

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING & ZONING BOARD
 April 3, 2013



BOARD OF COUNTY COMMISSIONERS
 April 23, 2013

CUP #13/4/1-5 Gator Dave's Taxidermy	Case Manager: Steve K. Greene, Chief Planner	Agenda Item #3
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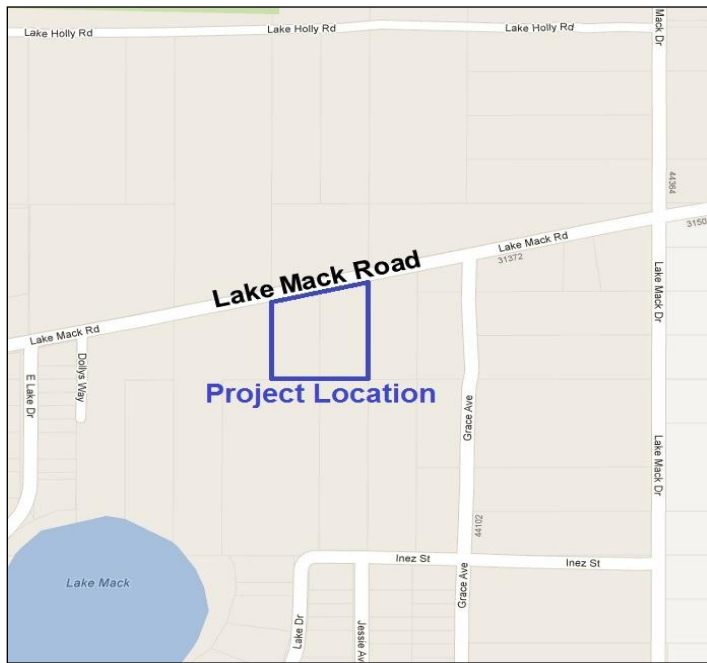
Applicant: David King (the "Applicant")

Owner: David King (the "Property Owner")

Requested Action: The Applicant/Property Owner seeks conditional use approval for a taxidermy use

- Site Location & Information -

Approximate site location outlined in Blue



Size	2.8 +/- acres
Location	Lack Mack Area, on south of CR 42 and just west of the intersection of Lake Mack Road and Grace Ave
Alternate Key #'s	1391709 & 3413199
Future Land Use & Maximum Density	Rural - 1 du/5 net ac
	Existing
Zoning District	Agriculture (A)
Density	1 du/5 ac
Floor Area Ratio (LDR Table 3.02.06)	0.10 max
Impervious Surface Ratio (LDR Table 3.02.06)	0.10 max
Joint Planning Area	N/A
Utility Area	None
Site Utilities	Existing well and septic system
Road Classification	Local
Flood Zone/ FIRM Panel	Zones X and AE/Panel 12069C/12127C
Commissioner District	5 (Cadwell)

Site Visit March 20, 2013
Sign Posted March 20, 2013 (2 posted)

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)	Dwelling	
South	Rural	A	Dwelling	Southwest lot undeveloped
East	Rural	A	Dwelling	
West	Rural	A	Dwelling	Undeveloped area directly west

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the requested conditional use permit to allow taxidermy use on the property, subject to conditions specified in the proposed ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District on approximately 2.8 acres of property along Lake Mack Road to continue the taxidermy operations that are asserted to have existed since 1998. The property has a Rural Future Land Use Category (FLUC) Category. The property owner has used the property for his alligator taxidermy business since 1997. The matter was raised as the result of a recent investigation of the property by Code Enforcement. Since "taxidermy" is not one of the specifically listed uses in LDR 3.01.03, "Schedule of Permitted and Conditional Uses", the use was examined to see whether similar uses are allowed within the Agriculture Zoning District pursuant to LDR 3.01.05 ("Similar Uses"). The Applicant processes Alligator Parts such as heads, feet, teeth and jaws for the souvenir trade. The processes involve processing the parts in formaldehyde and coating with varnishes to produce a finished product. This review indicates that taxidermy use proposed by the Applicant is less impactful than other conditional uses that process animals and animal parts such as slaughterhouses, animal farms, and egg processing facilities. Accordingly, the use may be permitted through a CUP for the taxidermy use.

The taxidermy operation spans two properties, each with a residential dwelling (mobile home). The Applicant resides in the eastern parcel property while a relative (son) resides on the western parcel. Residential use is the primary use of the properties, whereas the taxidermy use provides for the "means of living" by the residents. The Taxidermy operation requires the uses of a pump house (169 square feet), three (3) drying houses or greenhouses (approximately 2,960 square feet), one office/shop (1,600 square feet), and four (4) storage shed/trailers (approximately 512 square feet).

