



NASSAU COUNTY  
**Planning Department**  
FLORIDA

August 22, 2024

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# NASSAU COUNTY CONDITIONAL USE AND VARIANCE BOARD

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CU2024-013

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Mother-in-law  
dwelling in the  
OR Zoning  
District

## APPLICATION INFORMATION

### **Request**

Consider a conditional use permit pursuant to Article 22, Section 22.03(A) to allow for the construction of a mother-in-law dwelling in the Open Rural (OR) zoning district.

### **Applicant/Owners**

Jamie and Timothy Scott Shepperd

### **Agent**

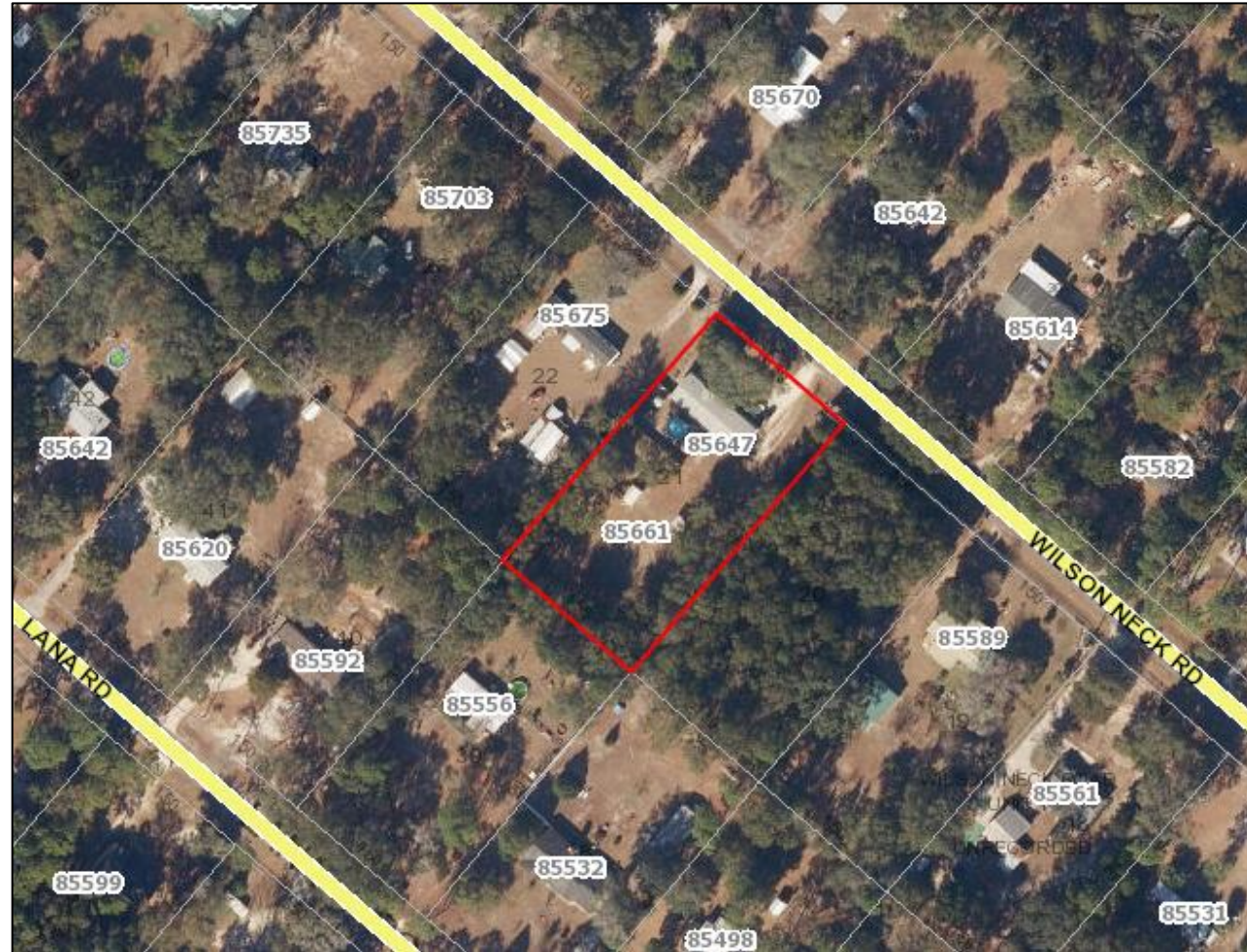
N/A

### **Commission District 3**

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Mother-in-law  
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## LOCATION, LAND USE, AND ZONING MAPS



### **Location**

On the west side of Wilson Neck Road, approximately ½ mile from the intersection of Wilson Neck and Elise Roads

