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1 **Staff Report and Recommendations for ZON 26-0010**

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3 **Copies of the application are available in the Clay County Planning and Zoning Office,**  
4 **3<sup>rd</sup> floor, located at 477 Houston Street Green Cove Springs, FL 32043**  
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6 **Owner / Applicant Information:**

Owner: Winter Investments, LLC  
Agent: David Winter

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8 **Property Information**

<b>Parcel ID:</b> 35-04-25-008223-010-00	<b>Parcel Address:</b> College Dr. & Brickyard Rd.
<b>Current Zoning:</b> Planned Commercial Development District (PCD)	<b>Current Land Use:</b> Commercial (COM)
<b>Proposed Zoning:</b> Agricultural/Residential District (AR)	<b>Total Acres:</b> 1.4 +/- acres
<b>Commission District:</b> 1, Comm. Sgromolo	<b>Acres affected by Zoning change:</b> .5 +/- acres
	<b>Planning District:</b> OakLeaf Branan-Ridge

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10 **Introduction:**

11 This application is a rezoning to change a portion of a single parcel of land (.5 acres) from Planned  
12 Commercial Development District (PCD) to Agricultural/Residential District (AR). The subject parcel is  
13 located on the north side of Brickyard Road near the corner of College Drive.

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15 A companion Comprehensive Plan Amendment application preceded this application.  
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Figure 1 – Location Map

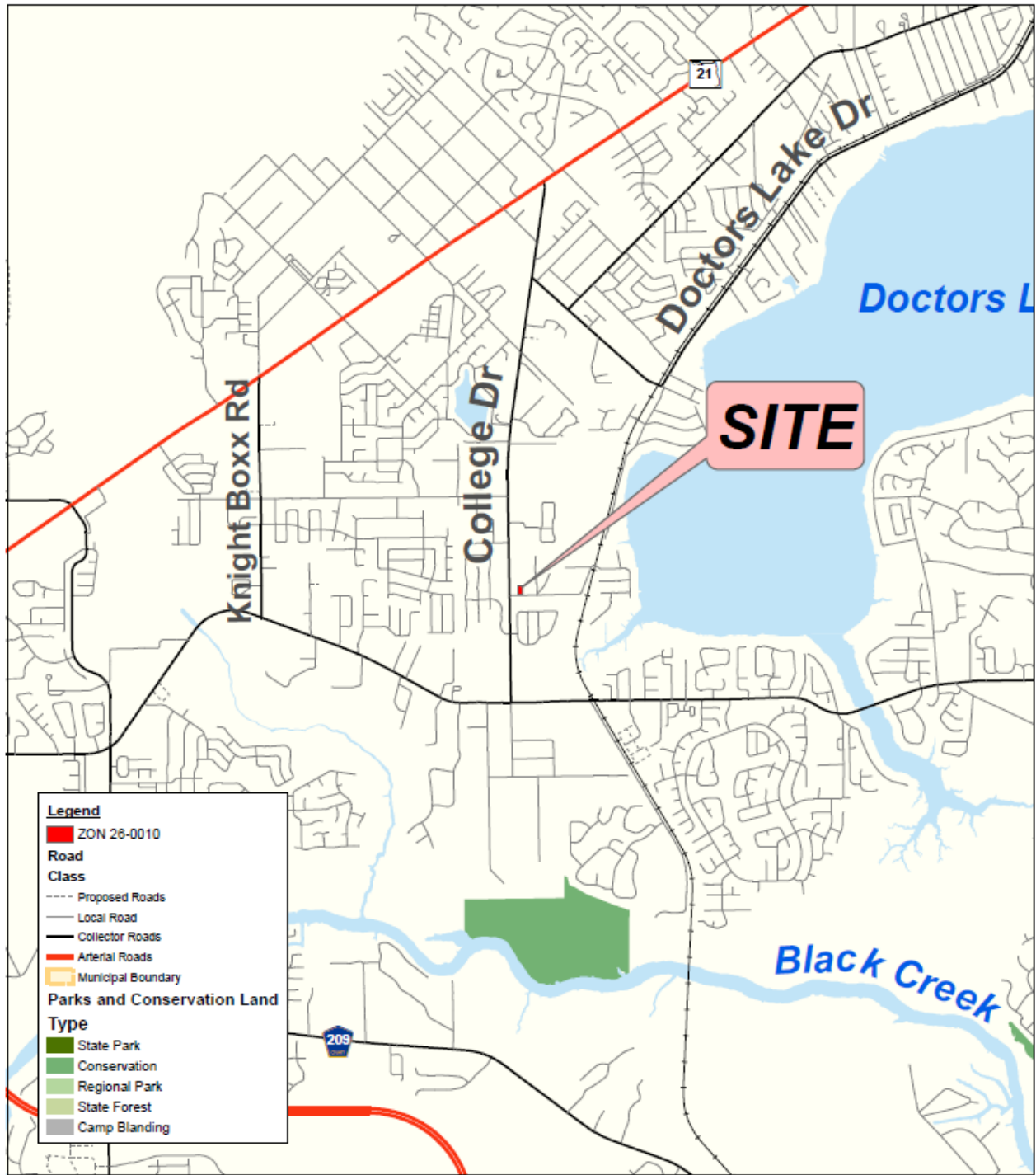
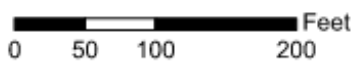


