

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

PLANNING & ZONING BOARD
 June 6, 2012



BOARD OF COUNTY COMMISSIONERS
 June 26, 2012

CUP #12/6/1-5 McElroy Kennel CUP	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item # 3
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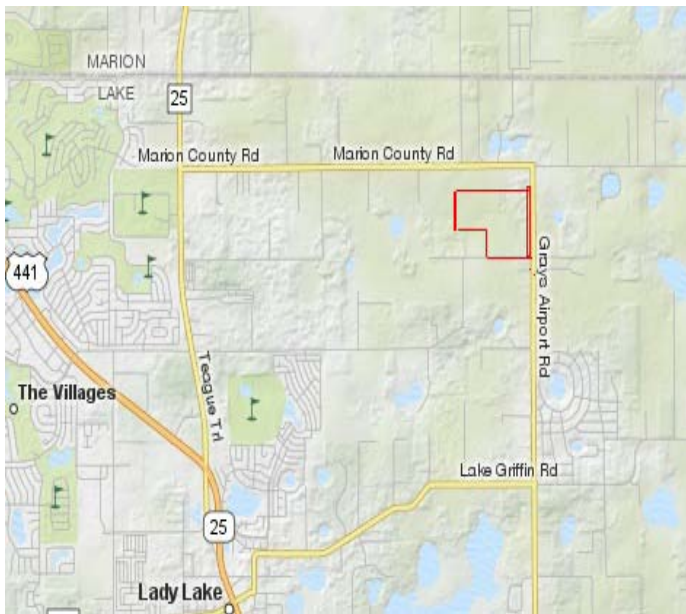
Applicant: Lake County Planning & Community Design Division (the "Applicant")

Owner: Margaret McElroy (the "Owner")

Requested Action: Staff seeks approval of an amendment to Conditional Use Permit (CUP) Ordinance #2012-14 to correct a scrivener's error in the legal description. Ordinance #2012-14 will be rescinded and replaced by the attached proposed ordinance.

- Site Location & Information -

Approximate site location outlined in **Red**



Site Visit: December 29, 2011
 Sign Posted: May 16, 2012

Size	10+/- acres	
Location	Lady Lake area; 41225 Grays Airport Road	
Alternate Key #	1237220	
Future Land Use/Density	Rural/1 du/5 net acre	
	Existing	Proposed
Zoning District	A	A
Density	1 du/5 ac	1 du/5 ac
Joint Planning Area	Lady Lake	
Utility Area:	Lady Lake	
Site Utilities	Private well & septic	
Road Classification	Local	
Flood Zone/ FIRM Panel	Zone X/Panel 160 of 725 7/3/02	
Commissioner District	District 5-Cadwell	

Land Use Table

Direction	Future Land Use	Zoning	Existing Use
North	Rural	Agriculture (A)	low density residential
South	Rural	Agriculture (A)	low density residential
East	Rural	Agriculture (A)	Agriculture, low density residential
West	Rural	Agriculture (A)	low density residential

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request for a Conditional Use Permit.

ZONING BOARD RECOMMENDATION:

– Summary of Analysis –

The 10+/- acres is located northeast of Lady Lake and at the southwest intersection of Marion County Road and Grays Airport Road. The proposed CUP amendment request is to correct a scrivener's error in the legal description of Ordinance #2012-14. The error was discovered during the review of a recently submitted lot split application. The correction of the scrivener's error will allow the proposed lot split and the previously approved kennel to proceed through the lot split review, site plan review and approval processes.

– 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 to correct a scrivener's error remains within the legal description does not cause an inconsistency of use pursuant to Comprehensive Plan Policy 1-1.4.4, which promotes agricultural uses in the Rural FLUC.

The proposed request to correct a scrivener's error does not create any inconsistencies with LDR Table 3.01.03 Schedule of Permitted and Conditional Uses, which allows Kennel uses in the Agriculture (A) Zoning District with an approved CUP.

B. Effect on Adjacent Properties.

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

The proposed request to correct a scrivener's error does not cause any undue adverse effect on 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 request to correct a scrivener's error does not create any incompatibilities with the existing character of the neighborhood.

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.

This is not applicable to the current request for a scrivener error correction.

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.

