director may utilize averaging to provide flexibility in administering this standard. The through street spacing requirement shall be relaxed when the presence of an existing wetland or an existing development (prior to plan adoption) would prevent the placement of the connection at that location. In that event, the connection shall be placed outside the wetland boundary, or if the configuration of the wetland area or existing development practically prohibits through streets, then that connection may be eliminated.

- B. Residential developments with more than 100 dwelling units shall have at least two entrances fronting on the principal thoroughfare. This thoroughfare shall be classified as a minor collector or above, and shall be part of the County's Concurrency Management System of roadways. This standard shall not apply if frontage along that thoroughfare is less than 1,000 feet, or if it is determined by the County's Engineering Division that the additional entrance would constitute a substantive traffic safety problem. If the planned second entrance connects to the thoroughfare via a Dashed Line Roadway, residential development greater than 100 dwelling units may be approved and constructed prior to the Dashed Line Roadway being included in the financially feasible ten-year schedule of capital improvements specified in LA Policy 1.5.1. In the event that only one entrance is provided along the principal thoroughfare, the entrance must be constructed as a two-lane boulevard with a median.
- C. Nonresidential. Nonresidential development shall be served by internal shopping streets, except where existing (prior to plan adoption) street layout does not allow utilization of same, or when development consists of a single freestanding building. Such streets do not have required right-of-way. Nonresidential development must provide vehicular and pedestrian connections to adjacent development.

- iii. Gated Communities. Gated communities are allowed but may not block off any arterial, collector, or public local streets and will receive no impact fee credits for roads, parks, or other facilities contained within the development.

- b. Linkage. While limited use of separate pedestrian and bicycle pathways are allowed, vehicular and pedestrian routes shall be predominantly linked. Separate pedestrian/bicycle systems may not generate sufficient traffic to provide for real or perceived security.
- c. Access Control. The County shall strive to limit access points through the use of shared access, secondary access between adjacent uses, and reasonable spacing between primary access points. Residential dwellings shall not be accessed by roadways classified as minor collector or above. The following standards shall be applied to minor collector, major collector, and arterial roads to reduce traffic congestion and safety issues, reduce the amount of pavement in driveways, as well as to reduce the visual impacts of strip development caused by multiple access points.
- i. Access Points. Median openings will be allowed only at intersections of other arterial or collector roads or at points separated by at least 1320'. Auxiliary lanes may be required. Additional access points may be permitted only if deemed necessary by the Engineering Director for reasons of public safety.
- ii. Access Separation. The first point of access for a commercial/multi-family driveway or a new road not shown on the Master Plan map shall be at least 200 feet from the intersection of an arterial, collector, and/or an existing local road. Subsequent access points must be spaced at least 400 feet apart, except for minor and residential collectors, which must be spaced at least 280 feet apart. Additional access points may be permitted only if deemed necessary by the Engineering Director for reasons of public safety.
- d. Roadway Configurations. Road design shall comply with the following table and with the roadway design standards included as appendices to this document. Minimum widths may not be exceeded by more than two feet, except where turning radii or other factors justify a wider paved width. Where bike lanes are required, the minimum pavement width shall be the sum of the minimum pavement width indicated and the required bike lane width. As an incentive for Traditional Neighborhood Developments, right-of-way widths may be reduced by a maximum of ten feet when the following utilities, which are typically placed in the right-of-way, are not present in the right-of-way: water (10'), reuse (6').

Type Road	Min. Paved Width	Two 5' bike lanes required	Min. Right-of-Way *		On-Street Parking
			Urban	Suburban	
Alley (one-way/lane)	12'	no	18'	n/a	No (allowed outside right-of-way)
Alley (two-way/lane)	16'	no	20'	n/a	No (allowed outside right-of-way)
Local Residential	24'	no	60' with 3'	n/a	One side only

Type Road	Min. Paved Width	Two 5' bike lanes required	Min. Right-of-Way *		On-Street Parking
			Urban	Suburban	
			easements both sides		
Local Residential	30'	no	66'	n/a	Both sides
Nonresidential Internal Street	20'	no	None	n/a	One side only
Nonresidential Internal Street	24'	no	None	n/a	Both sides required (outside of 24')
Residential Collector	24'	no	80'	n/a	One side only
Minor Collector	12' per lane	yes	80'	155'	One side only, urban section only
Major Collector	12' per lane	yes	80'	155'	No

- i. Roundabouts. Roundabouts shall be encouraged for intersections of the following roads in any combination: minor collectors, neighborhood collectors, and local roads. Roundabout design shall be approved by the Director of Engineering.
- ii. TND Relief. The following standard shall provide relief from the County's Subdivision Regulations: curb returns at intersections of traditional neighborhood developments shall be rounded and may have a minimum of 15-foot radius provided additional design elements ensure the safety of pedestrians and the accessibility of fire and other service vehicles. An effective radius of 20' shall be provided after the placement of signage, and utility risers.
- iii. Alley/Interior Courtyard Standards. Alleys shall provide access to rear parking and/or delivery area for residential and nonresidential areas, as further described in standards for land use categories. Alley and courtyard paving may be of concrete or asphalt. The alleys shall be either privately maintained as common area or publicly retained and maintained with easements granted to the County Commission. While paved width may be less, alley width must be at least 18 feet. Buildings must be set back at least five feet from the edge of pavement however a building face that includes a garage door must be set back 14 feet. Corner lots on an alley must meet a five foot build-to line for structures on the alley. For a distance of one foot from both edges of pavement, the pavement shall consist of a minimum of two inches of asphalt on ten inches of limerock base. Alternate base groups may be substituted if approved by the County Engineer. Inside of this area, the standard pavement requirements shall apply. The depth of such interior

courtyards may not exceed 250 feet. Interior courtyards must have landscape strips with a width of at least 10 feet to separate parking rows, and landscape islands with shade trees at least every 80 feet.

14. Signs.

a. Shopping Center Signs. Monument signs are allowed.

- i. Signs. Monument signs shall be allowed at each entrance into shopping centers. Allowable sign size shall be 50 square feet, exceeding this figure when a calculation of one square foot per 1,000 square feet of building area allows. Sign size shall not exceed 150 square feet, and sign height shall not exceed 8 feet, with architectural features of the sign not to exceed 12 feet in height. Pole and pylon signs are prohibited. Monument signs may be externally illuminated and shall be designed such that all means of support are concealed. Street numbers shall be placed on signs at a minimum letter height of 3 ½" or 10% of sign face height.
- ii. Canopy Signs. One canopy or awning sign per occupancy may be permitted subject to the following. The area of copy shall not exceed one square foot per linear foot of canopy, front and sides or a maximum of 75 square feet, front and sides. No canopy sign shall be less than nine feet above the ground immediately below it. Copy may be installed above or on the face of the canopy, provided that the copy area of a sign installed above or on the canopy will be computed on the total of the sign face and the canopy apron. Signs attached to the underside of a canopy shall have a copy area no greater than six square feet.
- iii. Projecting Signs. Retail uses in the Community Center and Activity Center and in Neighborhood Centers may also have projecting signs on buildings. Such signs shall not project more than four feet from the wall and shall not be more than three feet high. Such signs shall be mounted on second floor facades, or if there is no second floor, at least ten feet above the sidewalk, located above awnings, canopies, or the like.

b. Freestanding Retail, Office, and Industrial Signs. Monument signs are allowed. Allowable sign size is 50 square feet, exceeding this figure when a calculation of one square foot per five linear feet of lot frontage allows. Such signs shall be a maximum of 75 square feet and a maximum height of ten feet. Signs shall be located in an area that is between five and 20 feet from the right-of-way. One freestanding sign per parcel is allowed for the primary street frontage, as indicated by the orientation of the main entrance of the building.

c. Office/Industrial Park/Complex Uses. Freestanding monument signs are allowed. Size of signs is calculated at a rate of one square foot per 1,000 square feet of building area, beyond a base of 50 square feet. Maximum sign size is 150 feet and maximum height is 15 feet.

d. Sign Illumination. Any external above-ground light source shall be located and hidden within a planter bed. Light sources located outside the planter bed shall be in a burial fixture. Sign lights shall be focused, directed, and so arranged as to prevent

glare or direct illumination or traffic hazard from said lights onto residential districts or onto the abutting roadways. No flashing or pulsating lights shall be permitted on any sign.

- e. Wall Signs. Wall signs are allowed for commercial, office, and industrial buildings. Maximum sign area shall be determined by multiplying the occupancy front foot (linear footage) by 1.5 feet. The maximum sign vertical dimension shall not exceed 20 percent of the building height. In the case of multi-use buildings with individual frontages, these standards shall apply to each portion of the building occupied by a use. Total wall sign size may not exceed 400 square feet.
- f. Prohibited Signs.
 - i. Pole or pylon signs.
 - ii. Billboards and off-premises signs.
 - iii. Flashing or revolving signs, except for barber poles (allowable only in the supplemental sidewalk zone in shopping streets in the Community and Activity Center and in the Neighborhood Center;
 - iv. Roof signs;
 - v. Any sign suspended between poles and illuminated by a series of lights;
 - vi. Any sign erected on a tree or utility pole, or painted or drawn on a rock or other natural feature;
 - vii. Any sign suspended between poles which is either a pennant or spinner;
 - viii. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or light except for those giving public service information such as time, date, temperature, weather, or similar information.
- 15. Stormwater Ponds. Whenever possible, stormwater facilities shall be located within or adjacent to parks, common areas or streets. Retention facility design shall avoid a system of small, disconnected ponds, and shall foster larger ponds and lakes that provide for scenic vistas. To provide a natural and pleasing appearance, pond edges shall be undulating, and native and drought-resistant landscaping shall be planted at various locations along the waters edge.
- 16. Traffic Calming. Local and collector streets should be designed to be pedestrian-friendly, with street tree plantings, medians, and other elements that encourage walking and bicycling. Streets should provide continuity between neighborhoods, Village Centers, and the Activity Center. Traffic calming methods on residential collectors and local streets should be employed to reduce speed in residential neighborhoods. Traffic calming techniques such as vertical deflections, horizontal deflections, road narrowing, ripples, pavers, central islands, entry or gateway treatments, raised medians, roundabouts, raised crosswalks, textured pavement, and bulbouts (neckdowns), and similar treatments are permitted. To ensure pedestrian-friendly streets, sidewalks that are at least five foot in width shall be provided on both sides of streets.
- 17. Transit-Oriented Design (TOD). Areas within the Activity Centers shall be identified as park and ride lots/future transit stations, and shall be acquired through the Adequate Public Facilities process. Sites within the Neighborhood, Community, and Activity Centers shall include adequate right-of-way for potential future bus stops.

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18. Underground Utilities. All developments shall be required to install all secondary utility service lines (i.e. water, sewer, electric, phone and cable) underground and within a public right-of-way or easement. Primary lines are not required to be installed underground, but when provided within a development, shall be buffered from the right-of-way and from adjacent development by planted or preserved trees, with shade trees planted or preserved at least every 30 feet on center. Existing overhead electric facilities are not subject to this buffering requirement.

 19. Convenience Stores and Service Stations. Driveway openings shall be consistent with the Access Control standards found in Section C of this document. There shall be no more than 20 fueling stations (each fueling station serving one vehicle). All pump islands shall be contained under one canopy. Buildings must have pitched roofs. Right-of-way buffers for these uses shall be ten feet in width. Landscaping within the buffer shall conform to Article VI, Section 6.6.

D. ENVIRONMENTAL AND OPEN SPACE CRITERIA

1. Buffers. Buffers shall meet standards set forth in the Tree and Landscape Ordinance, with the following additional requirements.

a. Wetland-Upland Buffers. Natural water bodies and major drainage features within the LAMPA shall be protected through required wetland-upland buffers as depicted in the following table. These buffers shall be protected by conservation easements that are dedicated to the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, an established private non-profit land trust or the County. These lands shall be deeded to one of these agencies, the homeowners' association, or retained by the landowner or developer, but shall not be deeded to individual homeowners. Crossings of the wetland-upland buffers are permitted for roadways, utility crossings, trails and pathways, and drainage outfalls, all subject to agency permitting. No wetland-upland buffer is required between jurisdictional wetlands and road crossings, public infrastructure, utility crossings, wetlands impacts permitted by State and Federal regulatory agencies nor berms associated with stormwater ponds.

In addition to the wetland-upland buffers for jurisdictional wetlands as required by other regulatory agencies, wetland-upland buffers shall be required for certain creeks within the Asbury Greenway as follows, where the offset distance is defined as the perpendicular distance from the established jurisdictional wetland line:

Creek	Average Buffer	Minimum Buffer
Black Creek (northern LAMPA boundary)	100 feet	50 feet
Peters Creek (eastern boundary)	100 feet	50 feet
Bradley Creek	100 feet	50 feet
Black Creek South Prong	50 feet	30 feet

Creek tributary buffer width shall transition between the widths listed above and the 30-foot standard at a decreasing buffer width rate not to exceed 15 linear feet for each foot of buffer width.

Allowable density shall be calculated for the acreage of lands protected in the wetland-upland buffers. For wetland-upland buffers located in the Asbury Greenway, density shall be based on the adjacent land use designation. Said density may be applied to residential development within the limits as shown on a preliminary plan which includes that portion of the Greenway. Total density, including density from wetland-upland buffers located within the Greenway, shall not exceed the maximum density established by land use category as shown in LA FLU Policy 1.4.1 of the 2040 Comprehensive Plan.

2. Parks. Residential and non-residential development shall provide parks at the level of service identified in Section E. Public Facilities Criteria.