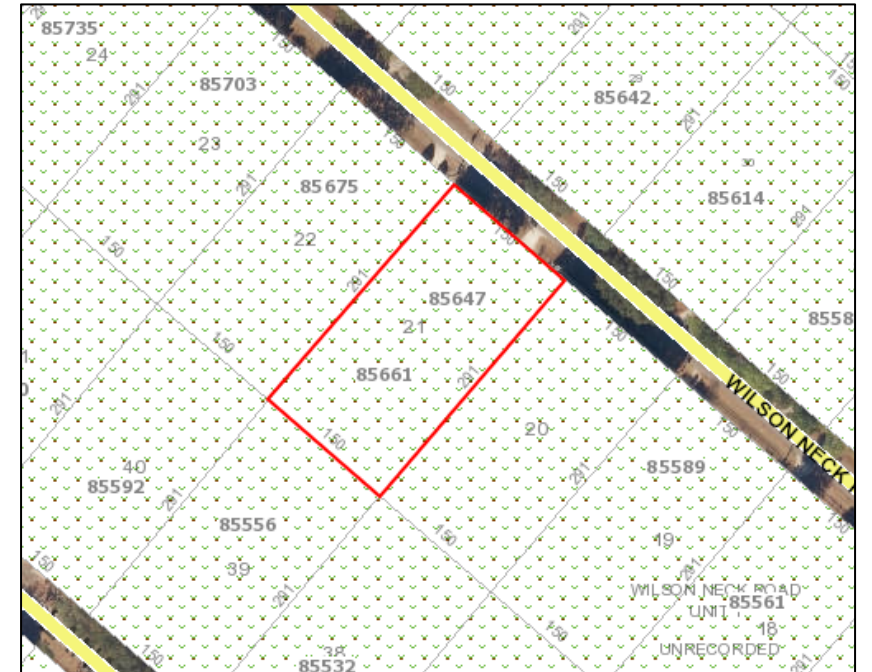
## LOCATION, LAND USE, AND ZONING MAPS

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**Zoning Map**  
Open Rural (OR)

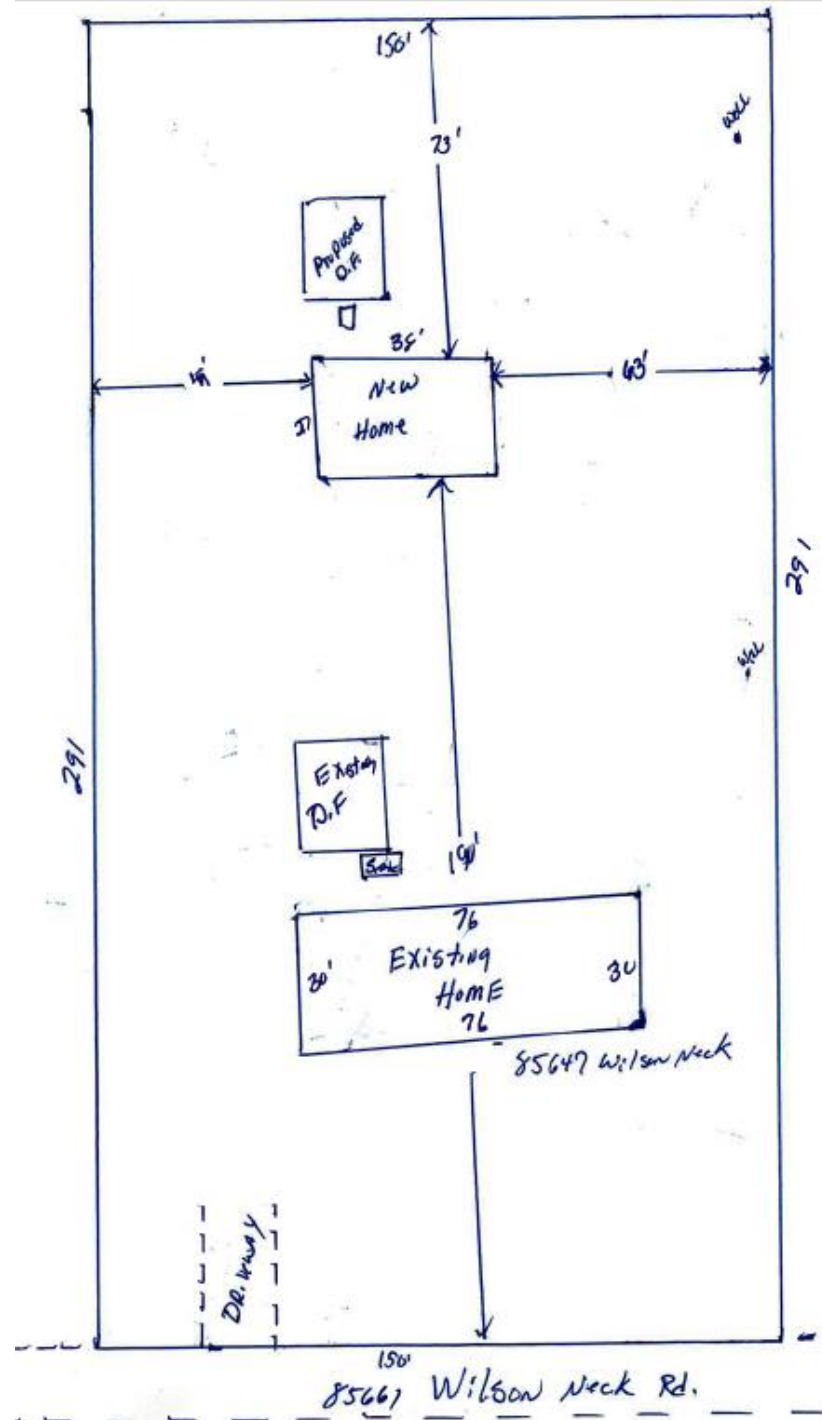


**Land Use Map**  
Agriculture (AGR)



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Site Plan

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## CONSISTENCY WITH FLUM AND ZONING

