



Rezoning Application ZON-23-0028

Staff Report

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

Owner / Applicant Information

Owner: Carol Wilkinson
Phone: (904) 410-1783
Email: carolwilkinson63@yahoo.com

Address: 84 Sorrel Street
Middleburg, Fla. 32068

Property Information

Parcel ID: 39-07-29-016443-000-00

Address: County Road 209S
Green Cove Springs, Fla. 32043

Current Zoning: AG (Agricultural)

Land Use: Agriculture (AG)

Zoning Proposed: AR (Agricultural/Residential)

Acres: 10 acres

Commission District: 5 (Commissioner Burke)

Planning District: Green Cove Springs

Background

The application is requesting to rezone a single parcel, 10 acres in size, from AG to AR. The parcel is designated Agriculture on the adopted future land use map. The minimum allowable size of a parcel in the agricultural zoning district is 20 acres. The parcel was created in 1996 by splitting a 20-acre parcel into two (2) ten (10) acre parcels. The subject parcel is the resulting southern 10 acres from that split. The northern 10-acre parcel is developed with a single-family residence while the subject parcel is undeveloped. The parcel is accessed via a recorded easement from C.R. 209S.

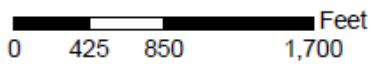
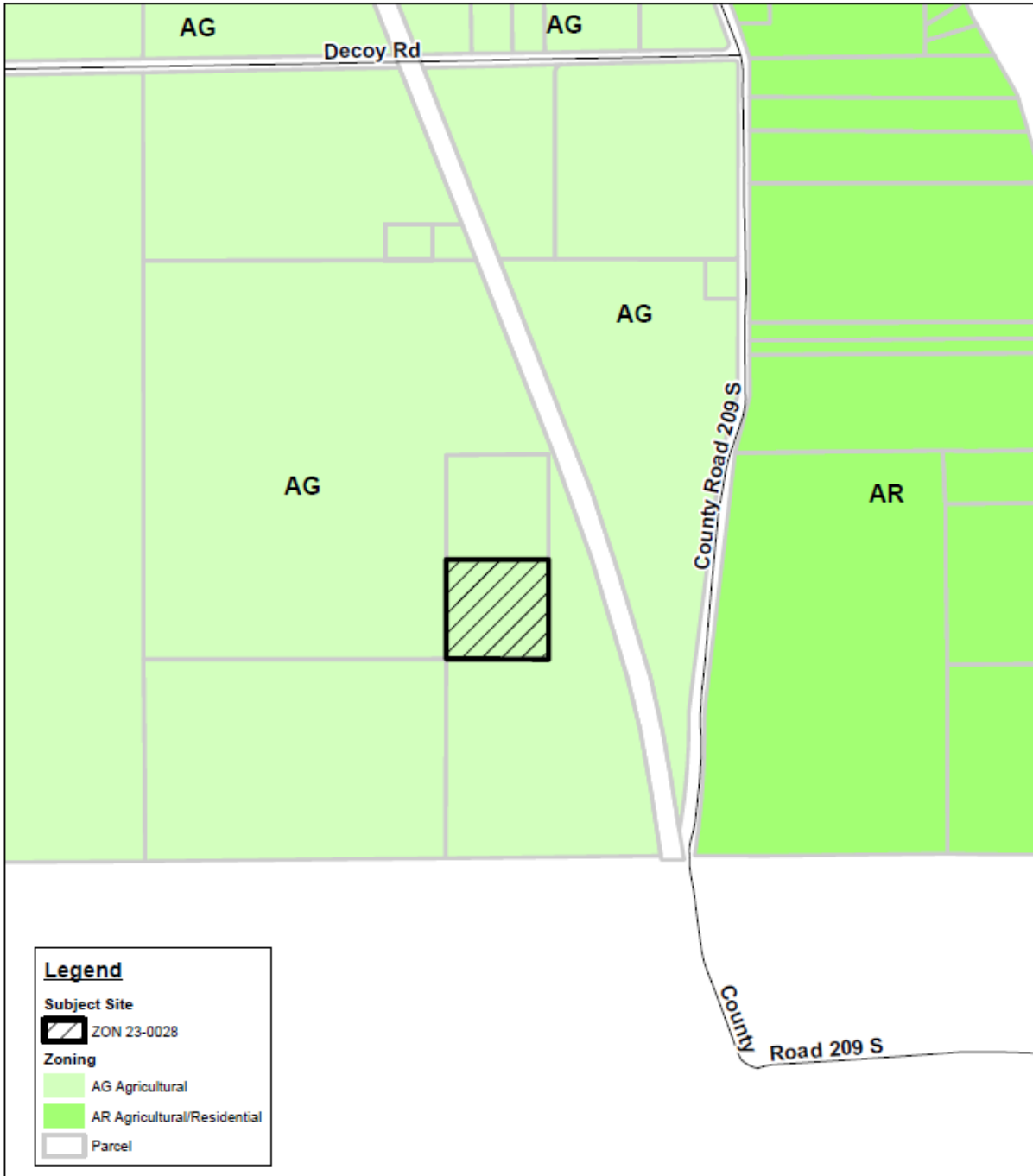
The parcel, at 10 acres in size, does not meet the density requirement for the Agriculture future land use and the agricultural zoning district. Because the parcel was created in 1996, it does not qualify as a Lot of Record as defined in the adopted County Comprehensive Plan. Therefore, the parcel is unable to obtain a permit for residential development. The parcel is surrounded by properties that are zoned Agricultural with Agriculture future land use.

