



1 **Rezoning Application Z-22-26**

2 **Staff Report**

3
4 **Copies of the application are available at the Clay County**
5 **Administration Office, 3rd floor, located at 477 Houston Street Green Cove Springs, FL 32043**
6

7
8 **Owner / Applicant Information**

Owner: Charles R. Taylor
Phone: (352) 745-0272
Email: scotty2157@gmail.com

Address: 4270 Blueberry Street
Middleburg, FL. 32068

9
10 **Property Information**

11 **Parcel ID:** 22-05-24-006420-018-00

Address: Anchor Road
Middleburg, Fla. 32068

12
13 **Current Zoning:** BA-2 (Commercial & Professional
14 Office)

Land Use: Commercial (COM)

15 **Zoning Proposed:** AR (Agricultural/Residential)

Acres: 1.03

16
17 **Commission District:** 4 (Commissioner Condon)

Planning District: Middleburg/Clay Hill

18
19
20 **Background**

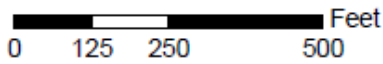
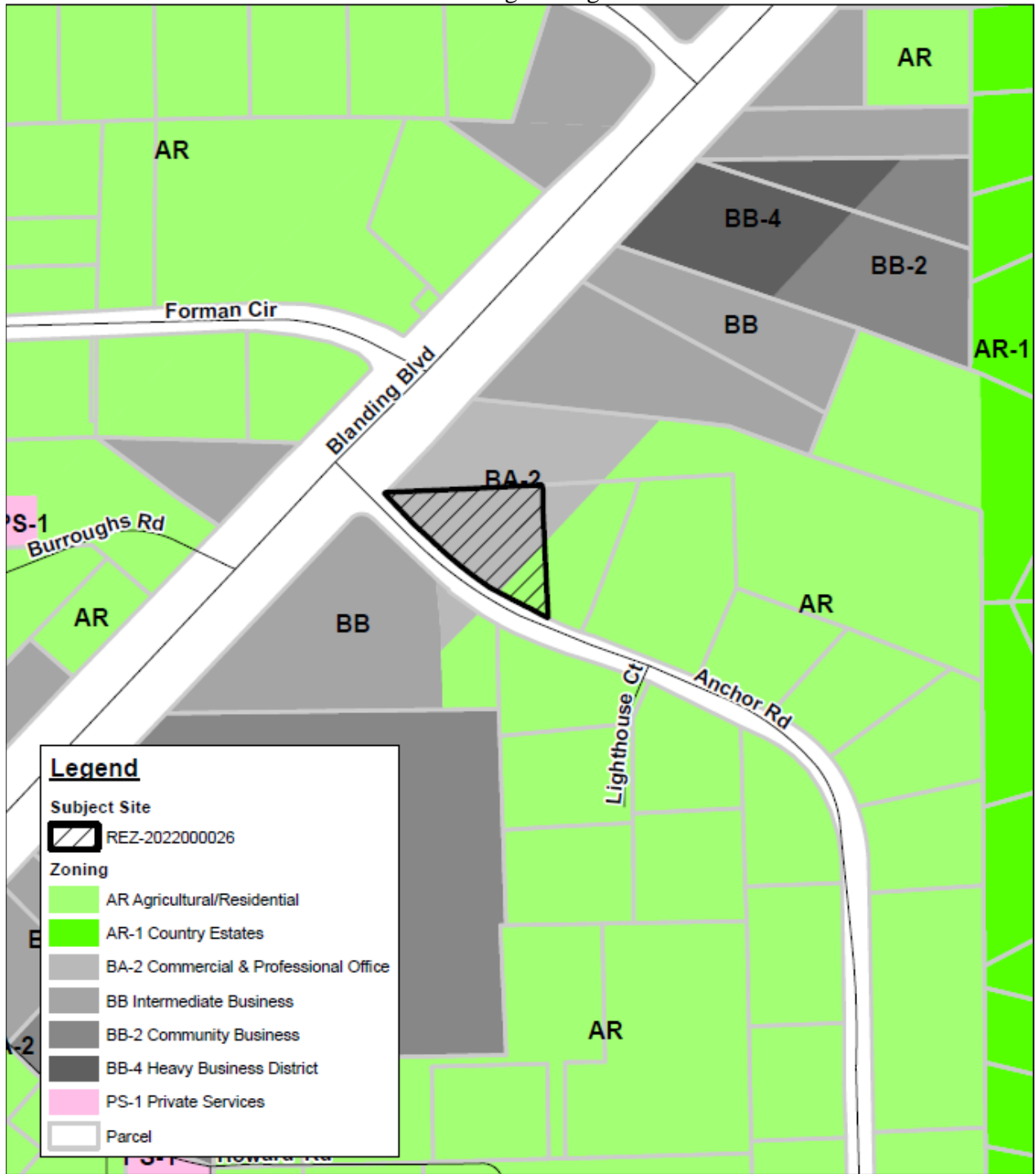
21 The application is requesting to rezone a single parcel totaling 1.03 acres from BA-2 to AR. The parcel is
22 presently undeveloped and fronts Anchor Road. The parcel has split zoning with the majority (approx. 0.9
23 acres) zoned BA-2 and the remaining southeastern 0.15 acres zoned AR. East of the parcel, along Anchor
24 Road, is residential development associated with Seamans Cove subdivision. The future land use of the
25 subject parcel is Commercial and Rural Residential. There is a companion small scale land use amendment
26 to change the future land use of the entire parcel to Rural Residential to be consistent with the requested
27 rezoning. The stated purpose is to allow for the development of the parcel with single family residential
28 use.

