



APPLICATION FOR CONDITIONAL USE

APPLICATION

OWNER/APPLICANT:	Richard Sharp			
AGENT:	N/A			
REQUESTED ACTION:	Conditional use permit to allow for a mother-in-law dwelling in the Open Rural (OR) zoning district.			
Location:	43164 Hilltop Lane, Callahan FL 32001			
Land Use:	Agriculture (AGR)			
Zoning:	Open Rural (OR)			
Existing Uses on Site:	Single Family Residence			
Property Size + Parcel ID:	2.1 acres / 16-1N-25-0750-0003-0000			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Single-Family Residence	OR	AGR
	South	Single-Family Residence	OR	AGR
	East	Single-Family Residence	OR	AGR
	West	Single Family Residence	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 property is located on the east side of Hilltop Lane, approximately 1.5 miles west of the intersection of US 1 and Ratliff Road, and approximately four miles south of the Town of Callahan. The surrounding area consists of scattered single-family residential development.

The conditional use permit sought would allow a mother-in-law dwelling unit in the Open Rural (OR) zoning district pursuant to Section 28.14(J) of the Nassau County Land Development Code (LDC), described below.

(J) Mother-in-law dwelling: A dwelling located on a lot or parcel of land, together with the principal use structure, for the care of aged, infirm or impecunious parent(s). All yard requirements, lot size requirements, height and lot coverage requirements shall apply for the appropriate district unless otherwise waived by the conditional use and variance board.

The requested Conditional Use would accommodate the owner's granddaughter.



SUMMARY OF REQUEST AND BACKGROUND INFORMATION cont'd

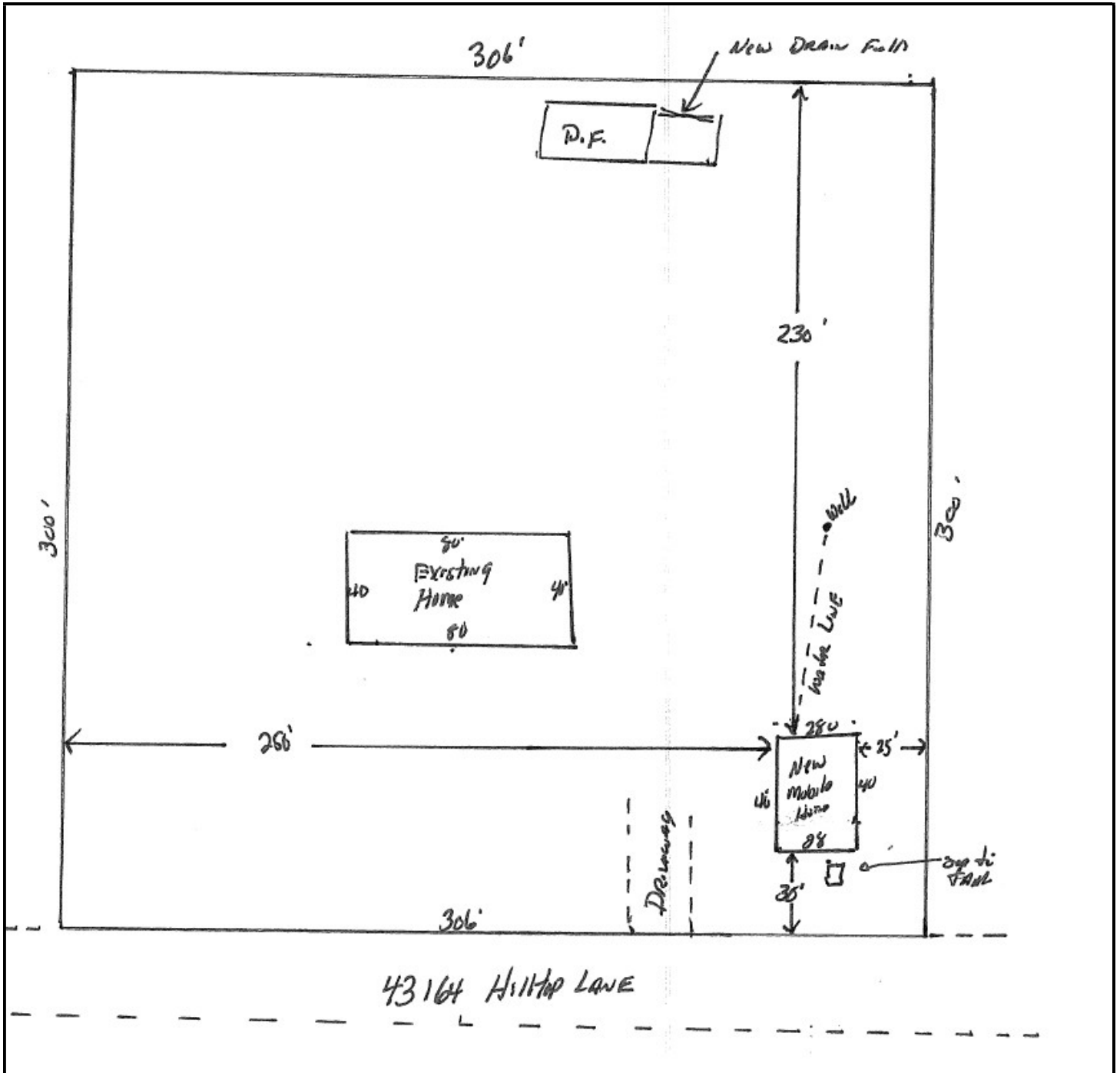
The subject property is located in the OR zoning district. This district is intended to apply to areas which are sparsely developed and include uses normally found in rural areas.