Surrounding Zonings and Land Use

	ZONING	FUTURE LAND USE
North	AG (Agricultural)	Agriculture (AG)
East	AG (Agricultural)	Agriculture (AG)
West	AG (Agricultural)	Agriculture (AG)
South	AG (Agricultural)	Agriculture (AG)

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Existing Zoning

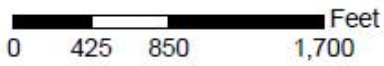


**Existing Rezoning: ZON 23-0028
from AG and AR**



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Aerial of Site



**Rezoning: ZON 23-0028
from AG and AR**



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

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(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.

- 90 (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
91
92 (ii) Gasoline to be used by owner of residence not to exceed 50 gallons.
93
94 (9) Satellite dish receivers for individual use.
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96 (10) The parking of commercial vehicles by the owner of the primary residence with a limit
97 of one (1) per acre and a maximum of two (2) vehicles, may be parked in the rear or
98 side yard, except refrigerated vehicles and vehicles carrying hazardous materials.
99
100 (11) Private boat pier or slip for the use of occupants of principal residential structures of
101 the lot; provided said pier or slip does not interfere with navigation.
102
103 (c) *Conditional Uses.* The following uses are permitted in the AR zoning district subject to the
104 conditions provided in Section 20.3-5.
105
106 (1) Plant nurseries.
107 (2) Riding academies and riding stables.
108 (3) Home occupations.
109 (4) Bird sanctuaries and rehabilitation centers.
110 (5) Swimming pools.
111 (6) Commercial kennels.
112 (7) Radio, television, microwave relay stations or towers and accessory equipment
113 buildings. (Ord. 95-53 - 11/28/95)
114 (8) Aviculture (Commercial or Hobbyist).
115 (9) Temporary structures or buildings.
116 (10) Mobile homes for medical hardship.
117 (11) Communication Antennas and Communication Towers, including accessory buildings,
118 tower support and peripheral anchors as governed by the provisions of Section 20.3-46
119 of the Clay County Land Development Code. (Amended 11/26/96 - Ord.96- 58).
120 (12) Public and/or private sewer facilities.
121 (13) Private drainage ponds or agricultural livestock ponds.
122 (14) Borrow Pits (amended 2/95 - Ord.95-2)
123 (15) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)
124 (16) Apiculture (Hobbyist) (Amended 2/25/97 - Ord. 97- 11)
125 (17) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
126 (18) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
127 (19) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
128 (20) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 –
129 Ord. 03-40)
130 (21) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
(22) Temporary Living Quarters during construction of a residence (amended 11/07 –
Ord.2007-66)
131 (23) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
132 (24) Accessory Dwelling Units. *Rev. 05/26/09*
133 (25) Rural Event Centers. *Rev. 02/23/16*
134 (26) Horse Hotels. *Rev 10/27/20*
135
136 (d) *Uses Not Permitted.*

