



# STAFF REPORT

## CITY OF GREEN COVE SPRINGS, FLORIDA

**TO:** Planning and Zoning Commission **MEETING DATE:** November 28, 2023  
**FROM:** Michael Daniels, Development Services Director  
**SUBJECT:** Special Exception Request for a Home Occupation for Art / Sculpting Business, located at 301 Green Street.

### PROPERTY DESCRIPTION

**APPLICANT:** Angela & Kevin Hindle **OWNER:** Angela & Kevin Hindle  
**PROPERTY LOCATION:** 301 Green Street  
**PARCEL NUMBER:** 38-06-26-017206-000-00  
**FILE NUMBER:** SE-23-002  
**CURRENT ZONING:** R-1 Single Family Residential  
**FUTURE LAND USE DESIGNATION:** Neighborhood

### SURROUNDING LAND USE

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| <b>NORTH:</b> <b>FLU:</b> Central Business District<br><b>Z:</b> Gateway Corridor Neighborhood<br><b>Use:</b> Single Family | <b>SOUTH:</b> <b>FLU:</b> Neighborhood<br><b>Z:</b> R-1 Single Family Residential<br><b>Use:</b> Single Family |
| <b>EAST:</b> <b>FLU:</b> Neighborhood<br><b>Z:</b> R-1 Single Family Residential<br><b>Use:</b> Single Family               | <b>WEST:</b> <b>FLU:</b> Neighborhood<br><b>Z:</b> R-1 Single Family Residential<br><b>Use:</b> Single Family  |

### BACKGROUND

The subject property is approximately .3 acres and has an existing single-family home that was constructed in 1980. The residential home is 2,274 square feet, with 1,926 square feet of finished square feet. The house has access off Green Street. The property is adjacent to the undeveloped 40' right of way to the south (listed on the site plan as El Dorado Drive).

The property owners, who live at the home, are proposing to have a home occupation for their art business—Mud and Steel LLC as an accessory use. The use would be for office use only. The business includes selling metal and ceramic artwork online and at art shows. There will be no traffic or employees, except for the existing homeowners.

Pursuant to the City Code requirements, a residential property owner who wants to engage in business activity from their home in a residential zoning district would apply for a special exception for a home occupation which requires approval from the Planning and Zoning Board.

A home occupation is defined as: any occupation performed in a dwelling unit in which there is no stock kept or sold on the premises. No person is employed unless he is a member of the immediate family residing upon the premises. No mechanical equipment is used except as is necessary for purely domestic or household purposes. There is no sign other than an unlighted name plate not more than one foot square in area, or a display that will indicate from the exterior of the building that it is being used for any purpose other than a dwelling.

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements set forth in City Code Sec. 117-789:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.

*Only the property owners will be working at this location.*

- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall, under no circumstances, change the residential character of the structure.

*The property owners live at home and the home occupation is an accessory use.*

- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one square foot in area.

*The property owners are not proposing any change to the outward appearance of the dwelling unit.*

- (4) No home occupation shall occupy more than 20 percent of the first-floor area of the residence.

*Office work will be conducted in the first-floor dining room which is less than 20% of the first-floor area of the residence.*

- (5) No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood.

*Traffic shall be consistent with the normal trip projections of a residential dwelling unit.*

- (6) No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.

*The Home Occupation shall be for office use only.*

- (7) Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition and providing no retail sales are made at the home.

*Applicant shall craft ceramic and metal products that will be redesigned for sale on the internet. The product shall be stored in the existing shed and carport behind the fence and be screened from public view.*

- (8) Outdoor storage of materials shall not be permitted.  
*Ceramic and metal products shall be stored in the shed and carport onsite and be screened from public view.*
- (9) A home occupation shall be subject to all applicable city local business tax receipt requirements, fees, and other business taxes.

Special Exceptions require approval by the Planning and Zoning Commission subject to the criteria set forth in Section 101-352:

### **Special Exception Review Criteria**

When deciding requests for special exceptions, the planning and zoning board shall make written findings that the special exception satisfied the following criteria:

- (1) Compliance with all elements of the comprehensive plan  
*The proposed use is an accessory residential use which is consistent with the Future Land Use Policy 1.1.1a. regarding the Neighborhood Future Land Use (FLU) Designation. The Neighborhood FLU is intended for low to medium density residential uses.*
- (2) The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare, and is not contrary to established standards, regulations, or ordinances of other governmental agencies.  
*The proposed development will be consistent with the existing neighborhood and will not negatively impact the area.*
- (3) Each structure or improvement is so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the city and the zoning district in which it is proposed.  
*The proposed home occupation will be an accessory use and not impact the residential appearance of the site.*
- (4) The special exception will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the area.  
*The proposed home occupation will be consistent with the surrounding existing uses and will not negatively impact the area.*
- (5) The establishment of the special exception will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.  
*The proposed home occupation will not impact the improvement of surrounding properties.*
- (6) Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health departments.

*Water and sewer are available.*

- (7) Adequate access roads, onsite parking, onsite loading and unloading berths, and drainage have been or will be provided where required.  
*Access to the site is provided for a residential home, no additional access will be required for the home occupation.*
- (8) Adequate measures have been taken to provide ingress and egress to the property, which is designed in a manner to minimize traffic congestion on local roads.  
*The home occupation will not impact additional traffic.*
- (9) Adequate screening and buffering of the special exception will be provided, if needed.  
*No screening and buffering shall be required.*
- (10) The special exception will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety, or have a negative economic effect on the area. Any signs or exterior lighting required by the special exception shall be compatible with development in the zoning district.  
*No signage shall be provided onsite.*
- (11) The special exception will conform to all applicable regulations of the zoning district in which it is proposed.

## STAFF RECOMMENDATION

### **Staff Recommendation**

Staff recommends approval of the home occupation for the Mudd and Steel Office. The home occupation shall be for office use only and will not negatively impact the surrounding residential area.

### **Recommended Motion:**

Motion to approve the Special Exception for 301 Green Street, to allow a home occupation for an office use for an art business as an accessory use.