

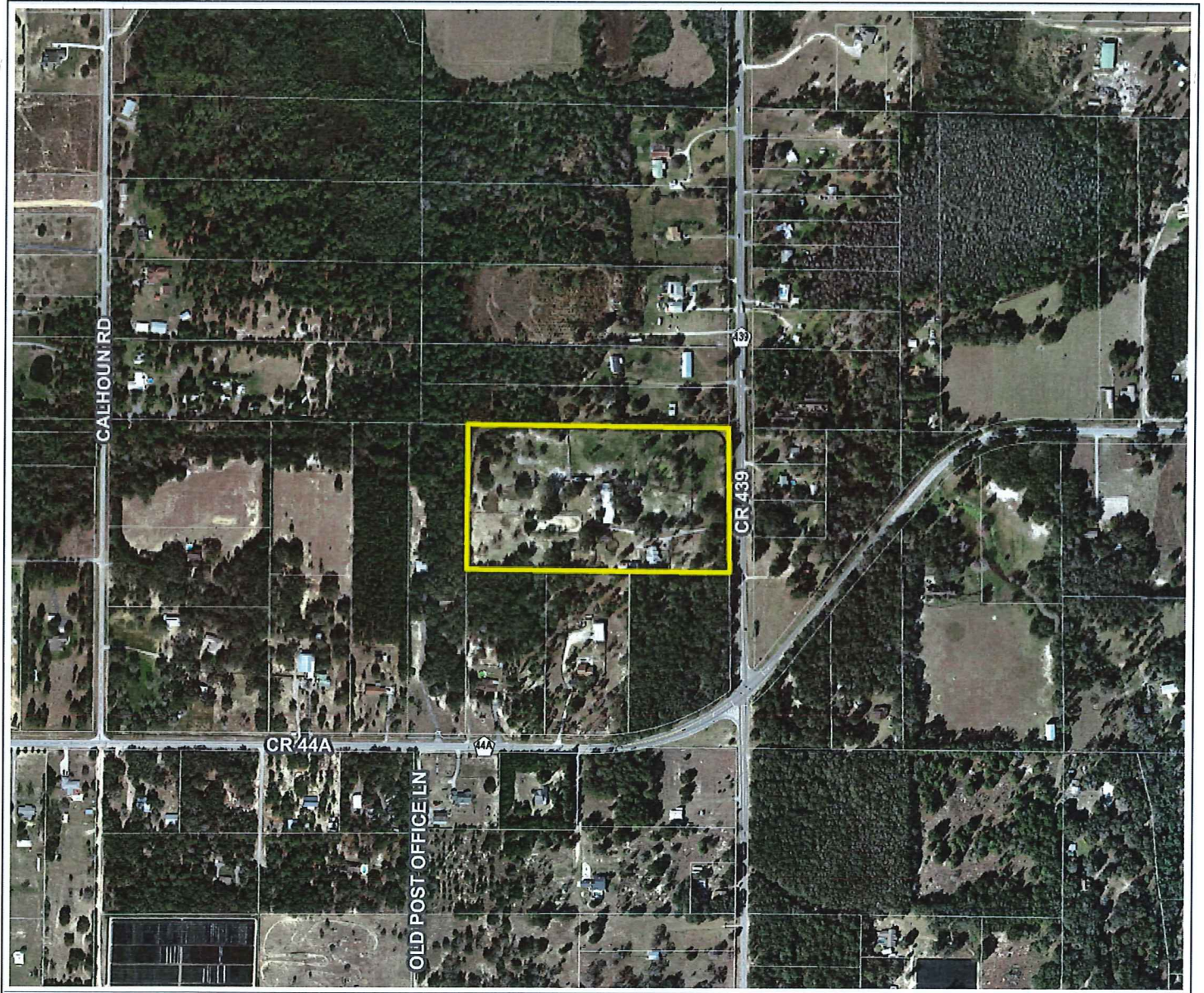
LAKE COUNTY PLANNING AND ZONING DIVISION
CONDITIONAL USE PERMIT STAFF REPORT

PLANNING AND ZONING BOARD
January 4, 2017



BOARD OF COUNTY COMMISSIONERS
January 24, 2017

<p>CUP-15-05-5 South Haven Farm</p>	<p>District 5</p>	<p>Agenda Item #1</p>
--	--------------------------	------------------------------



Requested Action: Establish equestrian stable and horse riding and training center in Agriculture zoning.