- 137
138 (1) Any use not allowed in (b) or (c) above.
139
140 (2) Any use or activity which would create any obnoxious, corrosive, or offensive noise,
141 gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to
142 other surrounding properties or to the welfare and health of the citizens in the area.
143
144 (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in
145 the AR district shall be as follows:
146
147 (1) Land with a zoning classification of AR and a land use designation of
148 Agricultural/Residential.
149
150 (i) Residential development not classified as a subdivision pursuant to Ordinance
151 85-68, as amended.
152
153 *Maximum Density* One (1) unit per ten (10) acres
154 *Minimum Lot Size* Ten (10) acres or 435,600 square feet
155
156 (ii) Subdivision pursuant to Ordinance 85-68, as amended.
157
158 *Maximum Density*
159 With Clustering and Points One (1) unit per five (5) acres
160 Without Clustering and Points One (1) unit per ten (10) acres
161
162 *Minimum Lot Size*
163 With Clustering and Points One (1) acre or 43,560 square feet
164 Without Clustering and Points Nine (9) acres or 392,040 sq. feet
165
166 (2) Land with a zoning classification of AR and a land use designation of Rural
167 Residential.
168
169 (i) Residential development not classified as a subdivision pursuant to Ordinance
170 85-68, as amended.
171
172 *Maximum Density* One (1) unit per five (5) acres
173 *Minimum Lot Size* Five (5) acres or 217,800 square feet
174
175 (ii) Subdivision pursuant to Ordinance 85-68, as amended.
176
177 *Maximum Density*
178 With Clustering and Points One (1) unit per acre
179 Without Clustering and Points One (1) unit per five (5) acres
180
181 *Minimum Lot Size*
182 With Clustering and Points 21,780 square feet
183 Without Clustering and Points Four (4) acres or 174,240 sq. feet
184
185 (3) Land with a zoning classification of AR and a land use designation of Rural Fringe.

- 186
187 (i) *Maximum Density* .One (1) unit per acre
188 *Minimum Density* 43,560 square feet
189
- 190 (4) Land within a zoning classification of AR and a land use designation of Urban Fringe.
191 (amended 2/94 - Ord. 94-03)
192
- 193 (i) *Maximum Density* Two (2) units per acre
194 *Maximum Lot Size* 21,780 square feet
- 195 (5) Land within a zoning classification of AR and a land designation of Urban Core (10).
196
- 197 (i) *Maximum Density* Two (2) units per acre
198 *Maximum Lot Size* 21,780 square feet
199
- 200 (6) Land with a zoning classification of AR and a land use designation of Agriculture.
201 (amended 7/02 – Ord. 02-36)
202
- 203 (i) Residential development not classified as a subdivision pursuant to Ordinance
204 85-65, as amended.
205
- 206 *Maximum Density* One (1) unit per twenty (20) acres
207 *Minimum Lot Size* Twenty (20) acres
208
- 209 (f) *Lot and Building Requirements.* The principal buildings and other lot uses shall be so located
210 as to comply with the following requirements:
211
- 212 (1) Minimum Lot Width at Building Line 100 feet
213
- 214 (2) Minimum Lot Depth 100 feet
215
- 216 (3) Minimum Front Setback 30 feet
217
- 218 (4) Minimum Rear Setback 35 feet
219
- 220 (5) Minimum Side Setback 20 feet*
221 *For waterfront properties along Doctors
222 Lake within the Neilhurst Plat, recorded in
223 Plat Book 2, pages 44 through 46, the minimum
224 side setback shall be 5 feet.
225
- 226 (6) Minimum Front Yard Setback for Accessory Buildings, 30 feet
227 Excluding Fences
228
- 229 (7) Minimum Rear Yard and Side Setback for Accessory Buildings 7.5 feet
230
- 231 (8) Minimum Living Area 750 sq. ft.
232 (amended 2/95 - Ord. 95-2)
233
- 234 (9) All structures shall be set back a minimum of 50 feet landward from the ordinary high

235 water line or mean high water line, whichever is applicable; for waters designated as
236 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These
237 setbacks shall not apply to structures on lots or parcels located landward of existing
238 bulkheads permitted by the St. Johns River Water Management District or Florida
239 Department of Environmental Protection.

240
241 (10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high
242 water line or the mean high water line, whichever is applicable. Lot width shall be
243 measured by the chord terminated by the property corners at the ordinary high water
244 line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

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

248
249 (a) *Intent.* All land designated as Zone AG is subject to the regulations of this Section as well as
250 the appropriate density and intensity restrictions from Sec. 20.3-10. Such uses have been
251 established for the protection of agriculture as a major industry in the County by preventing
252 encroachment on agricultural lands by incompatible uses; to encourage a broad range of
253 agricultural activities and their accessory operations, including the processing and sale of
254 agricultural products raised on the premises; to protect watersheds and water supplies,
255 wilderness and scenic areas and conservation and wildlife areas; and to permit a variety of
256 activities which require non-urban locations but which do not operate to the detriment of
257 adjoining lands devoted to rural and agriculture purposes.