- STANDARDS OF REVIEW & ANALYSIS -

(Per Section 14.05.03 of the Land Development Regulations)

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

The proposed taxidermy use is consistent with the typical uses listed in the Comprehensive Plan Policy I-1.4.4 for Rural Future Land Use. This policy allows agricultural uses, which would include uses such as taxidermy under certain conditions. The processes involve processing the parts in formaldehyde and coating with varnishes to produce a finished product. This review indicates that taxidermy use as proposed by the Applicant has less impacts than other conditional uses that process animals and animal parts such as slaughterhouses, animal farms, and egg processing facilities. Accordingly, the use may be permitted through a CUP for the taxidermy use. The only difference is that the taxidermy use involves the processing, cleaning and preserving of alligator heads and feet. The property owner has no intentions to raise alligators or harvest alligators on the property and the property is not of sufficient size to do so.

B. Effect on Adjacent Properties.

1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.

The attached CUP ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties through the implementation of landscaping, buffering, and solid waste management conditions.

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

The area is mostly characterized by rural residential dwellings and non-intensive agricultural uses. Through the implementation of the proposed ordinance to limit potential adverse impacts, the property will become more compatible with the surrounding agricultural and rural residential land uses

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.

Landscape buffers of existing vegetation will be required to screen the proposed taxidermy activities from adjacent rural residential uses. The proposed Ordinance contains conditions addressing setbacks, landscape buffering and screening to limit impacts on properties within the immediate vicinity. These conditions will be implemented during the site plan review and approval prior to conducting the use on the property.

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

The CUP will not interfere with the development of neighboring properties. The existing taxidermy operation is situated in areas on the property that will not interfere with the use of the adjacent property. Building setbacks, landscaping, buffering, screening are proposed to mitigate any impacts to adjacent land uses. The attached Conceptual Plan provides the generalized layout of the buildings and uses on the property.

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, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

The proposed conditional use will not result in additional demands on public facilities. The property is currently served by an existing well and septic system. To ensure development impacts are minimized, the proposed ordinance will require submittal of a site plan application to fully assess the development impact on public facilities. The site is already monitored by the Florida Department of Environmental Protection due to the specific chemicals used. A requirement for an Annual Inspection is required in the proposed ordinance to monitor compliance with noise, odor and storage of materials.

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 subject parcel is approximately nine (8) miles from Lake County Fire Station 13 (closest fire station), located in Deland.

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

1. The request is consistent with the Comprehensive Plan Policy I-1.4.4 (“Rural Future Land Use Category”) for Rural future land uses.
2. The request is not inconsistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, in Agriculture zoning.
3. The request is consistent with LDR Section 3.01.05 as the proposed taxidermy use has less impacts than other conditional uses that process animals and animal parts such as slaughterhouses, animal farms, and egg processing facilities. Accordingly, the use may be permitted through a CUP for the taxidermy use.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-

ORDINANCE #2013-XX
Gator Dave's Taxidermy
CUP #13/4/1-5

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

WHEREAS, David King (the "Applicant/Owner") has made application for a Conditional Use Permit (CUP) on property in the Agriculture (A) Zoning District to allow alligator taxidermy, and

WHEREAS, the subject property consists of 2.8 +/- acres and is generally located in the Lake Mack area, south of Lake Mack Road and west of Grace Avenue in Section 20, Township 17 South, Range 29 East, with Alternate Key Numbers 1391709 and 3413199, and more particularly described below:

LEGAL DESCRIPTION:

That part of the West 1/2 of the SW 1/4 of the NE 1/4 of the SW 1/4, in Section 20, Township 17 South, Range 29 East, lying south of the old County Road and the Florida Power Company Transmission Line.

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.

WHEREAS, this Conditional Use Permit was reviewed by the Planning & Zoning Board on April 3, 2013, and by the Board of County Commissioners of Lake County, Florida on April 23, 2013; and

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

Section 1 Permission is hereby granted for a taxidermy use as a Conditional Use within the Agriculture (A) Zoning District on the subject property.

Section 2 Terms: This Ordinance shall mean and include the total of the following uses as included herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect a Conditional Use Permit (CUP), in accordance with this Ordinance. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the Ordinance shall take precedence.

