



**APPLICATION FOR CONDITIONAL USE**

**APPLICATION**

<b>OWNER/APPLICANT:</b>	James & Vickie Freeman			
<b>AGENT:</b>	N/A			
<b>REQUESTED ACTION:</b>	Conditional Use Permit for a mother-in-law dwelling			
<b>LOCATION:</b>	44309 Maplewood Ct			
<b>LAND USE:</b>	Agricultural (AGR)			
<b>ZONING:</b>	Open Rural (OR)			
<b>EXISTING USES ON SITE:</b>	Single-family dwelling			
<b>PROPERTY SIZE + PARCEL ID:</b>	2.38ac Parcel ID # 16-1N-25-2912-0002-0120			
<b>ADJACENT PROPERTIES:</b>	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Single-Family Dwelling	OR	AGR
	South	Manufactured Home	OR	AGR
	East	Single-Family Dwelling	OR	AGR
	West	Single-Family Dwelling	OR	AGR
<b>COMMISSION DISTRICT:</b>	5			

\*\*\* 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 Department Office. \*\*\*

**SUMMARY OF REQUEST AND BACKGROUND INFORMATION**

The subject property is located on the south side of Maplewood Ct., approximately ½ mile north of the intersection of Ratliff Rd. and Maplewood Ct. Uses in the vicinity include single-family detached homes, agricultural uses, and manufactured homes.

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

- (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 Land Development Code stipulates that the mother-in-law dwellings are only allowed as a conditional use

The applicant wishes to have her disabled daughter-in-law nearby to care for her.



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

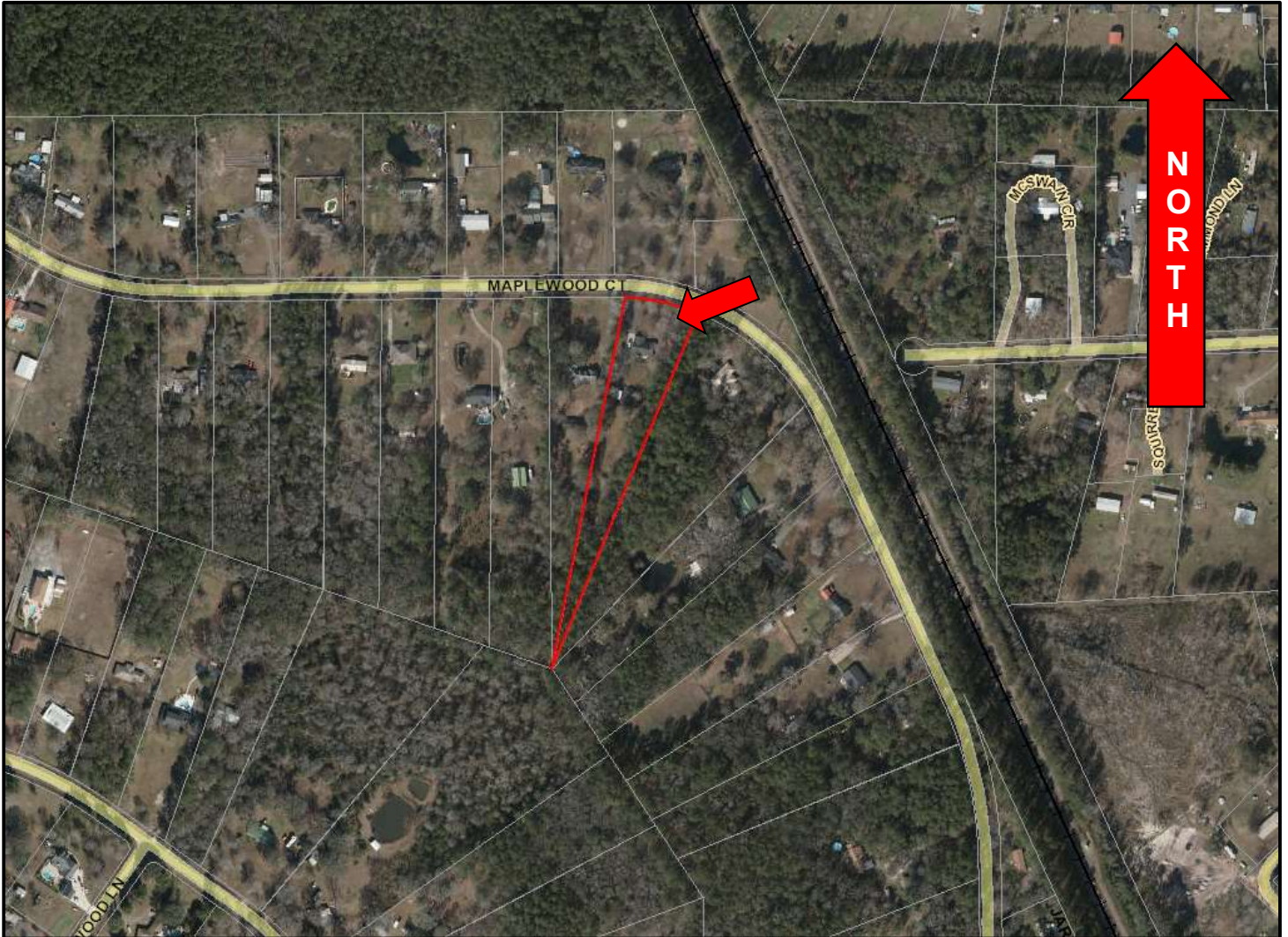


Figure 1: Location Map

The Comprehensive Plan Future Land Use Map (FLUM) designation of the parcel is Agricultural (AGR). Land designated AGR is intended primarily for agricultural purposes. 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

This additional unit would not exceed the Comprehensive Plan maximum density of one unit per acre due to the total site area of 2.38 acres, it has previously been the interpretation of the Conditional Use and Variance Board that temporary uses are not counted toward density calculations.