This is not applicable to the current request for a scrivener error correction.

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.

Not applicable

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.

Not applicable

FINDINGS OF FACT: Staff has reviewed the application for the proposed Conditional Use Permit and found:

1. The request remains **consistent** with Section 3.01.04(1) LDRs as the request proposes a minimum 200 foot setback, as required for the kennel structure.
2. The request remains **consistent** with the Comprehensive Plan Policy 1-1.4.4 relating to the general land use criteria and activities of the Rural Future Land Use Category.
3. The request remains **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.

Therefore, based on these findings of fact, staff recommends **APPROVAL** of the conditional use permit request, subject to the conditions as set forth in the attached Ordinance.

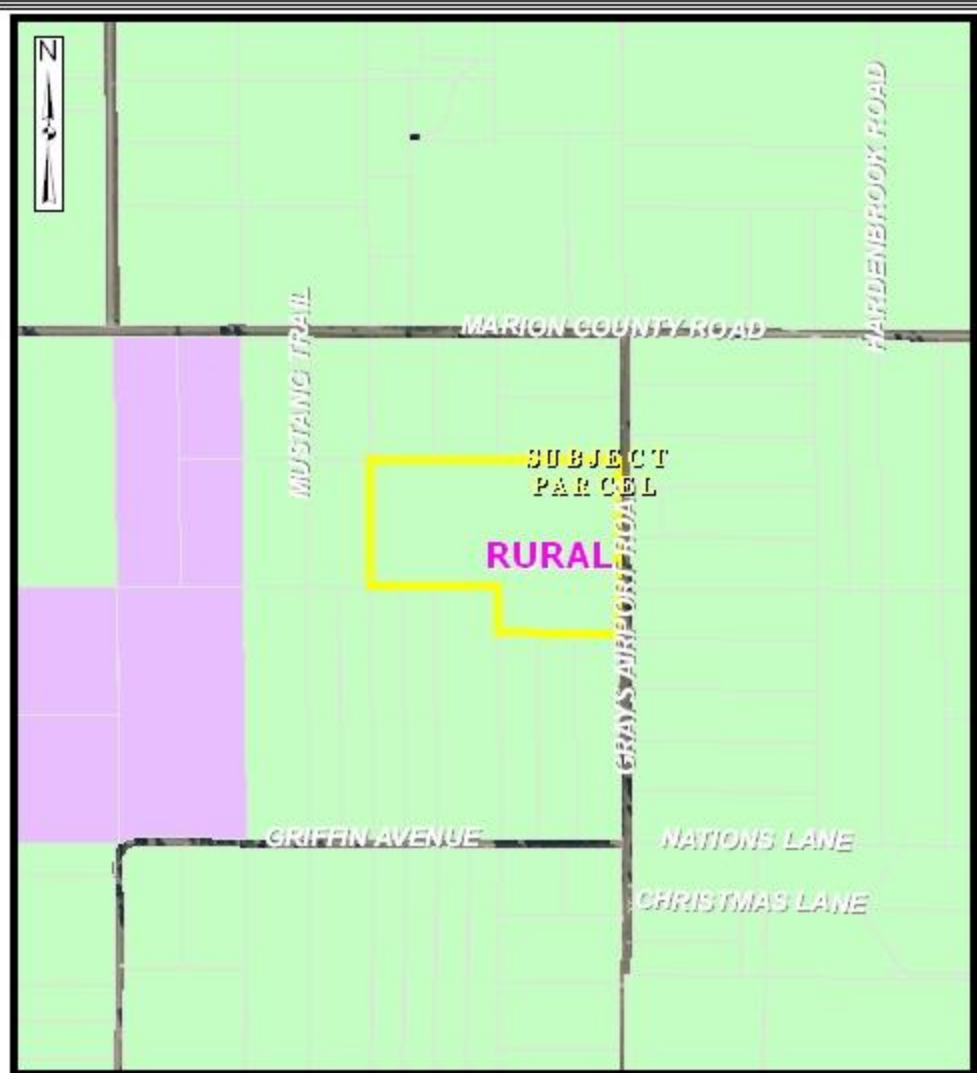
WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING
AGRICULTURE



