



## APPLICATION FOR CONDITIONAL USE

### APPLICATION

<b>OWNER/APPLICANT:</b>	Leslie Dyal			
<b>AGENT:</b>	N/A			
<b>REQUESTED ACTION:</b>	Conditional Use Permit for horses in the RS-1 zoning district			
<b>LOCATION:</b>	96073 Eythan Ct.			
<b>LAND USE:</b>	Low Density Residential (LDR)			
<b>ZONING:</b>	Residential Single-Family 1 (RS-1)			
<b>EXISTING USES ON SITE:</b>	Single Family Dwelling			
<b>PROPERTY SIZE + PARCEL ID:</b>	1.37ac Parcel ID # 46-3N-28-5800-0001-0000			
<b>ADJACENT PROPERTIES:</b>	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Stables	RS-1	LDR
	South	Single-Family Dwelling	RS-1	LDR
	East	Single-Family Dwelling	RS-1	LDR
	West	Single-Family Dwelling	RS-1	LDR
<b>COMMISSION DISTRICT:</b>	1			

\*\*\* 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 west side of Barnwell Rd., approximately 1.25 miles west of the intersection of Barnwell Rd. and State Road 200. Uses in the vicinity include single-family residences. A conditional use for horses was granted to the adjacent property to the north in 2017.

The Applicant seeks a conditional use permit pursuant to Section 28.14(K), of the Nassau County Land Development Code Supplementary Regulations For Certain Conditional Uses:

- (K) *Horses and ponies*: Horses and ponies may be kept in residential districts only for private riding use and only if a place of shelter therefor shall be provided which is not closer than one hundred (100) feet to any residence of different ownership. Such horses and ponies shall be kept in a fenced enclosure not closer than twenty-five (25) feet to any private property line.



