

## SECTION 42.0 AGRICULTURAL ENCLAVES

### Section 42.01 Introduction

A property owner may apply to St. Johns County for certification of a parcel or parcels of land as an agricultural enclave, as defined by section 163.3164, Florida Statutes, if one or more adjacent parcels or an adjacent development permits the same density as, or higher density than, the proposed development. An applicant seeking such certification may not use the perimeter of another parcel certified by St. Johns County as an agricultural enclave to meet the definition of the term "agricultural enclave."

Pursuant to section 163.3162(4), Florida Statutes, certification of a parcel or parcels of land as an agricultural enclave will be approved or denied by the Board of County Commissioners through the public hearing process.

Pursuant to Laws of Florida Ch. 2026-34 Section 3, this Section shall be in effect starting on July 1, 2026 and shall expire January 1, 2028.

Applications for certification as an agricultural enclave are processed by the Planning Division, Growth Management Department.

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### Section 42.02 Eligibility

To be eligible for certification as an Agricultural Enclave, the following factors must apply to the requested unincorporated, undeveloped parcel or parcels of land as of January 1, 2025:

- A. Parcel or parcels are owned or controlled by a single person or entity.
- B. Parcel or parcels have been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of five (5) years before the date of any comprehensive plan amendment or development application.
- C. Parcel or parcels are surrounded on at least 75 percent of their perimeter by:
  - 1. A parcel or parcels that have existing industrial, commercial, or residential development; or
  - 2. Property designated in the County's Comprehensive Plan, zoning map and FLUM as land to be developed for industrial, commercial, or residential purposes, and where at least 50 percent of such surrounding property contains existing industrial, commercial, or residential development; or
  - 3. A combination of an interstate highway and one or more parcels within an urban service district, area, or line that are designated on the FLUM for industrial, commercial, or residential development.

- D. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by property designated on the FLUM for industrial, commercial, or residential development and on at least 50 percent of their perimeter within an urban service district, area, or line; or

Are located within the boundary of an established rural study adopted in the Comprehensive Plan that was intended to be developed with residential uses.

- E. Have public services, including water, wastewater transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements;
- F. Not exceeding 1,280 acres; however, if the parcel or parcels are surrounded on at least 75 percent of their perimeter by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, the area must be determined to be urban and the parcel or parcels may not exceed 4,480 acres; and
- G. Are located within a county with a population of 1.75 million or less.

Where a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal.

### **Section 42.03 Application Process**

- A. One (1) copy of the following items must be included with a request for agricultural enclave certification.
  - 1. Application
  - 2. Proof of ownership of all parcels included in request
  - 3. Legal description of subject property
  - 4. Letter or narrative sufficient to demonstrate compliance with all requirements of section 163.3164(4), Fla. Stat. (see Sec. 42.02)
  - 5. Fee
- B. Within thirty (30) days after receipt of an application for agricultural enclave, the County shall provide the applicant with a written report detailing whether the application complies with the requirements of section 163.3162(4)(a), Fla. Stat.

The report may identify any additional information necessary for the County to evaluate compliance with statutory requirements; however, the issuance of such a request shall not toll or extend the time period established in section 163.3162(4), Florida Statutes.

### **Section 42.04 Review and Decision Process**

- A. Within thirty (30) days after providing the written report required by Sec. 42.03(B), the Board of County Commissioners shall hold a public hearing to approve or deny certification of the parcel or parcels as an agricultural enclave. If the Board does not approve or deny certification within ninety (90) days after receipt of the application, the parcel or parcels shall be certified as an agricultural enclave pursuant to section 163.3162(4)(c), Florida Statutes.
- B. In considering an application, the Board shall determine whether the application satisfies the statutory definition of "agricultural enclave" in section 163.3164(4) and the requirements of section 163.3162(4). If the application is denied, the Board of County Commissioners will issue its decision in writing with detailed findings of fact and conclusions of law. The applicant may seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the date of the denial decision.
- C. If the application is approved, the owner of the parcel or parcels certified as an agricultural enclave or the owner's authorized agent or controlling entity may submit development plans for single-family residential housing which is consistent with the land use requirements or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or an adjacent development. A development for which plans are submitted must be treated as a conforming use, notwithstanding the Comprehensive Plan, future land use designation, or zoning. If development within an agricultural enclave affects an established wildlife corridor, the applicant is encouraged to incorporate site design measures that maintain habitat permeability, including clustering, open space retention, and wildlife crossing accommodations, where feasible.

Notwithstanding the foregoing, a parcel or parcels certified as an agricultural enclave pursuant to section 163.3164(4)(c)1.c., Florida Statutes, that are adjacent to an interstate highway may be developed for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development.

- D. A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities. A local government shall treat an agricultural enclave that is adjacent to an urban service district as if such enclave is within the urban service district.
- E. Within 30 business days after receipt of development plans, St. Johns County and the owner of the parcel or parcels certified as an agricultural enclave must agree in writing to a process and schedule for information submittal, analysis, and final approval, which may be administrative in nature, of the development plans.

The County may not require the owner to agree to a process exceeding 180 days in duration or requiring additional quasi-judicial review or public hearings.

### **Section 42.05 Applicability**

Nothing in this section shall preempt or replace protections applicable to those areas identified in 163.3162(4)(i), Florida Statutes, including:

- 1) The Wekiva Study Area, as described in s. 369.316.
- 2) The Everglades Protection Area, as defined in s. 373.4592(2).

- 3) Any area of critical state concern, as designated in s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s. 380.0555.
- 4) Any portion of a property encumbered by a recorded conservation easement as defined in s. 704.06.
- 5) A military installation or range identified in s. 163.3175(2).