

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

PLANNING & ZONING BOARD  
April 29, 2015



BOARD OF COUNTY COMMISSIONERS  
May 19, 2015

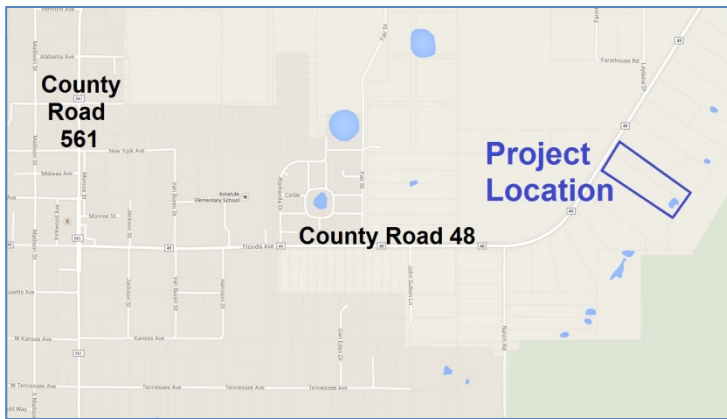
<b>CUP-15-05-3</b> <b>St. Hubert Show Dogs and Cats</b>	<b>Case Manager:</b> Melving Isaac, Senior Planner	<b>Agenda Item #2</b>
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**Owner:** Arthur and Tatiana Carrier (the "Owner")

**Applicant:** Jimmy D. Crawford, Esq. (the "Applicant")

**Requested Action:** Conditional Use Permit (CUP) to allow a Kennel/Cattery in the Agriculture (A) Zoning District to house 50 dogs and 12 cats for a total of 62 animals on the site.

### - Site Location & Information -



Approximate site location outlined in Blue

**Site Visit**            April 17, 2015  
**Sign Posted**        April 17, 2015 (2 posted)

<b>Size</b>	13 +/- acres	
<b>Location</b>	Astatula area, south of County Road 48, 1.5 miles east of County Road 561	
<b>Alternate Key #'s</b>	3383761 and 3829160	
<b>Future Land Use</b>	Rural	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	A	A
<b>Density</b>	1 du/5 ac	1 du/5 ac
<b>Floor Area Ratio (LDR Table 3.02.06)</b>	0.10 max	0.10 max
<b>Impervious Surface Ratio</b>	0.10 max (LDR)	0.30/0.20 max (Policy I-1.4.4)
<b>Joint Planning Area</b>	N/A	
<b>Utility Area</b>	N/A	
<b>Site Utilities</b>	Existing well and septic system	
<b>Road Classification</b>	County Road 48 - Rural Major Collector County Road 561 - Urban Collector	
<b>Flood Zone/ FIRM Panel</b>	X/505	
<b>Commissioner District</b>	3 (Conner)	

**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)	Rural Residential	
South	Rural	Agriculture (A)	Rural Residential	
East	Conservation	Agriculture (A)	Conservation	Lake Apopka
West	Rural Transition	Agriculture (A)	Pasture Lands	Adjacent to County Road 48

– Summary of Staff Determination –

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the Conditional Use Permit request, subject to the conditions set forth in the attached Ordinance.

**PLANNING & ZONING BOARD RECOMMENDATION:**

– Summary of Analysis –

The Applicant is requesting a Conditional Use Permit (CUP) to allow a Kennel/Cattery in the Agriculture (A) Zoning District to house 50 dogs and 12 cats for a total of 62 animals. The Applicant has indicated that the property has been used for animal operations including hog raising prior to the current owner purchasing the property in 2011. The property also has a residential dwelling, barn, pole barn (may be demolished or use for the proposed Kennel/Cattery) and a dog housing structure (not to be used for kennel animals). The applicant has indicated that the existing dog housing structure which has insulated walls and a 6 feet fence around the back will be used for their own animals.