Owner: Germain Y. Belanger (the "Property Owner")

Applicant: Pamela Schneider (the "Applicant")

- Site Location & Information -

Size	15.15+/- acres
Location	Along west-side of CR 439, north of CR 44A
Alternate Key No.	1224144
Future Land Use	Rural
Existing Zoning District	Agriculture (A)
Joint Planning Area/ ISBA	None

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture (A)	Residential	Single Family Residence on 4.75-acre lots
South	Rural	A	Residential & undeveloped lot	Single Family Residences on 5-acre lots
East	Rural	A & Planned Commercial (CP)	Residential	Single Family Residences on 1-acre lots
West	Rural	A	Residential	Single Family residences on 7-acre lot

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of conditional use to establish an equestrian stable and horse riding and training center in Agriculture zoning.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant seeks to establish an equestrian stable and horse riding and training center in Agriculture zoning. The property (approximately 15.15-acres) is located on the west side of CR 439, north of CR 44A, in the Eustis area. The property is currently used as residential and contains a 2,319 square foot (SF) single family dwelling, a 3,766- SF stable, and 176-SF pole barn. The existing stable can accommodate approximately 20-horses. The property also contains fenced grazing and turn-out areas. The proposed use of the property for equestrian uses is permissible within the current agriculture zoning and comprehensive plan.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

The application is consistent with Comprehensive Plan Policy I-1.2.8 pertaining to equestrian uses being suitable uses within all future land use categories. The existing Rural future land use of the property allows equestrian related uses pursuant Comp Plan Policy I-1.4.4. Equestrian use is a permissible use within the Agriculture zoning district per Land Development Regulations (LDR) Section 3.01.03. Use of the property for stable use requires the livestock building to be setback 200-feet from the property line per LDR 3.01.04(1)a. The existing stable is consistent with this LDR provision. Additionally, the size of the property (15.15-acres) meets the minimum acreage for riding stable or academy use of 10-acres per LDR 3.01.04(4). The use of this property for equestrian riding and training/academy, with stable, is a permissible and consistent use within the existing zoning district and future land use category.

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

The subject property consists of 15.15 +/- acres and is surrounded by agriculturally zoned property. The property's primary use is a single family residence. The use of the property for equestrian riding and training/academy, with stable, is not anticipated to have any undue adverse effects on the nearby properties.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The proposed equestrian riding and training/academy, with stable, is compatible with the surrounding use and the existing rural character of the community. The property of the proposed use is surrounded by agriculturally zoned lands within the Rural FLUC. The existing stable is indicative of the rural nature of the area for horse-back riding.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

The concept plan shows that the property is essentially set-up for agriculture use and equestrian activity. As the proposed use is indicative and permissible within the Agriculture zoning district, landscaping and screening will not be required. However, the Land Development Regulations (LDR) Chapter 9.09.00 specifies noise standards such that noise levels from new uses not exceed pre-existing noise levels. The proposed CUP ordinance contains conditions regarding adherence to the noise regulations.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of neighboring property, in accordance with applicable district regulations.

The structures of the equestrian training/riding academy are centrally located within the property and will not interfere with the development or use of the neighboring properties. The proposed CUP ordinance shall contain conditions regarding maintaining the minimum required setbacks for livestock/horse stable buildings.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.

The Florida Department of Health (DOH) has indicated that the use will require a commercial Limited Use well and septic evaluation permit prior to commencing operations. These provisions will be assessed in conjunction with the required development application prior to commencement of operations.

Fire protection water supplies for the facility shall be provided in accordance with the Florida Fire Prevention Code and Lake County Land Development Regulations at the time of development application submittal prior to commencement of operations.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The Lake County Fire Rescue Station 83, located approximately 4.4 miles away will provide fire services to the property. Fire Stations 21 & 27 are within 4-miles and will provide Advance Life Support (ALS) should an emergency situation on the property demand this service.

FINDINGS OF FACT: Staff has reviewed the application for this conditional use permit request and found:

1. The conditional use permit application is consistent with Comprehensive Plan Policy I-1.2.8 pertaining to equestrian uses being suitable uses within all future land use categories.
2. The conditional use permit application is consistent with Comprehensive Plan Policy I-1.4.4 for uses allowed within the Rural future land use category. The proposed conditional use for equestrian riding and training/academy, with stable, is consistent the Rural future land use category.
3. The proposed conditional use is consistent with LDR Section 3.00.02 (C) ("Purpose and Intent of Districts"), which describes the intent of the Agriculture zoning district.
4. The proposed conditional use is consistent with LDR Section 3.01.04(4) of 10-acres for a riding stable or equestrian academy use.