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- a. Residential. All centrally served homes shall be within a reasonable walking distance of a neighborhood park facility. In the Lake Asbury Village Center and Activity Center, all dwelling units must be within 1,000 feet (walking distance) of a pocket park, primary park, or community park. In the Lake Asbury Master Planned Community, Rural Fringe, Rural Reserve, and Rural Community (where density bonuses are utilized), all dwelling units must be within 1,200 feet (walking distance) of a pocket park, primary park, community park. All residential units shall be able to reach neighborhood parks via a sidewalk or other form of pedestrian circulation approved through review process. Park landscaping shall emphasize the shading of strategic areas such as sidewalks, playfields, playgrounds, other exercise areas, and picnic areas. At a minimum, primary parks shall be equipped with playground equipment, picnic areas, fitness or jogging trail, and a multi-use playfield, and may also include basketball courts, tennis courts, or other recreational uses. Developments with more than 100 units are required to have a central civic space within a neighborhood park including a clubhouse or open air pavilion. Structure size shall be set at five square feet per unit for an enclosed building and ten square feet per unit for an open air pavilion. Enclosed buildings and pavilions shall have a minimum size of 750 square feet. Enclosed buildings and pavilions shall not be required to exceed 2,000 square feet.
- b. Nonresidential. Such facilities must be located no more than 1,320 feet (walking distance) from each other. These facilities shall include either greens with grass or ground cover, or plazas with decorative paved surfaces. Nonresidential parks shall include shaded seating areas with benches and at least one gazebo structure to encourage use by shoppers and employees. Such areas can also be located adjacent to uses such as outdoor cafes. Landscaping shall emphasize a variety of ground covers, understory plantings, and canopy trees for such areas. The placement of canopy trees should emphasize creating comfortable areas shaded from the south and west.
3. Upland Preservation – Environmentally Significant Lands.
- a. Additional Upland Preservation. The preservation of environmentally significant lands lying outside the Asbury Greenway shall entitle the owner to a density bonus of up to 10 units per acre of additional density. Said density may be applied to residential development within the limits as shown on a preliminary plan which includes those environmentally significant lands. Total density including density bonus shall not exceed the maximum density established by land use category. The priorities for such preservation are in the following order (highest to lowest), lands with listed species (flora and/or fauna) present, or one of the following regionally important natural communities known to host rare, vulnerable, and/or listed species: scrub, sandhill, scrubby flatwoods, xeric hammock, upland pine forest, mesic flatwoods and wet flatwoods. Listed plant and animal species include those species identified in Florida Administrative Code (F.A.C.) 5B-40.0055, Regulated Plant Index, and F.A.C. 68A-27.003, Florida’s List of Endangered or Threatened Species, respectively. Descriptions of the qualified environmentally significant natural communities can be found at www.fnai.org.

To receive a density bonus, the area preserved shall be a minimum of 2 contiguous acres in area and shall be configured in a manner that takes into account topography, parcel shape, and other factors that are unique to the property. The use of long narrow preservation areas shall be discouraged unless they are combined with other preservation areas to form a larger, contiguous preservation area. To enhance existing systems, priority should be given to such communities that are contiguous to the Asbury Greenway or Greenbelt Zoning Overlay.

- b. Upland Preservation Area Configuration. Upland preservation shall also provide for greenway connectivity in the form of those greenbelts depicted on the Lake Asbury Master Plan Map (FLUM). Created by the Greenbelt Zoning Overlay, greenbelts shall consist of uplands that connect natural features such as creeks and linear wetlands and utilize forested corridors whenever possible to connect areas of the Asbury Greenway. Uses within the Greenbelts shall be limited to passive recreation in the form of pedestrian walkways, bicycle paths and boardwalks. Such preservation areas shall be no less than 150 feet in width and shall average a minimum of 250 feet in width and shall provide connections between lands in the Asbury Greenway land use category. The Greenbelt Zoning Overlay may be relocated under a specific development plan provided the connectivity function and minimum width is maintained. Residential density or non-residential intensity associated with the underlying land use designation shall apply to lands within the Greenbelt Zoning Overlay and may be transferred within parcels.
- c. Upland Preservation Area Identification. All developments shall be required to provide an environmental assessment for lands proposed for development, prepared and certified by a qualified environmental professional, prior to any land clearing or disturbance of the site.

E. PUBLIC FACILITIES CRITERIA

1. Adequate Public Facilities.

Developers shall be required to donate 1.35 percent of developable lands for APF road rights of way (APF Requirement). The APF road rights-of-way (Dashed Line Roads) are depicted on the adopted Future Land Use Map (FLUM) as proposed new roads. The land area of the APF Requirement shall be calculated by the developer of each development and approved by the County. With the mutual consent of the County and the applicant, lands needed for state roads may be required for donation.

If no Public Facilities Lands are present on a specific site or they represent less than 1.35 percent of the developable lands, the development may satisfy the APF Requirement by paying an Adequate Public Facilities (APF) Fee that, independently or in combination with public facilities land donation, meets the minimum 1.35 percent APF Requirement. If no APF Lands are present, the APF Fee shall be the fair market value of 1.35 percent of the developable lands within the project. If the APF Fee is provided in conjunction with the donation of APF Lands, the APF Fee shall be the fair market value of the difference in the

land area of APF Lands donated and the land area of the APF Requirement for the development.

The Fair Market Value shall be determined at the expense of the developer by an appraiser approved by Clay County and shall be based on land use with an average per-acre value being determined by dividing the total development parcel value by total developable acres.

- a. Timing. If APF Lands are conveyed to Clay County by deed, donation shall be made prior to issuance of a building permit or at a later date accepted by the County. At the developer's option, the APF Requirement may be met on a phase basis or for the development as a whole.
- b. Donation Over Required Minimum. If the location of an Adequate Public Facility on the Lake Asbury Future Land Use Map is such that an individual development would be required to donate land in excess of the land area of the APF Requirement, the County must either:
 - i. pay the developer the fair market value of the difference in the APF Requirement and the lands necessary to provide the facility.; or
 - ii. remove or relocate the facility by Plan Amendment from the Future Land Use Map.

The developer may elect to donate land in excess of the APF Requirement for a development. Land donation in excess of the APF Requirement may be credited toward the applicable impact fee or may be banked for future phases of the project for the purpose of meeting future phase APF Requirements. Credit for land donated in excess of the APF Requirement for a development may also be transferred to another development within LAMPA for the purpose of meeting APF Requirements.

If the County elects to compensate the developer for lands in excess of the APF Requirement for a development, final approval shall be given by the Board of County Commissioners by execution of a Development Agreement. The value of the County's contribution shall be the Fair Market Value of the land as would have been calculated for the purpose of assessing the APF Fee times the area of the excess land area acquired by the County.

- c. Credit for Construction of Public Facilities. Adequate Public Facilities (APF) Roads that traverse a development shall be constructed by the developer. The County shall approve the construction plans for APF Roads based on the applicable Clay County standards and the additional improvements by road type contained herein. The developer shall be entitled to credits for the cost of the construction of APF Roads, less the proportionate cost associated with project traffic on a per trip (capacity) basis.
- d. Low Impact Threshold Developments (LITDs) are low impact developments which generate ten (10) or less P.M. peak hour trips per day and do not have direct access to a Dashed Line Road. A primary purpose for the creation of the Dashed Line Roads is to open up large tracts of acreage for major new development. As such, the benefit to the LITD from the construction of the Dashed Line Roads is minimal. As a result, LITDs are exempt from the donation and payment obligations of this Policy. A

development which would otherwise qualify as a LITD and which has a Dashed Line Road on its property or directly accesses a Dashed Line Road will significantly benefit from the construction of the Dashed Line Road. These developments are not exempt from the donation and payment obligations of this Policy.

2. Central Services. Central sewer and water systems is required for new development within areas designated under the Lake Asbury Master Planned Community, Rural Fringe, Rural Reserve, Village Center, and Activity Center land use designations. Areas within the Rural Community land use category shall be centrally served if they receive a density bonus that results in a project density that exceeds one unit per two acres. Central utilities shall be provided by the Clay County Utility Authority.
 - a. Exception: Non-residential development located within a Village Center may not be required to connect to central sewer and water system provided the nearest Central Water and Sewer Facilities that exist in a public easement or right of way is not located at the property line of the development. Onsite sewage treatment and disposal systems as an interim service solution will be allowed if a publicly owned or investor-owned sewerage system is not available as defined by 381.0065 Florida Statutes or Clay County Future Land Use Policy 1.5.8. The aggregate estimated sewage flow of all development within the Village Center is less than 2,000 gpd. The County may also permit onsite potable water wells to serve non-residential development within a Village Center that is served by an on-site wastewater treatment regulations and applicable State standards. Connection to Central Water and Sewer Facilities operated and maintained by the CCUA shall be required within 12 months from the date when said facilities are extended to the property line of the development or any other development within the Village Center. The requirement to extend shall be guaranteed under a Service Agreement between the CCUA and the landowner and shall be a requirement of the development plan approval by Clay County under which the sum of the sewage flow for all permitted development in the Village Center and the proposed development exceeds 2,000 gpd. Onsite wastewater treatment and potable water well facilities shall be retired at the same time with the connection of Central Services.

3. Parks. Parks provided within a platted development shall be platted. Improvements shall be made prior to the occupancy of 50% of the lots and/or units within a development.
 - a. Community Parks. Community parks shall be located along collector roads and shall be designed to serve the needs of multiple neighborhoods. They offer a variety of programs and facilities such as baseball fields, swimming pools and tennis courts and are intended to serve residents within a three-mile radius or a population of up to 25,000. Location adjacent to a junior or senior high school is preferred to maximize utilization of facilities.
 - b. Levels of Service. The County will adopt and maintain the following recreation levels of service (LOS) for neighborhood parks within residential subdivisions:

Type of Park	Standard	Minimum Size
Neighborhood Park (overall)	500 SF per Single-Family Detached Unit; 250 SF per Multi-Family Unit	
Primary (Neighborhood) Park – with facilities	Minimum 400 SF per Single-Family Detached Unit; Minimum 150 SF per Multi-Family Unit (up to 60,000 SF)	30,000 SF unless applied LOS is less, then 20,000 SF minimum
Pocket (Neighborhood) Parks		7,500 SF
Neighborhood Park - Nonresidential (Plaza or Green)	200 SF per 1,000 SF Commercial Space	2,500 SF

- c. Civic Space. Developments with more than 100 units shall be required to have a central civic space within a neighborhood park including a clubhouse or open air pavilion. This structure shall be constructed prior to the issuance of a building permit for more than 50% of the lots and/or units of the development. The developer and later the homeowners association shall be responsible for construction and upkeep of the civic space.
- d. Nonresidential Parks. Within the Activity Center and Village Center categories, plazas or greens shall be centrally located within areas of greater activity including shopping streets, office parks, and other areas. Nonresidential parks shall be provided at the rate of 200 square feet per 1000 square feet of gross leasable area. Nonresidential parks shall not be required when development is a single freestanding building on an individual lot.
 - i. Ownership. Parks shall be provided by the developer and must be owned and maintained by a property owners’ association unless otherwise authorized by a development agreement.
 - ii. Primary Parks. A primary neighborhood park in residential categories shall be required for each development with more than 100 units. Regardless of individual development size, all homes must be within one mile of a primary park.
- 4. Reclaimed Water. All developments shall utilize reclaimed water when water reuse lines are located within 500 feet of the subject property line, or as in accordance with CCUA requirements.
- 5. Roads. Developers shall provide for access and through movement by providing right-of-way for roads shown on the Future Land Use Map. Each development shall be required to provide at least 1.35 percent of project developable lands for needed through road right-of-

way as shown on this map. Developments that do not have through road obligations shall pay a fee that is equivalent to the value of this percentage of developable land. The through road system for a development must be completed prior to the time that building permits have been issued for 50% of the approved units and/or square footage. Road construction costs may be utilized for credits against fair share or road impact fee obligations after factoring out project traffic.

6. Schools. Neighborhood school location shall allow students to walk or bike to school. Final site locations will be determined by the School District. The locating of elementary schools in or adjacent to Village Centers is encouraged. To promote a campus effect and encourage the maximum use of facilities, junior and senior high schools should be located adjacent to public facilities such as parks, libraries and civic uses creating an activity node for primary use by students and their families. The following standards shall apply to schools.
 - a. Vista termination. To reinforce the importance of these facilities, whenever possible schools shall be sited at strategic intersections, along roadway curves, and at the ends of streets to create important vistas.
 - b. Entry highlighting. Tower elements, arbors, gateways, or other architectural features shall be used at entries to school buildings.
 - c. Architectural interest. Parts of the building that face the road shall include window arrangements— large blank walls associated with cafeterias, gymnasiums, and similar uses shall orient toward the rear or sides of the school.
 - d. Screening of parking areas. When parking areas are adjacent to a street, a landscape buffer of at least 25 feet shall be provided. Shade trees shall be located within this buffer, or as an alternative between the sidewalk and the street, with a minimum spacing of 30 feet. The spacing of shade trees may exceed the 30 foot standard no more than 150%, if the Landscape Reviewer finds that wider spacing is needed due to tree species. The landscape buffer shall also include a continuous hedge to visually screen the parking area that when established will be between 36 and 48 inches in height.
 - e. Shade Coverage. The County's Landscape and Tree Ordinance provides for increased shade coverage, reduced erosion, reduction of the "heat island" effect, and other goals through the preserving and/or planting of shade trees. Given the large size of school sites, the County encourages the School Board to consider preserving or placing shade trees in strategic areas such as parking lot islands, the perimeter of athletic fields, along walkways and driveways, property perimeters, areas adjacent to street right-of-ways, and within areas that would shade the southern exposure of buildings.
8. Sidewalks and Bicycle Lanes. Development proposed adjacent to roads shall provide minimum five foot wide sidewalks from lot line to lot line and minimum four foot wide designated bicycle lanes or an approved alternative pedestrian circulation system within a development. Major collector and arterial roads must have minimum eight-foot wide sidewalks with a 15-foot landscape strip separating the roadway and the sidewalk or an approved alternative pedestrian circulation system. Such

improvements shall be provided during the development of the property with the following exceptions:

- a. Non-subdivision single family residential lots;
 - b. Existing developments;
 - c. Development of uses within the PS and PO zoning districts if no sidewalks exist within 1,000 feet of the property, unless the site is within the 2-mile radius of a school and the Clay County School Board has formally requested that the County construct a sidewalk pursuant to Section 1006.23, Florida Statutes.
9. Street Trees. All roads within the LAMPA classified as Minor Collector or above, with the exception of the Branan Field Road extension, will have street trees planted or preserved at least 50' on center.
10. Wildlife Crossings. Improved and new roadways classified higher than minor collector shall include on grade wildlife crossings at key crossings of the Asbury Greenway, as determined by the Greenway Management Plan.

