

## 3.03.02. - AC—Agriculture district.

- A. *Purpose and intent.* The purpose and intent of the AC—Agriculture district is to preserve valuable agricultural/forestry land for those uses, and to protect land best suited for agricultural/forestry uses from the encroachment of incompatible land uses.
- B. *Permitted principal uses and structures.* In the AC-agriculture district, no premises shall be used except for the following uses and their customary accessory uses or structures:
1. Single family dwellings or mobile homes.
  2. All bona fide agricultural/forestry pursuits, including dairies and dairy products, livestock, poultry, horticultural products which are raised on the premises. However, sales shall be permitted only from structures on private property conforming to all applicable codes or regulations.
  3. Agriculture, forestry, livestock and poultry production. All domesticated animals (except those generally recognized as pets) shall be kept in a fenced area, structure, pen or corral. No structure (excluding fenced areas) containing poultry or livestock and no storage of manure or odor- or dustproducing substance or use shall be located within one hundred (100) feet of a district boundary.
  4. Agriculture or farming, including horticulture, plant nurseries, market gardening, field crops and orchards and home gardens, provided no structure (excluding fenced areas) containing odor- or dustproducing materials, shall be located within one hundred (100) feet of a property or district boundary.
  5. Cemeteries.
  6. Home occupations (subject to special exception regulations for home occupations as outlined in subsection 3.07.03G).
  7. Horse farms and riding stables.
  8. Aquaculture.
  9. Fish farming.
  10. Short-term vacation rentals.
- C. *Permitted special exceptions.*
1. Guest/servant quarters.
  2. Animal hospitals, veterinary clinics, kennels.
  3. Automotive repair.
  4. Feed and seed processing, storage, retail or wholesale sales.
  5. Junk yards, provided no such operation shall be permitted to be located closer than one thousand five hundred (1,500) feet to a residential district and no closer than one thousand (1,000) feet to any property line. Operations shall be fenced for safety purposes and screened from view from adjacent property and roadways.
  6. Land clearing business, provided any outside storage is completely enclosed by a solid fence or otherwise screened from the public view.
  7. Mining, shell or soil extraction, gas and oil wells.
  8. Private airstrips, (no impervious surface). Private airstrips may be approved subject to the following:
    - (a) FAA approval.
    - (b) No impervious surface.

- (c) Notification of surrounding property owners located within two thousand (2,000) feet of the proposed airstrip.
9. Temporary mobile home for elderly/disabled parent or grandparent. One mobile home dwelling consisting of a minimum of six hundred (600) square feet of living area on the same site as that of a permitted use, which dwelling shall be occupied exclusively by a disabled or elderly (65+ years) parent or grandparent who requires personal nursing care similar to services of a nursing home. A statement from a physician certifying that personal nursing care is required shall be submitted with the request. The use shall be temporary in nature and subject to renewal every three (3) years. This use shall terminate and the mobile home removed from the site, when the disabled or elderly parent or grandparent moves from the site.
10. (a) Wholesale or retail fertilizer sales and storage.
- (b) Bulk storage of fertilizer, fuels, lubricants, and other hazardous, flammable, combustible or incendiary materials, provided all storage is fenced or enclosed for safety purposes and all spacing requirements are met including those found in the United States Code of Federal Regulations (CFR) and the requirements of all other applicable agencies. The term bulk is intended to imply large capacity storage and dispensing of the type that occurs within a storage terminal, tank farm, or similar facility, not to include consumer dispensing.
11. Wood working shops, together with structures, machinery, equipment and facilities, incidental to such operations provided that such operations:
- (a) Do not utilize electrical powered machines in excess of five (5) horsepower;
- (b) Use no more than two hundred forty (240) volts single phase current with a maximum two hundred (200) amp buss;
- (c) House and operate all machinery within an enclosed structure not to exceed two thousand (2,000) square feet; and
- (d) Said operation shall limit noise to a normal residential level of fifty-five (55) decibels when measured at the property line of any abutting landowner.
- (e) Do not provide any wood treatment process.
- (f) Are subject to annual inspections of the county health department and county fire inspector.
12. Class III landfill (D. E. R. permit required).
13. Roadside vendor subject to the following provisions:
- (a) Limited to operation at an approved site, but not within five hundred (500) feet of an existing permanent business offering the same services or products.
- (b) Must provide safe ingress and egress to the site.
- (c) Must obtain county occupational license.
14. Golf courses and country clubs (located within or adjacent to the planned urban service area boundary).
15. Shooting and archery ranges subject to the following provisions:
- (a) Minimum site size shall be fifty (50) acres;
- (b) Maximum caliber for rifled barrels used on the range shall be .45 and for nonrifled shall be twelve (12) gauge and the use of black powder.
- (c) A projectile-proof backstop, consisting of concrete, steel, earth or a combination thereof, at least fifteen