The Future Land Use Map (FLUM) designation of the parcel is Agriculture (AGR). The AGR designation 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 may be developed for residential use at a density not to exceed one unit per acre. The proposed conditional use request will exceed one dwelling unit per acre; however, mother-in-law dwellings are considered temporary and are not counted in the calculation of density. As such, the request is consistent with the 2030 Comprehensive Plan Future Land Use Map designation.

The property is zoned Open Rural (OR). Single-family homes and mobile homes are permitted in the OR zoning district.

# CONSISTENCY WITH CONDITIONAL USE CRITERIA

When considering conditional use requests, the conditional use and variance board shall make a 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 applicant requesting a conditional use shall provide proof of adequate access to the site and proof that the necessary access connection permits have been approved or will be approved.
- (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.
- (E) Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.
- (F) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
- (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.
- (H) Adequate screening and buffering of the conditional use will be provided, if needed.
- (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.
- (J) The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.
- (K) The conditional use will conform to all applicable regulations listed in the adopted comprehensive plan.

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# Mother-in-law dwelling in the OR Zoning District

## CONSISTENCY WITH CONDITIONAL USE CRITERIA

- (A) **Public health, safety, or general welfare and established standards and regulations**
- Mother-in-law (MIL) dwellings are allowed as a conditional use in the OR zoning district and are temporary. MIL dwellings shall be removed when the care of the parent is no longer required or upon a change in residence or ownership.
  - The additional dwelling is consistent with the AGR land use and the residential character of the Wilson Neck community.
  - There is no apparent endangerment of public health, safety, or general welfare that may result from an additional dwelling unit.
- (B) **Structure conformance with Ordinance 2000-26 and harmonious development**
- A new manufactured home will be added to the site. All site and building requirements shall meet applicable standards required by the LDC and Code of Ordinances.
- (C) **Adverse impacts to other permitted uses and properties in vicinity**
- This CU will not adversely impact the permitted uses in the zoning district.
  - Mobile homes are compatible with the OR zoning district and existing development in the vicinity.



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**CONSISTENCY WITH CONDITIONAL USE CRITERIA**

- (D) **Orderly development and improvement of the surrounding property**
- Surrounding area is characterized by a mix of both single-family and mobile homes.
  - Staff does not anticipate the use of a MIL dwelling to impede the orderly development in the area.
- (E) **Water supply and sewage disposal facilities**
- Site is currently served by well and septic. Adequate water supply and sewage supply shall be provided in accordance with the state and county health department requirements.
- (F) **Access roads, on-site parking, on-site loading and unloading berths, and drainage**
- Access is from an existing driveway on Wilson Neck Road.
  - Adequate parking shall be provided on site to accommodate both dwellings.
  - Parking shall comply with Section 31.12 (A)(1).
- (G) **Ingress and egress & traffic congestion**
- The additional dwelling will not result in a substantial increase in traffic on local roadways. All driveways and easements shall comply with the standards of the LDC and Code of Ordinances as administered by the Planning and Development Services departments.

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## CONSISTENCY WITH CONDITIONAL USE CRITERIA

### **(H) Screening and buffering**

- No additional screening or buffering is required.

### **(I) Signage and exterior lighting**

- No signage is proposed. Signage shall conform to Section 30.01 (Signs in Residential districts).
- Any exterior lighting shall be downcast and shielded to prevent light trespass.

### **(J) Conformance to Zoning District**

- Conditional use is allowed in OR.
- Consistent with code requirements (lot coverage and setbacks).

### **(K) Conformance to Comprehensive Plan**

- The proposed conditional use request will exceed one dwelling unit per acre; however, mother-in-law dwellings are considered temporary and are not counted in the calculation of density.

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# Mother-in-law dwelling in the OR Zoning District

## CONCLUSION AND RECOMMENDATION

Staff finds the requested action to be consistent with the conditional use review criteria in Section 5.04 of the Land Development Code.

Staff recommends APPROVAL of Application CU2024-013 for a conditional use permit pursuant to Section 22.03(A) for the construction of a mother-in-law dwelling in the Open Rural (OR) zoning district subject to the following conditions:

1. This exception must be renewed annually. The person or persons identified in this application as requiring care or having financial hardship, shall send a notarized letter to the Planning Department of Nassau County, Florida providing proof that Joyce Shepperd still resides at the property. Failure to provide this information will result in the termination of the exception. The owner shall have three (3) months from the date of termination of the exception to remove the mother-in-law dwelling from the property.
2. This conditional use shall be granted to the Applicants, as single entities and as individuals, and shall not be transferable and shall not run with the land.