



Nassau County Department of Planning &
Economic Opportunity
96161 Nassau Place
Yulee, Florida 32097

Taco E. Pope, AICP
Director

APPLICATION AND INSTRUCTIONS FOR CONDITIONAL USE

NOTICE: Florida Statutes and the Courts of Florida require that all Conditional Use applications be heard as a Quasi-Judicial hearing, procedures attached on page 7.

1. The Conditional Use and Variance Board will conduct a public hearing for this application.
2. The procedure will require:
 - A. That the public notice of this application be mailed to adjacent property owners, a legal advertisement published in the newspaper and a sign posted on the property.
 - B. To be sworn in to present testimony;
 - C. To be allowed witnesses and the right to present evidence into the record;
 - D. To have the right to cross-examine witnesses opposed to the application and to be cross-examined by those opposed; and,
 - E. That the testimony and evidence address the criteria defined in the Land Development Code that is applicable to the application.
3. The Department of Planning & Economic Opportunity will prepare a staff report for the Conditional Use and Variance Board and for the applicant.
4. If you have any questions about procedures or the criteria, please consult with the Department of Planning & Economic Opportunity prior to the Conditional Use and Variance Board meeting.
5. Before submitting this application, contact the Department of Planning & Economic Opportunity to confirm if site plan review is required by the Development Review Committee (DRC). Some applications require DRC approval before the submittal of this application.

INSTRUCTIONS FOR APPLYING FOR A CONDITIONAL USE

It is essential that all the information provided is accurate. Incorrect information can delay or nullify the application process. Use the Department of Planning & Economic Opportunity forms that are available for download at www.nassaucountyfl.com under Departments, Planning & Economic Opportunity, Downloadable Application forms. Please attach additional sheets as needed, using 8½" x 11" size paper, typed or printed legibly and identifying each question on the application.

- The **Parcel Identification Number** is an eighteen (18) digit number defining the subject property. This number is located at the Property Appraiser's website at www.nassaulpa.com.
- The legal description of the subject property is shown on the deed and the survey. If the property is in a recorded subdivision, use the lot and block number. If the property is not in a recorded subdivision, use the metes and bounds description as shown on the deed or survey. A reference to the section, township, range, or deed book will not be sufficient. **A .txt file of the metes and bounds description of the boundaries of the property is required.**
- Fill in the street location by indicating the property location by side (north, south, east or west) of the street and the nearest intersecting streets (for example: west side of Amelia Road, between Magnolia Street and Amelia Lane). If a street address has been assigned to this property, include such number. If it is impractical to describe the street location by intersecting streets, indicate the approximate distance to the nearest intersecting street (for example: west side of Blackrock Road, CR 107, 1/2 mile north of A1A).
- Provide the name and address of the property owner. The owner's name should agree with the recorded deed.
- Describe the Conditional Use sought in detail. This should be completed with as much detail as possible to fully describe the proposed use. In addition to the detailed written description of the proposed use, include a site plan and floor plan. For home occupations, a copy of the survey can suffice for a site plan. The Conditional Use and Variance Board may also require architectural drawings or sketches of all buildings showing front, side, rear elevations and setbacks, etc.
- **SPECIAL INSTRUCTIONS FOR DAY CARE AND PRE-SCHOOL:** If your application is for a daycare or pre-school, the site plan must demonstrate compliance with the following conditions:
 - (1) Minimum lot area shall not be less than 7,500 square feet and lot width used for fenced play area shall not be less than 75 feet.
 - (2) A fenced outdoor play area of not less than 600 square feet shall be provided which shall be located in the rear yard.
 - (3) The requested maximum number of children in the facility.
 - (4) Parking areas, loading and unloading areas, and relation to surrounding land uses.

In addition, applicants should consult with Department of Children and Families (DCF).

- **SPECIAL CONDITIONS FOR HOME OCCUPATIONS:** In addition to any specific conditions that the Conditional Use and Variance Board may impose for a home occupation, all applicants must comply with the following regulations:
 - (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - (2) The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.
 - (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign may be permitted not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two feet distance from the main entrance to the residence.
 - (4) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
 - (5) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - (6) The giving of art, music or other instruction or lessons shall be limited to not more than four (4) persons at any one (1) time.
 - (7) Fabrication of articles such as are commonly classified under the terms of arts and handicrafts may be deemed a home occupation and can be sold on the premises.
 - (8) All goods and services offered for sale in conjunction with a home occupation shall be produced on the premises, and all services shall be performed by a member of the immediate family.