The subject property of approximately 13 acres is located in the Astatula area, south of County Road 48, 1.5 miles east of County Road 561. The property is located within the Rural Future Land Use Category (FLUC), Lake Apopka Basin Overlay District and Yalaha-Lake Apopka Rural Protection Area.

The requested use for a Kennel/Cattery is consistent with the Comprehensive Plan, which allows animal specialty services in the Rural Future Land Use Category (FLUC) with the issuance of a CUP. The request is also consistent with the Land Development Regulations (LDR), which allow Kennel/Cattery uses in the Agriculture (A) Zoning District with the issuance of a CUP.

– 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 request is consistent with the Comprehensive Plan Policy I-1.4.4 *Rural Future Land Use Category*, which allows animal specialty services with the issuance of a Conditional Use Permit (CUP).

Kennel/Cattery is defined in the LDR Chapter II *Definitions* as:

- Any premises, operation, or business used for the boarding, breeding, training, buying, selling, grooming, or rearing of dogs or cats, or any other activity, for remuneration, regardless of number of dogs or cats;
- The keeping, harboring, or maintaining 10 or more dogs (or cats) over the age of six (6) months on parcels of land greater than five (5) acres but less than 20 acres.

The request is also consistent with LDR Table 3.01.03 Schedule of Permitted and Conditional Uses, which allows Kennel uses in the Agriculture (A) Zoning District with the issuance of a CUP, providing that the conditions of Section 3.01.04(18) are addressed.

According to LDR Section 3.01.04(18), the CUP shall address the maximum number of animals to be permitted in the kennel/cattery, the required setbacks, the impacts from animal noise and odor that may affect adjacent property owned by others, and provisions for the removal of animal waste and sewage. The proposed ordinance contains conditions for the Kennel/Cattery that limits the maximum number of 50 dogs and 12 cats for a total of 62 animals. In addition, the proposed Ordinance contains conditions to limit impacts on properties within the immediate vicinity through the implementation of setbacks, hours of operation for outside activities, disposal of animal waste and noise attenuation (Kennel/Cattery building is required to be soundproofed).

A 200-foot setback is required by LDR Section 3.02.05.J. for structures as kennels or catteries that house, feed, exercise or maintain 5 or more dogs or cats. As shown in the Conceptual Plan, the proposed Kennel/Cattery will comply with the 200-foot setback for the proposed Kennel/Cattery and outdoor play area.

The applicant has indicated that for the operation of the Kennel/Cattery will not use the front open area of the property between the property line adjacent to County Road 48 and where the existing dense trees are situated on the property. As shown in the aerial map below, the proposed Kennel/Cattery building and outdoor play area will be located in an area screened/surrounded by dense trees which also will screen the Kennel/Cattery building and outdoor play area from County Road 48. In recognition of this situation, an ordinance condition is proposed to not require landscape buffer along County Road 48. In addition, a condition has been included in the proposed ordinance indicating no dogs and cats from the kennel operation will be allowed in the front open area of the property between the property line adjacent to County Road 48 and where the existing dense trees are situated on the property.

The LDR Section 9.01.06 *Landscape Buffer Requirements* does not require landscape buffer between adjacent properties zoned Agriculture (A). However, in order to minimize any effect upon nearby properties, a condition has been included in the proposed ordinance indicating that existing trees/vegetation within a 10 foot wide buffer along north and south property lines shall be preserved and maintained in order to screen the Kennel/Cattery from adjacent properties.



**B. Effect on Adjacent Properties.**

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

The proposed CUP ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties through the implementation of setbacks, hours of operation for outside activities, disposal of animal waste, and noise attenuation. The applicant has indicated that the dogs will be kept inside the proposed facility and that the dogs are always inside at night. The dogs play for 4 to 8 hours per day in the fenced outdoor play area which is located a minimum 200-foot setback from adjacent properties and County Road 48 right-of-way.

