

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

PLANNING & ZONING BOARD
September 3, 2014



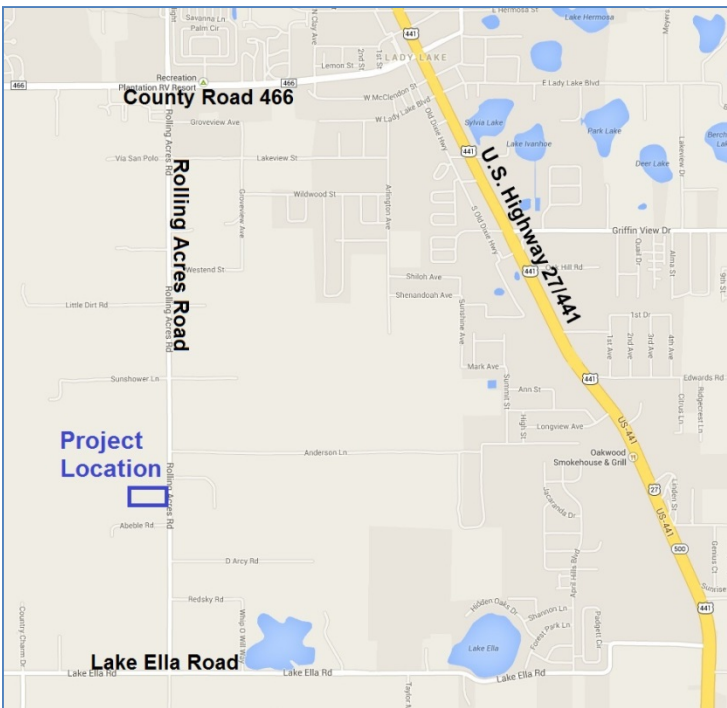
BOARD OF COUNTY COMMISSIONERS
September 23, 2014

CUP #14/9/1-5 Village Pet Spa	Case Manager: Melving Isaac, Planner	Agenda Item #3
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Applicant: Marcia L. Gosline (the "Applicant")
Owner: Chlann Go Brach, LLC (the "Owner")

Requested Action: Amend the existing kennel Conditional Use Permit (CUP) in the Agriculture (A) Zoning District to add another kennel building to house forty (40) additional dogs and cats for a total of eighty (80) animals on the site.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit August 21, 2014
Sign Posted August 21, 2014 (2 posted)

Size	5 +/- acres	
Location	Lady Lake area, West of Rolling Acres Road, approximately 2 miles west from the intersection of Lake Ella Road and U.S. Highway 27/441	
Alternate Key #	2669268	
Future Land Use	Urban Low Density	
	Existing	Proposed
Zoning District	A	A
Density	1 du/5 ac	1 du/5 ac
Floor Area Ratio (LDR Table 3.02.06)	0.10 max	0.10 max
Impervious Surface Ratio (LDR Table 3.02.06)	0.10 max	0.10 max
Joint Planning Area	Lady Lake	
Utility Area	Lady Lake	
Site Utilities	Existing well and septic system	
Road Classification	Rolling Acres Road - Rural Minor Collector State Road 27 - Urban Principal Arterial - Other	
Flood Zone/ FIRM Panel	(X)/(165, 170)	
Commissioner District	5 (Cadwell)	

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Agriculture (A)	Vacant Property	
South	Urban Low Density	Agriculture (A)	Vacant Property	
East	Urban Low Density	Ranchette District (RA)	Wooded Area, Residential	Adjacent to Rolling Acres Road
West	Urban Low Density	Agriculture (A)	Vacant Property	

– 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 to amend the existing kennel Conditional Use Permit (CUP) in the Agriculture (A) Zoning District to add another kennel building to house forty (40) additional dogs and cats for a total of eighty (80) animals. Existing CUP Ordinance #2010-50 will be rescinded and replaced with a new CUP ordinance. The kennel has existed in operation on the property for approximately ten (10) years, but only obtained conditional use approval in 2010. The property also has a residential dwelling.

The subject five (5) acre +/- property is located in the Lady Lake area, west of Rolling Acres Road, approximately two (2) miles west from the intersection of Lake Ella Road and U.S. Highway 27/441.

On June 10, 2010, the Lake County Board of Adjustment (BOA) granted a variance (BOA #9-10-5) from the Land Development Regulations (LDR), Section 3.02.05.J Setbacks to allow a setback of less than 200-feet from the east property line and right-of-way for operation of the kennel. After the approval of the CUP in 2010, the property obtained site plan approval in 2011. The property changed ownership in 2013.

