



## APPLICATION FOR CONDITIONAL USE

### APPLICATION

OWNER/APPLICANT:	Abigail Mcmanus & Bret Griffin			
AGENT:	Karen Prescott			
REQUESTED ACTION:	Conditional Use Permit for duplex			
LOCATION:	Unaddressed Karen Walk, Fernandina Beach			
LAND USE:	Low Density Residential (LDR)			
ZONING:	Open Rural (OR)			
EXISTING USES ON SITE:	Undeveloped			
PROPERTY SIZE + PARCEL ID:	1ac Parcel ID # 35-2N-28-1401-0004-0000			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Manufactured Home	OR	LDR
	South	Manufactured Home	OR	LDR
	East	Manufactured Home	OR	LDR
	West	Single-Family Dwelling	RS-1	LDR
COMMISSION DISTRICT:	2			

\*\*\* 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 eastern side of Karen Walk, approximately 1-mile northwest of the intersection of Old Nassauville Rd and Mobley Heights Rd. The area immediately adjacent to this property consists of single-family and manufactured home residential development.

The Applicant seeks a conditional use permit pursuant to Section 28.14(L) of the Nassau County Land Development Code to allow for a duplex dwelling in the Open Rural (OR) zoning district. Per Section 28.14(L), Conditional Uses include:

*Two-family dwelling (duplex): A duplex, being a single structure designed for or occupied exclusively by two (2) families living independently of each other, as defined herein, is a permissible use by exception in any residential district where not otherwise permitted, and in the Open Rural District; provided the structure shall conform to all supplementary regulations listed under the district classification as though it were a single-family dwelling (i.e., minimum lot requirement, maximum coverage by all buildings, minimum setbacks, maximum height of structure, etc.).*