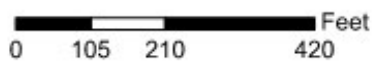
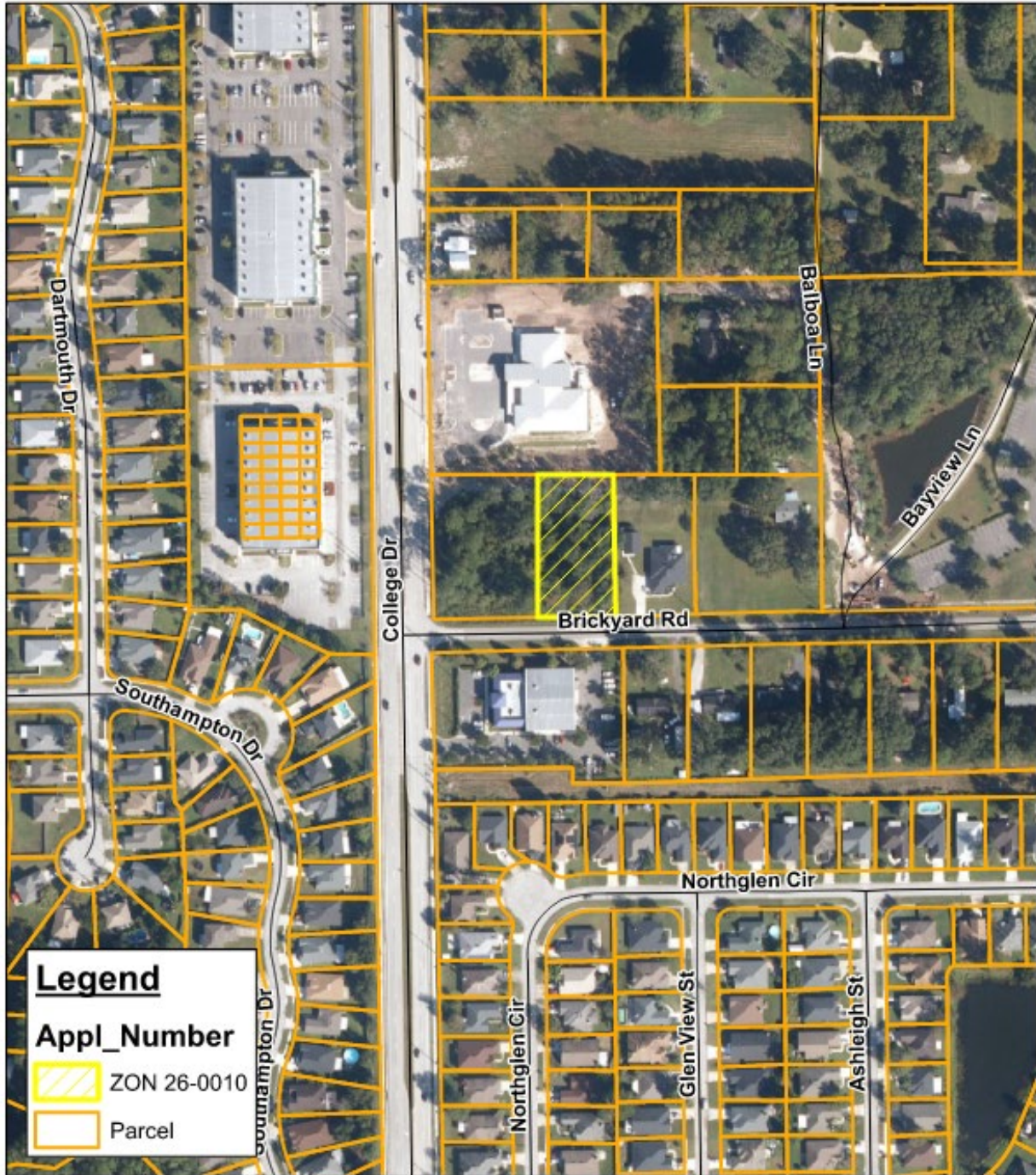
Figure 2 – Parcel Map