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

As shown in the aerial map above, the surrounding area is characterized by rural residential uses, vacant lands and agricultural uses. The uses of the immediate adjacent properties to the north and south are rural residential and agricultural (ornamental nursery). The property is surrounded by wetlands (Lake Apopka) to the east. Adjacent properties are zoned Agriculture (A). The current zoning of the subject parcel is Agriculture, thus approving the CUP will not change the nature of the surrounding area.

**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 proposed ordinance contains conditions to limit impacts on the immediate vicinity of the proposed CUP. The proposed ordinance includes conditions on setbacks, hours of operation for outside activities, number of animals, disposal of animal waste and noise attenuation (Kennel/Cattery building is required to be soundproofed). In addition, a condition has been included in the proposed ordinance indicating that existing trees/vegetation within a 10 foot wide buffer along north and south property lines shall be preserved and maintained in order to screen the Kennel/Cattery from adjacent properties. These items will be addressed in detail during the site plan and building permit process.

**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 proposed CUP will not interfere with the development of neighboring property. The proposed ordinance addresses appropriate setbacks, hours of operation for outside activities, number of animals, disposal of animal waste, and noise attenuation as incorporated into the attached Ordinance to mitigate any interference with adjacent uses.

**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 is not expected to create any additional demands on public facilities.

The property is being served by an existing well and septic system. The Florida Department of Health (Lake County) has indicated that the existing well will need to be permitted as Commercial Limited Use and brought into compliance with requirements for the proposed use including the septic system.

**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 1.5 miles from Lake County Fire Station 77 (closest fire station), located at 13431 Ohio St., Astatula.

**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*, which allows animal specialty services with the issuance of a Conditional Use Permit (CUP).
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits Kennel/Cattery uses as a conditional use in the Agriculture Zoning District.
3. The request is consistent with LDR Section 3.01.04(18), since the CUP addresses the maximum number of animals to be permitted in the kennel/cattery, the required setbacks, the impacts from animal noise and odor that may affect adjacent property owned by others, and provisions for the removal of animal waste and sewage.
4. The request is consistent with LDR Section 3.02.05.J, regarding setbacks, which requires a minimum 200-foot setback from adjacent properties and right-of-way for operation of a Kennel/Cattery.

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-**





### CURRENT ZONING

1 inch = 1,000 feet



### CURRENT 2030 FUTURE LAND USE

1 inch = 1,000 feet



Zoning Legend

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

RLU Legend

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

Recreation	Urban Low Density
Regional Commercial	Urban Medium Density
Rural	
Rural Transition	
Sending Area A-1-20	
Sending Area A-1-40	
Urban High Density	

Urban Low Density	Urban Medium Density
Urban High Density	

**ST. HUBERT SHOW  
DOGS AND CATS**

**CASE NO.**  
CUP-15-05-3

**CASE LOCATION:**  
S27/28, T20S, R26E

**REQUESTING:**  
CUP to allow a  
Kennel/Cattery



Planning & Community  
Design Division  
Economic Growth Department





ORDINANCE #2015-XX  
St. Hubert Show Dogs and Cats  
CUP-15-05-3

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

**WHEREAS**, Jimmy D. Crawford, Esq. (the "Applicant") has made a request on behalf of Arthur and Tatiana Carrier (the "Owner"/"Permittee") for a Conditional Use Permit (CUP) to allow a Kennel/Cattery in the Agriculture (A) Zoning District; and

**WHEREAS**, the subject property consists of approximately 13 acres and is generally located in the Astatula area, south of County Road 48, 1.5 miles east of County Road 561 in Sections 27/28, Township 20 South, Range 26 East, currently having Alternate Key Numbers 3383761 and 3829160, 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 Planning & Zoning Board on April 29, 2015 and by the Board of County Commissioners of Lake County, Florida on May 19, 2015; and

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

**Section 1.** Permission is hereby granted for the operation of a Kennel/Cattery as a Conditional Use within the Agriculture (A) Zoning District.