ADOPTED FUTURE LAND USE
RURAL



MCELROY KENNEL

CUP#12/6/1-5
CASE LOCATION:
03-18-24
REQUESTING:
CUP for Kennel

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

DISCLAIMER:
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MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA

LAKE COUNTY PLANNING

ORDINANCE #2012-XX
McElroy/Kalawara Kennel
CUP #12/6/1-5

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

WHEREAS, The Lake County Planning and Community Design Division (the "Applicant") made a request for a Conditional Use Permit (CUP) amendment to correct a scrivener's error in the legal description of Ordinance #2012-14 and to rescind and replace Ordinance #2012-14 with this ordinance; and

WHEREAS, on February 28, 2012, the Lake County Board of County Commissioners approved the CUP request of the subject property to allow a kennel in Agriculturally zoned property; and

WHEREAS, March 29, 2012, a lot split application was submitted to the County for review; and

WHEREAS, during the course of review by the County it was discovered that the legal description for Ordinance #2012-14 contained a scrivener's error; and

WHEREAS, the County now initiates a CUP application to correct the scrivener's error contained in the legal description of Ordinance # 2012-14; and

WHEREAS, the subject property consists of 10 +/- acres and is generally located in the Lady Lake area, southwest of the Marion County Road and Grays Airport Road intersection in Section 03, Township 18 South, Range 24 East, currently lying within Alternate Key Number 1237220, and more particularly described below:

LEGAL DESCRIPTION:

Commence at the Northeast Corner of the Southeast ¼ of Section 3, Township 18 South, Range 24 East, Lake County, Florida; Thence run N89°32'17"W Along the North line of said Southeast ¼, a distance of 33.00 feet; thence run S00°00'00"E Along A line 33 feet west and parallel to the East line of said Southeast ¼, a distance of 1019.15 feet to the point of beginning; thence continuing S00°00'00"E, A distance of 548.91 feet; thence run N89°32'13"W along the South line of the North 240 feet of the East ½ of the Southeast ¼ of the Southeast ¼ of said section, a distance of 632.30 feet; thence run N00°02'59" W along the West line of the North 240 feet of the East ½ of the Southeast ¼ of said Southeast ¼, a distance of 240.01 feet; thence run N89°32'13"W along the South line of the South ½ of the Northeast ¼ of said Southeast ¼, A distance of 290.51 feet; thence run N00°00'00"W, A distance of 308.91 feet; thence run S89°32'13"E, A distance of 923.02 feet to the point of beginning

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 in accordance with the purpose and intent of the Land Development Regulations (LDR) to require compliance with the special conditions hereinafter set forth.

WHEREAS, this Conditional Use Permit (CUP) #12/6/1-5 was reviewed by Planning and Zoning Board on June 6, 2012 and by the Board of County Commissioners of Lake County, Florida on June 26, 2012; and

1 NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AS
2 FOLLOWS:
3

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

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

9 A. Land Uses: Use of the site shall be limited to the following:

- 10
11 1. All permitted uses within the Agriculture (A) Zoning District.
12 2. Kennel, subject to the conditions contained within this Ordinance.
13 3. Accessory uses directly associated with these uses may be approved by the County Manager or
14 designee. Any other use of the site shall require an amendment to this Ordinance as approved by
15 the Lake County Board of County Commissioners.
16 4. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this
17 Ordinance shall take precedence.