29
30 **Surrounding Zonings and Land Use**

	ZONING	FUTURE LAND USE
North	BA-2 (Commercial & Professional Office)	Commercial (COM)
East	AR (Agricultural/Residential)	Rural Residential (RR)
West (across Blanding)	AR (Agricultural/Residential) and BB (Intermediate Business)	Rural Residential (RR)
South (across Anchor)	BB (Intermediate Business) and BB-2 (Commercial & Professional Office)	Commercial (RF) and Rural Residential (RR)

31

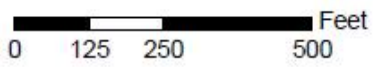
Existing Zoning



**Rezoning: REZ-2022000026
 from BB-2 to AR**



Aerial of Site



**Rezoning: REZ-2022000026
from BB-2 to AR**



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

39
40 (a) *Intent.* All land designated as Zone AR is subject to the requirements of this Section as well
41 as the appropriate density and intensity in Sec. 20.3-10. Such uses have been established to
42 provide a transition between agricultural and the more urban residential areas; and to create a
43 rural residential environment wherein natural constraints applicable to development can be
44 recognized and protected in a manner compatible with the needs of the resident.

45
46 (b) *Uses Permitted.*

47
48 (1) Single-family or mobile home dwelling with their customary accessory uses.

49
50 (2) For lots greater than one (1) acre in size, permitted uses include the non-commercial
51 keeping and raising of horses, cattle, sheep, goats, swine and other similar animals.
52 (amended 2/94 - Ord. 94-03)

53
54 (3) For lots of one (1) acre or less in size, permitted uses include the non-commercial
55 keeping and raising of horses, cattle, sheep, swine, goats and other similar farm
56 animals; provided, however, that no more than two (2) horses, cattle, sheep, swine,
57 goats and other large farm animals six (6) months of age or older shall be permitted to
58 be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal pen,
59 stall, stable, or other similar animal enclosure shall be located nearer than fifty (50) feet
60 to the property. (amended 2/94 - Ord. 94-03)

61
62 (4) Agricultural accessory uses that are customary and incidental to principal agricultural
63 use shall be permitted as follows: (amended 2/95 - Ord. 95-2)

64
65 (i) Accessory buildings directly incidental to the agricultural pursuits listed above.

66
67 (ii) Sheds for the storage and repair of the owner's or tenant's farm equipment only,
68 provided the structure does not exceed three thousand (3,000) square feet of
69 gross floor area.

70
71 (iii) Stand for the sale of products which are raised on the premises.