The requested use for a kennel is consistent with the Comprehensive Plan, which allows animal specialty services in the Urban Low Density FLUC with the issuance of a CUP. The request is also consistent with the LDR which allows kennel 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 rezoning request is consistent with the Comprehensive Plan Policy I-1.3.2 *Urban Low Density Future Land Use Category*, which allows animal specialty services with the issuance of a Conditional Use Permit (CUP).

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 Sections 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 that limits the maximum number of animals to a maximum of 80. 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 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. The Lake County Board of Adjustment (BOA) granted a variance (BOA #9-10-5) from the LDR, Section 3.02.05.J Setbacks to allow a setback of less than 200 feet from the east property line and right-of-way for operation of a kennel, see Attachment 1. A minimum setback of approximately 59 feet from the easement along the north property line shall be provided for the additional second kennel.

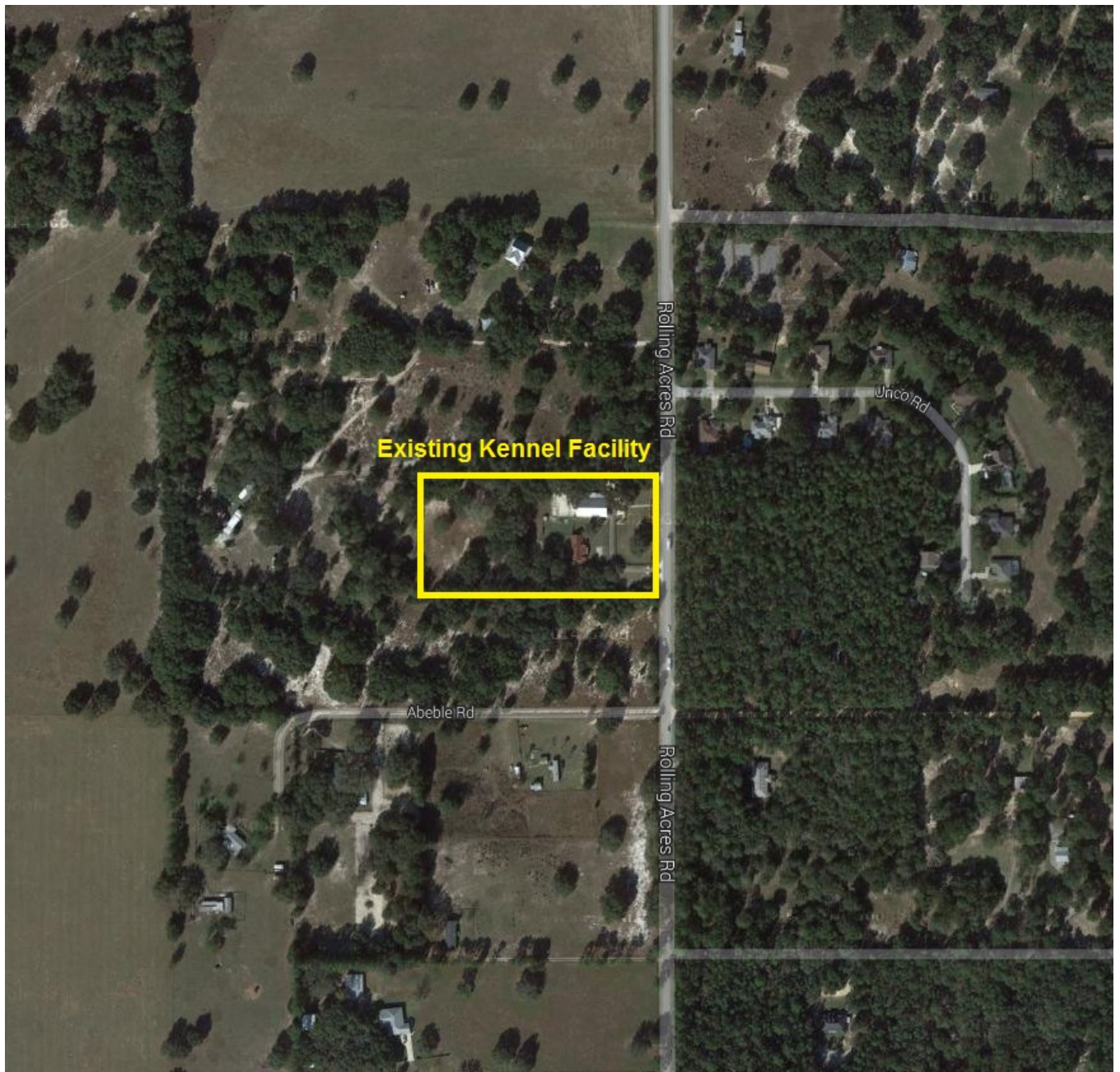
B. Effect on Adjacent Properties.