Sec. 3-34. PUBLIC OWNERSHIP (ZONE PO-1)

- (a) *Area.* All land designated as Zone PO-1 is subject to the regulations of this Section. Such areas are established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated property. This district is primarily concerned with, although not limited to planning of public buildings and facilities.
- (b) *Uses Permitted.*
- (1) Governmental services and accessory buildings and structures including but not limited to the following:
 - (i) Government Office Buildings and Annex Buildings
 - (ii) Police Stations
 - (iii) Fire Stations
 - (iv) Libraries
 - (v) Post Offices
 - (vi) Transit Stations (amended 1/05 – Ord. 05-3)
 - (2) Public Educational Institutions including but not limited to the following:
 - (i) Colleges and Universities
 - (ii) Vocational Schools and Training Centers not owned or operated by the Clay County School Board
 - (3) Publicly owned or operated hospitals.
- (c) *Conditional Uses.* The following uses are permitted in the PO-1 Zoning District, subject to the conditions provided in Section 20.3-5.
- 1) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are two hundred (200) feet from adjacent residentially zoned property. (Amended 11/26/96 - Ord. 96-58)
 - (2) Radio, Television, Microwave Relay Stations or Towers and Accessory Equipment Buildings constructed for public or private use. (Ord. 95-53 - 11/28/95)
 - (3) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
 - (4) Indoor Shooting Ranges.
 - (5) Outdoor Shooting Ranges.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in paragraphs (b) or (c) above.

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- (e) *Site Development Plan.* All uses listed in this Section require a site development plan that shall conform to the requirements of this chapter. The Site plan shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit.
- (f) Density Requirements - The maximum density of development for land in this zoning district shall not exceed a Floor Area Ratio (F.A.R.) of forty (40) percent.
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
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- (1) Government service and accessory buildings, building lines, setbacks and lot size shall be in accordance with Section 22, Ordinance 82-45, as amended.
 - (2) Public Educational Institutions: As determined by the State Department of Education.
 - (3) Side Lot Line Setbacks.
 - (i) Side lot line setbacks on property which abuts residential or agricultural districts shall not be less than twenty-five (25) feet. If said lot is a corner lot, then the side setback shall be the same as the front setback. (amended 2/94 - Ord. 94-03)
 - (ii) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, provided the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side yard setback shall be fifteen (15) feet. (amended 2/94- Ord. 94-03)
 - (4) 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 twenty-five (25) feet in width, and shall be unobstructed at all times.
 - (5) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five (25) feet.
 - (6) 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.
 - (7) Where a non-residential 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 from said residential or agricultural district.

- (8) *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) 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) Government Office Buildings and Annex Buildings
Local - not permitted
Minor Collector and above - no limit (amended 12/2/98 - Ord. 98-65)
 - (2) Police Stations - Institutional Map Series
 - (3) Fire Stations - Institutional Map Series
 - (4) Libraries - Institutional Map Series
 - (5) Post Offices - Institutional Map Series
 - (6) Elementary, Middle, and High Schools - Institutional Map Series
 - (7) Colleges and Universities - Institutional Map Series
 - (8) Vocational Schools and Training Centers - Institutional Map Series
 - (9) Public Owned or Operated Hospitals - Institutional Map Series (Amended 6/98 - Ord. 98-27)
 - (10) Transit Stations – Institutional Map Series (amended 1/05 – Ord. 05-3)

Sec. 3-35. PUBLIC OWNERSHIP (ZONE PO-2)

- (a) *Area.* All land designated as Zone PO-2 is subject to the regulations of this Section. Such areas are established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated property. This district is primarily concerned with, although not limited to parks and recreation areas.
- (b) *Permitted Uses.* Public Parks and Recreation Facilities including but not limited to the following:
- (1) Boat Ramps
 - (2) Campgrounds
 - (3) Parks
 - (4) Playgrounds
 - (5) Athletic Fields and Courts
 - (6) Marinas
 - (7) Golf Courses
 - (8) Fairgrounds
 - (9) Auditoriums and arenas
 - (10) Outdoor attractions
 - (11) Amphitheaters.
- (c) *Conditional Uses.* The following uses are permitted in the PO-2 Zoning District, subject to the conditions provided in Section 20.3-5.
- (1) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are two hundred (200) feet from adjacent residentially zoned property. (Amended 11/26/97 - Ord. 96-58)
 - (2) Radio, Television, Microwave Relay Stations or Towers and Accessory Equipment Buildings constructed for public or private use.
 - (3) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
 - (4) BMX Track (Bicycle Motocross; Non-motorized): (Amended 8/02 – Ord. 02-43)
- (d) *Uses Not Permitted.*

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- (1) Any use not allowed in paragraphs (b) or (c), above.
- (e) *Site Development Plan.* All uses listed in this Section require a site development plan that shall conform to the requirements of this chapter. The site plan shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit.
- (f) Density Requirements - The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent. (Amended 6/98 - Ord. 98-27)
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
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- (1) Minimum Lot Area.
- (i) Boat ramps, playgrounds, athletic fields and courts. One (1) acre.
- (ii) Parks, campgrounds, marinas, and golf courses. Five (5) acres.
- (2) Frontage. The minimum required frontage on a public street to be used for the primary point of access shall be one hundred (100) feet.
- (3) Property Development Regulations. The building height, setbacks, and total floor area shall be in accordance with Sec. 20.3-26.
- (4) Access. Access to said facilities shall be from a hard surfaced public road directly to the entrance of the facility.
- (5) Lighting. Lighting to illuminate buildings, area, or advertisement shall be so designed so as to shine only on the subject use and directed away from public street.
- (6) Performance Standards. The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction and to the performance standards of this Ordinance.
- (7) Fencing and Screening. Where deemed necessary by the Board of County Commission to protect the general public, safety fences up to a height of ten (10) feet may be required. The Commission may also require a landscape screen of at least seventy-five (75) percent opaqueness to protect neighboring property from potential loss of use or diminishment of land value or use.
- (8) Setbacks. No structures or facilities shall be located closer to the property line than as follows:
- (i) Tennis Courts 25 feet
- (ii) Athletic Fields 50 feet
- (iii) Playgrounds 50 feet

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- (iv) Campgrounds 100 feet
 - (v) Outdoor Attraction 150 feet
 - (vi) Other Structures 25 feet
- (9) 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.
- (10) **Parking and Loading.** All uses authorized herein shall be subject to the procedural requirements of the Off-Street Parking and Loading regulations of Article 8 (except as modified below), and can be grass stabilized or hard surfaced:
- (i) **Athletic Fields.** One (1) space for every four (4) bleacher seats or thirty (30) spaces per athletic field, whichever is greater.
 - (ii) **Campgrounds.** One (1) space per campsite plus one (1) space per employee.
 - (iii) **Outdoor Attraction.** Five (5) spaces for each acre of outdoor attraction area.
 - (iv) **Recreation Areas.** Five (5) spaces for each acre of outdoor recreation area.
- (11) *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)

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- (h) 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) Boatramps
 - Local - 2,500 square feet.
 - Minor Collector and above - no limit.
 - (2) Campgrounds
 - Local - 2,500 square feet.
 - Minor Collector and above - no limit.
 - (3) Parks
 - Local - 2,500 square feet.
 - Minor Collector and above - no limit.
 - (4) Playgrounds
 - Local- 2500 square feet.
 - Minor Collector and above - no limit.
 - (5) Athletic Fields and Courts
 - Local- 2500 square feet.
 - Minor Collector and above - no limit.
 - (6) Marinas
 - Local - not permitted
 - Minor Collector - not permitted
 - Major Collector - 5,000 square feet.
 - Minor Arterial and above - no limit.
 - (7) Golf Courses
 - Local - not permitted
 - Minor Collector - not permitted
 - Major Collector - 5,000 square feet.
 - Minor Arterial and above - no limit.
 - (8) Fairgrounds - Institutional Map Series.
 - (9) Auditoriums and Arenas - Institutional Map Series.
 - (10) Outdoor Attractions - Institutional Map Series.
 - (11) Amphitheaters - Institutional Map Series. (Amended 6/98 - Ord. 98-27)

Sec. 3-36. PUBLIC OWNERSHIP (ZONE PO-3)

- (a) *Area.* All land designated as Zone PO-3 is subject to the regulations of this Section. Such areas are established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated property. This district is primarily concerned with, although not limited to, capital improvements of a distinctly significant nature.
- (b) *Uses Permitted.* Transportation facilities publicly owned or operated, including but not limited to the following:
- (1) Military installations
 - (2) Maintenance yard facilities
 - (3) Fuel depots
 - (4) Heavy equipment storage
 - (5) Public airports.
- (c) *Conditional Uses.* The following uses are permitted in the PO-3 Zoning District, subject to the conditions provided in Section 20.3-5.
- (1) Communication Antenna and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are two hundred (200) feet from adjacent residentially zoned property. (Amended 11/26/97 - Ord. 96-58)
 - (2) Radio, Television, Microwave Relay Stations or Towers and Accessory Equipment Buildings constructed for public or private use. (Ord. 95-53)
 - (3) Borrow Pits (amended 2/95 - Ord. 95-2)
 - (4) Animal Control Facilities. (Rev. 02/24/09)
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in paragraphs (b) or (c), above.

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

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- (1) Side Lot Line Setbacks.
 - (i) Side lot line setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet. If said lot is a corner lot, then the side setback shall be the same as the front setback.
 - (ii) Where the adjoining lot is zoned for business, the building may be placed up to the side lot line, providing the building is constructed with four (4) hour party walls as defined by the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
- (2) 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 twenty-five (25) feet in width, and shall be unobstructed at all times.
- (3) Front lot line setbacks shall comply with Section 19, Subsection 4, 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) Where a non-residential 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 from said residential or agricultural district.
- (6) The development and operation of military installations, public airports, and heliports shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction and to the performance standards of this Article.
- (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*)

Sec. 3-37. PUBLIC OWNERSHIP (ZONE PO-4)

- (a) *Area.* All land designated as Zone PO-4 is subject to the regulations of this Section. Such areas are established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated property. This district is primarily concerned with, although not limited to coordination with other public agencies in their future land planning effort.
- (b) *Uses Permitted.* Landfills and accessory buildings and structures including but not limited to the following:
- (1) Transfer stations.
 - (2) Recycling centers.
 - (3) Sanitary Landfill (Class I & II).
- (c) *Conditional Uses.* The following uses are permitted in the PO-4 Zoning District, subject to the conditions provided in Section 20.3-5.
- (1) Communication Antenna and Communication Towers, as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code, provided that said towers are two hundred (200) feet from adjacent residentially zoned property. (Amended 11/26/97 - Ord. 96-58)
 - (2) Radio, Television, Microwave Relay Stations or Towers and Accessory Equipment Buildings constructed for public or private use. (Ord. 95-53)
 - (3) Correctional Facilities (amended 2/95 - Ord. 95-2)
 - (4) Land Clearing Debris Off-Site Disposal Facility permitted only in Agricultural, Mining, and Industrial land use categories.
 - (5) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in paragraphs (b) or (c), above.
- (e) *Site Development Plan.* All uses listed in this Section require a site development plan that shall conform to the requirements of this chapter. The Site plan shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit.
- (f) *Density Requirements* - The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent.
- (g) *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) Transfer Stations - Institutional Map Series
- (2) Recycling Centers - Institutional Map Series
- (3) Sanitary Landfill - Institutional Map Series
- (4) Correctional Facilities - Institutional Map Series (Amended 6/98 - Ord. 98-27)

Sec. 3-38. PRIVATE SERVICES (ZONE PS-1)

- (a) *Area.* All land described as Zone PS-1 is subject to the regulations of this Section. Such areas are established to provide adequate land for the private sector providing religious services and educational facilities. A site plan conforming to the requirements of Section 6, Part 12, Ordinance 82-45, as amended, 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) Churches, Synagogues and Temples; together with educational and recreational facilities owned, maintained and operated by any such Church, Synagogue or Temple and accessory thereto; together with rectories, convents and parsonages and social and community uses and activities typically and traditionally accessory thereto.
 - (2) Private schools, preschools, day care centers and seminaries.
- (c) *Conditional Uses -* The following uses are permitted in the PS-1 Zoning District, subject to the conditions provided in Section 20.3-5.
- (1) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
- (d) *Site Development Plan.* All uses listed in this Section require a site development plan that shall contain the information required in Section 6, Part 42, Ordinance 82-45, as amended.
- (e) *Density Requirements -* The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent.
- (f) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
- (1) Side lot line setback on property which abuts residential or agricultural districts shall not be less than twenty-five (25) feet. If said lot is a corner lot, the setback shall be the same as for a front lot line. Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Codes; where the adjoining lot is an agricultural district that is used for business purposes, accessory structures not exceeding 50% coverage of the side yard area, coverage being calculated as the total area under roof, may be placed within five (5) feet of the side lot line, providing the structures are constructed in accordance with the regulations of the applicable Building Codes; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall be twenty (20) feet. 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.