72
73 (5) General agricultural pursuits of a variety similar, but not limited to, truck gardens,
74 forestry, crop raising, horticulture, greenhouses, nurseries, groves, apiculture and
75 pisciculture.

76
77 (6) The sale of said products and commodities which are raised on the premises. Retail
78 roadside sales permitted only from conforming structures on private property.

79
80 (7) Garage sales will be allowed up to a maximum of two garage sales within any calendar
81 year. The duration of each garage sale shall be a maximum of 72 hours and may be
82 conducted only within daylight hours. No sign advertising a garage sale may be placed
83 on any public right-of-way.

84
85 (8) Storage of petroleum products.
86

- 87 (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
88
89 (ii) Gasoline to be used by owner of residence not to exceed 50 gallons.
90
91 (9) Satellite dish receivers for individual use.
92
93 (10) The parking of commercial vehicles by the owner of the primary residence with a limit
94 of one (1) per acre and a maximum of two (2) vehicles, may be parked in the rear or
95 side yard, except refrigerated vehicles and vehicles carrying hazardous materials.
96
97 (11) Private boat pier or slip for the use of occupants of principal residential structures of
98 the lot; provided said pier or slip does not interfere with navigation.
99
- 100 (c) *Conditional Uses.* The following uses are permitted in the AR zoning district subject to the
101 conditions provided in Section 20.3-5.
102
103 (1) Plant nurseries.
104
105 (2) Riding academies and riding stables.
106
107 (3) Home occupations.
108
109 (4) Bird sanctuaries and rehabilitation centers.
110
111 (5) Swimming pools.
112
113 (6) Commercial kennels.
114
115 (7) Radio, television, microwave relay stations or towers and accessory equipment
116 buildings. (Ord. 95-53 - 11/28/95)
117
118 (8) Aviculture (Commercial or Hobbyist).
119
120 (9) Temporary structures or buildings.
121
122 (10) Mobile homes for medical hardship.
123
124 (11) Communication Antennas and Communication Towers, including accessory buildings,
125 tower support and peripheral anchors as governed by the provisions of Section 20.3-46
126 of the Clay County Land Development Code. (Amended 11/26/96 - Ord.96- 58).
127
128 (12) Public and/or private sewer facilities.
129
130 (13) Private drainage ponds or agricultural livestock ponds.
131
132 (14) Borrow Pits (amended 2/95 - Ord.95-2)
133
134 (15) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)
135

- 136 (16) Apiculture (Hobbyist) (Amended 2/25/97 - Ord. 97- 11)
137
138 (17) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
139
140 (18) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
141
142 (19) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
143
144 (20) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 –
145 Ord. 03-40)
146
147 (21) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
148
(22) Temporary Living Quarters during construction of a residence (amended 11/07 –
Ord.2007-66)
149
(23) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
151
(24) Accessory Dwelling Units. *Rev. 05/26/09*
153
(25) Rural Event Centers. *Rev. 02/23/16*
154
(26) Horse Hotels. *Rev 10/27/20*
156
157
158 (d) *Uses Not Permitted.*
159
(1) Any use not allowed in (b) or (c) above.
161
(2) Any use or activity which would create any obnoxious, corrosive, or offensive noise,
162 gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to
163 other surrounding properties or to the welfare and health of the citizens in the area.
164
165
166 (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in
167 the AR district shall be as follows:
168
(1) Land with a zoning classification of AR and a land use designation of
169 Agricultural/Residential.
170
171
(i) Residential development not classified as a subdivision pursuant to Ordinance
172 85-68, as amended.
173
174
175 *Maximum Density* One (1) unit per ten (10) acres
176 *Minimum Lot Size* Ten (10) acres or 435,600 square feet
177
(ii) Subdivision pursuant to Ordinance 85-68, as amended.
178
179
180 *Maximum Density*
181 With Clustering and Points One (1) unit per five (5) acres
182 Without Clustering and Points One (1) unit per ten (10) acres