**Section 2.** Terms: The County Manager or designee shall amend the Lake County Zoning Map to reflect a Conditional Use Permit (CUP) in accordance with this Ordinance. This Ordinance shall mean and include the total of the following uses as included herein.

A. Land Uses: In addition to those uses listed as permitted uses with the Agriculture (A) Zoning District, the use of the site shall also allow the use specified below and consistent with Exhibit "B", the Conceptual Plan:

1. Kennel/Cattery building: Kennel/Cattery shall be limited to a maximum of 50 dogs and 12 cats for a total of 62 animals over the age of six (6) months at any time.

Accessory uses directly associated with this use 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.

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

- 1 B. Specific Conditions:
- 2 1. A site plan application and building permits shall be required for review and approval prior to  
3 initiating the Kennel/Cattery operation and for any other future development.
- 4 2. The Kennel/Cattery shall be in conformity with all Federal, State and Local Regulations at all times.  
5 The Permittee shall secure all applicable required State and Local Licenses including a Lake  
6 County business tax receipt.
- 7 3. Animal Waste: Animal waste shall be picked up at least once daily, shall not be allowed to  
8 accumulate, and shall be properly disposed. There shall be no storage of organic waste material  
9 within the setback areas.
- 10 4. Removal of Animal Waste and Sewage: Domestic and commercial waste must be disposed of in  
11 an approved Department of Health/Lake County Health Department system. Additional permitting  
12 may be required by the Florida Department of Environmental Protection (FDEP). All development  
13 permit requirements shall be addressed during the site plan review and approval process.
- 14 5. There shall be no storage of materials within the setbacks or buffers.
- 15 6. Noise: Soundproofing of the Kennel/Cattery building shall be required and demonstrated on the  
16 building plans. Public Address Systems or similar amplification devices shall not be allowed.
- 17 7. Parking: Parking surfaces may be grass or other pervious material, except as required for disabled  
18 access. There shall be no parking allowed outside the property limits.
- 19 8. Hours of Operation for outside activities: Limited to the hours of 7 a.m. to 7 p.m. or sunset,  
20 whichever is earlier.
- 21 9. No dogs and cats from the kennel operation will be allowed in the front open area of the property  
22 between the property line adjacent to County Road 48 and where the existing dense trees are  
23 situated on the property.
- 24 C. Impervious Surface Ratio (ISR) shall be a maximum of 0.20.
- 25 D. Setbacks: A 200-foot setback shall be provided for the Kennel/Cattery building and outdoor play area in  
26 accordance with the LDR, as amended. All other setback requirements shall be in accordance with the  
27 LDR, as amended.
- 28 E. Open Space, Floor Area Ratio, and Building Height shall be in accordance with the Comprehensive  
29 Plan and LDR, as amended.
- 30 F. Landscaping, Buffering, and Screening:
- 31 a. Landscape Buffer along County Road 48: No buffer required.
- 32 b. Existing trees/vegetation within a 10 foot wide buffer along north and south property lines shall  
33 be preserved and maintained in order to screen the Kennel/Cattery from adjacent properties.
- 34 c. All other landscape buffer requirements shall be in accordance with the LDR, as amended.
- 35 G. Transportation Improvements/Access Management: Access management shall be in accordance with  
36 the LDR, as amended.
- 37 H. Fire Protection and Emergency Services Access: Access and fire safety requirements of the property  
38 shall be provided in accordance with the Florida Fire Prevention Code and LDR, as amended.