- When considering conditional use requests, the Conditional Use and Variance Board will provide a written finding that the conditional use satisfies the criteria listed in Section 5.04 - *Conditional Use Review Criteria of the Nassau County Zoning Ordinance*. Questions A-K refer to the review criteria. Please address the criteria as completely as possible and attach additional sheets (using 8½" x 11" size paper) with the answers typed or printed legibly and identified by the number of the question on the application.

- Conditional Uses are generally granted subject to commencement within a period of one (1) year after its effective date. If you cannot commence the use of the Conditional Use sought by this application within one (1) year, you should request a longer period of time and state your reasons for the request.

- The owner's signature is required on the application. If the application is signed by the agent, an *Owner's Authorization for Agent* form must be signed by the owner. Please include the telephone number of the person who can be contacted, and familiar with the application, to obtain additional information.

The non-refundable application fee for a Conditional Use (a/k/a Zoning Exception) is required at the time of application. To confirm the fees, including postage based on the number of property owners within 300 feet, please contact the Department of Planning and Economic Opportunity at 904-530-6300. Return the completed application, any supporting data and the application fee to the Department of Planning & Economic Opportunity. Please make checks payable to: Nassau County Board of County Commissioners (Nassau County BOCC). **The applicant is responsible for the legal advertisement payment and must be made directly with the newspaper.**

Nassau County requires **due public notice** which includes a legal advertisement published in an approved newspaper of general circulation not less than fifteen (15) days in advance of the public hearing, a sign posted in a conspicuous place on or around the subject property and a public notice mailed to all property owners within 300 feet of the periphery of the subject property. The Department of Planning & Economic Opportunity will prepare the legal advertisement, the public notice and the sign. If the signs are destroyed or rendered illegible, notify the Department of Planning & Economic Opportunity immediately so that a replacement can be erected. **The applicant is responsible for delivering the original Proof of Publication from the newspaper to the Department of Planning & Economic Opportunity. The public hearing cannot be held unless Proof of Publication is received by the Department of Planning & Economic Opportunity before the public hearing.**

The applicant is not required to obtain the signatures or approval of the adjoining property owners. If you choose to present a petition of adjoining property owners favoring your application, attach a legibly printed or typed list of the names and addresses submitted on the petition.

If, for any reason, you wish to withdraw the application, you must notify the Department of Planning & Economic Opportunity, in writing, prior to the date of the public hearing. No refunds.

Persons with disabilities requiring accommodations in order to participate at the public hearing should contact (904) 530-6300 at least twenty-four (24) hours in advance to request such accommodation.

The public is invited to be present and be heard. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The Department of Planning & Economic Opportunity can be reached at 96161 Nassau Place, Yulee, FL 32097, and (904) 530-6300, Monday through Friday, 8:00am until 5:00pm.



APPLICATION FOR A CONDITIONAL USE

Official Use Only
Zoning District: _____
FLUM Designation: _____
Commission District: _____
Application #: _____
Date Filed: _____

Parcel Identification Number (18 digit number)

Driving Instructions: _____

1. Legal Description: Lot _____ Block _____ Subdivision _____
Plat Book _____ Page _____
(Please attach a legal description if not located in a subdivision)

2. Location: On the _____ side of _____
(north, south, east, west) (street)

between _____ and _____
(street) (street)

Nearest identifiable landmark (for example: Walmart or I-95) _____

3. Name and Address of the Owner as shown in the public records of Nassau County:

Name and Address of the Applicant / Authorized Agent:

(PLEASE NOTE: If applicant is not the owner, this application must be accompanied by completed *Owner's Authorization for Agent* form.)

4. Detailed Description of Conditional Use Sought:

5. Required Attachments:

- Exhibit "A" - Survey
- Exhibit "B" - Site Plan
- Exhibit "C" - Interior Floor Plan, drawn to scale
- Exhibit "D" - Other (please list)

6. Section of Zoning Code or provision that authorizes the granting of this Conditional Use: _____

6. **HOME OCCUPATIONS:** Section 28.14 (A), (1-8): For a home occupation, the following conditions will apply if the Conditional Use is granted. On a separate sheet of paper (8 1/2" x 11"), please address the following in detail and attach as Exhibit "E".

