



APPLICATION FOR CONDITIONAL USE

APPLICATION

OWNER/APPLICANT:	Elwin Fuller			
AGENT:	N/A			
REQUESTED ACTION:	CU2021-004 is a request for a conditional use permit pursuant to LDC Section 22.03(E) to allow for dog breeding in the Open Rural (OR) zoning district.			
LOCATION:	11624 Sunowa Springs Tr, Bryceville, FL 32009			
LAND USE:	Agriculture (AGR)			
ZONING:	Open Rural (OR)			
EXISTING USES ON SITE:	Single Family Residence (detached)			
PROPERTY SIZE + PARCEL ID:	3.64 ac Parcel ID # 02-1S-24-1990-0079-0000			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	SFR	OR	AGR
	South	SFR	OR	AGR
	East	SFR	OR	AGR
	West	SFR	OR	AGR
COMMISSION DISTRICT:	4			

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the County's website and at the Planning + Economic Opportunity Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

The subject property is located on the west side of Sunowa Springs Trail approximately 1,500 feet north of Ford Rd. The surrounding area consists of single-family residential development.

The Applicant seeks a conditional use permit pursuant to Section 22.03(E) of the Nassau County LDC to allow for dog breeding in the OR zoning district. Conditional uses include:

(E) Animal hospital, veterinary clinic, agricultural, animal and environmental science and research and educational center, animal boarding place, fur farm, dog kennel, provided no structure for the housing of animals shall be located within two hundred (200) feet of any residence of different ownership.

Article 32 of the LDC defines a kennel as:

The keeping of any pet or pets, regardless of number, for sale or for breeding, boarding or treatment purposes, except in an animal hospital, animal grooming parlor or pet shop.



SUMMARY OF REQUEST AND BACKGROUND INFORMATION (CONT.)



The applicant wishes to breed dogs for family members and for service animal training and expects to produce one litter of puppies per year.

On July 16, 2020, the Board of County Commissioners approved an Ordinance banning the retail sale of dogs and cats from Commercial Establishments and any and all public thoroughfares, public common areas, or flea market sales. According to the proposed ordinance, local breeders are exempt from the ban; however, they shall post and maintain a Certificate of Source for each animal.

The subject property currently consists of one single-family residence, serves as the owner's primary residence. The property is located in the OR zoning district. The OR zoning district is intended to apply to areas which are sparsely developed and include uses normally found in rural areas away from urban activity. It is intended that substantial residential, commercial, or industrial development shall not be permitted in the OR district, however agricultural uses, accessory uses and activities that support such uses are allowed.

The Future Land Use Map (FLUM) designation of the parcel is Agriculture (AGR). Land designated Agriculture is intended for activities that are associated primarily with the cultivation of silviculture, crops, or other agricultural



uses. Agriculture-designated land in parcels of 320 acres or less in area may be developed for residential use at a density not to exceed one unit per one acre.

SITE PLAN





ZONING



FUTURE LAND USE





CONSISTENCY WITH LDC SECTION 5.04: CONDITIONAL USE REVIEW CRITERIA

When considering conditional use requests, the Conditional Use and Variance Board shall make a written finding that the conditional use satisfies the following criteria:

- (A) The establishment, maintenance, or operation of the conditional use 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.**

According to the applicant, the dogs will be housed in the center of the property. At any given time, no more than two breeding dogs will be housed on site and only one litter per year will be produced. The dogs at this facility are bred for family pets or service dogs. Traffic will be by appointment only and is not anticipated to create additional congestion on local roadways. These limitations will significantly reduce any potential detriment to public health, safety and welfare.

If this application is approved, the applicant will be required to obtain and maintain an active breeder permit through Nassau County Animal Services.

- (B) Each structure or improvement will be in accordance with Ordinance 2000-26 and will be 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 Nassau County and the zoning district in which it is proposed.**
- (C) The conditional use 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 the values within the area.**
- (D) The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

The applicants live on-site in an existing single-family residence, which has been the owner's primary residence since 2015. The Applicant is utilizing an existing barn structure to house the dogs at night. This structure is more than 300' in any direction from a dwelling of differing ownership. The property is well-maintained and will not negatively impact nearby properties

- (E) Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.**

The property is served by well and septic.

- (F) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.**

The submitted site plan did not include a specific area for parking. However, the kennel will not to be operated in a manner that will attract regular visitors, since it will be by appointment only.



(G) 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 streets.

The subject property is located on a 60' wide paved County maintained right-of-way that is connected to Ford Road, a paved, County maintained road. As previously noted, the proposed use will produce limited traffic.

(H) Adequate screening and buffering of the conditional use will be provided, if needed.

The minimum 200-foot setback from a residence of different ownership shall be maintained. Based on the location of the kennels and the Distance from adjacent properties, no additional buffers or screening are necessary.

(I) The conditional use 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 conditional use shall be compatible with development in the zoning district.

The applicant has not indicated the utilization of any signage or lighting. Any future signage must comply with LDC Article 30 Open Rural zoning district signage regulations, as amended. Any exterior lighting shall be downcast and shielded to minimize any impact on neighboring properties.

(J) The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.

With the conditional use permit the proposed use, will be in keeping with the OR district.

(K) The conditional use will conform to all applicable regulations listed in the adopted comprehensive plan.

The requested conditional use is in conformance with goals, objectives, or policies of the Comprehensive Plan. The FLUM designation of the property is AGR, which *"is intended for activities that are associated-primarily with the cultivation of silviculture, crops, or other agricultural uses."*

Kennels are appropriate uses in AGR FLUM areas due to large parcel size and sparse density.

CONCLUSION

Staff finds the requested action to be consistent with Section 5.04 of the Land Development Code as follows:

Conditional Use Criteria	Determination of Consistency
LDC 5.04 (A)	✓
LDC 5.04 (B)	✓
LDC 5.04 (C)	✓
LDC 5.04 (D)	✓
LDC 5.04 (E)	✓
LDC 5.04 (F)	✓
LDC 5.04 (G)	✓
LDC 5.04 (H)	✓
LDC 5.04 (I)	✓



LDC 5.04 (J)	✓
LDC 5.04 (K)	✓

This application is also consistent with the requirements of Article 22, Section 22.03(E) of the Nassau County Land Development Code.

Staff recommends approval subject to the following conditions:

1. the rights assigned by this order are specific to the owner, Elwin Fullwer. The rights assigned shall not be transferable and shall not run with the land;
2. the order shall be rendered void if the Applicant fails to obtain a Breeder Permit with Nassau County Animal Services within 24 months of the execution of this order. The applicant must obtain the Breeder Permit through Nassau County Animal Services and must remain compliant with all necessary permits/licenses from the appropriate state and local agencies, including, but not limited to, the Nassau County Building Department and the Florida Department of Environmental Health;
3. the approval is for a dog kennel specifically intended to be utilized to facilitate the Applicant's dog breeding operation and designed to hold up to two (2) breeding dogs at any given time. Expansion or change in business model, i.e. operating as a commercial kennel open to the housing of others' animals, will require a new conditional use permit