Rezoning: ZON 26-0010  
Parcel Map



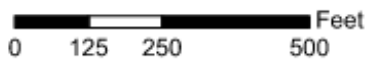
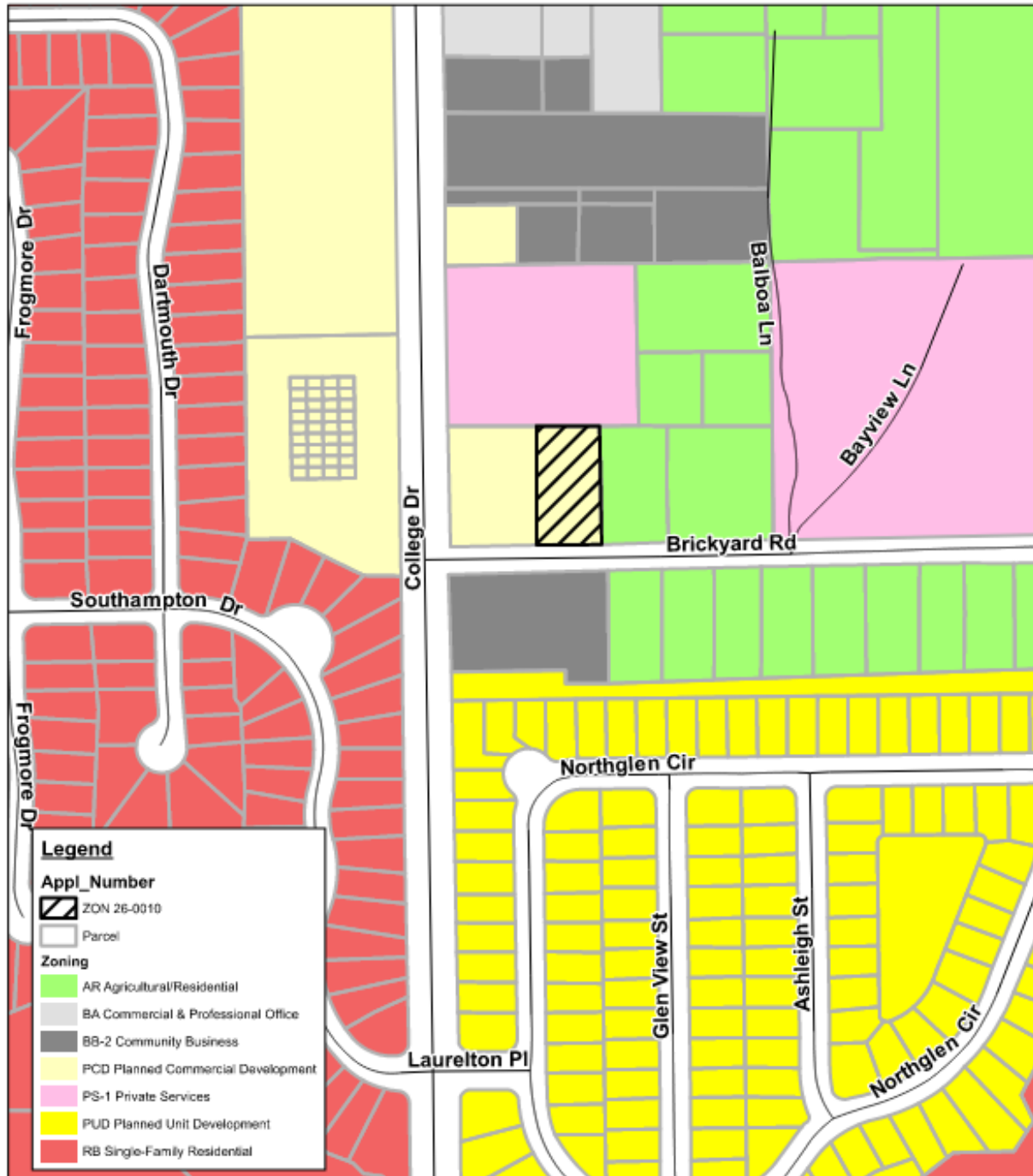
Figure 3 - Aerial Photo