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

As there is an existing kennel on the property approved by CUP Ordinance 2010-50, no undue adverse effects from the additional kennel are anticipated. 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.

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

As there is an existing kennel on the property, the new ordinance carries forward the bulk of the previously approved development conditions contained in Ordinance 2010-50. As shown in the map below, the surrounding area is characterized by single-family lots, rural residential uses, vacant lands and agricultural uses. 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. The proposed ordinance includes conditions on setbacks, hours of operation for outside activities, number of animals, hours of operation for outside activities, disposal of animal waste and noise attenuation (kennel building is required to be soundproofed). In addition, the existing and proposed CUP Ordinance limited the use of the play area to a maximum of five (5) dogs at any one time on Tuesdays and Thursdays only. These conditions are intended to minimize any adverse effects on property in the immediate vicinity of the proposed CUP. 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 existing and proposed ordinance addresses appropriate setbacks (as granted by the BOA and per LDR), hours of operation for outside activities, number of animals, hours of operation for outside activities, 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 will not result in additional demands on public facilities.

The property is being served by an existing well and septic system. The Kennel facility has a separated septic system. The Florida Department of Health (Lake County) has indicated that a septic system evaluation will be performed by the Department of Health.

In 2010, the Town of Lady Lake exempted the property from connecting to their water and sewer utilities. The Town of Lady Lake has evaluated this application for the proposed kennel addition and indicated that "connecting to the utilities may not be financially feasible" (see Attachment 2).

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.

An existing fire hydrant is located across the street in close proximity to the property. The subject parcel is approximately 2 miles from Lake County Fire Station 52 (closest fire station), located at 306 W. Hermosa St., Lady Lake.

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

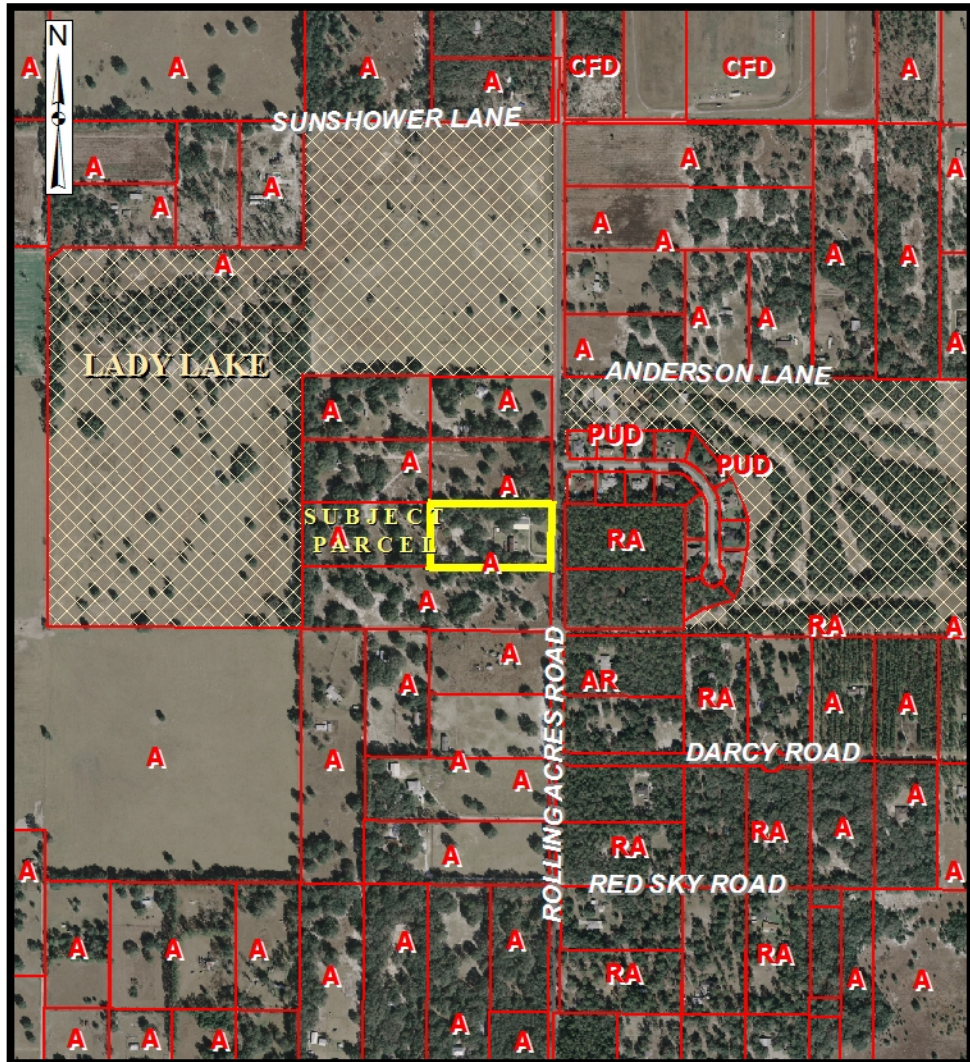
1. The request is consistent with the Comprehensive Plan Policy I-1.3.2 *Urban Low Density Future Land Use Category*, which allows animal specialty services with the issuance of a Conditional Use Permit (CUP).
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits Kennel uses as a conditional use in the Agriculture Zoning District.
3. The BOA granted a variance (BOA #09-10-5) from the LDR, Section 3.02.05.J Setbacks to allow a setback of less than 200 feet from the east property line and right-of-way for operation of a kennel.