The Future Land Use Map (FLUM) designation of the parcel is Agriculture (AGR). AGR allows activities associated primarily with the cultivation of timberland or crops. AGR 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 Map



Future Land Use Map





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.**

STAFF RESPONSE: Mother-in-law dwellings are allowed as a conditional use in the OR zoning district per LDC Section 28.14(J). Such approval for mother-in-law dwelling is temporary and will be removed when the care intended is no longer needed or upon a change in residence or ownership. A single residence will not have detrimental impacts.

- (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.**

STAFF RESPONSE: The proposed dwelling unit will be a manufactured home built to state standards. The property has been in the family's possession for approximately 18 years and is well maintained. The mother-in-law dwelling will be set back 35 feet from Hilltop Lane, 230 feet from the rear property line, 25 feet from the southeast side property line, and 250 feet from the northwest side property line. This meets or exceeds the requirements for setbacks in the OR zoning district (35 feet front, 25 feet rear, and 15 feet sides).

- (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.**

STAFF RESPONSE: The proposed conditional use of a mobile home is compatible with the zoning district and existing development in the vicinity.

- (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.**

STAFF RESPONSE: As a temporary residential use that is compatible with the OR zoning and nearby uses, the proposed use will not negatively impact on the surrounding property.

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

STAFF RESPONSE: The applicant will utilize the existing well and install a new septic system for use with the new dwelling. The septic system must be approved by the Florida Department of Health.

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



STAFF RESPONSE: Access to the property is provided by Hilltop Lane, a paved, County maintained road. The property is large enough to accommodate on-site parking to serve both dwellings.

- (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.**

STAFF RESPONSE: The addition of this dwelling unit will not result in a substantial increase in traffic on local roadways. No additional driveway will be required as the existing driveway on Hilltop Lane will provide access.

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

STAFF RESPONSE: As a residential use, the proposed residential use dwelling does not require any additional buffering or screening.

- (H) 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.**

STAFF RESPONSE: The requested Conditional Use will not require signs, or any exterior lighting will be compatible with a residential use.

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

STAFF RESPONSE: Conditional use approval will continue zoning conformance.

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

STAFF RESPONSE: The subject property is designated as AGR on the FLUM. Per Future Land Use Policy 1.02 (A), the AGR designation allows a maximum density of one dwelling unit per acre. With a total site acreage of 2.2 acres this additional unit would not exceed the Comprehensive Plan maximum density. The request conforms with the goals, objectives, and policies of the 2030 Comprehensive Plan.



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 28, Section 28.14(J) of the Land Development Code.

Staff recommends approval subject to the following conditions:

1. The rights entitled shall run with the applicant and shall not be transferable.
2. When the family member(s) no longer resides within the subject structure or dwelling:
 - a. The structure shall be removed; and
 - b. Non-compliance will be referred to the Code Enforcement Division.
3. Exterior lighting shall be shielded/downcast to minimize glare and light trespass.
4. The order shall be rendered void if the Applicant fails to obtain a building permit for the proposed new dwelling unit within 24 months of the execution of this order.