

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; 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.

- (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) Restaurants.
 - (2) Bed and Breakfast Inns.
 - (3) Public Assembly.
 - (4) Residential Dwelling.
 - (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, provided that said towers are 200 feet from adjacent residentially zoned property. (Amended 11/26/96 - Ord. 96-58)
 - (6) Seasonal outdoor sales (amended Ord. 93-36, Oct. 1993)
 - (7) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)

- (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.
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 - (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. (amended 5/05 – Ord. 05-18)

(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.
- (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*)