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

WRITTEN COMMENTS FILED: Supportive: -0-

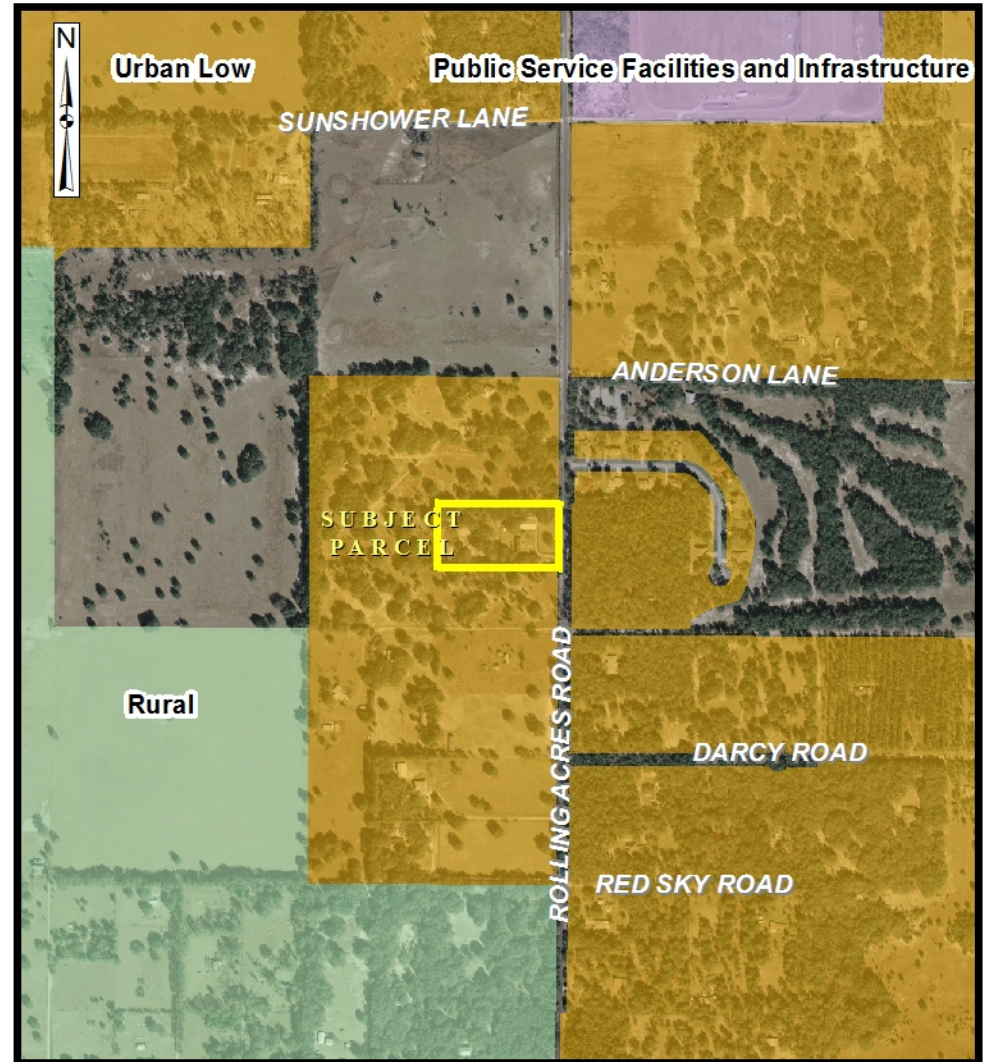
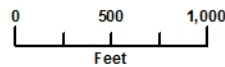
Concern: -0-