Rezoning: ZON 26-0010  
from PCD to AR



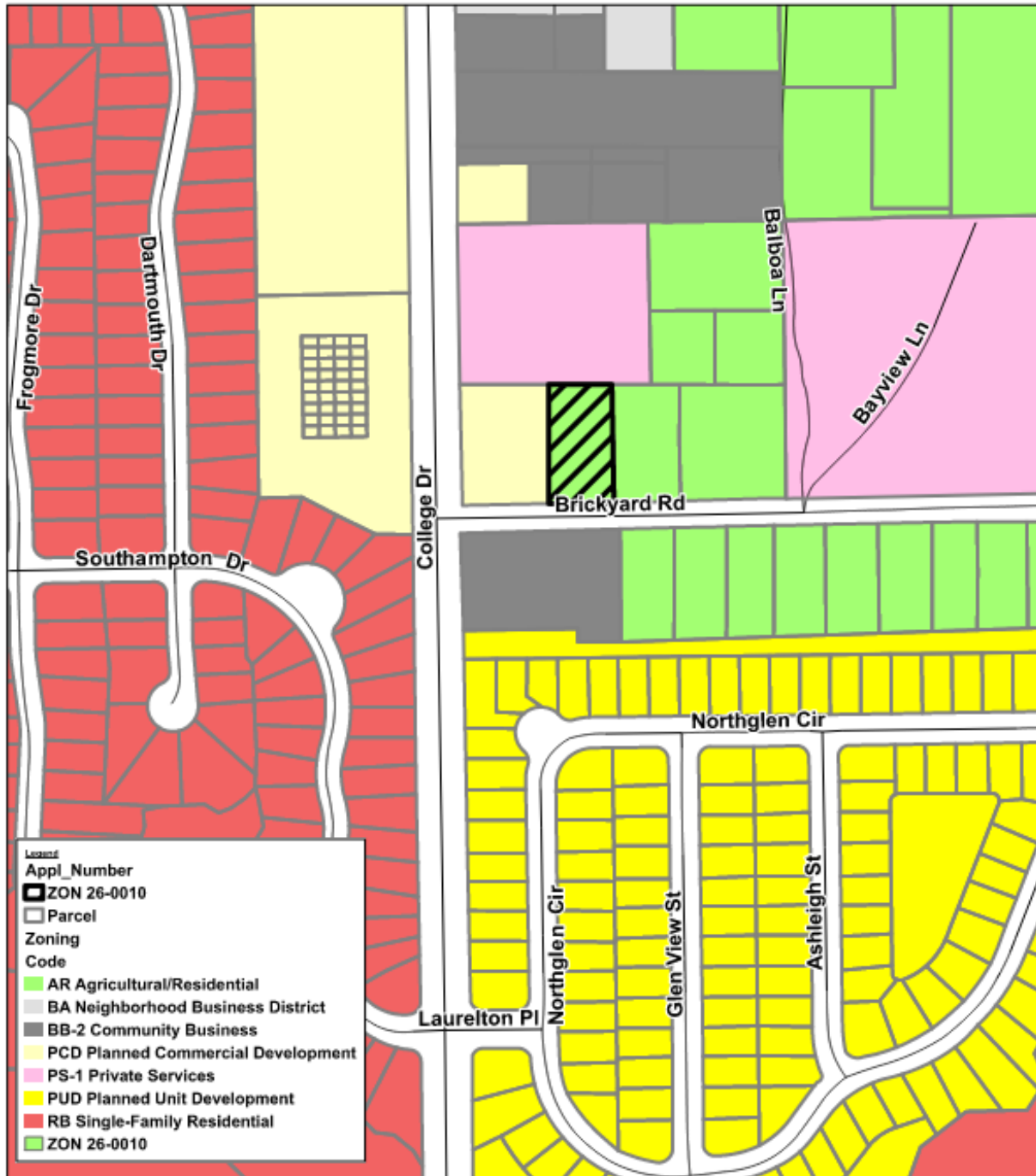
Figure 4 – Existing Zoning Map



**Existing Zoning**  
**Rezoning: ZON 26-0010**  
**from PCD to AR**



Figure 5 – Proposed Zoning Map



0 125 250 500 Feet

**Proposed Zoning  
Rezoning: ZON 26-0010  
from PCD to AR**



28 **Analysis of Surrounding Uses**

29 The proposed rezoning would change a .5-acre portion of the total parcel acreage of a single parcel of land  
30 from Planned Commercial Development District (PCD) to Agricultural/Residential District (AR). This  
31 change would be in keeping with the evolving character of the surrounding districts as shown in the table  
32 below:

	Future Land Use	Zoning District
North	Commercial (COM)	Private Services (PS-1)
South (across Brickyard Road)	Commercial (COM)	Community Business (BB-2)
East	Urban Core (10) (UC-10)	Agricultural/Residential (AR)
West	Commercial (COM)	Planned Commercial Development (PCD)

33

34 **Relevant Clay County 2045 Comprehensive Plan Policies**

35 The following Goals/Objective/Policies relate to the proposed Comprehensive Plan Amendment:

36 7) Urban Core (10) - "UC-10" (Urban): This designation is intended for land within the core of  
37 urban service areas and accessible to employment centers. Densities in this area shall range  
38 from a minimum of two units per net acre and a maximum of ten units per net acre. This  
39 classification includes single-family detached and attached, cluster and zero lot line dwellings,  
40 and multi-family housing.

41 Areas within this category may be suitable for a higher intensity use, upward to a maximum  
42 of ten units per net acres. Densities from seven to ten units per net acre may be approved if  
43 the location meets required points and the development provides central water and sewer  
44 system.

45 Review of specific densities shall be directed toward preserving the stability and integrity of  
46 established residential development and toward providing equitable treatment of lands with  
47 similar characteristics. Design techniques of landscaping, screening and buffering shall be  
48 employed to assure a smooth transition in residential structure types and densities.

49 A maximum density of 16 units per net acre may be allowed within the Urban Core (10)  
50 designation on the *Future Land Use Map* for the provision of housing for the elderly or  
51 handicapped and housing for very low-, low-income and moderate-income households.  
52 Location shall be based on need and criteria assessing proximity to the following: employment,  
53 mass transit, health care, parks, commercial services, and central utility services, as detailed in  
54 the Housing Element and land development regulations. A maximum 15 units per net acre  
55 may also be allowed if it is a proposed infill development meeting criteria of a Traditional  
56 Neighborhood Development.

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58 **Relevant Land Development Code Policy**