- (15) feet high shall be erected and maintained behind all target areas;
- (d) The use shall not constitute a nuisance or be a hazard to an abutting property;
- (e) The noise level shall not exceed eighty-five (85) DBA at the property boundary;
- (f) Hours of operation shall be between 8:00 a.m. to one-half (½) hour before dusk except for night time shooting for certification of law enforcement agencies; and
- (g) The design and safety standards of the National Rifle Association (NRA), International Archery Federation (FITA), National Skeet Shooting (NSA) and the Amateur Trap Shooting Association (ATSA) shall be met.
16. Noncommon household pet and wild animal sanctuary/shelter facilities, subject to the following standards:
- (a) *State and federal permits.* If confining any animals at a facility requires state or federal permits, they shall be obtained prior to commencement of operations, including, but not limited to: Class I, II or III permits for captive wildlife, as applicable, in accordance with Chapter 68A-6, F.A.C. A copy of such permit(s), if required, shall be furnished to Flagler County as a condition of the special exception approval.
- (b) *Maximum number of animals.* Facilities shall be limited to numeric thresholds established by the planning and development board and shall be based on site characteristics and the type(s) of animals intended to be housed on and within the facility. Facilities with over one hundred (100) animals shall require approval by the board of county commissioners following the public hearing procedures at LDC [section 3.06.05](#) for semi-public uses.
- (c) *Minimum facility site size.* The minimum size site for any facility shall be five (5) acres. Facilities that have any exterior animal use and exceed twenty-five (25) animals shall be required to have a minimum of one (1) additional acre of land for each additional five (5) animals or fraction thereof. Additional acreage may be required to address best practices for specific species and to reduce impacts to surrounding properties.
- (d) *Animal containment.* All outdoor areas allocated for use by the animals shall be fenced, walled, or caged to safely contain the animals. No animal shall be chained except for a limited duration for purposes of sanitation (i.e., facility cleaning) or similar reasons and not as a regular means of containment. A detailed animal containment plan shall be provided for each and every animal species, to include separation facilities for quarantine, treatment, and/or breeding. Additionally, sheltering facilities to protect the animals during severe heat, cold or other inclement weather shall be fully demonstrated. All animal containment areas/shelters shall be maintained and kept in good condition at all times.
- (e) *Compatible layout/design.* Any structures, outdoor runs, and feeding areas on the site shall be laid out and designed in such a manner to provide maximum noise reduction, odor prevention, and compatibility with adjoining properties, as appropriate for the type of animal to be housed therein and any existing adjacent uses.
- (f) *Setbacks.* Structures allocated for animal use shall be set back a minimum of one hundred (100) feet from any property line. Additional setbacks may be required for the facility based on the species, surrounding uses, proposed layout, and other specifics of the application.
- (g) *Hours of operation.* The hours for any public visitation and activities related to the care/feeding of the animals shall be restricted to occur between dawn to dusk. Visitation hours for the public may be further restricted by the planning and development board or the county commission in the special exception review process.
- (h) *Public visitation.* Should public visitation be part of any facility, the operator shall be responsible for any

improvements necessary to accommodate public access to the site to include parking, stormwater, ADA-equipped facilities, fire/life safety improvements and additional safety precautions to protect the public from the animals.

- (i) *Emergency plan.* A written emergency plan shall be required as part of any application. The plan shall be kept and used on site. The plan shall address appropriate measures to address the safety of the facility workers and the public for potential animal attack/escape, disease transmission, and animal evacuation. The plan should establish procedures for recapturing escaped animals, for evacuating animals during wildfires and hurricanes, and for advanced medical coordination (as necessary) related to specific situations. The plan shall include any sources for developing the emergency plan and demonstrate that the sources are appropriate for achieving public safety for the species of animals being housed and/or exposed to the public. The plan shall be annually reviewed by the facility manager and documented.
- (j) *Sanitation/animal waste disposal/odor abatement plan.* A sanitation, waste disposal, containment, and odor abatement plan shall be required to be submitted as part of the application and approved as part of the special exception. Major goals of the plan shall be to ensure optimal sanitary conditions and the minimization of odors emanating from the facility.
- (k) *Feeding and care plan.* A dietary feeding and care plan for the types and numbers of animals planned for the facility shall be provided, along with a care plan for the animals based at the facility. This plan shall include appropriate space needs, exercise areas, climate control, and the type of confinement habitat. The plan shall be required to be signed by the veterinarian of record and submitted as part of the application and approved as part of the special exception.
- (l) *Financial feasibility/insurance plan.* The applicant shall at the time of application demonstrate the capacity to fund the facility on an ongoing basis. Additionally, the applicant shall provide proof that the applicant has purchased liability insurance for this type of facility and the animals housed therein.
- (m) *Residences.* Residences may be allowed on the site and shall conform to the requirements of the AC (agriculture) district.
- (n) *Veterinarian of record/animal care reporting.* All facilities shall have a veterinarian of record whose principal place of business is within a one hundred-mile radius of the facility and who has experience with the specific animal species planned to be housed at the facility. The veterinarian of record shall be required to annually certify to the growth management department that care of the animals is proper in accordance with acceptable veterinarian standards.
- (o) *Required sterilization.* All animals maintained at the facility shall be sterilized, as appropriate for each species, unless:
  - (1) The planning and development board and board of county commissioners, as part of the approved special exception, waives this requirement; or
  - (2) Such animals are part of a breeding program authorized by a state or federal government for any managed, imperiled, threatened, or endangered species. The planning and development board and the board of county commissioners, in approving any waiver under this section, shall include considerations particular to each species and on-site strategies to eliminate uncontrolled breeding at the facility, including, but not limited to, the separation of males and females.
- (p) *Annual facility report.* Upon initial approval and on an ongoing annual basis thereafter, an operator of an approved special exception for a noncommon household pet and wild animal sanctuary/shelter shall