A. Land Uses: Use of the site shall be limited to the existing residential uses and the uses specified below, and shall be generally consistent with EXHIBIT "B", the Conceptual Plan:

1. All permitted uses within the Agriculture Zoning District
2. Taxidermy use

Accessory uses directly associated with these uses may be approved by the County Manager or designee. Any other use of the site shall require an amendment to this Ordinance as approved by the Board of County Commissioners.

- 1 B. Specific Conditions:
- 2 1. Site plan approval is required for nonresidential structures associated with the taxidermy
- 3 and associated uses. The Applicant shall submit a site plan application as specified
- 4 Section "I" below for review and approval within six (6) months of the effective date of this
- 5 Ordinance.
- 6 2. Building Permits: The Permittee shall demonstrate that all structures meet all
- 7 requirements of the Florida Building Code, including Fire Protection Codes.
- 8 3. No retail sales shall be permitted.
- 9 4. Solid Waste Containment and Disposal:
- 10 a. There shall be no storage of animal waste or taxidermy by-product within the setback
- 11 or buffer areas and all waste shall be properly contained and disposed.
- 12 b. The Applicant shall provide a solid waste management plan with the site plan
- 13 submittal for review and approval by the County. The solid waste management plan
- 14 shall address the type of containment/storage equipment and disposal of all waste,
- 15 animal by-product, and other material generated from the taxidermy use.
- 16 5. There shall be no storage of materials, equipment or vehicles within setbacks, buffers or
- 17 easements.
- 18 6. Lighting: Exterior lighting shall not illuminate adjacent properties or public right of way,
- 19 and shall be in accordance with the LDR, as amended, and consistent with Dark-Sky
- 20 Principles. Security lighting shall be limited to motion sensor type lighting.
- 21 C. Setbacks: Setbacks shall be in accordance with the Comprehensive Plan and LDR, as
- 22 amended.
- 23 D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
- 24 accordance with the Comprehensive Plan and LDR, as amended.
- 25 E. Landscaping, Buffering and Screening shall be in accordance with the LDR, as amended.
- 26 1. Existing vegetation may be used to buffer and screen the use from the adjacent
- 27 properties, and shall be shown on the required site plan.
- 28 F. Fire Protection and Emergency Services Access:
- 29 1. Access and fire safety requirements of the property shall be provided in accordance with
- 30 the Florida Fire Prevention Code and LDR, as amended.
- 31 G. Transportation Improvements/Access Management: Shall be in accordance with the LDR, as
- 32 amended.
- 33 H. Signage: Signs shall be in accordance with the LDR, as amended.
- 34 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall
- 35 submit a site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN, for review
- 36 and approval in accordance with the Comprehensive Plan and LDR, as amended. Any
- 37 deviation that is not generally consistent with the Conceptual Plan may require an amendment
- 38 of the CUP Ordinance as determined by the County Manager or designee.
- 39 J. Other Approvals. The use on the property shall be in conformance with all Federal, State and

1 Local Regulations at all times.

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3 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
4 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
5 Comprehensive Plan, and Lake County Land Development Regulations shall include any
6 future amendments to the Statutes, Code, Plans, and/or Regulations.

7 L. After establishment of the facilities as provided herein, the aforementioned property shall only
8 be used for the purposes named in this Conditional Use Permit, unless a proposed use meets
9 every requirement of the zoning district in which the property is located. Any other proposed
10 use must be specifically authorized by the Board of County Commissioners.

11 **Section 3.** Additional Conditions:

12 A. In the event of any breach in any of the terms or conditions of this permit or any default or
13 failure of the Permittee or his successor to: Fulfill development in substantial accordance with
14 the conceptual plan as submitted to the Planning & Zoning Board and the Board of County
15 Commissioners; comply with the codes of the governmental agencies having lawful and
16 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use
17 Permit; or if this CUP is found to become a nuisance or safety hazard, the permit may be
18 revoked after due Public Hearing before the Planning & Zoning Board and the Board of
19 County Commissioners.

20 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant
21 running with the land; and the purpose, terms, and conditions contained herein shall be
22 binding upon the Permittee or any successor and his interest hereto.

23 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code
24 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
25 in this ordinance and to recommend that the ordinance be revoked.

26 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
27 compliance with the conditions of this Conditional Use Permit and the approved site plan. An
28 annual inspection fee will be assessed. If an emergency inspection is necessary during non-
29 operating hours, a fee shall also be assessed.

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

ENACTED this _____ day of _____, 2013.
FILED with the Secretary of State _____, 2013.
EFFECTIVE _____, 2013.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

LESLIE CAMPIONE, Chairman

ATTEST:

**NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida**

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