Based on these findings of fact, staff recommends **Approval** of the conditional use permit amendment, with conditions, as specified in the proposed Ordinance.

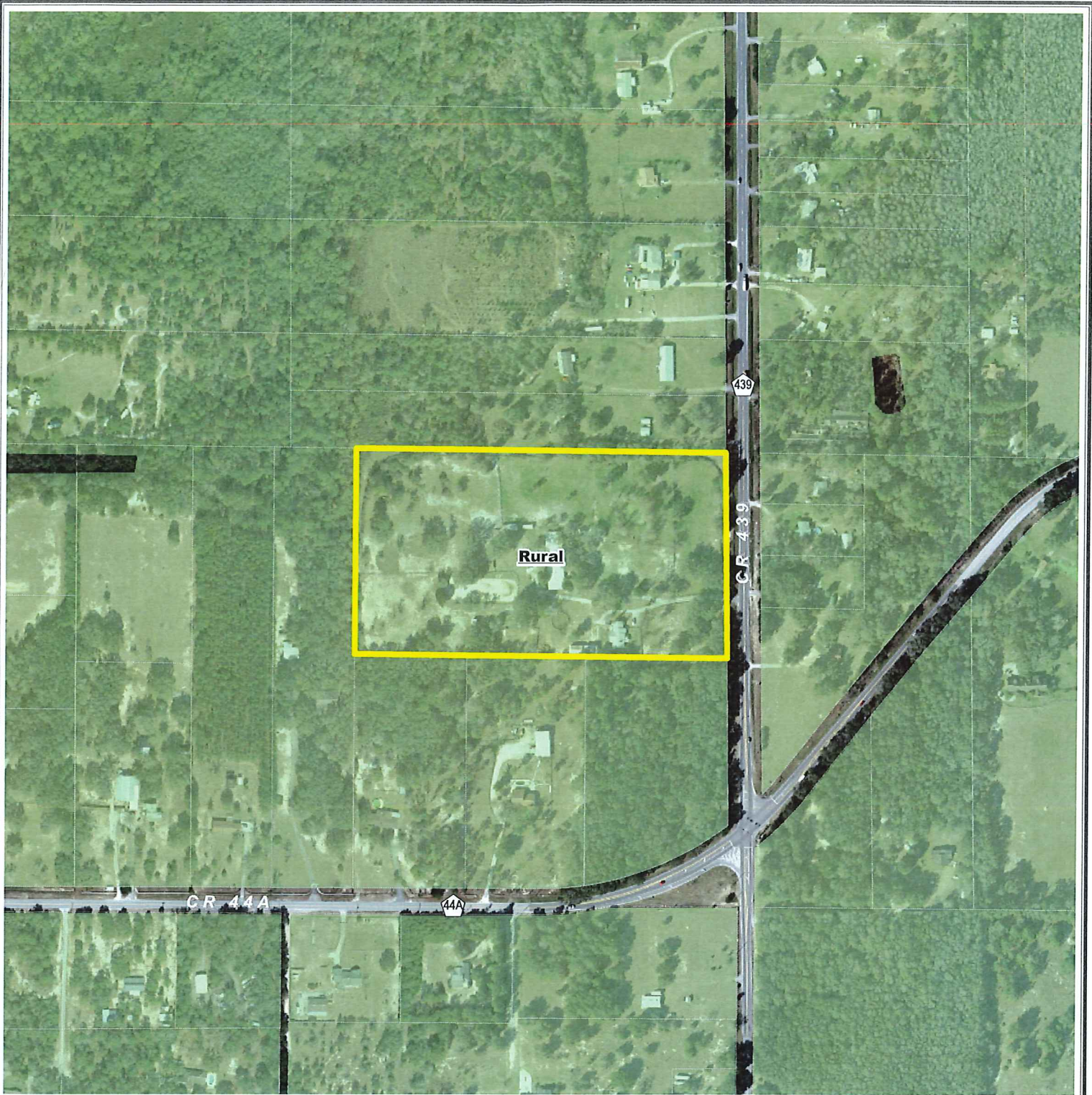
Case Manager: Steve K. Greene, AICP, Chief Planner