59 The following Policy relates to the proposed Rezoning:

60 **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

- 105 on any public right-of-way.  
106  
107 (8) Storage of petroleum products.  
108  
109 (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.  
110  
111 (ii) Gasoline to be used by owner of residence not to exceed 50 gallons.  
112  
113 (9) Satellite dish receivers for individual use.  
114  
115 (10) The parking of commercial vehicles by the owner of the primary residence with a limit  
116 of one (1) per acre and a maximum of two (2) vehicles, may be parked in the rear or side  
117 yard, except refrigerated vehicles and vehicles carrying hazardous materials.  
118  
119 (11) Private boat pier or slip for the use of occupants of principal residential structures of the  
120 lot; provided said pier or slip does not interfere with navigation.  
121  
122 (c) *Conditional Uses.* The following uses are permitted in the AR zoning district subject to the  
123 conditions provided in Section 20.3-5.  
124  
125 (1) Plant nurseries.  
126  
127 (2) Riding academies and riding stables.  
128  
129 (3) Home occupations.  
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131 (4) Bird sanctuaries and rehabilitation centers.  
132  
133 (5) Swimming pools.  
134  
135 (6) Commercial kennels.  
136  
137 (7) Radio, television, microwave relay stations or towers and accessory equipment buildings.  
138 (Ord. 95-53 - 11/28/95)  
139  
140 (8) Aviculture (Commercial or Hobbyist).  
141  
142 (9) Temporary structures or buildings.  
143  
144 (10) Mobile homes for medical hardship.  
145  
146 (11) Communication Antennas and Communication Towers, including accessory buildings,  
147 tower support and peripheral anchors as governed by the provisions of Section 20.3-46  
148 of the Clay County Land Development Code. (Amended 11/26/96 - Ord.96- 58).  
149  
150 (12) Public and/or private sewer facilities.  
151  
152 (13) Private drainage ponds or agricultural livestock ponds.  
153

- 154 (14) Borrow Pits (amended 2/95 - Ord.95-2)  
155  
156 (15) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)  
157  
158 (16) Apiculture (Hobbyist) (Amended 2/25/97 - Ord. 97- 11)  
159  
160 (17) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00  
161  
162 (18) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)  
163  
164 (19) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 –  
165 Ord. 03-40)  
166  
167 (20) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).  
168  
169 (21) Temporary Living Quarters during construction of a residence (amended 11/07 –  
170 Ord.2007-66)  
171  
172 (22) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*  
173  
174 (23) Accessory Dwelling Units. *Rev. 05/26/09*  
175  
176 (24) Rural Event Centers. *Rev. 02/23/16*  
177  
178 (25) Horse Hotels. *Rev 10/27/20*  
179  
180 (27) Rural Event Venue  
181  
182 (d) *Uses Not Permitted.*  
183  
184 (1) Any use not allowed in (b) or (c) above.  
185  
186 (2) Any use or activity which would create any obnoxious, corrosive, or offensive noise, gas,  
187 odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other  
188 surrounding properties or to the welfare and health of the citizens in the area.  
189  
190 (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in  
191 the AR district shall be as follows:  
192  
193 (1) Land with a zoning classification of AR and a land use designation of  
194 Agricultural/Residential.  
195  
196 (i) Residential development not classified as a subdivision pursuant to Ordinance  
197 85-68, as amended.  
198  
199 *Maximum Density* One (1) unit per ten (10) acres  
200 *Minimum Lot Size* Ten (10) acres or 435,600 square feet  
(ii) Subdivision pursuant to Ordinance 85-68, as amended.

201			
202		<i>Maximum Density</i>	
203		With Clustering and Points	One (1) unit per five (5) acres
204		Without Clustering and Points	One (1) unit per ten (10) acres
205			
206		<i>Minimum Lot Size</i>	
207		With Clustering and Points	One (1) acre or 43,560 square feet
208		Without Clustering and Points	Nine (9) acres or 392,040 sq. feet
209			
210	(2)	Land with a zoning classification of AR and a land use designation of Rural Residential.	
211			
212	(i)	Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.	
213			
214			
215		<i>Maximum Density</i>	One (1) unit per five (5) acres
216		<i>Minimum Lot Size</i>	Five (5) acres or 217,800 square feet
217			
218	(ii)	Subdivision pursuant to Ordinance 85-68, as amended.	
219			
220		<i>Maximum Density</i>	
221		With Clustering and Points	One (1) unit per acre
222		Without Clustering and Points	One (1) unit per five (5) acres
223			
224		<i>Minimum Lot Size</i>	
225		With Clustering and Points	21,780 square feet
226		Without Clustering and Points	Four (4) acres or 174,240 sq. feet
227			
228	(3)	Land with a zoning classification of AR and a land use designation of Rural Fringe.	
229			
230	(i)	<i>Maximum Density</i>	.One (1) unit per acre
231		<i>Minimum Density</i>	43,560 square feet
232			
233	(4)	Land within a zoning classification of AR and a land use designation of Urban Fringe.	
234		(amended 2/94 - Ord. 94-03)	
235			
236	(i)	<i>Maximum Density</i>	Two (2) units per acre
237		<i>Maximum Lot Size</i>	21,780 square feet
238	(5)	Land within a zoning classification of AR and a land designation of Urban Core (10).	
239			
240	(i)	<i>Maximum Density</i>	Two (2) units per acre
241		<i>Maximum Lot Size</i>	21,780 square feet
242			
243	(6)	Land with a zoning classification of AR and a land use designation of Agriculture.	
244		(amended 7/02 – Ord. 02-36)	
245			
246	(i)	Residential development not classified as a subdivision pursuant to Ordinance 85-65, as amended.	
247			
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249		<i>Maximum Density</i>	One (1) unit per twenty (20) acres

