

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) Land Clearing Debris Disposal Facility permitted only in Agricultural, Commercial, Mining, and Agricultural/Residential land use categories. (Amended 6/98 - Ord. 98-27)

(3) Public Educational Facilities (Amended 10/99 - Ord. 99-55)

(f) *Uses Not Permitted.*

(1) Any use not allowed in paragraph (d)(1), (2), (3), or (4) above,

(g) *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.

(h) *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.

(i) *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)

(j) *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. (amended 5/05 Ord. 05-18)

(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)

- (k) *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)
- (l) 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)