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

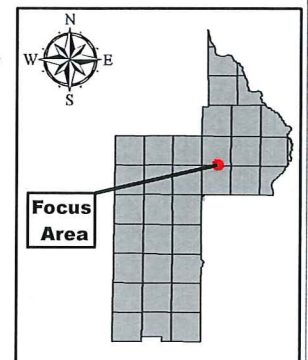
Opposition: -0-

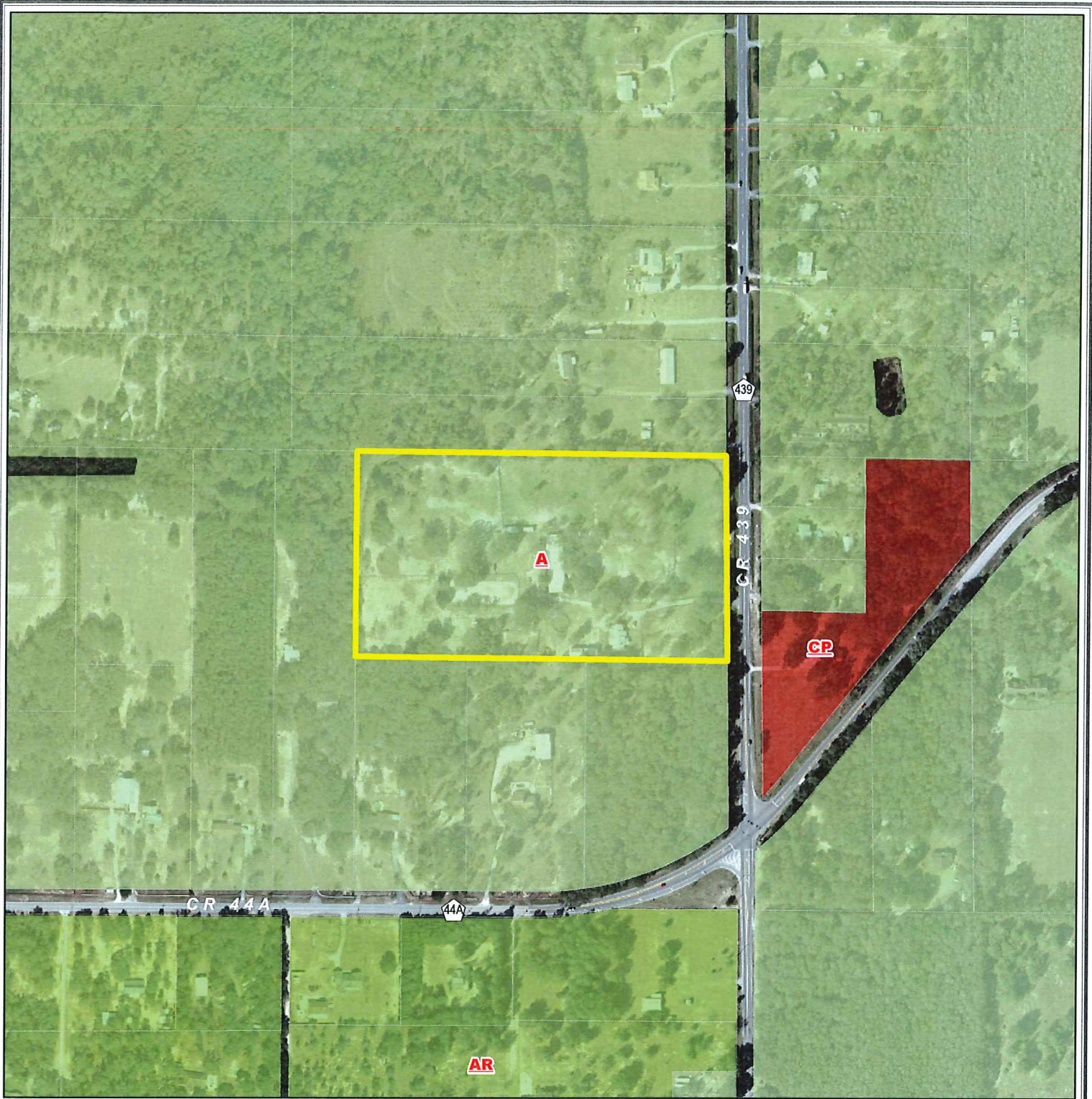


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Urban High Density | |

NAME: SOUTH HAVEN FARMS
CASE NUMBER: CUP-16-05-5
LOCATION (S-T-R): 34-18-27
REQUEST: EQUESTRIAN RELATED USES

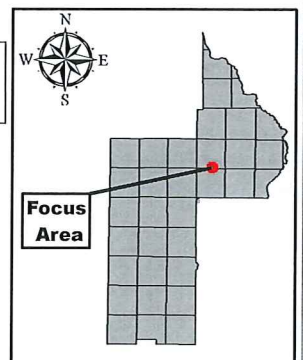




ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: SOUTH HAVEN FARMS
CASE NUMBER: CUP-16-05-5
LOCATION (S-T-R): 34-18-27
REQUEST: EQUESTRIAN RELATED USES