- 1 I. Lighting: Exterior lighting shall not illuminate adjacent properties or public right of way, and shall be in  
2 accordance with the LDR, as amended, and consistent with Dark-Sky Principles.
- 3 J. Signage: Signs shall be in accordance with the LDR, as amended.
- 4 K. Development Review and Approval: Prior to the issuance of any permits, the Permittee shall submit a  
5 site plan generally consistent with Exhibit "B" – Conceptual Plan, for review and approval in  
6 accordance with the Comprehensive Plan and LDR, as amended.
- 7 L. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this  
8 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and  
9 Lake County Land Development Regulations shall include any future amendments to the Statutes,  
10 Code, Plans, and/or Regulations.
- 11 M. After establishment of the facilities as provided herein, the aforementioned property shall only be used  
12 for the purposes named in this Conditional Use Permit, unless a proposed use meets every  
13 requirement of the zoning district in which the property is located. Any other proposed use must be  
14 specifically authorized by the Board of County Commissioners.

15 **Section 3. Additional Conditions:**

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

33 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to  
34 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance  
35 with Section 125.66, Florida Statutes.

1 Section 5. Effective Date. This Ordinance shall become effective as provided by law.

2  
3 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

4  
5 FILED with the Secretary of State \_\_\_\_\_, 2015.

6  
7 EFFECTIVE \_\_\_\_\_, 2015.

8  
9 BOARD OF COUNTY COMMISSIONERS  
10 LAKE COUNTY, FLORIDA

11  
12 \_\_\_\_\_  
JIMMY CONNER, Chairman

13 ATTEST:

14 \_\_\_\_\_  
15 NEIL KELLY, Clerk of the  
16 Board of County Commissioners  
17 Lake County, Florida

18 APPROVED AS TO FORM AND LEGALITY

19 \_\_\_\_\_  
20 SANFORD A. MINKOFF, County Attorney

1

EXHIBIT "A" – LEGAL DESCRIPTION

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN THE COUNTY OF LAKE, STATE OF FLORIDA, DESCRIBED AS FOLLOWS:

2

That part of Lot 18, Underhill Hammock, according to the plat thereof recorded in Plat Book 26, Page 73, Public Records of Lake County, Florida, bounded and described as follows: Commence at the most Northerly corner of said Lot 18, and thence run South 31° 53'09" West, along the Northwesternly line of said Lot 18, a distance of 191.05 feet to the Point of Beginning of this description; from said Point of Beginning, thence run South 56°40'44" East, a distance of 1236.40 feet to a point on the Southeasterly line of said Lot 18; thence run South 34°14'52" West along said Southeasterly line of said Lot 18, a distance of 268.21 feet to the most Southerly corner of said Lot 18; thence run North 58°06'51" West, along the Southwesterly line of said Lot 18, a distance of 1224.97 feet to the most Westerly corner of said Lot 18; thence run North 31°53'09" East, along said Northwesternly line of said Lot 18, a distance of 298.95 feet to the Point of Beginning.