Figure 2: Future Land Use Map



Figure 3: Zoning map

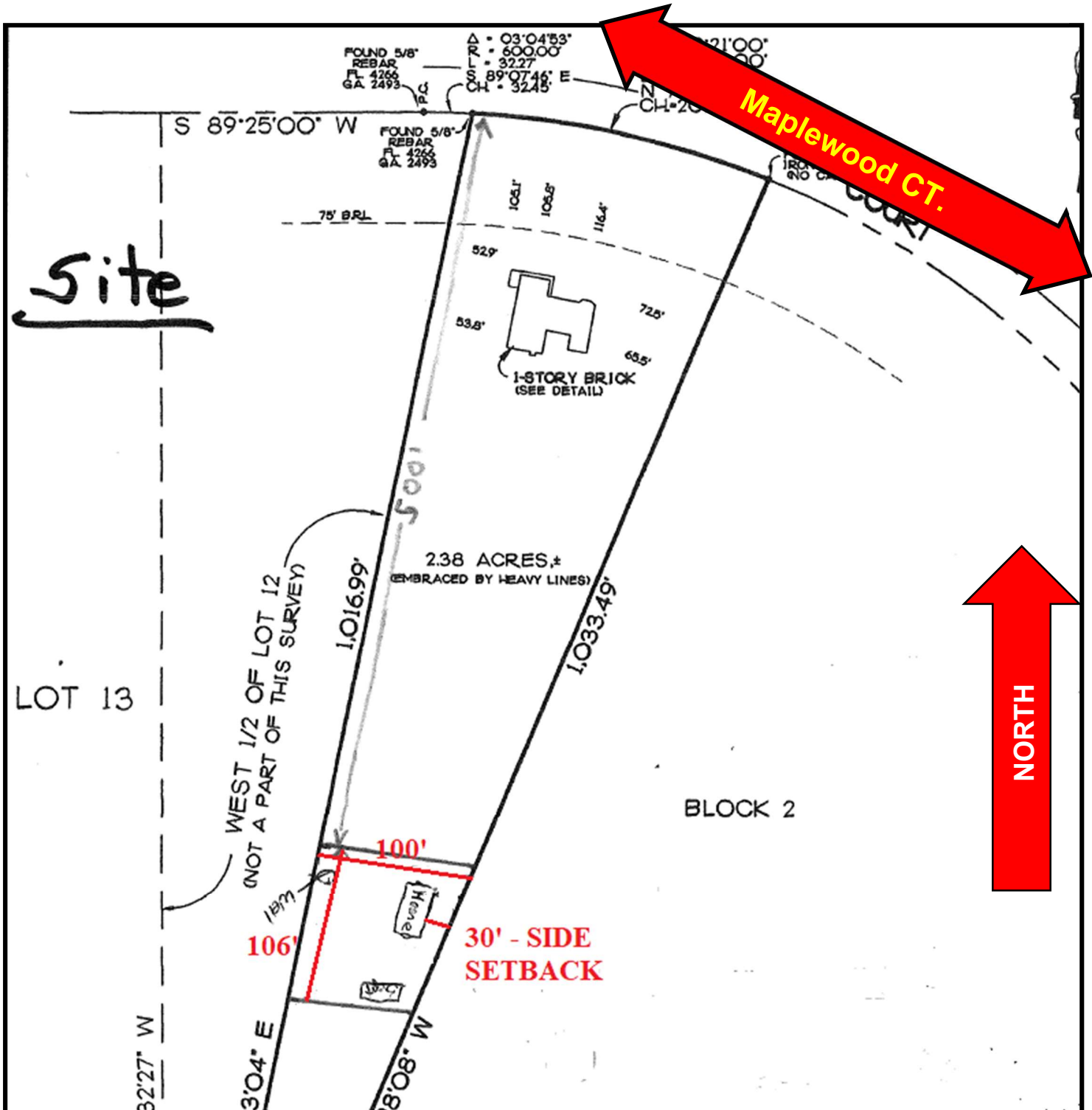


Figure 4: Conceptual site plan -setbacks meet or exceed requirements for the Open Rural Zoning District of 35/15/25 (Front/Side/Rear)



**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 proposed conditional use conforms to 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.**  
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.**  
The mother-in-law dwelling 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.**  
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.**  
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.**  
A new well and septic system will be required on this property. All necessary permits from the Florida Department of Health will be 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 mother-in-law dwelling will be accessed by Maplewood Ct. Adequate parking will exist on site to accommodate both dwellings. All requirements for access from Engineering Services will be followed.
- (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.**



## PLANNING DEPARTMENT

NASSAU COUNTY, FLORIDA

STAFF REPORT  
Conditional Use + Variance Board  
CU2021-025  
1/27/22

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 Maplewood Ct will provide access.

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

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

**(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 requested Conditional Use will not require signs, or any exterior lighting will be compatible with a residential use.

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

The proposed use of a mother-in-law dwelling is only allowed in the OR zoning district pursuant to LDC Section 28.14(J) as a conditional use permit. The proposed temporary 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 does comply with the 2030 Comprehensive Plan. It has been the interpretation of the Conditional Use and Variance Board that these temporary uses do not count towards density requirements in the Future Land Use Element.

### 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 Nassau County Land Development Code.



Staff recommends approval based on meeting the criteria, 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, it shall be removed.