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

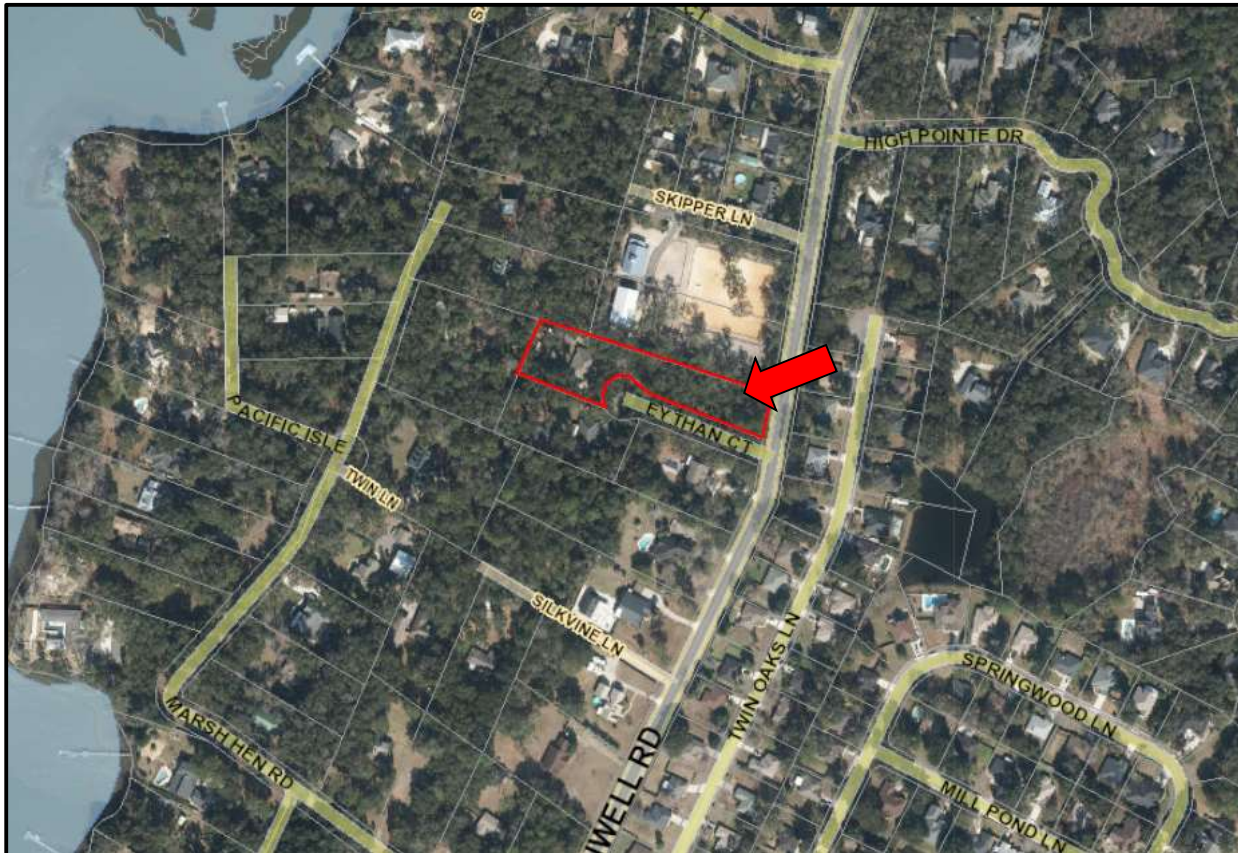


Figure 1: Location Map

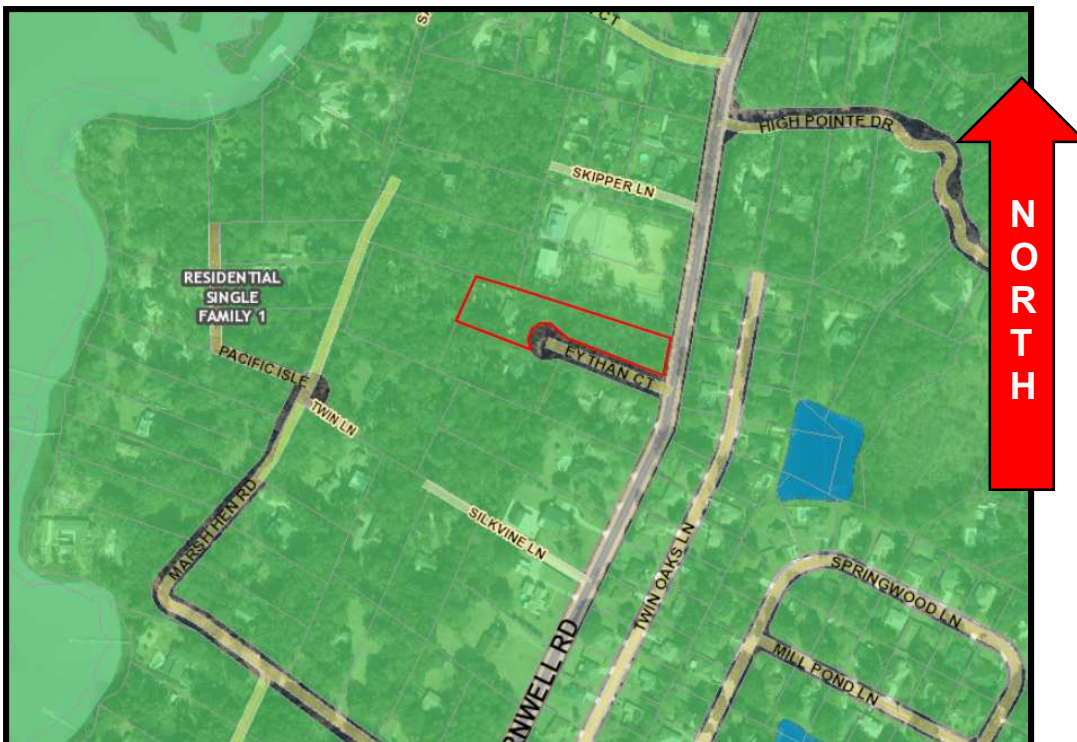
The Comprehensive Plan Future Land Use Map (FLUM) designation of the parcel is Low Density Residential (LDR). LDR-designated land allows for the development of residential uses at a density of two dwelling unit per acre.

The RS-1 Zoning allows for quarter acre minimum lots.