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- (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.
- (i) 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.
- (ii) Parking requirements shall comply with this chapter.
- (7) Special Requirements. A six foot high solid fence or wall shall surround the play area of preschool and day care centers. (Chain link, wood, brick for the purpose of retaining children; shrubbery is not permitted as a substitute for a fence.)
- (8) *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)
- (g) *Lighting*. Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
- (h) 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) Churches, Synagogues and Temples; together with educational, daycare and recreational facilities.
- Local and above - no limit
- (2) Preschools
- Local - not permitted.
Minor Collector - 3,500 square feet.
Major Collector and above - no limit.

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- (3) Private Schools
Local - not permitted.
Minor Collector - 3,500 square feet.
Major Collector and above - no limit.
- (4) Daycares
Local - not permitted.
Minor Collector - 3,500 square feet.
Major Collector and above - no limit.
- (5) Seminaries
Local - not permitted.
Minor Collector - not permitted.
Major Collector - 20,000 square feet.
Minor Arterial and above - no limit. (Amended 6/98 - Ord. 98-27)

Sec. 3-39. PRIVATE SERVICES (ZONE PS-2)

- (a) *Area.* All land described as Zone PS-2 is subject to the regulations of this Section. Such areas are established to provide adequate land for the private sector providing social services and non-profit retreat facilities in open space areas with an emphasis on the enjoyment and preservation of the natural environmental amenities of the land. A site plan conforming to the requirements of Section 27, Ordinance 82-45, as amended, 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) Clubs and lodges, including accessory buildings. On-premise consumption of alcoholic beverage within clubs and lodges by members and approved guests only is permitted, subject to the provisions of this chapter.
 - (2) Golf Courses with or without Driving Ranges.
 - (3) Private Passive Parks.
 - (4) Public and private water, sewer, or electric facilities.
 - (5) Community association buildings and neighborhood activity centers, provided no alcoholic beverages are sold or served on premises. (Rev. 02/08/11)
- (c) *Conditional Uses.* The following uses are permitted in the PS-2 zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Outdoor Shooting Range - Shotguns only.
 - (2) Retreat Centers.
 - (3) Commercial radio, television, microwave relay stations or towers, and accessory equipment buildings.
 - (4) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
 - (5) Recreational facilities. (amended 7/94 - Ord. 94-30)
 - (6) Dog Park (Ord. 03-16)
 - (7) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
 - (8) Youth Camps (Amended 8/04 – Ord. 04-55)
 - (9) Campground/Recreational Park (Amended 8/04 – Ord. 04-55)

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- (10) Animal Clinics with or without caretaker's quarters. (*Rev. 2/22/11*)
 - (11) Solar Farms.
 - (12) Community Gardens.
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) and (c) above.
 - (2) With respect to Retreat Centers, any activity not permitted under Section 501 (C) (3) of the Internal Revenue Code, private ownership of homes, or sale or service of alcoholic beverages.
- (e) *Site Development Plan.* All uses listed in this Section require a site development plan that shall contain the information required in this Article.
- (f) Density Requirements - The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent.
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side lot line setback on property which abuts residential or agricultural districts shall not be less than twenty (20) feet. Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed with four (4) hour party walls as defined by the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall be twenty (20) feet. 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 be 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) Corner lots. No structure erected on a corner lot shall be closer than thirty (30) feet to any road.
 - (6) 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 any district.

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- (7) Height and Size Limitations.
- (i) 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.
 - (ii) Parking requirements shall comply with this chapter.
- (8) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (Rev. 02/08/11)
1. The provisions of Section 3-39(g)(1) and (g)(8) shall not apply to the existing development on parcels numbered 42-04-25-008814-002-01, 42-04-25-008814-226-00 or 42-04-25-008814-225-00. For these parcels, the side line setback which abuts a residential district shall not be less than five (5) feet. (Rev. 02/08/11)
- (h) *Lighting.* Artificial lighting shall only be allowed to illuminate the parking areas and/or advertising copy and 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 feet of all buildings, shall be met.
- (1) Clubs and Lodges
 - Local - not permitted
 - Minor Collector and above - no limit (amended 12/2/98 - Ord. 98-65)
 - (2) Golf Courses- with or without driving ranges.
 - Local- not permitted.
 - Minor Collector- 5,000 square feet.
 - Major Collector and above- no limit.
 - (3) Campgrounds/Recreational Parks
 - Local – not allowed
 - Residential and Minor Collector – 50,000
 - Major Collector and above – no limit (Amended 8/04 – Ord. 04-55)
 - (4) Private Passive Parks
 - Local- 2,500 square feet.
 - Minor Collector and above- no limit.
 - (5) Public and Private Water, Sewer, or Electric Facilities

Local- 5,000 square feet.
Minor Collector and above- no limit.

- (6) Outdoor Shooting Range- Shotguns only
Local- not permitted.
Minor Collector- 3,500 square feet.
Major Collector and above- no limit.
- (7) Retreat Center
Local- not permitted.
Minor Collector- 5,000 square feet.
Major Collector and above- no limit.
- (8) Recreational Facilities
Local- not permitted.
Minor Collector- 5,000 square feet.
Major Collector and above- no limit. (Amended 6/98 - Ord. 98-27)
- (9) Dog Park
Local – 2,500 square feet.
Minor Collector and above - no limit (Ord.03-16)
- (10) Youth Camps
Local and above – no limit (Amended 8/04 – Ord. 04-55)

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 of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).

(ii) Animal Clinics. Animal Clinics zoned PS-3 on or before February 22, 2011 and developed consistent with the permitted use under this Section may be undertaken or continued thereon, and may lawfully continue thereafter. No parcel shall be rezoned to PS-3 for use as an Animal Clinic unless application therefore has been filed on or before February 22, 2011. (*Rev. 02/22/11*)

(iii) Public Educational Facilities (Amended 10/99 - Ord. 99-55)

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

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

(ii) Public Educational Facilities

(d) *Uses Not Permitted.*

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

(e) *Site Development Plan.* All uses listed in this Section require a site development plan that shall contain the information required in Section 27, Ordinance 82-45, as amended.

(f) Density Requirements - The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent, with the exception of lands proposed for hospital use. Hospitals shall not exceed a maximum FAR of eighty (80) percent. (*Rev. 03/23/10*)

(g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08

(1) Side lot line setback on property which abuts residential or agricultural districts shall not be less than twenty-five (25) feet. If said lot is a corner lot, then setbacks shall be the same as for front yards. Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed with four (4) hour party walls as defined by the applicable Building Code; in all other 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.

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- (3) Institutions for the Insane
Local- not permitted.
Minor Collector- not permitted.
Major Collector- not permitted.
Minor Arterial- 50,000 square feet.
Major Arterial and above- no limit.
- (4) Animal Clinics
Local- not permitted.
Minor Collector- 5,000 square feet.
Major Collector and above- no limit. (Amended 6/98 - Ord. 98-27)

Sec. 3-41. PRIVATE SERVICES (ZONE PS-4)

- (a) *Area.* All land described as Zone PS-4 is subject to the regulations of this Section. Such areas are established to provide adequate land for the private sector providing burial 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) Funeral homes, cemeteries, mausoleums and crematoriums.
- (c) *Conditional Uses.* The following uses are permitted in the PS-4 zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96- 58).
 - (2) Correctional Facilities (amended 2/95 - Ord. 95-2)
 - (3) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in paragraphs (b) or (c), above.
- (e) *Site Development Plan.* All uses listed in this Section require a site development plan that shall contain the information required in this Article.
- (f) *Density Requirements* - The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent. (Amended 6/98 - Ord. 98-27)
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08
- (1) Side lot line setback on property which abuts residential or agricultural districts shall not be less than twenty-five (25) feet. If said lot is a corner lot, then setbacks shall be the same as for the front yard. Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed with four (4) hour party walls as defined by the applicable Building Code; in all other construction, the minimum side setback shall be fifteen (15) feet.
 - (2) Rear lot line setbacks shall be twenty (20) feet, or twenty-five (25) feet adjacent to a residence. Access shall be not less than fifteen (15) 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 development, which is combined square footage of all buildings, shall be met.
 - (1) Funeral Homes
 - Local- not permitted.
 - Minor Collector and above - no limit. Rev. 04/22/08

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- (2) Cemeteries
 - Local- 2,500 square feet.
 - Minor Collector and above- no limit.

 - (3) Correctional Facilities
 - Institutional Map Series. (Amended 6/98 - Ord. 98-27)

Sec. 3-41.1 PRIVATE SERVICES (PS-5)

(a) *Area.*

All land described as Zone PS-5 is subject to the regulations of this Section. Such areas are established to provide adequate land for the private sector to provide elderly care facilities. The purpose of this district is to help meet the needs of an aging population while protecting other uses from potentially adverse impacts.

(b) *Definitions.*

An Elderly Facility consists of a building or group of buildings which provide living facilities for persons 65 years of age or more, except there is no minimum age requirement for the legal spouses of such residents or for disabled persons. An Elderly Facility shall consist of attached or detached living units all under the same single ownership for each permitted use and must provide to its residents food service, and at any time, a minimum of three (3) of the following services:

- (1) General health care supervision
- (2) Medication services
- (3) Housekeeping services
- (4) Personal services
- (5) Recreation facilities
- (6) Transportation services
- (7) Skilled nursing care

(c) *Uses Permitted.*

- (1) Independent Living Facility
- (2) Assisted Living Facility
- (3) Skilled Nursing Care Facility
- (4) Continuing Care Facility

(d) *Uses Not Permitted.*

Any use not allowed in paragraph (c)(1), (2), (3), or (4) above.

(e) *Conditional Uses.*

- (1) Communication Antenna and Towers.
- (2) Public Educational Facilities (Amended 10/99 - Ord. 99-55)

(f) *Application Process.*

- (1) With the application for PS-5 zoning, the applicant shall submit a conceptual site plan showing the following: location and size of buildings (inclusive of the number of living units), location and size of parking lots (show the number of parking spaces noting that parking lots must conform to the County Off-Street Parking Regulations

for the Elderly).

- (2) At the time of the filing of the application and conceptual site plan, the applicant must request the type of use that the land will be used for, either (c)(1), or (c)(2), or (c)(3), or (c)(4) under Uses Permitted above, or any combination of permitted uses, (c)(1), (c)(2), or (c)(3). The only uses that shall be considered for denial or approval shall be those permitted uses specifically requested in the application.
- (3)
 - (a) The applicant shall propose a timing when each of said permitted uses shall be constructed and completed. Construction shall begin within two (2) years and be completed within five (5) years. In the event the applicant fails to meet said timing, no further building permits shall be granted. If substantial construction, as determined by the Zoning Director has not begun within two (2) years after approval of the PS-5 Zoning under this Section, the approval of the PS-5 Zoning will lapse.
 - (b) At its discretion and for good cause, the Board of County Commissioners upon application made by the applicant prior to the expiration of the two (2) year period referenced in (g)(3)(a), may extend for one additional year the period for beginning construction. If the approved PS-5 Zoning lapses under this provision, the Zoning Director shall cause the PS-5 Zoning district to be removed from the Official Zoning Map, mail a notice by certified mail of revocation to the owner, and reinstate the zoning district which was in effect prior to the approval of the PS-5 Zoning.
- (4) Nothing herein shall be construed to grant to the landowner any uses not granted by the Board of County Commissioners notwithstanding what the landowner applied for. In the event the landowner, at some time after the granting of any of the permitted uses wishes to add additional permitted uses not previously granted, the landowner must file a new application and follow the procedure set out herein for the granting of said additional permitted uses.

(g) *Site Development Plan.*

All uses in this Section require a site development plan that shall contain the information required in Section 6, Paragraph 42, Ordinance 82-45, as amended.

- (h) Density Requirements - The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent. (Amended 6/98 - Ord. 98-27)
- (i) *Lot and Building Requirements* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
Rev. 04/22/08.

- (1) Side lot line setback on property which abuts residential or agricultural districts shall not be less than fifty (50) feet. If said lot is a corner lot, then setbacks shall be the same as for front lot line setback. Where the adjoining lot is zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other

construction the minimum setback shall be fifteen (15) feet.

- (2) Rear lot line setbacks shall be fifty (50) feet. Access 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 fifty (50) 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 fifty (50) 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 three stories or thirty-five (35) feet, whichever is more restrictive.
- (7) Visual Barrier. Proposed development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a fifty (50) foot building setback. There shall be a minimum six (6) foot fence adjacent to residential land use categories. Within the fifty (50) foot setback there shall be a minimum of:
 - (i) Natural buffer, provided there are sufficient trees to create a visual barrier from the adjacent residential lands; or
 - (ii) A combination natural buffer as described above, with landscaping that would serve as a visual barrier from adjacent residential land uses.

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)

- (j) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts. Any outdoor light, other than security lighting, shall be turned off by 10:00 p.m. every day. (amended 2/24/98- Ord. 98-8)
- (k) Roadway and size limitations within the Residential Land Use Categories the following minimum road functional classifications and intensity of development site, which is combined square footage of all buildings, shall be met.
 - (1) Independent Living Facility
Local- not permitted.
Minor Collector- not permitted.

Major Collector- 50,000 square feet.
Minor Arterial and above- no limit.