258
259 (b) *Uses Permitted.*

260
261 (1) Single-family or mobile home dwelling with their customary accessory uses. Mobile
262 homes must meet the requirements as stated in Sec. 20.3-3, Subsection (d).

263
264 (2) For lots of greater than one (1) acre in size, permitted uses include general farming
265 activities: dairying, forestry, greenhouses, livestock raising, nurseries, poultry and egg
266 production (excluding broilerhouse operations and mass production egg laying), crop
267 raising, horticulture, apiculture, pisciculture, and groves.

268
269 Agricultural accessory uses that are customary and incidental to principal agricultural
270 use shall be permitted as follows:

271
272 (i) Accessory buildings directly incidental to the agricultural pursuits listed above.

273
274 (ii) Sheds for the storage and repair of the owner's or tenant's farm equipment only,
275 provided the structure does not exceed three thousand (3,000) square feet of
276 gross floor area.

277
278 (iii) Stand for the sale of products which are raised on the premises.

279
280 (3) For lots of one (1) acre or less in size, permitted uses include the non-commercial
281 keeping and raising of horses, cattle, sheep, swine, goats and other similar farm
282 animals; provided, however, that no more than two (2) horses, cattle, sheep, swine,

283 goats and other large farm animals six (6) months of age or older shall be permitted to
284 be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal pen,
285 stall, stable, or other similar animal enclosure shall be located nearer than fifty (50) feet
286 to the property line. (amended 2/94 - Ord. 93-04)

287
288 (4) Storage of petroleum products.

289
290 (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.

291
292 (ii) Gasoline not to exceed two thousand five hundred (2,500) gallons, and fuel oil
293 and tanks are designed for the storing of these products. Storage tanks and
294 equipment must meet or exceed all requirements of the State Fire Marshall and
295 National Board of Fire Under writers Code. Wholesale or retail sale of any
296 petroleum products is prohibited.

297
298 (5) Storage on the premises of the owner's or tenant's heavy equipment including, but not
299 limited to, the following: bulldozers, road graders, front end loaders, backhoes, well
300 drilling equipment, trucks (unlimited tonnage).

301
302 (6) Garage sales will be allowed up to a maximum of two garage sales within any calendar
303 year. The duration of each garage sale shall be a maximum of 72 hours and may be
304 conducted only within daylight hours. No sign advertising a garage sale may be placed
305 on any public right-of-way.

306
307 (7) Satellite dish receivers for individual use.

308
309 (8) The parking of commercial vehicles with a limit of one (1) per acre.

310
311 (9) Plant nurseries when the products for sale are limited to plant fertilizers and other
312 associated items, except any motorized equipment.

313
314 (10) Private boat pier or slip for the use of occupants of principal residential structures of
315 the lot; provided said pier or slip does not interfere with navigation.

316
317 (11) Solar Facility (Solar Farm), with the following requirements:

318
319 (i) Side, rear and front line setbacks shall be no less than twenty-five (25) feet
320 where the lot line is adjacent to a nonresidential zoning district or to an
321 agricultural zoning district where the parcel is greater than 20 acres in size.

322
323 (ii) Side, rear and front line setbacks shall be no less than two hundred (200) feet
324 where the lot line is adjacent to residentially zoned lands or to lands within an
325 agricultural zoning district where the parcel is less than 20 acres in size.

326
327 (c) *Conditional Uses.* The following uses are permitted in the AG zoning district subject to the
328 conditions provided in Sec 20.3-5.

329
330 (1) Broilerhouses, raising of fowl, and mass production egg laying.

331 (2) Commercial feed lots for livestock.