Opposition: -0-



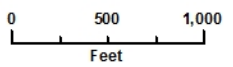
CURRENT ZONING

AGRICULTURE (A)



ADOPTED FUTURE LAND USE

URBAN LOW DENSITY



**VILLAGE PET SPA
CUP AMENDMENT**

CASE NO.
CUP #14/9/1-5

CASE LOCATION:
S30, T18S, R24E

REQUESTING:

Amend the Planned Commercial (CP) Ordinance #2014-31 to add Commercial uses.

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

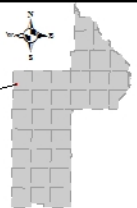
DATA SOURCES:

Lake County GIS Department; Planimetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. Its employees, agents and personnel, make no warranty as to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA



ORDINANCE #2014-XX
Village Pet Spa
CUP #14/9/1-5

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

WHEREAS, Marcia L. Gosline (the "Permittee") has made a request on behalf of Chlann Go Brach, LLC (the "Owner") to amend the existing kennel Conditional Use Permit (CUP) on property in the Agriculture (A) Zoning District to add another kennel building to house 40 additional dogs and cats for a total of eighty (80) animals on the site; and

WHEREAS, this ordinance will rescind and replace Ordinance #2010-50 (CUP #10/10/1-5); and

WHEREAS, the subject property consists of 5 +/- acres and is generally located in the Lady Lake area, West of Rolling Acres Road, approximately 2 miles west from the intersection of Lake Ella Road and U.S. Highway 27/441 in Section 30, Township 18 South, Range 24 East, currently having Alternate Key Number 2669268, and more particularly described as:

LEGAL DESCRIPTION:

The North 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 18 South, Range 24 East, Lake County, Florida, LESS the East 25 feet thereof. Together with an easement for ingress and egress over, across and upon the South 25 feet of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 18 South, Range 24 East, Lake County, Florida, LESS the East 25 feet thereof.

WHEREAS, the subject property is located within the Urban Low Density 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 herein after set forth.

WHEREAS, this Conditional Use Permit was reviewed by the Planning & Zoning Board on September 3, 2014 and by the Board of County Commissioners of Lake County, Florida on September 23, 2014; 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 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 rescind and replace Ordinance #2010-50 (CUP #10/10/1-5). 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 "A", the Conceptual Plan:

1 1. Two Kennel buildings: Each Kennel shall be limited to a maximum of 40 animals (any combination
2 of dogs and cats) over the age of six (6) months at any time for a total of 80 animals.

3 Accessory uses directly associated with this use, including equipment shelter and generator, may be
4 approved by the County Manager or designee. Any other use of the site shall require an amendment to
5 this Ordinance as approved 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. Specific Conditions:

9 1. The Kennel shall be in conformity with all Federal, State and Local Regulations at all times. The
10 Permittee shall secure all applicable required State and Local Licenses including a Lake County
11 occupational tax receipt.

12 2. A site plan application and building permits shall be required for review and approval prior to
13 initiating the additional second Kennel operation and for any other future development.

14 3. Animal Waste: Animal waste shall be picked up at least once daily, shall not be allowed to
15 accumulate, and shall be properly disposed. There shall be no storage of organic waste material
16 within the setback areas.

17 4. Removal of Animal Waste and Sewage: Domestic and commercial waste must be disposed of in
18 an approved Department of Health/Lake County Health Department system. Additional permitting
19 may be required by the Florida Department of Environmental Protection (FDEP). All development
20 permit requirements shall be addressed during the site plan review and approval process.

21 5. There shall be no storage of materials within the setbacks or buffers.