183			
184		<i>Minimum Lot Size</i>	
185		With Clustering and Points	One (1) acre or 43,560 square feet
186		Without Clustering and Points	Nine (9) acres or 392,040 sq. feet
187			
188	(2)	Land with a zoning classification of AR and a land use designation of Rural Residential.	
189			
190			
191	(i)	Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.	
192			
193			
194		<i>Maximum Density</i>	One (1) unit per five (5) acres
195		<i>Minimum Lot Size</i>	Five (5) acres or 217,800 square feet
196			
197	(ii)	Subdivision pursuant to Ordinance 85-68, as amended.	
198			
199		<i>Maximum Density</i>	
200		With Clustering and Points	One (1) unit per acre
201		Without Clustering and Points	One (1) unit per five (5) acres
202			
203		<i>Minimum Lot Size</i>	
204		With Clustering and Points	21,780 square feet
205		Without Clustering and Points	Four (4) acres or 174,240 sq. feet
206			
207	(3)	Land with a zoning classification of AR and a land use designation of Rural Fringe.	
208			
209	(i)	<i>Maximum Density</i>	.One (1) unit per acre
210		<i>Minimum Density</i>	43,560 square feet
211			
212	(4)	Land within a zoning classification of AR and a land use designation of Urban Fringe. (amended 2/94 - Ord. 94-03)	
213			
214			
215	(i)	<i>Maximum Density</i>	Two (2) units per acre
216		<i>Maximum Lot Size</i>	21,780 square feet
217	(5)	Land within a zoning classification of AR and a land designation of Urban Core (10).	
218			
219	(i)	<i>Maximum Density</i>	Two (2) units per acre
220		<i>Maximum Lot Size</i>	21,780 square feet
221			
222	(6)	Land with a zoning classification of AR and a land use designation of Agriculture. (amended 7/02 – Ord. 02-36)	
223			
224			
225	(i)	Residential development not classified as a subdivision pursuant to Ordinance 85-65, as amended.	
226			
227			
228		<i>Maximum Density</i>	One (1) unit per twenty (20) acres
229		<i>Minimum Lot Size</i>	Twenty (20) acres
230			
231	(f)	<i>Lot and Building Requirements.</i> The principal buildings and other lot uses shall be so located	

232 as to comply with the following requirements:

- 233
- 234 (1) Minimum Lot Width at Building Line 100 feet
- 235
- 236 (2) Minimum Lot Depth 100 feet
- 237
- 238 (3) Minimum Front Setback 30 feet
- 239
- 240 (4) Minimum Rear Setback 35 feet
- 241
- 242 (5) Minimum Side Setback 20 feet*
- 243 *For waterfront properties along Doctors
- 244 Lake within the Neilhurst Plat, recorded in
- 245 Plat Book 2, pages 44 through 46, the minimum
- 246 side setback shall be 5 feet.
- 247
- 248 (6) Minimum Front Yard Setback for Accessory Buildings, 30 feet
- 249 Excluding Fences
- 250
- 251 (7) Minimum Rear Yard and Side Setback for Accessory Buildings 7.5 feet
- 252
- 253 (8) Minimum Living Area 750 sq. ft.
- 254 (amended 2/95 - Ord. 95-2)
- 255
- 256 (9) All structures shall be set back a minimum of 50 feet landward from the ordinary high
- 257 water line or mean high water line, whichever is applicable; for waters designated as
- 258 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These
- 259 setbacks shall not apply to structures on lots or parcels located landward of existing
- 260 bulkheads permitted by the St. Johns River Water Management District or Florida
- 261 Department of Environmental Protection.
- 262
- 263 (10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high
- 264 water line or the mean high water line, whichever is applicable. Lot width shall be
- 265 measured by the chord terminated by the property corners at the ordinary high water
- 266 line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)
- 267

268 **Staff Assessment and Recommendation**

269

270 The applicant is requesting a change in zoning from BA-2 to AR. The proposed AR zoning is consistent

271 with the companion requested future land use amendment for Rural Residential land use. The change in

272 zoning would allow for development of a single residential unit consistent with the development east of the

273 parcel.

274

275 Staff has reviewed the application and determined that the request is compatible with existing uses of the

276 surrounding area. Staff recommends approval of application Z-22-26 contingent on the approval of the

277 requested land use change to Rural Residential for the same property.