

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

- (a) *Area.* All land designated as Zone BSC is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for planned commercial facilities with depth rather than strip type commercial development. The district shall be used for the purpose of providing a variety of goods and services and not used for single purpose activities.
- (b) *Uses Permitted.*
- (1) Retail outlets for the sale of food and beverage; wearing apparel; home furnishings and appliances, including repair strictly incidental to sales; office equipment; hardware; toys; sundries and notions; books and stationery; leather goods and luggage; jewelry (including water repair, but not pawn shop); art; cameras or photographic supplies (including camera repair); sporting goods; hobby shops and pet shops (but not animal kennel or veterinarian); musical instruments; television and radio (including repair incidental to sales); florist or gift shop; delicatessen; bake shop (but not wholesale bakery); drugs; and similar products. Areas, including food gardens or similar facilities within the structure, designated for the consumption of food and beverages shall be separated from the path of the principal pedestrian movement. Food gardens or similar facilities shall be confined to areas separated from public view by partition or screening from the principal pedestrian path used by the general public.
  - (2) Service establishments, such as barber or beauty shop; shoe repair shop; restaurant, including drive-in restaurant; interior decorator; photographic studio; dance or music studio; reducing salon or gymnasium; self-service laundry or dry cleaning pick-up station; radio or television station; radio or television repair shop; and similar uses.
  - (3) Banks and financial institutions (including drive-in banks and financial institutions); travel agencies; employment offices; newspaper office (but not printing establishment), and similar establishments; photo processing, including drive-in.
  - (4) Professional, governmental, and business offices.
  - (5) Demonstration classrooms for grades Kindergarten through twelve, and adult/community education classrooms.
  - (6) Commercial recreation facilities in completely enclosed soundproof building, such as indoor motion picture theater, billiard parlor, swimming pool, night club, bowling alley, and similar uses.

- (7) Miscellaneous uses such as telephone exchange, commercial parking lots, and parking garages.
  - (8) Automotive service stations and service centers. Automotive service stations or service centers shall be so located within the shopping center that there will be no interference with pedestrian traffic.
  - (9) Permitted Accessory Uses and Structures. Permitted are uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal 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. (amended 10/12/93 - Ord 93-36)
- (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) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
  - (5) Seasonal Outdoor Sales. *Rev. 05/26/09*
- (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 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. (amended 5/05 – Ord. 05-18)
- (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.