*Figure 2: Future Land Use Map*



*Figure 3: Zoning map*

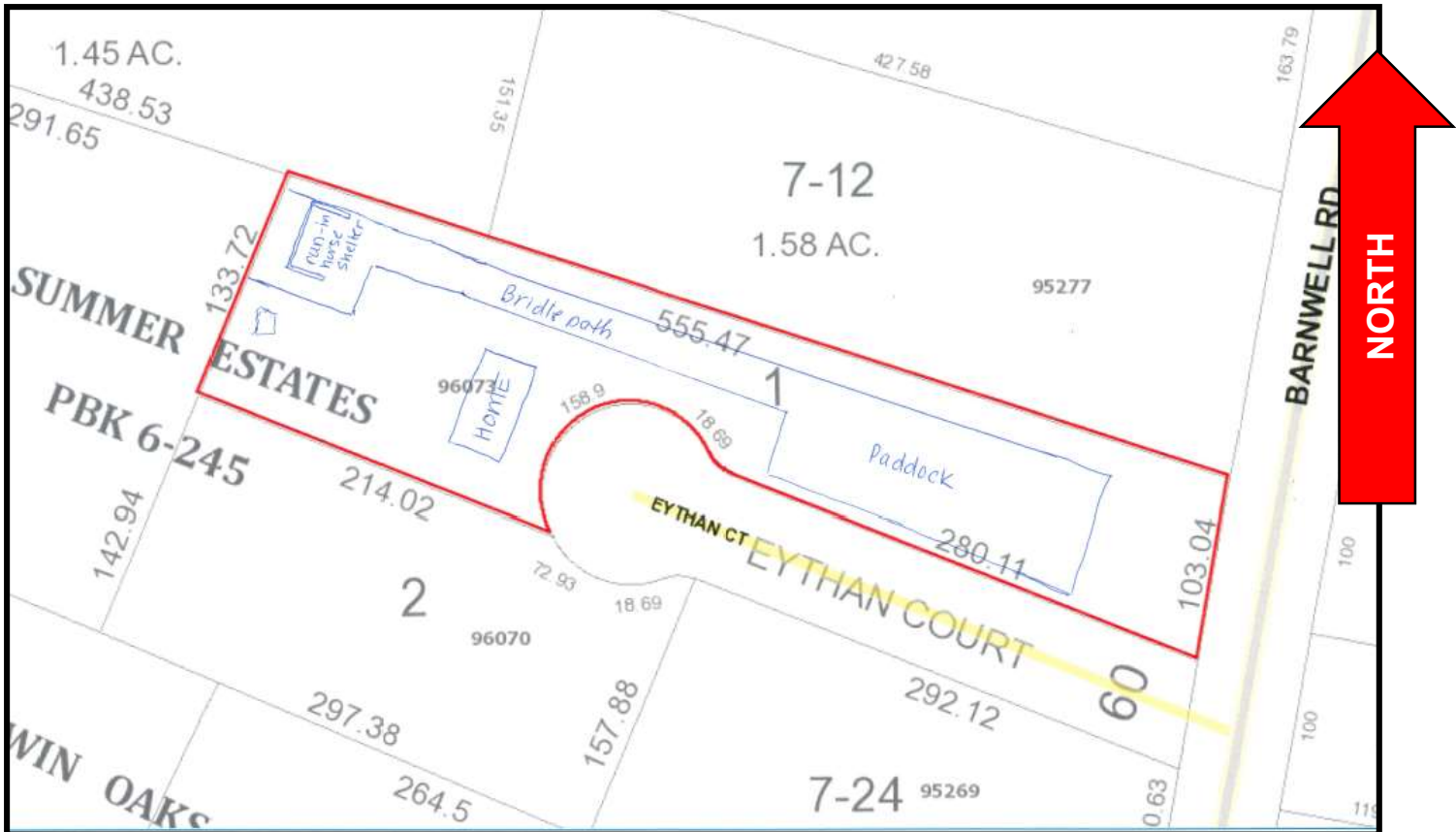


Figure 4: Site plan for the horses

**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.**  
There is potential for horses in a residential area to pose a safety risk should they escape their fencing. Structures and fencing housing the horses walking/bridal pen will be secure and meet the Florida Building Code requirements.
- (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.**



## PLANNING DEPARTMENT

NASSAU COUNTY, FLORIDA

STAFF REPORT  
Conditional Use + Variance Board  
CU2022-002  
01/27/22

All structures related to the conditional use shall meet the minimum Florida Building Code standards and setbacks for the RS-1 zoning district.

- (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 conditional use has the potential to diminish the enjoyment of neighboring properties due to the smell produced by horses.

- (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 area surrounding the subject property is developed with single-family dwellings. Staff believes that the use will not prevent the improvement of surrounding property.

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

Water and sewer requirements are not relevant to this conditional use request.

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

Parking is not relevant to this conditional use request.

- (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 property is accessed off Eythan Ct, a paved private roadway.

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

Staff does not believe that the use should require 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 use and structures will meet all the requirements of the residential single-family 1 (RS-1) zoning district.

- (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 unit per acre. This parcel is 1.37 acres in size.

### CONCLUSION

Staff finds the requested action to be consistent with Section 5.04 (B)(D-K) of the Land Development Code as follows:



Conditional Use Criteria	Determination of Consistency
LDC 5.04 (A)	X
LDC 5.04 (B)	✓
LDC 5.04 (C)	X
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. Should the property be sold or ownership changes, a new conditional use permit must be applied for.
2. The property is limited to a maximum of two horses or ponies.
3. Horses and ponies shall not be sheltered closer than 100' to any other residence of differing ownership.
4. The shelter shall have a gate to the fenced enclosure so that horses will not shelter within 100' of adjacent properties.
5. Horses and ponies shall be kept in a fenced enclosure not closer than twenty-five (25) feet to any private property line.
6. Planning will review the site-plan upon building permit application to ensure it conforms to the to the required setbacks set in the conditional use approval.
7. Violation of the requirements of the conditional use are subject to code enforcement action.