provide a written report to the county attesting to the number of animals maintained on the property and to the continued compliance with these standards and other special conditions made a part of the approved special exception. This report shall accompany the veterinarian's animal care report referenced above.

- (q) *Semiannual inspection.* All facilities shall be subject to semiannual inspections performed by the county and/or its agents verifying that care of the animals (as applicable to a particular species or breed) is in accordance with the standards of the Humane Society of the United States (HSUS) for noncommon household pets and the standards of the Florida Fish and Wildlife Conservation Commission (FWC) for wild animals. In conducting the semiannual inspection as provided under this section, the county shall utilize two (2) inspectors, one of which shall be either a county code enforcement officer, a sheriff's office deputy, or other designated person with credentials related to animal care as designated by the county administrator.
- (r) *Compliance inspections/noncompliance remedies.* Flagler County reserves the right to monitor compliance with the conditions specified above, and for this limited purpose, the applicant consents to entry on its property by authorized county officials to determine compliance. In the event the county determines there is noncompliance with any of the conditions, the county reserves the right either:
- (1) To order compliance; or
  - (2) Correction of the condition; or
  - (3) Revocation of the authorization for the special exception.

Nothing included herein shall prevent the county from pursuing other remedies including, but not limited to, injunctive relief. In conducting compliance inspections as provided under this section, the county shall utilize two (2) inspectors, one (1) of which shall be either a county code enforcement officer, a sheriff's office deputy, or other designated person with credentials related to animal care as designated by the county administrator.

- (s) *Prohibited applicants.* An applicant for a special exception or an operator of an approved noncommon household pet and wild animal sanctuary/shelter shall be deemed ineligible to apply or to operate, as applicable, if the applicant or operator has been convicted of animal cruelty or neglect, or entered a plea of no contest or otherwise had adjudication withheld on charges of animal cruelty or neglect.

17. Common household pet animal sanctuary/shelter facilities.

D. *Dimensional requirements.*

1. Minimum lot size—Five (5) acres.

Exception: Lots resulting from dividing a ten-acre lot of record into two (2) parcels where public road dedication reduces parcel size. Then minimum is four and one-half (4.5) acres.

2. Minimum width—Two hundred (200) feet.

Exception: Lots resulting from dividing a ten-acre lot of record into two (2) parcels. Then minimum is one hundred fifty (150) feet.

3. Minimum setback requirements for structures:

Front yard: Fifty (50) feet.

Rear yard: Fifty (50) feet.

## Side yard:

Interior lot—Twenty-five (25) feet;

Abutting any street—Fifty (50) feet.

4. Maximum building height: No maximum.
5. Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.
6. Minimum living area:
  - Six hundred (600) square feet for single-family dwelling.
  - Six hundred (600) square feet for mobile homes.

E. *Off-street parking and loading requirements.* Off-street parking and loading space meeting the requirements of section 3.06.04 shall be constructed.

(Ord. No. 93-11, § 4, 7-19-93; Ord. No. 98-01, § 1, 2-2-98; Ord. No. 01-09, § 1, 6-11-01; Ord. No. 02-24, § 3, 9-12-02; Ord. No. 03-01, § 3, 2-3-03; Ord. No. 2010-02, § 2, 1-20-10; Ord. 2011-08, § 3, 11-7-11; Ord. No. 2011-10, § 2A., 12-12-11; Ord. No. 2015-02, § 2.A.2, 2-19-15; Ord. No. 2016-01, § 2.A.3, 1-11-16)