3

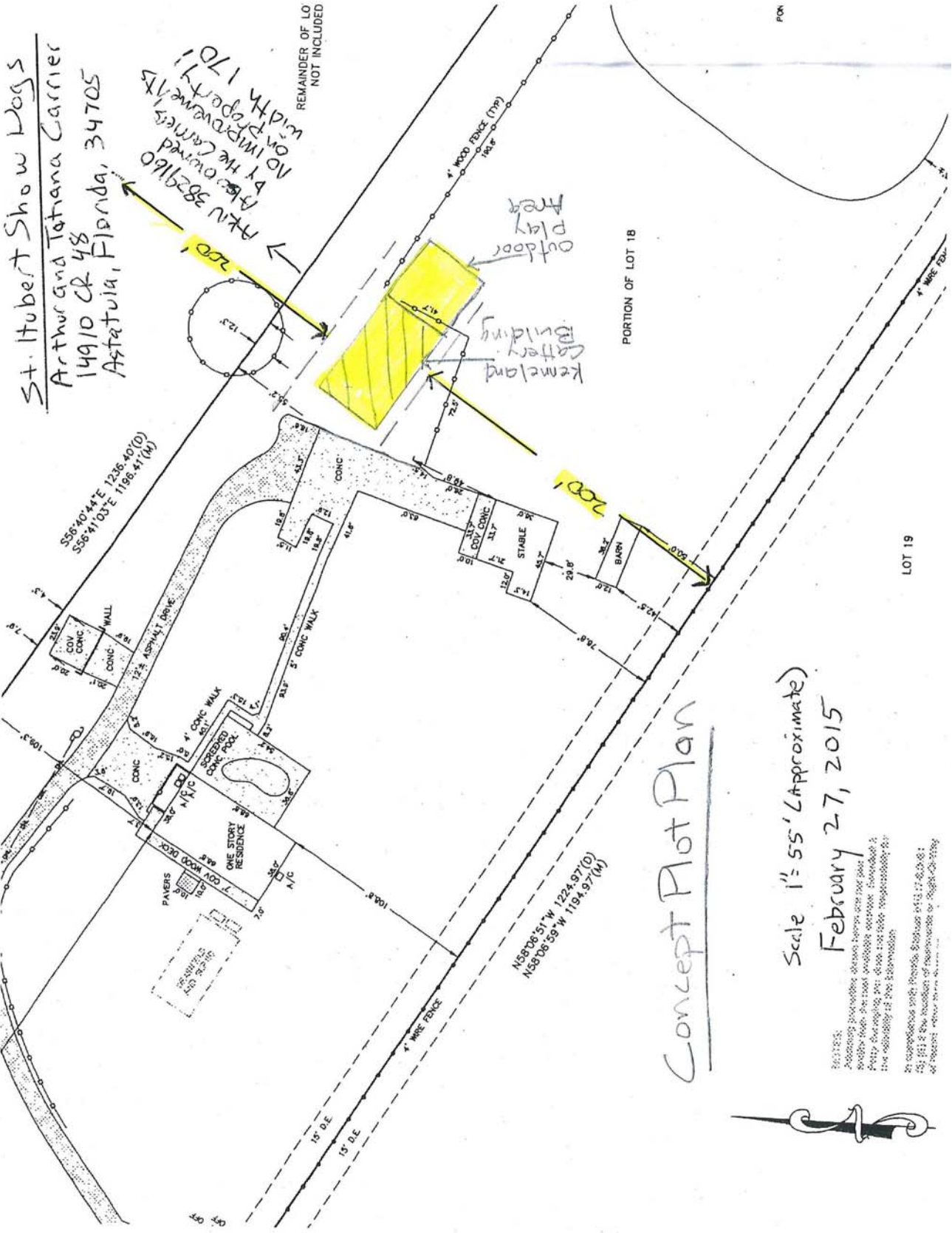
And,

4

That part of Lot 18, Underhill Hammock, according to the plat thereof, recorded in Plat Book 26, Page 73, Public Records of Lake County, Florida, bounded and described as follows: Begin at the most Northerly corner of said Lot 18 and run thence South 55°15'56" East, along the Northeasterly line of said Lot 18, a distance of 1244.16 feet to the most Easterly corner of said Lot 18; run thence South 34° 14' 52" West, along the Southeasterly line of said Lot 18, a distance of 180.32 feet; run thence North 56° 40' 44" West, a distance of 1236.40 feet to a point on the Northwesternly line of said Lot 18, run thence North 31° 53' 09" East, along said Northwesternly line of said Lot 18, a distance of 191.05 feet to the point of beginning.

1

EXHIBIT "B" - CONCEPTUAL PLAN



St. Hubert Show Dogs  
 Arthur and Tatiana Carrier  
 14910 CR 48  
 Astatula, Florida, 34705

PKU 3829160  
 By the Carrier's  
 NO IMPROVEMENTS  
 ON PROPERTY  
 WITH 170'

Concept Plot Plan

Scale 1" = 55' (Approximate)  
 February 27, 2015

NOTES:  
 1. All dimensions are shown in feet and inches.  
 2. All dimensions are shown in feet and inches.  
 3. All dimensions are shown in feet and inches.  
 4. All dimensions are shown in feet and inches.  
 5. All dimensions are shown in feet and inches.

2