- (2) Assisted Living Facility
Local- not permitted.
Minor Collector- not permitted.
Major Collector- 50,000 square feet.
Minor Arterial and above- no limit.
- (3) Skilled Nursing Care Facility
Local- not permitted.
Minor Collector- not permitted.
Major Collector- 50,000 square feet.
Minor Arterial and above- no limit.
- (4) Continuing Care Facility
Local- not permitted.
Minor Collector- not permitted.
Major Collector- 50,000 square feet.
Minor Arterial and above- no limit. (Amended 6/98 - Ord. 98-27)

Sec. 3-41.2. PRIVATE SERVICES (ZONE PS-6)

- (a) *Area.* All land described as Zone PS-6 is subject to the regulations of this Section. Such areas are established to provide adequate land for the private sector providing specified group homes and institutions for the treatment of psychiatric disorders. A site plan conforming to the requirements of this Section is required and shall be submitted to the Planning and Zoning Division for administrative review and approval prior to obtaining a building permit.
- (b) *Uses Permitted.*
- (1) 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).
 - (2) Institutions for the residential treatment of psychiatric disorders (DHRS licensed).
- (c) *Conditional Uses.* The following uses are permitted in the PS-6 zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
 - (2) Public Educational Facilities (Amended 10/99 - Ord. 99-55)
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in paragraphs (b) or (c), above.
- (e) *Site Development Plan.* All uses listed in this Section require a site development plan that shall contain the information required in Section 27, Ordinance 82-45, as amended.
- (f) *Density Requirements -* The maximum density of development for land in this zoning district shall not exceed an F.A.R. of forty (40) percent.
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.
- (1) Side lot line setback on property which abuts residential or agricultural districts shall not be less than twenty-five (25) feet. If said lot is a corner lot, then setbacks shall be the same as for front yards. Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed with four (4) hour party walls as defined by the applicable Building Code; in all other 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:* For all developments, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply.
- (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.
 - (3) Institutions for the residential treatment of psychiatric disorders
Local- not permitted.
Minor Collector- not permitted.
Major Collector- not permitted.
Minor Arterial- 50,000 square feet.
Major Arterial and above- no limit.

Sec. 3-42. EXCAVATION (ZONE EX)

- (a) *Intent.* It is the intent of this district to provide for the control of excavation activities within Clay County in order to protect the natural resources of the County. It is the further intent of this district to further the clearly articulated, affirmatively expressed and actively supervised state police as expressed in Chapter 211, Florida Statutes. The criteria within this district are declared to be the minimum necessary to protect the health, safety and welfare of the citizens of Clay County.
- (b) *Definitions.*
- (1) *Mine* shall mean an area of land on which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly in the trade.
 - (2) *Mining operation* shall mean all functions, work, facilities, and activities in connection with the development, extraction - whether primary or secondary - or processing of mineral deposits on lands subject to the provisions of Chapter 211, Part II, Florida Statutes, and all uses reasonable incident thereto, such as the construction of roads or other means of access, pipelines, waste disposal and storage, and recirculating water systems. The term "processing" shall not include rock drying or the processing of rock in a chemical processing plant.
 - (3) *Mining unit* shall mean the number of acres which an operator will disturb or affect as part of the mining operation during the year's period covered by a reclamation application.
 - (4) *Operator* shall mean the person engaged, or seeking to be engaged, in a mining or reclamation operation or any other person who is obligated to reclaim mined lands pursuant to Chapter 211.32, Florida Statutes.
 - (5) *Overburden* shall mean the earth and other minerals which overlie the ore and which must be removed to gain access to the ore body.
 - (6) *Reclamation* shall mean the reshaping of land disturbed or affected by mining operations to an appropriate contour considering the type of use prior to mining operations, during the mining operations, and planned use after reclamation, and the surrounding topography and shall include revegetation of the lands in an approved manner.
 - (7) *Restoration* shall mean the return of the natural function of lands, waters, or a particular habitat condition as nearly as possible to the state in which it existed prior to mining operation being commenced.
 - (8) *Revegetation* shall mean providing either a diverse vegetation, native to the area, capable of self-regeneration at least equal in permanence to the natural vegetation or an agricultural or silvicultural crop suitable to the reclamation program and the surrounding areas.
 - (9) *Wetland* means those areas identified by Rule of the Department of Environmental

Protection and/or the St. Johns River Water Management District. (Amended 2/03 – Ord. 03-20)

- (10) *Excavation* shall mean the digging, stripping, or removal by any process of natural materials or deposits from their natural state and location, said materials, and deposits to include rock, stone, minerals, shell, sand, marl, muck, and soil, but not including sod. Excavation shall not include the creation of water bodies undertaken as a part of a planned unit development or other subdivision nor shall it include activities associated with the construction of stormwater management facilities.
 - (11) *Environmentally Significant Area* is lands with listed species (flora and/or fauna) present, or one of the following regionally important natural communities known to host rare, vulnerable, and/or listed species: scrub, sandhill, scrubby flatwoods, xeric hammock, upland pine forest, mesic flatwoods and wet flatwoods. Listed plant and animal species include those species identified in Florida Administrative Code (F.A.C.) 5B-40.0055, Regulated Plant Index, and F.A.C. 68A-27.003, Florida’s List of Endangered or Threatened Species.
- (c) *Uses Permitted.* Activities associated with normal excavation and mining activities as defined herein; notwithstanding the provisions hereof, an incinerator or industrial furnace as an accessory use for such excavation and mining activities only is permitted, provided the incineration is incident to such excavation and mining activities, and provided that such incineration is fully permitted by all applicable state and federal regulatory agencies.
 - (d) *Conditional Uses.* The following uses are permitted in the EX Zoning District, subject to the conditions provided in Section 20.3-5.
 - (1) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96- 58).
 - (2) Radio, Television, Microwave Relay Stations or Towers and Accessory Equipment Buildings constructed for public or private use provided that the parcel ownership shall be public. (Ord. 95-53 - 11/28/95)
 - (3) Land Clearing Debris Off-Site Disposal Facility
 - (e) *Uses Prohibited.* Any use not described herein, or as determined by the Directors of the Planning and Zoning Department. (Amended 2/03 – Ord. 03-20)
 - (f) *Minimum Size and Other Criteria.* (Amended 2/03 – Ord. 03-20)
 - (1) Minimum lot size is three (3) acres.
 - (2) Access to a paved public right-of-way.
 - (3) Located outside an identified floodplain, floodway, or wetland.
 - (4) The following buffers shall be required where active mining operations are less than

2,000 feet from affected properties:

- (i) A 200 foot perimeter buffer shall be required where any active mining location is adjacent to residential land uses. The buffer shall include at a minimum:
 - a. A row of evergreen canopy trees which are not less than ten feet high at the time of planting, a minimum of two inch caliper, spaced not more than thirty feet apart, and planted within ten feet of the property line; and,
 - b. A privacy fence or masonry wall, architecturally finished on all sides, a minimum height of six feet, and if a block wall, painted on all sides; and,
 - c. Turf grass, low growing evergreen plants or evergreen ground cover planted over the balance of the buffer.
 - d. In lieu of the requirements of A, B, and C above, a naturally vegetative undisturbed wooded area shall be preserved. This wooded buffer shall maintain an 85% opacity during all seasons and a minimum width of one hundred feet, and may be permitted with the Zoning Director's approval. Sections lacking opacity can be planted to achieve a continuous visual screen, or a landscaped berm of at least six feet in height that obscures the view from adjacent property at the time of planting.
 - e. If D, above is not a feasible option due to the lack of wooded areas along property lines, a 125 foot buffer of the following type may be allowed, also in lieu of the requirements of A, B, and C above. This buffer includes a 50 foot buffer along the property line with an additional zone that is at least 75 feet in width provided landward of the buffer area. This additional zone shall include a topsoil pile that will direct drainage away from wetlands. The topsoil pile shall be naturally revegetated within 30 days of their construction or they will be seeded and mulched. An erosion preventive vegetative cover must be established within 3 months of seeding, be adequately vegetated with grass or some other form of ground cover and the topsoil pile zone shall include a silt screen placed where the zone and fifty foot buffer meet.

- (ii) A one hundred foot perimeter buffer shall be required where any active mining location is adjacent to commercial and agricultural (excluding silviculture) land uses. The buffer shall include at a minimum:
 - a. A row of evergreen canopy trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, spaced not more than thirty feet apart, and planted within ten feet of the property line; and,

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- b. A masonry wall, architecturally finished on all sides, a minimum height of six feet, and if a block wall, painted on all sides; and,
 - c. Turf grass, low growing evergreen plants or evergreen ground cover planted over the balance of the buffer.
 - d. In lieu of the requirements of A, B, and C above, a naturally vegetative undisturbed wooded area shall be preserved. This wooded buffer shall maintain an opacity of at least 85% during all seasons and a minimum width of seventy-five feet, and may be permitted with the Zoning Director's approval. Sections lacking opacity can be planted to achieve a continuous visual screen.
 - d. If D above is not a feasible option due to the lack of wooded areas along property lines, a 125 foot buffer of the following type may be allowed, also in lieu of the requirements of A, B, and C above. This buffer includes a 50 foot buffer along the property line with an additional zone that is at least 75 feet in width provided landward of the buffer area. This additional zone shall include a topsoil pile that will direct drainage away from wetlands. The topsoil pile shall be naturally revegetated within 30 days of their construction or they will be seeded and mulched. An erosion preventive vegetative cover must be established within 3 months of seeding, be adequately vegetated with grass or some other form of ground cover and the topsoil pile zone shall include a silt screen placed where the zone and fifty foot buffer meet.
- (iii) A 200 foot buffer shall be required between any active mining location and any jurisdictional wetland. A 50 foot buffer may be permitted if an additional zone that is at least 75 feet in width is provided landward of the buffer area. This additional zone shall include a topsoil pile that will direct drainage away from wetlands. The topsoil pile shall be naturally revegetated within 30 days of their construction or they will be seeded and mulched. An erosion preventive vegetative cover must be established within 3 months of seeding, be adequately vegetated with grass or some other form of ground cover and the topsoil pile zone shall include a silt screen placed where the zone and fifty foot buffer meet.
 - (iv) A 100 foot buffer shall be required where any active mining location is adjacent to a public road. The buffer shall include at a minimum:
 - A. A row of evergreen canopy trees which are not less than ten feet high at the time of planting, a minimum of two inch caliper, spaced not more than thirty feet apart, and planted within ten feet of the property line; and,
 - B. A wood privacy fence, chain link fence with slats and/or screen cloth, or masonry wall, architecturally finished to the outside, a minimum height of six feet.
 - C. In lieu of the requirements of A and B above, a naturally vegetative

undisturbed wooded area shall be preserved. This wooded buffer shall maintain an opacity of at least 85% during all seasons and a minimum width of fifty feet, and may be permitted with the Zoning Director's approval. Sections lacking opacity can be planted to achieve a continuous visual screen.

D. If C above is not a feasible option due to the lack of wooded areas along property lines, a 125 foot buffer of the following type may be allowed, also in lieu of the requirements of A and B above. This buffer includes a 50 foot buffer along the property line with an additional zone that is at least 75 feet in width provided landward of the buffer area. This additional zone shall include a topsoil pile that will direct drainage away from wetlands. The topsoil pile shall be naturally revegetated within 30 days of their construction or they will be seeded and mulched. An erosion preventive vegetative cover must be established within 3 months of seeding, be adequately vegetated with grass or some other form of ground cover and the topsoil pile zone shall include a silt screen placed where the zone and fifty foot buffer meet. (Amended 2/03 – Ord. 03-20)

(5) Environmentally Sensitive Areas shall be left undisturbed to the greatest extent possible, and shall only be impacted if avoidance would substantively reduce the ability of the applicant to mine the site. If such areas are impacted, the applicant will demonstrate how such areas will be restored, and will also demonstrate through the phasing plan and site plan that travel corridors will exist to allow for wildlife movement across or around impacted areas throughout the mining process. (Amended 2/03 – Ord. 03-20)

(g) *Application Requirements.*

(1) The applicant shall be required to attend a pre-application conference with the Directors of the Planning and Zoning Department. The Directors shall invite, as a minimum, representatives from the St. Johns River Water Management District and Department of Environmental Protection to attend the conference. (Amended 2/03 – Ord. 03-20)

(2) The applicant shall complete the appropriate application forms as provided by the Zoning Department and pay the applicable fee. (Amended 2/03 – Ord. 03-20)

(3) The applicant shall complete a site plan substantially in conformance with the requirements of this paragraph, with the rezoning application. The site plan shall show the following elements: Property boundaries, active mining areas, proposed mining areas, adjacent land uses, adjacent structures, environmentally sensitive areas, wildlife travel corridors (if any), and adjacent and vicinity roadways (public and private). Additionally, the applicant shall submit a phasing plan that will govern the timing of operations, buffer implementation, and the timing of impacts to generalized areas. This phasing plan may be updated with the approval of county staff, but at no time shall any mining operations occur that impact affected properties without the adoption of, or the amendment of an approved plan. The other specific requirements will be

determined at the pre-application conference. The intent is not to duplicate state agency requirements. (Amended 2/03 – Ord. 03-20)

- (4) The applicant shall prepare an environmental assessment report with the zoning application that demonstrates proposed operations on the ground water resources and the land uses within one mile of the site. This report shall specifically identify environmentally sensitive areas, shall indicate which of these areas are to be left undisturbed and which are to be impacted, and shall also identify any planned wildlife travel corridors. (Amended 2/03 – Ord. 03-20)
- (5) The applicant shall file all permits, performance bonds, and reclamation plans filed to state agencies to the County prior to the commencement of mining. In the event that a performance bond is not required by state agencies, the County will require a feasible form of financial assurance, e.g. certificates of deposit, corporate guarantee, etc., to ensure that needed reclamation occurs. Upon receipt of all required agency documentation and financial assurances, the County shall issue an Operations letter that will authorize commencement of mining activities. (Amended 2/03 – Ord. 03-20)
- (6) Copies of the annual progress reports required by the Department of Environmental Protection and those that may be required by other state agencies shall be submitted concurrently to the Director of the Zoning Department. (Amended 2/03 – Ord. 03-20)
- (7) Final approval of the mining application shall be made by the Directors of the Planning and Zoning Departments. (Amended 2/03 – Ord. 03-20)

Sec. 3-43. INDEPENDENT COMMUNITY OVERLAY (ZONE ICO)