Ordinance 2017-xx
South Haven Farms
CUP-16-05-5

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pamela Schneider (the "Applicant"), on behalf of Germain Y. Belanger (the "Property Owner") has submitted a conditional use permit (CUP) application for conditional use of Agriculture (A) zoned property to be used an equestrian stable and training/academy facility; and

WHEREAS, the subject property consists of 15.15+/- acres and is generally located in the Eustis area, along CR 439, north of CR 44A, in Section 34, Township 18 South, Range 27 East, having Alternate Key Number 1224144, and more particularly described as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

WHEREAS, the subject property is located within the Rural Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Board of County Commissioners deems it necessary and desirable, in order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the special conditions herein after set forth; and

WHEREAS, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on the 4th day of January, 2017 and by the Board of County Commissioners of Lake County, Florida, on the 24th day of January, 2017; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Permission is hereby granted for the operation of an equestrian stable and horse riding and training center as a Conditional Use within the Agriculture Zoning District.

Section 2. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect a Conditional Use Permit (CUP) to allow uses with conditions as outlined within this Ordinance.

A. Land Use. The use of the site shall allow the uses specified below and consistent with Exhibit "B", the Conceptual Plan:

- a. Equestrian Training and Educational Facility
- b. Horse Boarding Facility and Riding Academy
- c. 3,766 square foot stable housing (20-horses, maximum)
- d. 176 square foot pole barn
- e. 900-square foot storage building (hay and equipment)
- f. 20,000 square foot covered riding arena

1 g. Property Owner/Caretaker – Single Family Residence (1)

2 h. Utility Buildings and accessory structures associated with the above uses

3 Accessory uses directly associated with the above uses may be approved by the County
4 Manager or designee. Any other use of the site not specified above shall require approval of an
5 amendment to this Ordinance by the Board of County Commissioners.

6 To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the
7 Ordinance shall take precedence.

8 **B. Events:** Events shall be classified as advertised activities expected to draw 500 persons or less.

9 a. Equestrian and Livestock Training Programs

10 b. Equestrian Clinics

11 c. Equestrian Shows

12 d. Family, Riding, and Animal Educational Programs

13 **C. Specific Conditions**

14 a. A development application for site plan which details the operations shall be submitted for
15 review and approval prior to commencement of the operations.

16 b. Parking surfaces may be grass or other pervious material, except as required for ADA
17 access. There shall be no parking allowed outside the property limits.

18 c. All special events, as defined in the LDR, shall receive the appropriate approvals and
19 permits.

20 **D. Impervious Surface Ratio (ISR)** shall be a maximum of 0.20 in accordance with the Comprehensive
21 Plan, as amended.

22 **E. Open Space, Floor Area Ratio, and Building Height** shall be in accordance with the
23 Comprehensive Plan and Land Development Regulations (LDR), as amended.

24 **F. Utilities:** The applicant shall ensure that the water system is active and properly permitted prior to
25 commencement of new uses. Prior to issuance of building permits, septic permits must be applied
26 for and approved by the Department of Health.

27 **G. Setbacks:** All new structures shall meet the setbacks established in the LDR, as amended.

28 a. All permanent structures housing/shelting animals shall be located no less than two hundred
29 (200) feet from the nearest Right-of-Way line of any Public Road, County Road, state or
30 federal Road or highway or property line. The two hundred-foot setback may be reduced to
31 one hundred (100) feet if the adjacent property is under common ownership.

32 b. Wetland setbacks shall be in accordance with the LDR, as amended.