## SUMMARY OF REQUEST AND BACKGROUND INFORMATION (CONT.)

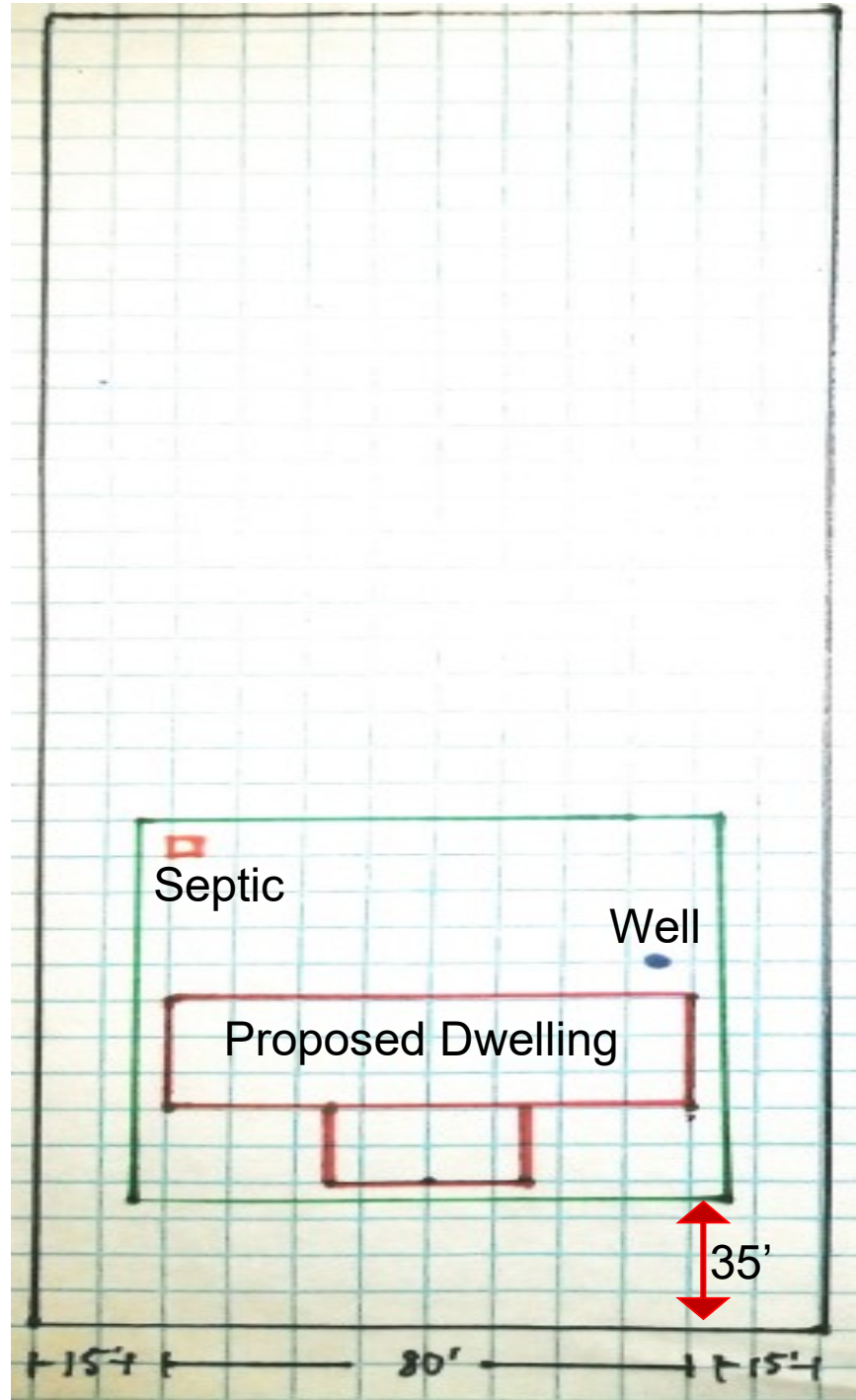


The LDC stipulates that the Open Rural zoning district only allows for duplex dwellings as a conditional use.

The Comprehensive Plan Future Land Use Map (FLUM) designation of the parcel is Low Density Residential (LDR). Land designated LDR is intended primarily for residential uses at a density not to exceed two units per gross acre.



### SITE PLAN



Karen Walk

**Setbacks exceed requirements for the Open Rural Zoning District of 35/15/25 (Front/Side/Rear)**





## ZONING



## FUTURE LAND USE





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**CONSISTENCY WITH LDC SECTION 5.04: CONDITIONAL USE REVIEW CRITERIA**

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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.**

The duplex is consistent with maximum density limitations of the Comprehensive Plan Future Land Use Element.

- (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.**

The duplex will be new construction meeting the requirements of the Zoning Code in the LDC.

- (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.**

Allowing an additional unit will not negatively affect properties 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.**

The surrounding property consists of existing single-family homes and mobile homes on similarly sized lots that range from 1 to 3½ acre lots. The addition of a duplex will not alter or hinder further development of the area.

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

A new well and septic system will be required on this property. All necessary permits from the Florida Department of Health are required.

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

The duplex will be accessed by Karen Walk. Adequate parking will exist on site.

- (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 30' wide paved County-maintained right-of-way. No significant increase in traffic will result from the additional unit.

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



The use does not require any additional screening or buffering.

- (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.

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

The proposed use of a duplex is only allowed as a conditional use in the OR zoning district pursuant to LDC Section 28.14(L) subject to issuance of a conditional use permit. The duplex dwelling meets the OR zoning district lot coverage and setback requirements (35' from the front, 15' from the side, and 25' from the rear property lines). Lot coverage shall not exceed 20%.

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

The proposed use complies with the 2030 Comprehensive Plan. The LDR FLUM designation allows for a maximum of two dwelling units per gross acre, and in this case up to two units would be allowed.

## **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(L) 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 applicant. However, once the duplex dwelling has been established on the subject property in accordance with the applicable local, state and federal regulations, nothing herein shall prevent the property and dwelling from being conveyed to another party.
2. If the duplex is removed, the owner/applicant must apply for a new conditional use for a duplex in the Open Rural zoning district.
3. 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.