- (a) *Intent.* All land designated as Zone ICO is subject to the regulations of this Section as well as Sec. 20.3-10. Such areas may be established in order to protect and encourage the improvement of owner-occupied, low-income housing areas that have existed as independent communities historically in accordance with Future Land Use Policy 1.8.5 of the Clay County Comprehensive Plan. This overlay zone does not eliminate the underlying primary zoning, but expressly modifies the requirements of the underlying zoning only as indicated.
- (b) *Criteria For Overlay Zone.*
- (1) The community requesting overlay approval must be well defined and demonstrably homogenous and distinct or independent of surrounding land uses or neighborhoods, and predominantly residential in nature. It must possess a "community" character and community attributes, such as a focal center, commercial, social, recreational and/or church uses.
 - (2) At least thirty (30) percent of the dwelling units must be substandard, as shown by a survey of building conditions.
 - (3) At least thirty (30) percent of the households must have incomes under 50 percent of the median income of Clay County, or at least fifty (50) percent of the households must have incomes under eighty (80) percent of the median income of Clay County.
 - (4) The community must be eligible for CDBG or other funding, tax abatement or other incentives which would enable rehabilitation and upgrade of structures and/or infrastructure.
- (c) *Procedure for Approval of Independent Community Overlay.* The procedure for obtaining approval of an Independent Community Overlay shall be as follows:
- (1) The applicant shall submit the request for approval of an Independent Community Overlay with the following exhibits:
 - (i) A vicinity map(s) showing the Independent Community Overlay, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, and existing land uses on the site and surrounding areas.
 - (ii) A boundary survey map indicating with reasonable certainty the location of the proposed overlay.
 - (iii) A list showing the parcel identification numbers of all parcels which would be included in the overlay zone.
 - (iv) A survey of existing building conditions showing the number and locations, addresses and ownership of substandard dwelling units, and their potential for rehabilitation according to the definitions in Housing Policy 1.2.2 of the Clay County Comprehensive Plan. A location map showing parcel boundaries and location of substandard units shall be included. The criteria for determining

whether a dwelling unit is substandard based on external structural conditions are found in Table 14 of the Housing Element of the Clay County Comprehensive Plan. The survey results may be verified by Clay County staff using the criteria in the Standard Existing Buildings Code (SBCCT) after the application for ICO status is received and/or approved.

- (v) A survey or other documentation which indicates the number and percent of households within the proposed overlay boundaries with incomes under fifty (50) percent of the median income of Clay County, and the number and percent of households with incomes under eighty (80) percent of the median income of Clay County.
 - (vi) Such other documents or statistical information deemed necessary or pertinent to the application by the applicant or County officials.
- (2) Thereafter, the application shall be processed as any other zoning application in accordance with the provisions of these Regulations. The County may request further information as necessary to enable informed consideration of the request, and may approve, disapprove, or modify and approve the proposed Independent Community Overlay.
- (d) *Permitted Uses and Conditions.*
- (1) *Lots of Record*
- (i) For the purposes of the independent community overlay, a lot of record shall mean a platted or non-platted piece, parcel, plot, or tract of land described by metes and bounds or other similar means in a legally recorded deed as of 12:01 a.m., July 1, 1991; provided, that with respect to any such lot, the recording of a deed subsequent to said date only for the purpose of correcting an error in the legal description or curing a defect in the chain of title shall not operate to divest it of its status as a lot of record.
 - (ii) One dwelling unit may be constructed on unimproved lots of record provided the following criteria are met:
 - a. For lots of record created prior to October 23, 1973, lot size must be no less than five thousand (5,000) square feet, lot width must be no less than fifty (50) feet, and lot depth must be no less than seventy-five (75) feet. Front building lines and setbacks from side and rear property lines shall conform to the requirements of Sec. 20.3-7 and other applicable sections of this Article.
 - b. For lots of record created between October 23, 1973, and June 30, 1991, lot size must be consistent with the minimums applicable to the property on June 30, 1991. Front building lines and setbacks must be consistent with the underlying zoning district regulations in effect at that time (see Sec. 20.3-11).

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- (iii) Permitted uses must be consistent with the underlying zoning district. However, non-commercial agricultural uses, such as the keeping of horses, pigs, chickens and the like, shall be permitted only in communities where they have historically been kept and are currently being kept as common practice acceptable to community members, and shall conform to the following:

The breeding, raising, grazing, and keeping of animals, fowl, and insects including, but not limited to, customary farm animals similar to horses, cattle, goats, pigs, rabbits, insects, or poultry and domestic animals similar to dogs, cats, or birds. Provided, however, that no more than one (1) insect hive or one (1) adult customary farm animal six (6) months of age or older, per each one-half (1/2) acre (21,780 sq. ft.) of land, and no more than one (1) domestic animal six (6) months of age or older per each one-fifth (1/5) acre (8,712 sq. ft.) shall be raised, grazed, kept, or maintained, and provided further, that no animal pen, stall, stable, cage, kennel, or other similar animal enclosure, nor insect hive shall be nearer than one hundred (100) feet from any residential dwelling under different ownership or occupancy. If said residential dwelling is constructed subsequent to any of the aforementioned animal enclosures or hives, which may be located on an abutting lot or parcel, then the one hundred (100) foot separation shall be deemed non-applicable and the appropriate property setbacks as established herein, shall apply. The farm or domestic animals or hives referenced herein shall be raised, grazed, kept, or otherwise maintained upon the same parcel upon which the main residence is located, or may be upon another parcel which lies immediately abutting the parcel upon which the main residence is located.

The keeping of animals as set forth herein shall be subject to the following restrictions:

- a. A fenced enclosure for any permitted customary farm animal shall be erected not less than five (5) feet from adjoining properties, except as otherwise provided for below.
- b. No animal shelter, stall, stable, kennel, cage, hive, or other similar enclosure shall be less than one hundred fifty (150) feet from the residential dwelling of a different property owner when such dwelling is separated by an existing street or roadway.
- c. The keeping and maintenance of all animals as set forth herein shall conform with all State, County and Local regulations and requirements affecting such concerns as, but not limited to, health, safety, drainage and environmental protection.

- (2) *Lots recorded on or after July 1, 1991.*

- (i) Lot size and dimensions must be consistent with the underlying zoning district. Front building lines and setbacks must be consistent with the underlying zoning district.

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- (ii) Permitted uses must be consistent with the underlying zoning district.
- (3) Primary dwelling units and customary accessory buildings existing as of July 1, 1991, which are located on lots of size and dimension consistent with (c)(1)(ii)(a) or (c)(1)(ii)(b) above may be replaced if destroyed or damaged. Mobile homes are allowed. Alteration or expansion of such a dwelling unit is permitted.
- (4) Additional dwelling units existing on non-conforming lots may not be expanded or replaced. No additional dwelling units may be constructed or moved on a lot where a dwelling unit already exists unless the existing lot can be divided to create a separately deeded conforming lot or an heirs or homestead exemption lot of a size meeting the requirements set forth in item (6) below.
- (5) New dwelling units must connect to existing water and sewer service, if available, or must be able to secure a septic tank permit.
- (6) Future Land Use Element Policies 1.9.6 (heirs exemption) and 1.9.7 (homestead exemption) of the Clay County 2040 Comprehensive Plan will be applicable to the lots within the overlay zone. Within the overlay zone heirs lots must be at least one (1) acre in size, and homestead lots must be at least two and one-half (2-1/2) acres in size. No more than two (2) such lots may be sold or transferred within a single calendar year without conformance to subdivision requirements.

Sec. 3-44. INCINERATORS (ZONE IN)

- (a) *Intent.* All land designated as Zone IN on the Zoning Atlas pursuant to this Article is subject to the regulations of this Section. It is the intent of this Section to control the location of incinerators within Clay County with a primary emphasis on areas set aside for industrial development. It is further the intent of this Section to provide for reasonable locational, design and operational criteria for incinerators in order that incinerators be operated safely and that the impact thereof be limited to those areas set aside for industrial development. Such criteria are declared hereby to be the minimum necessary to protect the health, safety and welfare of the citizens of Clay County.
- (b) *Definitions.*
- (1) "Incineration" shall mean the volume reduction of solid waste, hazardous waste, biohazardous waste, or biological waste, all as defined under Section 403.703, Florida Statutes, by use of rapid combustion. Specifically excluded herefrom is any activity involving the cogeneration of steam or electrical power, any activity involving the combustion as fuel of waste oil or other waste petroleum products, or of garbage, refuse, yard trash or clean debris, all as defined under Rule 17-701.020, Florida Administrative Code, and the burning of land clearing debris or other yard trash where such burning occurs on-site at the point of generation by use of a portable air curtain incinerator or other device.
- (2) "Incinerator" shall mean any facility, or any part thereof, designed or intended solely for the volume reduction of solid waste, hazardous waste, biohazardous waste, or biological waste by incineration.
- (c) *Uses Permitted.* Incinerators and activities associated therewith and accessory thereto.
- (d) *Conditional Uses.* The following uses are permitted in the IN zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
- (e) *Uses Prohibited.* Any uses not described under paragraphs (c) and (d) above as determined by the Planning and Zoning Director or his designee.
- (f) *Locational Criteria.*
- (1) No lands shall be rezoned to the district classification provided in this Section except within areas within which industrial uses or sanitary landfills may be operated consistent with the Clay County Comprehensive Plan.
- (2) Each incinerator must have direct paved road access to a paved public road.
- (3) No incinerator may be located within any identified floodplain, floodway, or wetland.

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- (4) Each incinerator must be set back a minimum of five hundred (500) feet from each property line not adjacent to lands used or zoned for industrial or sanitary landfill purposes. A visual buffer must be established and maintained between the incinerator and any existing residential, commercial, or other non-industrial land use immediately adjacent thereto.

(g) *Application Requirements.*

- (1) The applicant shall be required to attend a pre-application conference with the Planning and Zoning Director or his designee, who shall invite, as a minimum, representatives from the Florida Department of Environmental Regulation and the United States Environmental Protection Agency to attend the conference.
- (2) The applicant shall complete and submit the appropriate application forms as provided by the Planning and Zoning Director or his designee.
- (3) The applicant shall complete and submit a site plan substantially in conformance with the requirements, as applicable, of Section 6, subsection 42, Ordinance 82-45. The specific requirements will be determined at the pre-application conference. The site plan shall also depict any site or locational requirements established under this Section.
- (4) The applicant shall submit a professionally prepared environmental assessment report demonstrating that the operation of the incinerator will not result in any measurable degradation of air quality or of ground or surface water quality beyond any property line of the property upon which the incinerator is located.
- (5) The applicant shall submit proof of receipt of at least conceptual or preliminary approval from all state and federal regulatory agencies having jurisdiction.
- (6) The applicant shall submit the basic design of the incinerator and fire control facilities as a part of the site plan.
- (7) If the incinerator is to be located within two (2) statute miles of the territorial boundaries of Clay County, Florida, the applicant must notify the adjacent local governments and the Northeast Florida Regional Council in the manner required by the Planning and Zoning Director or his designee, inviting their representatives to attend the pre-application conference.

(h) *Design Criteria*

- (1) Each incinerator must be designed so that it meets and continues to meet all applicable rules, regulations and requirements of the applicable state and federal regulatory agencies. Each incinerator must be fully permitted by each such agency prior to construction and/or continued operation.
- (2) Each incinerator must be designed with adequate on-site controls and facilities to prevent and contain fires.

(i) *Rezoning and Site Plan Approval*

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- (1) No rezoning shall be granted without the simultaneous approval by the Board of a site plan, which shall thereafter be deemed a part and condition of the zoning. In the approval of the site plan, specific parameters regarding size, capacity, burn rate, and other relevant matters may be established, and the materials to be incinerated shall be specified and limited. Any modification to the approved site plan may be considered by the Board only as a rezoning.
- (j) *Moratorium.* The Board hereby declares its intention to establish by ordinance a permitting process for incinerators subject to the provisions of this Section. The Board intends that said permit process shall function integrally with the zoning process. Therefore, the Board hereby declares and imposes a moratorium on rezoning under this Section until July 1, 1992, during which time said permitting ordinance may be developed and adopted. During the period of moratorium, no application for rezoning under this Section may be considered or submitted or considered by the staff, the Planning Commission, or the Board.

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- (1) Residential development at a density of one unit per one hundred (100) acres will be allowed subject to obtaining permits from DER, COE, and/or SJRWMD.
 - (2) Boardwalks and nature trails.
 - (3) Silvicultural activities utilizing BMP's.
 - (4) Use as a stormwater "treatment wetland" pursuant to applicable state permits.
- (d) *Consistency with Underlying Districts.* Use of the lands within the Conservation Overlay shall be consistent with the underlying zoning provided the underlying zoning is an Agricultural/Residential or other residential zoning district, or a residential component of a PUD as defined in Sec. 20.3-33. In addition, passive recreation shall be allowed. All applicable regulatory permits must be obtained prior to any use within the Conservation Overlay.
- (e) *Conditional Uses.* The following uses are permitted in the Conservation Overlay subject to the conditions in Sec. 20.3-5. All applicable regulatory permits must be obtained prior to use.
- (1) Home Occupations
 - (2) Mobile Home for Medical Hardship
 - (3) Swimming Pools (residential)
- (f) *Prohibited Uses.* Any use not specifically permitted in paragraphs (c), (d), and (e) above.
- (g) *Lot and Building Requirements.* These requirements shall be consistent with the underlying zoning district.