18 B. Specific Conditions:

- 19 1. Number of Animals. The Kennel shall be limited to a maximum of thirty (30) animals (any
20 combination of dogs and cats) over the age of six (6) months at any time.
21 2. Permits. The Kennel shall be in conformity with all Federal, State and Local Regulations at all
22 times. The Permittee shall secure all applicable required State and Local Licenses including a Lake
23 County occupational tax receipt.
24 3. Site Plan. A Site plan application shall be submitted for review and approval for the Kennel
25 structure within six (6) months of the effective date of this Ordinance; otherwise this Permit shall be
26 null and void. In that event, the Permittee shall submit a new conditional use permit application for
27 consideration by the Planning and Zoning Board and the Board of County Commissioners.
28 4. Building Permits. The Permittee shall obtain a Building Permit for the Kennel structure that
29 demonstrates compliance with all requirements of the Florida Building Code.
30 5. Kennel Configuration and Operation.
31 a) Kennel shelter shall be large enough so the dogs can sit, stand, lie down and/or turn
32 around comfortably.
33 b) Kennel shelter shall be constructed and maintained so that dogs are securely confined and
34 the shelter does not cause injury to the dogs, as determined by Animal Services.
35 c) Cages shall be stacked in no more than two (2) rows high and the lowest level may be no
36 higher than four (4) feet from the floor or ground.
37 d) Protection from adverse weather conditions must be provided. All enclosures shall be
38 adequately ventilated and lighted. Protection from humidity and temperatures below 50
39 degrees Fahrenheit and above 85 degrees Fahrenheit and all weather events that may be
40 hazardous or uncomfortable is required.
41 e) Dogs shall have access to exercise at least twice a day for at least twenty (20) minutes.
42 f) Dogs shall have access to fresh water on a daily basis.

- 1 g) Food should be fresh and appropriate.
- 2 h) Feces shall be picked up and disposed of as necessary to protect the health of the dogs.
- 3 i) Individual kennel enclosures shall be cleaned daily and dogs shall be moved out of the
- 4 enclosure during cleaning.
- 5 j) The front of each cage shall have the animals birth date. All dogs on the premises shall be
- 6 examined on an annual basis by a licensed veterinarian and kept up to date on rabies,
- 7 distemper, Bordetella and Parvovirus vaccines. Examination and vaccination records shall
- 8 be maintained on the premises.
- 9 k) The County Manager or designee shall be allowed on the property for visits to check on
- 10 the health and living conditions of all animals on the property. These visits do not have to
- 11 be scheduled in advance. Staff must be allowed to inspect the property during these
- 12 unannounced visits.

13 C. Setbacks:

- 14 a. Dog runs shall be located outside the Kennel setbacks.
- 15 b. Other setbacks shall be in accordance with the Comprehensive Plan and LDR, as
- 16 amended.

17 D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in accordance

18 with the Comprehensive Plan and LDR, as amended.

19 E. Landscaping, Buffering and Screening: Shall comply with the LDR, as amended. Landscaping may be

20 used for noise mitigation if recommended by accepted noise study.

21 F. Fire Protection and Emergency Services Access: Access to the property shall be provided in

22 accordance with the Florida Fire Prevention Code and/or the LDR, as amended.

23 G. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-

24 Sky Principles.

25 H. Signage: Signs shall be in accordance with the LDR, as amended.

26 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall submit a

27 site plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended.

28 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this

29 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,

30 and Lake County Land Development Regulations shall include any future amendments to the

31 Statutes, Code, Plans, and/or Regulations.

32 K. After establishment of the facilities as provided herein, the aforementioned property shall only be used

33 for the purposes named in this Conditional Use Permit, unless a proposed use meets every

34 requirement of the zoning district in which the property is located. Any other proposed use must be

35 specifically authorized by the Board of County Commissioners.

36 L. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement

37 Special Master shall have the authority to enforce the terms and conditions set forth in this ordinance

38 and to recommend that the ordinance be revoked.

39 M. Inspection. This permit shall be inspected by the Code Enforcement and/or Animal Services Division

40 annually to ensure compliance with the conditions of this Conditional Use Permit and the approved

41 site/plot plan.

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Section 3 Additional conditions of this permit shall mean:

- A. In the event of failure of the Permittee to fulfill development in substantial accordance with the plans as submitted to the Planning Zoning Board and the Board of County Commissioners; comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use Permit, the permit may be revoked after due Public Hearing before the Planning and Zoning Board and the Board of County Commissioners.
- B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding upon the Permittee or any successor in interest thereto.
- C. In addition to any other remedy by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or any successor in interest thereto shall be deemed a material breach hereof, and this Ordinance for a Conditional Use Permit may be canceled or revoked. Cancellation or revocation of this Permit may be instituted by the County. The County Manager or designee shall set this matter for Public Hearing giving the same notice as provided in the Lake County Land Development Regulations, as amended.

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

ENACTED this _____ day of _____, 2012.
 FILED with the Secretary of State _____, 2012.
 EFFECTIVE _____, 2012.

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 MINKOFF, County Attorney

