



1 **Staff Report Land Development Code Text Amendment**  
2 **ZON 24-0035**

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5 **Applicant:** Clay County Planning and Zoning Division  
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8 **Introduction**

9 This county-initiated amendment to Article III of the Land Development Code is to amend of  
10 Section 3-11, Non-conforming Uses, Lot and Structures to allow for the replacement of permitted  
11 single family homes, mobile homes and accessory structures on non-conforming lots created prior  
12 to January 14, 2025.

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14 On April 13, 2010 the Board of County Commissioners adopted the following policy:

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16 It shall be the policy of the Board of County Commissioners that any single-family home,  
17 accessory structure or mobile home that has been constructed or placed on a site based on  
18 upon the issuance of a valid building permit by Clay County, shall be allowed to replace that  
19 single family home, accessory structure or mobile home with a structure of the same type  
20 which does not expand the footprint of the replaced structure.

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22 This policy was never codified in the Land Development Code but has provided direction to staff for  
23 situations where lot or parcel is unbuildable due to non-conformity but there exists a permitted  
24 residential dwelling or accessory structure on the parcel. The policy, as adopted, restricts the  
25 footprint of the replacement structure to no larger than the footprint of the existing structure.

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27 Staff is proposing to revise the Board policy and adopt the following as Subsection 3-11(l) into the  
28 Land Development Code.

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30 Parcels created prior to January 14, 2025, on which a single-family home, mobile home or  
31 accessory structure has been constructed or placed on the site based upon the issuance of a  
32 valid building permit by Clay County, shall be allowed to replace that single family home,  
33 mobile home or accessory structure consistent with the minimum setbacks, percentage lot  
34 coverage, and minimum living area of the zoning district in which the parcel is located.

38 **Discussion**

39 The adopted Board policy permits the replacement of structures with a valid building permit which  
40 are located on a non-conforming lot or parcel. These situations arise when a land owner splits a  
41 parcel and the resulting parcel, which contains a permitted structure, does not meet the minimum  
42 lot size set forth in the corresponding zoning district.

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44 Staff is proposing to remove the requirement of the replacement structure being the same footprint  
45 as the existing structure. Many of the circumstance where the replacement policy comes into play  
46 are older parcels with older mobile homes. Often the existing structure does not meet the minimum  
47 livable space required in the zoning district. If the County is going to allow replacement of existing  
48 structures, the replacement structure should not be limited by the footprint of the existing structure  
49 but should be required to meet the standards for the zoning district in which it is located.

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51 In addition, staff is working with the Property Appraisers Office to inform and educate property  
52 owners who desire to split their property to coordinate with Planning and Zoning to make sure the  
53 resulting parcels are buildable.

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55 **Recommendation**

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57 Staff recommends the BCC rescind the policy adopted on April 13, 2010, and adopt the  
58 following new Subsection 3-11(l) into the Land Development Code:

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60 Parcels created prior to January 14, 2025, on which a single-family home, mobile  
61 home or accessory structure has been constructed or placed on the site based upon  
62 the issuance of a valid building permit by Clay County, shall be allowed to replace  
63 that single family home, mobile home or accessory structure consistent with the  
64 minimum setbacks, percentage lot coverage, and minimum living area of the zoning  
65 district in which the parcel is located.

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