- 1 **H. Landscaping, Buffering, and Screening:** Existing landscape shall be preserved and maintained.
2 Any landscaping required for future expansions or redevelopment shall be consistent with the LDR,
3 as amended.
- 4 **I. Lighting:** Exterior lighting, if utilized, shall not illuminate adjacent properties or Rights-of-Way,
5 consistent with Dark-Sky Principles, and in accordance with the LDR, as amended.
- 6 **J. Signage:** Signs shall be in accordance with the LDR, as amended.
- 7 **K. Stormwater Management:** Future redevelopment shall be in accordance with SJRWMD
8 Stormwater requirements and LDR, as amended.
- 9 **L. Concurrency Management Requirements:** Any development shall comply with the Lake County
10 Concurrency Management System, as amended.
- 11 **M. Development Review and Approval:** Prior to the issuance of any permits, the Permittee shall
12 submit a site plan generally consistent with Exhibit "B" – Conceptual Plan, for review and approval
13 in accordance with the Comprehensive Plan and LDR, as amended.
- 14 **N. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references in
15 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive
16 Plan, and Lake County Land Development Regulations shall include any future amendments to the
17 Statutes, Code, Plans, and/or Regulations.

18

19 **Section 3. Conditions** as altered and amended which pertain to the above tract of land shall mean:

- 20 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure of
21 the Permittee or his successor to: Fulfill development in substantial accordance with the conceptual
22 plan as submitted to the Planning & Zoning Board and the Board of County Commissioners; comply
23 with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or
24 comply with any of the terms of the Conditional Use Permit; or if this CUP is found to become a
25 nuisance or safety hazard, the permit may be revoked after due Public Hearing before the Planning
26 & Zoning Board and the Board of County Commissioners.
- 27 **B.** This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with
28 the land; and the purpose, terms, and conditions contained herein shall be binding upon the
29 Permittee or any successor and his interest hereto.
- 30 **C.** Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
31 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance
32 and to recommend that the ordinance be revoked.
- 33 **D.** Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
34 compliance with the conditions of this Conditional Use Permit and the approved site plan. An annual
35 inspection fee will be assessed. If an emergency inspection is necessary during non-operating hours,
36 a fee shall also be assessed.

37 **Section 4. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
38 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
39 the validity of the remaining portions of this Ordinance.

1 **Section 5. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send
2 a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with
3 Section 125.66, Florida Statutes.

4 **Section 6. Effective Date.** This Ordinance shall become effective as provided by law.

5

6 ENACTED this _____ day of _____, 2017.

7

8 FILED with the Secretary of State _____, 2017.

9

10 EFFECTIVE _____, 2017.

11

12

13

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

14

15

TIMOTHY I. SULLIVAN, CHAIRMAN

16

ATTEST:

17

18

19

20

NEIL KELLY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

21

22

23

24

APPROVED AS TO FORM AND LEGALITY

25

26

MELANIE MARSH, COUNTY ATTORNEY

27

28

29

30

31

32

33

34

35

36

37

38

Exhibit A.
Legal Description

PARCEL NO. 1: Commence at the intersection of the North right-of-way line of State Road No. 44-A and the West boundary of the SW ¼ of Section 34, Township 18 South, Range 27 East, run thence South 88°35'17" East along the North right-of-way of said State Road 44-A, a distance of 1496.97 feet, thence North 01°11'28" East 1086.05 feet to the point of beginning; thence continue North 01°11'28" East 205 feet, thence South 88°13'23" East 1069.47 feet to the West right-of-way line of County Road No. C-439, thence South 00°22'23" West along said West right-of-way line 205.05 feet, thence run North 88°13'23" West 1072.40 feet to the point of beginning.

PARCEL NO. 2: Commence at the intersection of the North right-of-way line of State Road No. 44-A and the West boundary of the SW ¼ of Section 34, Township 18 South, Range 27 East, run thence South 88°35'17" East along the North right-of-way of said State Road 44-A, a distance of 1496.97 feet, thence North 01°11'28" East 881.05 feet to the point of beginning; thence continue North 01°11'28" East 205 feet, thence South 88°13'23" East 1072.40 feet to the West right-of-way line of County Road No. C-439, thence South 00°22'23" West along said West right-of-way line 205.05 feet, thence run North 88°13'23", West 1075.37 feet to the point of beginning.

PARCEL NO. 3: Commence at the intersection of the North right-of-way line of State Road No. 44-A and the West boundary of the SW ¼ of Section 34, Township 18 South, Range 27 East, run thence South 88°35'17" East along the North right-of-way of said State Road No. 44-A, a distance of 1496.97 feet, thence North 01°11'28" East 676.05 feet to the point of beginning; thence continue North 01°11'28" East 205 feet, thence South 88°13'23" East 1075.37 feet to the West right-of-way line of County Road No. C-439, thence South 00°22'23" West along said West right-of-way line 205.5 feet, thence run North 88°13'23" West 1078.25 feet to the point of beginning.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