- 332 (3) Landing strips.
- 333 (4) Home occupations.
- 334 (5) Bird sanctuaries and rehabilitation centers.
- 335 (6) Commercial kennels.
- 336 (7) Heliports and helipads.
- 337 (8) Radio, television, microwave relay stations or towers and accessory equipment
- 338 buildings. (Ord. 95-53 - 11/28/95) (Amended 11/26/96 - Ord. 96- 58).
- 339 (9) Outdoor shooting ranges.
- 340 (10) Bicycle motocross.
- 341 (11) Swimming pools.
- 342 (12) Trench sanitary landfills (Class III).
- 343 (13) Mobile home for medical hardship.
- 344 (14) Aviculture (Commercial or Hobbyist).
- 345 (15) Temporary structures or buildings.
- 346 (16) Sales from vehicles.
- 347 (17) Riding academies, riding stables, and dude ranches.
- 348 (18) Public and/or private sewer facilities.
- 349 (19) Communication Antennas and Communication Towers, including accessory buildings,
- 350 tower support and peripheral anchors as governed by the provisions of Section 20.3-46
- 351 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58)
- 352 (20) Private drainage ponds or agricultural livestock ponds.
- 353 (21) Borrow Pits (amended 2/95 - Ord 95-2)
- 354 (22) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)
- 355 (23) Apiculture (Hobbyist) (Amended 2/35/97 Ord. 97- 11)
- 356 (24) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
- 357 (25) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
- 358 (26) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
- 359 (27) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 –
- 360 Ord. 03-40)
- 361 (28) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66)
- (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)
- 362 (31) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
- 363 (32) Accessory Dwelling Units. *Rev. 05/26/09*
- 364 (33) Mudbogging. *Rev. 11/24/09*
- 365 (34) Motocross (MX) Motorized. *Rev. 10/22/13*
- 366 (35) Rural Event Centers. *Rev. 02/23/16*
- 367 (36) Horse Hotels. *Rev. 10/27/20*
- 368
- 369 (d) *Uses Not Permitted.*
- 370
- 371 (1) Any use not allowed in (b) and (c) above.
- 372
- 373 (e) *Density Requirements.* The maximum density for residential development in this zoning
- 374 district is one (1) unit per twenty (20) acres, or as otherwise provided for in Sections 20.3-10(e)
- 375 and (f), which address heirs and homestead exemptions.
- 376

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

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- | | | | |
|-----|------|--|-------------|
| 380 | (1) | Minimum Lot Width at Building Line | 100 feet |
| 381 | | | |
| 382 | (2) | Minimum Lot Depth | 150 feet |
| 383 | | | |
| 384 | (3) | Minimum Front Setback | 30 feet |
| 385 | | | |
| 386 | (4) | Minimum Rear Setback | 35 feet |
| 387 | | | |
| 388 | (5) | Minimum Side Setback | 15 feet |
| 389 | | | |
| 390 | (6) | Minimum Front Yard Setback for Accessory Structures | 30 feet |
| 391 | | | |
| 392 | (7) | Minimum Rear and Side Yard Setback for Accessory Structures,
393 Excluding Fences | 7.5 feet |
| 394 | | | |
| 395 | (8) | Minimum living area
396 (amended 2/95 - Ord. 95-2) | 750 sq. ft. |
| 397 | | | |
| 398 | (9) | All structures shall be set back a minimum of 50 feet landward from the ordinary high
399 water line or mean high water line, whichever is applicable; for waters designated as
400 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These
401 setbacks shall not apply to structures on lots or parcels located landward of existing
402 bulkheads permitted by the St. Johns River Water Management District or Florida
403 Department of Environmental Protection. | |
| 404 | | | |
| 405 | (10) | Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high
406 water line or the mean high water line, whichever is applicable. Lot width shall be
407 measured by the chord terminated by the property corners at the ordinary high water
408 line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18) | |
| 409 | | | |

410 **Staff Assessment and Recommendation**

411

412 The applicant is requesting a change in zoning from AG to AR for 10 acres. The parcel, as it exists does not
413 meet the minimum lot size or maximum density required of a parcel in the agriculture future land use with
414 agricultural zoning. The parcel does not qualify as a Lot of Record as defined in Future Land Use Policy
415 1.9.5 because it was created after July 1, 1991. Therefore, the parcel is unable to be issued a permit for the
416 construction of a residential dwelling.

417

418 The uses allowed in the requested AR zoning district are similar to the uses permitted in the existing AG
419 zoning district. Both AG and AR districts allow single-family residential dwelling including mobile homes
420 and both allow for agricultural uses. However, the AR district only allows for non-commercial keeping
421 and raising of horses, cattle, sheep, swine, goats and other similar farm animals. There are two (2)
422 Conditional Uses that are permitted in AR district which are not permitted in AG district; these are Plant
423 nurseries and Riding academies and riding stables. Otherwise all the allowable Conditional Uses in AR are

424 also permitted in the AG district. Staff believes the permitted uses allowed in the Agricultural/Residential
425 zoning district are compatible with the permitted uses in the surrounding Agricultural zoning district
426
427 Staff has reviewed the application and determined that the request is consistent with the requested
428 companion future land use designation of AR and is compatible with the surrounding area. Staff
429 recommends approval of application ZON 23-0028 contingent upon approval of the companion small scale
430 further land use amendment COMP 23-0016.