Sec. 3-46. COMMUNICATION TOWERS AND COMMUNICATION ANTENNAS, INCLUDING ACCESSORY BUILDINGS, TOWER SUPPORT AND PERIPHERAL ANCHORS

- (a) *Applicability.* This Section shall apply to all lands in the unincorporated area of the County.
- (b) *Legislative findings, intent and purpose.* The County has on numerous occasions and with increasing frequency been confronted with requests to site communication towers. Prior to the adoption of this Section, the Clay County Land Development Code contained no provision specifically related to siting communication towers. It is the intent of this Section to promote the health, safety and general welfare of the citizens by regulating the siting of communication towers. Accordingly, the County finds that the promulgation of this Section is warranted and necessary to accomplish the following purposes:
- (1) To direct the location of communication towers within the County;
 - (2) To protect residential zoning districts and land uses from potential adverse impacts of communication towers;
 - (3) To minimize adverse visual and aesthetic impacts of communication towers through careful design, siting, landscape screening, and innovative aesthetic mitigation;
 - (4) To accommodate the growing need for communication towers;
 - (5) To promote and encourage shared use/co-location of existing and new communication towers as the referred option rather than construction of additional single use towers;
 - (6) To consider the public health and safety of communication towers.
 - (7) To avoid or minimize potential damage to adjacent properties, from the perspective of public safety, from tower failure through engineering and careful siting of tower structures.
- (c) *Definitions.* For purposes of this section, definitions provided for in the Clay County Land Development Code shall apply and the following additional words and terms are defined as follows:
- (1) Communication Antenna means an antenna, appurtenant to a structure, designed to transmit and/or receive communications authorized by the Federal Communications Commission (FCC).
 - (2) Communication Tower means a primary structure which is principally intended to support communication equipment for telephone and similar communication purposes. The term "communication tower" shall not include"
 - (i) towers primarily utilized for the provision of commercial and radio broadcasts;
 - (ii) towers primarily utilized by utility corporations or organizations for communications directly related to the provision of utilities.

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- (iii) towers primarily utilized by amateur radio operators licensed by the Federal Communications Commission (FCC).
 - (iv) towers included in subsection 20.3-5(au) of the Clay County Land Development Code.

The towers listed in subsection (c)(2)(i)(ii)(iii) and (iv) are exempt from the provisions of this section. The towers listed in subsection (c)(1) and (2) shall comply with the provisions of subsection 20.3-5(au) of the Clay County Land Development Code.

- (3) Towers Site means a parcel of land smaller than the minimum lot size required in the zoning district completely contained within a lot meeting the requirements of the zoning district for the purposes of locating a communication tower, exclusive of any accessory building or structure, tower support or peripheral anchors.
- (d) *Applicability; exemption for government-owned property; use of existing structures.*
 - (1) All communication tower permits issued after the effective date of this ordinance shall be subject to the Clay County Land Development Code and all other applicable building codes. In the event of any conflict between the zoning district regulations and the regulations contained in this Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.
 - (2) The provisions of this Section shall not apply to communication towers and communication antennas located on property, rights-of-way or easements owned by any governmental entity, except that all such towers shall comply with applicable building codes and the minimum distances and separation distances described in subsection (h).
 - (3) For purposes of this Section, a communication tower that has received final approval in the form of either a variance or building permit, but has not yet been constructed, shall be considered an existing tower so long as such approval is valid and unexpired.
- (e) *Communication Antennas.* No approval shall be required to locate a communication antenna on existing structures, which may include, but are not limited to buildings, water towers, existing communications towers, recreational light fixtures and other essential public utility structures, provided that:
 - (1) The placement of the communication antenna does not result in a height increase of more than twenty (20) feet above the highest point of the structure;
 - (2) The communication antenna complies with all applicable FCC and Federal Aviation Administration (FAA) regulations;
 - (3) The placement of the communication antenna is in compliance with the current EIA/TIA Standards in effect at the time of placement as verified in writing by a Florida licensed engineer and submitted to the Building Department.

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- (f) *Co-location of communication antennas.* To minimize adverse visual impacts associated with the proliferation and clustering of communication towers, co-location of communication antennas by more than one carrier on existing or new communication towers shall be encouraged over the construction of new single-use communication towers as follows:
- (1) A communication tower may be modified or reconstructed to accommodate the co-location of an additional communication antenna, provided that it shall be of the same tower type as the existing tower. Any modification or reconstruction must comply with the requirements of subsection (m) relating to structural design.
 - (2) Height.
 - (i) An existing communication tower may be modified or rebuilt to a taller height, not to exceed twenty (20) feet over the tower's pre-existing height, to accommodate the co-location of an additional communication antenna, notwithstanding the provisions of subsection (i) governing maximum height of communication towers.
 - (ii) The height change referred to in subsection (f)(ii)(a) may only occur one time per co-location.
 - (3) On-site location.
 - (i) A communication tower which is being rebuilt to accommodate the co-location of an additional communication antenna may be moved on-site within fifty (50) feet of its existing location.
 - (ii) After the communication tower is rebuilt to accommodate co-location, only one tower may remain on the tower site.
 - (iii) A relocated on-site communication tower must still conform to the minimum distance requirements as provided for in subsection (h), except that a bona fide non-conforming communication tower as described in subsection (p) may be moved on-site within fifty (50) feet of its existing location without complying with the minimum distance requirements provided for in subsection (h).
- (g) *Location on Lot.* A communication tower may be located on a lot utilized for other principal uses on a parcel smaller than the minimum lot size required in the zoning district. This parcel shall be considered as the "tower site". The tower site, but not the entire lot, shall be subject to all of the requirements of this Section, except as specifically provided herein.
- (h) *Minimum Distance of Communication Towers from Residential Zoning Districts and right-of-way and set backs; Separation distances between towers and separation from waterfront.*
- (1) Regardless of the zoning district in which the communication tower is located, the minimum distance of the tower shall be not less than two hundred (200) feet from the nearest residentially zoned lot line in the following zoning districts: Single Family Residential District (RA), Single Family Residential District (RB), One, Two or Three Family Residential District (RC), Multi-Family District (RD), Single Family

Residential District (RE), Residential Mobile Home Park (RMHP), Country Estates District (AR-1), Rural Estates District (AR-2).

- (2) Regardless of the zoning district which the communication tower is located, the minimum distance of the tower shall be not less than fifty (50) feet from the nearest public or existing private road or right-of-way.
- (3) 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.
- (4) Minimum distances shall be measured from the center of the base of the communication tower.
- (5) All accessory buildings and structures to a communication tower shall conform to the setback requirements for the applicable zoning district in which they are located.
- (6) All tower supports and peripheral anchors shall be located within the boundaries of the applicable lot and in no case less than five (5) feet from the lot line.
- (7) Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received a building permit after the effective date of the ordinance enacting this Section. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distance shall be one thousand (1,000) feet. Separation distances shall not apply in the following zoning districts: Industrial Select District (IS), Light Industrial District (IA), Heavy Industrial District (IB).
- (8) All minimum distances and setbacks described in this subsection shall be based and measured on the current zoning of the real property in existence at the time of application for a building permit for a communication tower, notwithstanding any future land use designation of the subject real property. Subsequent rezoning of real property within the radius of the site of an existing communication tower which could allow for residentially zoned lot lines closer to the communication tower than the minimum distances and setbacks otherwise allowed will not render the communication tower use non-conforming under subsequent (p) herein, or an otherwise unlawful use.
 - (i) *Maximum Height.* Measurement of communication tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. The maximum height of communication towers shall be two hundred fifty (250) feet.
 - (j) *Equipment Storage.* No equipment, mobile or immobile, not used in direct support of the communication tower or tower function shall be stored or parked on the applicable lot upon which the communication tower is located.

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- (k) *Illumination and signage.* Communication towers shall not be artificially lighted except to assure human safety or as required by the FAA. If high voltage is necessary for the operation of the facility and is present in a ground or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "**HIGH VOLTAGE - DANGER**".
- (l) *Finished Color.* Communication towers not requiring FAA painting/markings shall have either a galvanized finish or painted dull blue, gray or black finish.
- (m) *Structural Design.* In order to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, all communication towers shall be located on the site so as to provide a minimum distance equal to one hundred and ten (110) percent of the height of the tower from all property lines, or shall be certified by a registered engineer in the State of Florida, who shall submit calculations substantiating the position of the steel antenna towers and antenna supporting structures in effect, as published by Electronic Industries Association. The construction of all communication towers must conform to the current EIA/TIA structural standards for steel antenna towers and antenna support structures, and all applicable County Building Codes. Further, any improvement and/or additions to existing communication towers, excluding that allowed in subsection (e), shall require compliance with the EIA/TIA Standards in effect at the time of said improvement or addition. Said plans shall be submitted to and reviewed and approved by the Building Department at the time building permits are requested. If the minimum distances contained in subsection (h) exceed the minimum distances required by this subsection, then the minimum distances of subsection (h) shall apply.
- (n) *Fencing.* A minimum six (6) foot finished masonry wall or fence with not less than 85% opacity shall be required around all communication towers. Access to the tower shall be through a locked gate.
- (o) *Landscaping.* The visual impacts of communication towers shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures.
- (1) The following landscaping and buffering of communication towers shall be required around the perimeter of the tower and accessory structures:
- (i) A row of shade trees a minimum of six (6) feet tall and a maximum of ten (10) feet apart shall be planted around the perimeter of the fence;
- (ii) A continuous hedge at least thirty (30) inches high at the time of planting, capable of growing to a least 36 inches in height within eighteen (18) months, shall be planted in front of the tree line referenced above;
- (iii) All required landscaping shall be of the evergreen variety; and
- (iv) All required landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and vitality.
- (2) Required landscaping shall be installed outside the fence or wall.

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- (3) The use of existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward meeting landscaping requirements.
- (4) These standards may be waived by the Zoning Director for those sides of the proposed tower that are located adjacent to undevelopable lands not in public view.
- (p) *Nonconforming communication towers.* To the extent set forth herein, the restrictions on nonconforming uses and structures contained in Section 20.3-11 of the Clay County Land Development Code are modified and supplemented by this section. All communication towers existing on the effective date of the ordinance enacting this Section shall be allowed to continue to be used as they presently exist. Bona fide nonconforming communication towers or antennas that are damaged or destroyed may be rebuilt and all such towers or antennas may be modified or replaced without meeting the minimum distance requirements specified in subsection (h). The type, height, and location of the tower on-site shall be of the same type, height and location as the original facility approval. Routine maintenance, replacement with a new tower of like construction, height and location and modifications to accommodate the collocation of an additional user or users resulting in a height increase of twenty (20) feet or less shall be permitted on such existing towers. Any replacement construction under this subsection, and modifications to accommodate location on an existing communication on an existing communication tower, shall comply with the requirements of subsection (m) relating to structural design. Building permits to rebuild the tower under this subsection shall comply with the applicable building codes and shall be obtained within one-hundred eight- (180) days from the date the tower is damaged or destroyed. If no permit is obtained or if said permit expires, the communication tower shall be deemed abandoned as specified in subsection (q).
- (q) *Abandonment.* In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Zoning Director, based upon documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon the Zoning Director's determination of such abandonment, the owner/operator of the tower shall have an additional one hundred eighty-five (185) days within which to reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or dismantle and remove the tower. At the earlier of one hundred eighty-five (185) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any variance approval, if required, or non-conforming use status, for the tower shall automatically expire.
- (r) *Certification of Compliance with Federal Communication Commission (FCC) NIER Standards.* Prior to receiving final inspection, adequate proof shall be submitted to the Building Department documenting that the communication tower complies with all current FCC regulations for non-ionized electromagnetic radiation (NIER) and that the radio frequency levels meet the American National Standards Institute (ANSI) C95 guidelines for public safety.
- (s) *Information required for applications for locating communication towers.* The following information shall be included with all applications for a building permit and to site a communication tower. The applicant may use any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information.
- (1) A scaled site plan clearly indication the tower site, type and height of the proposed

tower, the location of the accessory building, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation drawings of the proposed tower, and any other proposed structures;

- (2) A current zoning or tax map or aerial, as maintained by the Clay County Property Appraiser's Office, showing the location of the proposed tower and all contiguous lots;
 - (3) A legal description of the parent tract and tower site (if applicable).
 - (4) Information depicting whether the proposed tower site meets the required minimum distance, set back and separation distance requirements of subsection (h), approximate distance between the proposed tower and the nearest residential dwelling, platted residentially zoned properties, or unplatted residentially zoned properties.
 - (5) A landscape plan showing specific landscape materials;
 - (6) The method of fencing, finished color and, if applicable, the method of aesthetic mitigation and illumination;
 - (7) If the applicant is not co-locating (sharing space) on the proposed communication tower of another communications provider, evidence that it has made diligent but unsuccessful efforts to co-locate its antenna and associated equipment on an existing structure, including proximity distances to all existing towers within a three mile radius of the proposed tower site;
 - (8) The written consent by the applicant that any approval for siting a communication tower shall be conditioned upon requiring the applicant to construct the proposed communication tower so as to provide sufficient excess capacity over the initial single user loading and permit at least one other comparable communication provider to sue the proposed tower where feasible and subject to reasonable terms. The term "where feasible", as it applies to co-location, means the utilization of a tower by another party which would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair the communication tower's utilization by existing users, would not unduly burden the tower structurally, and would not otherwise materially and adversely impact existing users. Reasonable terms for use of a communication tower that may be imposed by the owner include a requirement for reasonable rent or fees, taking into consideration the capitalized cost of the communication tower and land, rental and other charges payable by the tower owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases in maintenance expenses relating to the tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable tower sites.
- (t) *Variance standards and criteria for communication towers.* Any request to deviate from any of the requirements of this Section or the Clay County Land Development Regulations regarding the siting of all communication towers and communication antennas, shall require approval of a variance from the Clay County Board of Adjustment. Notwithstanding any other variance criteria in the Clay County Land Development Code, with respect to action upon

applications for variances from the requirements of this section, the Board of Adjustment shall grant a variance only if it finds from a preponderance of the evidence that the variance meets the following standards and criteria:

- (1) Certification by a Florida licensed engineer that the proposed communication tower is reasonably necessary to serve an adjacent or nearby residential area or areas shall be required;
- (2) In the case of an application for a variance from the requirements of subsections (h)(i), and (vi), relating to minimum distances and separation distances, certification by a Florida licensed engineer that the proposed location of the communication tower is the only location which can serve an adjacent or nearby residential area or areas thereby justifying the shorter minimum distance or separation distance requested and the applicant submits written evidence that all other reasonable siting alternatives which would not require a variance to serve the adjacent or nearby residential area or areas have been explored but are unavailable to the applicant, acting reasonably, due to the failure to secure a lease or purchase of the alternative site from the current owner(s).
- (3) The variance sought is the minimum necessary to address the need for the variance, subsequent to exploring all reasonable siting alternatives;
- (4) The location of the proposed communication tower in relation to existing structures, trees, and other visual buffers shall minimize, to the greatest extent reasonably practicable under the circumstances, any impacts on affected residentially-zoned property;
- (5) If the proposed tower site does not meet the minimum distance, setback or separation distance requirements of subsection (h), then an updated zoning or tax map indicating all affected contiguous and adjacent lots, or existing tower locations within the minimum distances, set back or separation distance requirements shall be provided;
- (6) Evidence that the applicant has made diligent but unsuccessful efforts to locate the proposed communication tower on suitable government-owned property;
- (7) The written consent by the applicant that any approval of any variance request shall be conditioned upon requiring the applicant to construct the proposed communication tower so as to provide sufficient excess capacity over the initial single user loading the permit at least one other comparable communication provider to use the proposed tower where feasible and subject to reasonable terms. The term "where feasible", as it applies to co-location means the utilization of a tower by another party which would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair the communication tower's utilization by existing users, would not unduly burden the tower structurally, and would not otherwise materially and adversely impact existing users. Reasonable terms for use of a communication tower that may be imposed by the owner include a requirement for reasonable rent or fees, taking into consideration the capitalized cost of the communication tower and land, rental and other charges payable by the tower owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases in maintenance expenses relating to the tower and a fair return on investment, provided

such amount is also consistent with rates paid by other co-locators at comparable tower sites;

- (8) Information relating to the feasibility for camouflage of the tower and the cost thereof to camouflage communication towers;
 - (9) The communication tower will be compatible with the existing contiguous uses or zoning and compatible with the general character and aesthetics of the neighborhood or the area, considering the design and height of the communication tower, the mitigating effect of any existing or proposed landscaping, fencing or other structures in the area, the proximity of the communication tower to existing or proposed buildings or structures, and similar factors;
 - (10) If the applicant is not co-locating (sharing space) on the proposed communication tower of another communications provider, evidence that it has made diligent but unsuccessful efforts to co-locate its antenna and associated equipment on an existing structure, including proximity distances to all existing towers within a three mile radius of the proposed tower site.
- (u) *Written Decision Requirement.* Any approval or denial of an application for a permit to construct and site a communication tower, or any granting or denial of a variance under this section shall be in writing, shall contain factual findings and shall state the grounds supporting the decision.

Sec. 3-47 SPECIAL REGULATIONS FOR WELLS ROAD

- (a) Intent. The regulations of this Section 3-47 are intended to preserve and promote the peace, security and economic success of the densely populated lands adjacent to portions of Wells Road as well as the intensive commercial activities and high employment therein. These regulations are in addition to those already in place for such lands based upon their respective zoning designations. Where regulations of this Section 3-47 conflict with those of a particular zoning designation, the regulations of this Section 3-47 will have precedence.
- (b) Applicability. The regulations of this Section 3-47 apply to any parcel of land that lies in whole or in part within 500 feet of any portion of the right of way of the section of Wells Road extending from the municipal limits of the Town of Orange Park west to a line across the width of said right of way that is perpendicular to the centerline thereof and passes through the point on said centerline that lies 750 feet west of the intersection of the centerlines of Wells Road and State Road 21, all as now established.
- (c) Definitions. As used in subsections (d) and (e), the following terms and phrases shall have the meanings herein ascribed:
- (1) Alcoholic beverage establishment means a place, business or other establishment selling and serving alcoholic beverages for consumption on premises.
 - (2) Alcoholic beverages means distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.
 - (3) Large lounge means any alcoholic beverage establishment to both of the following criteria apply:
 - (i) it is operating under a 4COP quota license issued by the Florida Division of Alcoholic Beverages and Tobacco or its successor in function; and,
 - (ii) the area of its licensed premises is greater than 4,750 square feet.
 - (4) Licensed premises means the licensed premises of an alcoholic beverage establishment within the meaning of Section 561.01(11), Florida Statutes, or its successor in function.
- (d) Prohibited Use. Large lounges are prohibited on any parcel of land to which this Section 3-47 is applicable under subsection (b).
- (e) Sunset. Any other provisions of this Article III to the contrary notwithstanding, any large lounge in active operation on any parcel of land to which this Section 3-47 is applicable under subsection (b) as of the effective date of this Section 3-47 shall be deemed to be a nonconforming use of land until the date that is five calendar years following the effective date of this Section 3-47, whereupon it shall become unlawful and must cease operations. During the five year period of nonconformity, such use may lawfully continue, subject to the provisions and limitations set forth in Section 3-11 hereof.

Sec. 3-48. ADULT ENTERTAINMENT ESTABLISHMENT AND SEXUALLY ORIENTED BUSINESS LOCATIONS

- (a) *Intent.* The regulations of this section are intended to preserve the public peace and good order, and to safeguard the health, safety and welfare of the community and the citizens thereof, by establishing the locational restrictions and requirements of this section with respect to adult entertainment and sexually oriented businesses. These regulations are in addition to those already in place for the lands subject to them based upon their respective zoning designations.
- (b) *Precedence.* Where the regulations of this section conflict with those of a particular zoning designation or of any other provisions of the Land Development Code, the regulations of this section shall have precedence.
- (c) *Definitions.* Where applicable, and except as otherwise defined herein, the words or phrases used in this section shall have the meanings defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, unless the context clearly suggests otherwise. In addition, as used in this section, the following words and phrases shall have the meanings herein prescribed, unless the context clearly suggests otherwise:
- (1) *Middleburg Community* means the area of the County described in Appendix A attached to the ordinance establishing this section.
 - (2) *Park* means a tract of land within any jurisdiction which is kept for ornament or recreation and which is maintained as public property and owned by the United States; the State of Florida or any department, agency, bureau, division or agent thereof; municipalities; counties; school boards; special districts; and other local entities created by general or special law or local ordinance; water management districts; and other regional entities that are authorized and created by general or special law including, but not limited to, a playground, swimming pool, reservoir, athletic field, basketball or tennis courts, wilderness area or other similar public land but excluding any recreation or pedestrian trail, pathway or bikeway.
 - (3) *Private services zoning district* means lands zoned Private Services (Zone PS-1); Private Services (Zone PS-3); Private Services (Zone PS-5); and the portions of any lands zoned Branan Field PUD (Zone BF PUD) or Planned Unit Development (Zone PUD) on which any use is permitted as a matter of right as opposed to conditionally that would also be a use permitted as a matter of right as opposed to conditionally on lands zoned Private Services (Zone PS-1), Private Services (Zone PS-3) and Private Services (Zone PS-5).
 - (4) *Religious institution* means any property tax-exempt building used for nonprofit purposes by a recognized and legally established religious organization for the purpose of worship, including sanctuaries, chapels, cathedrals, temples, synagogues and mosques, and including such legal accessory uses as may be operated by such religious organization 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 or secondary educational facilities.

- (5) *Residential zoning district* means lands zoned Single-Family Residential District (Zone RA); Single-Family Residential District (Zone RB); Two- or Three-Unit Residential District (Zone RC); Multifamily Residential District (Zone RD) and any subdistricts thereof; Single-Family Residential District (Zone RE); Residential Mobile Home Park District (Zone RMHP); the residential portions of any lands zoned Planned Unit Development (Zone PUD); the residential portions of any lands zoned Branan Field PUD (Zone BF PUD); and lands zoned Lake Asbury Master Planned Community (Zone LA MPC); Lake Asbury Rural Reserve (Zone LA RRSV); Lake Asbury Rural Community (Zone LA RC); Lake Asbury Rural Fringe (Zone LA RF); Lake Asbury Activity Center (Zone LA AC); Lake Asbury Village Center (Zone LA VC); and Lake Asbury Interchange Village Center (Zone LA IVC).
- (6) *School* means a premises or site upon which is located an institution of learning, whether public or private, which conducts regular classes or courses of study required for eligibility for certification by, accreditation to, or membership in the Florida Department of Education, the Southern Association of Colleges and Secondary Schools, or the Florida Council of Independent Schools, and includes a premises or site upon which is located a nursery school, kindergarten, elementary school, junior high school, senior high school, charter school, special institution of learning, vocational institution, professional institution, institution of higher education, community college, junior college, four year college or university.
- (7) *Wells Road Corridor* means the area of the County located within 500 feet of any portion of the right of way of the section of Wells Road extending from the municipal limits of the Town of Orange Park west to a line across the width of said right of way that is perpendicular to the centerline thereof and passes through the point on said centerline that lies 750 feet west of the intersection of the centerlines of Wells Road and State Road 21, all as established as of the adoption date of the ordinance establishing this section.
- (d) *Principal business purpose.* With respect to an adult bookstore as defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, the phrase “principal business purpose” means the use of more than ten percent (10%) of the area accessible to customers for the purpose of displaying, selling, renting or otherwise offering to the public adult material.
- (e) *Permitted Zoning Districts.* Subject to the provisions, conditions, restrictions, limitations and prohibitions set forth in subsections (f) through (o), adult entertainment establishments and sexually oriented businesses are permitted to be located and to operate within the unincorporated area of the County only upon parcels of real property that are zoned on the LDR Zoning Atlas as Intermediate Business District (Zone BB); Light Intermediate Business District (Zone BB-1); Community Business District (Zone BB-2);

Specialty Business District (Zone BB-3); Heavy Business District (Zone BB-4); or Commercial Recreation District (Zone BB-5).

- (f) *Separation Requirements.* Adult entertainment establishments and sexually oriented businesses are not permitted to be located or to operate:
- (1) Within 2,500 feet of any school; and,
 - (2) Within 500 feet of any religious institution, group home, park, residential zoning district or private services zoning district; and,
 - (3) Within 1,000 feet of any other lawfully established and operating adult entertainment establishment or sexually oriented business.
- (g) *Measurement of Distances for Separation Requirements.* The distance between uses required under subsection (f) shall be measured in a straight line, without regard to intervening structures, from the closest property line of each use. Where a property is in condominium ownership, the distance shall be measured from the outermost boundary of the condominium property. Where a property has multiple tenants, the distance shall be measured from the outermost boundary of the bay or space occupied by the use.
- (h) *Prohibited Locations.* Except as provided in subsection (e), no adult entertainment establishment or sexually oriented business is permitted to be located or operate within the unincorporated area of the County. Any other provisions of the Land Development Code to the contrary notwithstanding, no adult entertainment establishment or sexually oriented business is permitted to be located or operate upon any parcel of land that lies in whole or in part within the Middleburg Community or within the Wells Road Corridor.
- (i) *Exception.* Any other provisions of the Land Development Code to the contrary notwithstanding, where any lot of record comprises two or more non-contiguous parcels and one or more, but not all, of the non-contiguous parcels meet the separation requirements of subsection (f), an adult entertainment establishment or sexually oriented business may be located and operated on any portion of such lot of record that meets such separation requirements but not on any portion of such lot of record that does not meet such separation requirements.
- (j) *Non-conforming Uses.* Any adult entertainment establishments or sexually oriented businesses existing and operating within the unincorporated area of the County as of the adoption date of the ordinance establishing this section which is not located within the permissible locations provided in this article shall be classified as non-conforming. If any such non-conforming adult entertainment establishment or sexually oriented business voluntarily ceases to do business for a period of ninety consecutive days, then it shall be deemed abandoned and thereafter shall not reopen except in compliance with the location and distance requirements of this section. A non-conforming adult entertainment establishment or sexually oriented business shall not expand the square footage or cubic footage of the establishment or business beyond its existing dimensions. Each non-

conforming adult entertainment establishment or sexually oriented business must cease operations at the location by which it is non-conforming within one year following the adoption date of the ordinance establishing this section, and thereafter may continue to operate only at a permissible location provided herein.

- (k) *Change of Use as Applied to Adult Entertainment Establishments or Sexually Oriented Businesses.* The conversion of a bar, cocktail lounge, saloon, tavern, nightclub or restaurant to an adult entertainment establishment or sexually oriented business shall not render the same a non-conforming use under subsection (j). Any conversion of a bar, cocktail lounge, saloon, tavern, nightclub or restaurant to an adult entertainment establishment or sexually oriented business must conform to the locational requirements of this section.
- (l) *Distance Restrictions Between Establishments Serving Alcoholic Beverages for Consumption on Premises and an Adult Entertainment Establishment or Sexually Oriented Business.* Subsequent to the adoption date of the ordinance establishing this section, no person or entity shall cause or permit the location or operation of an establishment selling or serving alcoholic beverages for consumption on premises within 500 feet of an adult entertainment establishment or sexually oriented business, or within 500 feet of the permissible locations for an adult entertainment establishment or sexually oriented business provided in this article, unless the zoning designation for the parcel upon which the establishment selling or serving alcoholic beverages for consumption on premises is established as of the adoption date of the ordinance establishing this section permitted such use as a matter of right or as a conditional use; provided, this subsection shall not apply to the establishment of a restaurant operating under a valid SRX alcoholic beverage license issued by the State of Florida.
- (m) *Measurement of Distances for Alcoholic Beverages Establishment.* For purposes of subsection (l), the distance between any adult entertainment establishment or sexually oriented business and any establishment serving alcoholic beverages for consumption on premises shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment or sexually oriented business to the closest property line of the establishment serving alcoholic beverages for consumption on premises.