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*Minimum Lot Size*

Twenty (20) acres

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

- (1) Minimum Lot Width at Building Line 100 feet
- (2) Minimum Lot Depth 100 feet
- (3) Minimum Front Setback 30 feet
- (4) Minimum Rear Setback 35 feet
- (5) Minimum Side Setback 20 feet\*  
\*For waterfront properties along Doctors Lake within the Neilhurst Plat, recorded in Plat Book 2, pages 44 through 46, the minimum side setback shall be 5 feet.
- (6) Minimum Front Yard Setback for Accessory Buildings, Excluding Fences 30 feet
- (7) Minimum Rear Yard and Side Setback for Accessory Buildings 7.5 feet
- (8) Minimum Living Area (amended 2/95 - Ord. 95-2) 750 sq. ft.
- (9) 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. These setbacks shall not apply to structures on lots or parcels located landward of existing bulkheads permitted by the St. Johns River Water Management District or Florida Department of Environmental Protection.
- (10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

290 Analysis of Proposed Rezoning Amendment

291 In reviewing the proposed application for Rezoning, the following criteria may be considered along with such  
292 other matters as may be appropriate to the particular application:

293

294 (a) Whether the proposed change will create an isolated district unrelated to or incompatible with  
295 adjacent and nearby districts;

296 Staff Finding: This rezoning would not create an isolated or unrelated district as the parcels to the east have  
297 the same designation.

298 (b) Whether the district boundaries are illogically drawn in relation to the existing conditions on the real  
299 property proposed for change;

300 Staff Finding: The proposed district would be consistent with the size requirements for a single parcel.

301 (c) Whether the conditions which existed at the time the real property was originally zoned have changed  
302 or are changing, and, to maintain consistency with the Plan, favor the adoption of the proposed Rezoning;

303 Staff Finding: The conditions since the 2024 rezoning of the parcel have changed and the property owner  
304 no longer wishes to develop the land as previously approved for commercial and a museum. The property  
305 owner would like to develop this portion of the parcel as residential.

306 (d) Whether the affected real property cannot be used in accordance with existing zoning;

307 Staff Finding: While it could be developed under the current zoning, it is no longer financially feasible for  
308 the property owner to develop under the original plan.

309 (e) Whether the proposed Rezoning application is compatible with and furthers the County's stated  
310 objectives and policies of the Plan;

311 Staff Finding: The proposed rezoning request is accompanied by a comprehensive plan amendment  
312 request. Rezoning to AR would be compatible with the Comprehensive Plan and would support the intent of  
313 the future land use designation.

314 (f) Whether maintenance of the existing zoning classification for the proposed Rezoning serves a  
315 legitimate public purpose;

316 Staff Finding: There is no public purpose served by keeping the zoning district boundaries in their current  
317 locations on the subject parcel.

318 (g) Whether maintenance of the status quo is no longer reasonable when the proposed Rezoning is  
319 inconsistent with surrounding land use;

320 Staff Finding: The proposed rezoning will not be inconsistent with the surrounding land use.

321 (h) Whether there is an inadequate supply of sites in the County for the proposed intensity or density  
322 within the district already permitting such intensity or density.

323 Staff Finding: The rezoning will add one additional parcel to the inventory of lots that are .5 acre in size.  
324 Most residential lots being developed currently are significantly smaller.

325 **Recommendation**

326 Staff recommends approval of ZON 26-0010.

327