1. No person other than members of the family residing on the premises will be engaged in such occupation.
2. The use of the premises for the home occupation shall be clearly incidental and subordinate to its use for residential purpose and shall under no circumstances change the residential character thereof.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one sign may be permitted, not exceeding one square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two feet distance from the main entrance to the residence.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residence neighborhood.
5. No equipment or process shall be used in such home occupation that creates noise, vibrations, glare, flumes, odors, or electrical interference detectable to the normal sense off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. The giving of art, piano or other instruction or lessons shall be limited to not more than four (4) persons at the same time.
7. Fabrication of articles such as are commonly classified under the terms arts and handicrafts may be deemed a home occupation and can be sold on the premises.
8. All goods and services offered for sale in conjunction with a home occupation shall be produced on the premises, and a member of the immediate family on the premises shall perform all services.

8. Has any application been submitted within the last two (2) years for a Zoning Exception, Conditional Use, Zoning Variance or for the Rezoning of any portion of the subject property included in this application?

If so, give details of such application and final disposition.

9. Is this parcel subject to deed restrictions enforced by a homeowners association? _____

If so, please provide an address and contact name.

10. Applicant must address the Conditional Use Review Criteria on page 4.

In filing this application for a Conditional Use, the undersigned understands it becomes a part of the official records of the Conditional Use and Variance Board and does hereby certify that all information contained herein is true to the best of his/her knowledge.

Signature of Owner: _____

Signature of Applicant: _____

(if different than Owner)

Signature of Agent: _____

(if different than Owner)

Owner's mailing address: _____

Telephone: _____

Email: _____

NOTE: If prepared or signed by an agent, a notarized *Owner's Authorization for Agent* form must be provided.

Newspaper for legal advertisement (OFFICIAL USE ONLY):

Fernandina Beach News Leader: _____

Nassau County Record _____

Conditional Use Review Criteria (Section 5.04):

Please answer the following questions as completely as possible and attach additional sheets (using 8½" x 11" size paper) with the answers typed or printed legibly and identifying the question.

- A. Will the establishment, maintenance or operation of the conditional use be detrimental to or endanger the public health, safety or general welfare? In addition, show that the conditional use will not be contrary to the established standards, regulations, or ordinances of other governmental agencies.

- B. Will each structure or improvement be designed and constructed so 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. Will the conditional use adversely impact the permitted uses in the zoning district or unduly restrict the enjoyment of other property in the immediate vicinity or substantially diminish or impair property values within the area?

- D. Will the establishment of the conditional use impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district?

- E. Will adequate water supply and sewage disposal facilities be provided in accordance with state and health requirements?

- F. Will adequate access roads, on-site parking, on-site loading areas and drainage be provided where required?

- G. Will adequate measures be taken to provide ingress and egress to the property that is designed in a manner to minimize traffic congestion on local streets?

- H. Will adequate screening and buffering of the conditional use be provided, if needed?

- I. Will the conditional use require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area? Will any signs or exterior lighting required by the conditional use be compatible with development in the zoning district?

- J. Will the conditional use conform to all applicable regulations of the zoning district in which it is proposed?

- K. Will the conditional use conform to all applicable regulations listed in the adopted comprehensive plan?

CONSENT FOR INSPECTION

I, _____, the owner or authorized agent for the owner of the premises located at _____ do hereby consent to the inspection of said premises and the posting of public notice by an employee of the Department of Planning & Economic Opportunity, Nassau County, Florida, in conjunction with application _____, without further notice.

Dated this _____ day of _____, 20__.

Signature of Owner or Authorized Agent

Telephone Number

STATE OF FLORIDA:
COUNTY OF NASSAU:

The foregoing instrument was acknowledged before me the _____ day of _____, 20__, by _____ who is personally known to me or who has produced _____ as identification.

Notary Public Signature

Name (typed or printed)

(Seal)

OWNER'S AUTHORIZATION FOR AGENT

_____ is hereby authorized TO ACT ON BEHALF OF

_____, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Nassau County, Florida, for an application pursuant to a:

- | | |
|--|--|
| <input type="checkbox"/> Rezoning/Modification | <input checked="" type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Preliminary Binding Site Plan |
| <input type="checkbox"/> Plat | |

BY:

Signature of Owner _____

Print Name

Signature of Owner _____

Print Name

Telephone Number

State of Florida
County of _____

Signed and sworn before me on this _____ day of _____, 20_____.
By _____

Identification verified: _____
Oath sworn: _____ Yes _____ No

Notary Signature

My Commission expires: _____

QUASI-JUDICIAL HEARING PROCEDURES

Florida Statutes and the Courts of Florida require that your conditional use application be heard as a Quasi-Judicial Hearing. A Quasi-Judicial Hearing, by state and case law, is different than a regular hearing conducted by this Board. A Quasi-Judicial Hearing is less formal than a court hearing but similar in procedures and evidence issues. In a Quasi-Judicial Hearing, the applicant has the burden of demonstrating by competent substantial evidence that his/her application meets requirements of the County Zoning Code, Comprehensive Plan and other applicable regulations.

The applicant is entitled to be represented by counsel and if you desire a continuance to obtain counsel, please come forward and make that request. The Board has the discretion to grant or deny the request. The only material or relevant evidence is that which addresses the applicable codes and/or Comprehensive Plan. The hearing procedures will be:

1. Staff will be sworn and shall describe the applicant's request, provide staff's recommendation and present any witnesses in support of staff's recommendation. Staff shall have fifteen (15) minutes.
2. The applicant and others presenting evidence will be sworn and shall state their name, address and subject to which they will testify. The applicant or its agent/attorney may elect to waive their presentation and to rely on the application, recommendation, and staff comments, reserving the right to address the Board if any evidence against the application is presented.
3. The applicant, or his/her attorney/representative, if they do not waive their presentation, will have an opportunity to present evidence for the application and will have fifteen (15) minutes for the presentation. If the applicant has witnesses, the applicant will indicate the name of each witness and the subject to be addressed. The applicant's witnesses will each have five (5) minutes. The applicant may also call the Zoning Official or other staff member who are present as a witness and ask them questions. Again, the time limit for questions is five (5) minutes.
4. Those who present evidence against the application will be sworn in and will be provided five (5) minutes each to present evidence and witnesses that address the criteria. Those who present evidence against, may also call the applicant, Zoning Official, witnesses or other staff members that are present as witnesses and ask them questions, subject to the five minute time limit. Extension of time limits may be granted by the Chair.
5. The applicant or its attorney may then cross examine those presenting evidence against, subject to control by the chair and county attorney. Cross-examination shall be five (5) minutes for each witness.
6. Sharing or transferring time is not allowed and anyone presenting repetitious evidence or evidence that does not address the criteria or is defamatory will be directed to stop and address the criteria.
7. Persons presenting evidence will address the Board, at the podium, and if there are documents or photos they must be presented when the particular individual is testifying. No documents will be returned, as they become a part of the record. As a Quasi-Judicial Hearing, numbers of individuals for or against a particular item will not be considered. The meeting is being taped; therefore there can be no applause or outbursts.
8. The Clerk shall state what documents will be placed into evidence and a motion shall be made to move those documents into the record. Any new or additional documents presented into evidence either by a sworn individual or staff shall also be included in the motion moving the documents into the record.
9. The Office of the County Attorney represents the Board and provides advice to the Board including advice as to the procedures and the admissibility of evidence.
10. The Board will afford members of the audience who have not presented evidence for or against three (3) minutes each to address any information provided. The members of the public will not be sworn in.
11. The applicant will be permitted to provide rebuttal as to any evidence against (a maximum of ten (10) minutes).
12. Staff may have five (5) minutes to provide final comments to the Board.
13. The Board will then close the public hearing and will discuss the application and may ask questions of the applicant, staff or those presenting evidence against or witnesses for the application. Any motion of the Board should include whether or not the board finds competent substantial evidence in the record and/or testimony received to support the board's decision for approval or denial.
14. The strict rules of evidence applicable to a court proceeding will not be utilized; however, the Board, with the assistance of the attorney, may exclude evidence that is not relevant or material or is repetitious or defamatory. Again, the Quasi-Judicial procedures are required by law and all those participating need to be aware of the procedures. Anyone who fails to follow the procedures may be required to stop his/her presentation or relinquish their time.
15. To be fair to everyone and in order to follow the procedures, if you have any questions please call the County Attorney's Office at (904) 530-6100 or the Department of Planning & Economic Opportunity at (904) 530-6300.