22 6. Noise: Soundproofing of the Kennel building shall be required and demonstrated on the building
23 plans. Public Address Systems or similar amplification devices shall not be allowed.

24 7. Parking: Parking surfaces may be grass or other pervious material, except as required for disabled
25 access. There shall be no parking allowed outside the property limits.

26 8. Hours of Operation for outside activities: Limited to the hours of 7 a.m. to 7 p.m.

27 9. Play Area: Use of the Play Area in front (west side) of the property, as shown on the Conceptual
28 Plan, shall be limited as follows:

29 a. The Play Area shall be limited to a maximum of five (5) dogs at any one time.

30 b. Use of the Play Area shall be limited to Tuesdays and Thursdays only.

31 C. Setbacks: Setbacks: The Lake County Board of Adjustment (BOA) granted a variance (BOA #9-10-5)
32 from the LDR to allow a setback of less than 200 feet from the east property line and right-of-way for
33 operation of a kennel. A minimum setback of approximately 59 feet from the easement along the north
34 property line shall be provided for the additional second kennel. Other setbacks shall be in accordance
35 with the Comprehensive Plan and LDR, as amended.

36 D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in accordance
37 with the Comprehensive Plan and LDR, as amended.

38 E. Landscaping, Buffering and Screening shall comply with the LDR, as amended.

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

17 **Section 3. Additional Conditions:**

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

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

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

5 ENACTED this _____ day of _____, 2014.

6 FILED with the Secretary of State _____, 2014.

7
8
9
10 EFFECTIVE _____, 2014.

11
12 **BOARD OF COUNTY COMMISSIONERS**
13 **LAKE COUNTY, FLORIDA**

14
15 _____
JIMMY CONNER, Chairman

16 **ATTEST:**

17 _____
18 **NEIL KELLY, Clerk of the**
19 **Board of County Commissioners**
20 **Lake County, Florida**

21 **APPROVED AS TO FORM AND LEGALITY**

22 _____
23 **SANFORD A. MINKOFF, County Attorney**

ATTACHMENT 1

ORDER OF THE LAKE COUNTY BOARD OF ADJUSTMENT

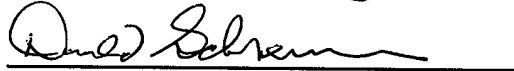
OWNER: Doralice D. Hartmann

CASE NO.: BOA #9-10-5

LAKE COUNTY, a political subdivision of the State of Florida, hereby grants a variance(s) from the Lake County Land Development Regulations, as amended, for the property legally described in EXHIBIT "A" requesting a variance(s) as outlined and approved in EXHIBIT "B".

This Order hereby incorporates by reference, the Board of Adjustment Minutes, Hearing Exhibits, and Lake County Staff file. These items are located at 315 West Main Street, Tavares, Florida 32778, and may be acquired through a public record request.

LAKE COUNTY, A Political Subdivision
of the State of Florida

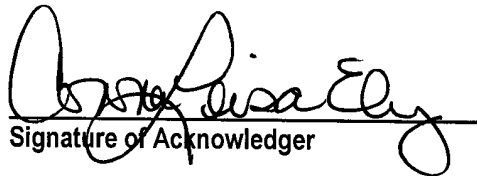
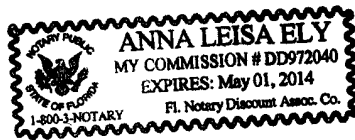


Donald Schreiner, Chairman
Lake County Board of Adjustment

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this July 1, 2010 by DONALD SCHREINER,
who is personally known to me.

(SEAL)



Signature of Acknowledger

Anna Leisa Ely
Name of Acknowledger (Typed or Print)

Public Hearing Coordinator
Title or Rank

DD 972040
Serial Number, if any
MY COMMISSION EXPIRES: May 1, 2014



EXHIBIT "A"
LEGAL DESCRIPTION
BOA #9-10-5
Doralice D. Hartmann
June 10, 2010

LEGAL DESCRIPTION: N 1/2 OF SE 1/4 OF SE 1/4 OF NE 1/4 – SEC 30- TWP 18 – RGE 24

EXHIBIT "B"
APPROVED VARIANCE
BOA #9-10-5
Doralice D. Hartmann
June 10, 2010

On Thursday, June 10, 2010, the Board of Adjustment approved the variance request from the **Lake County Land Development Regulations, Section 3.02.05.J Setbacks** to allow a setback of less than 200 feet from the east property line and right-of-way for operation of a kennel.

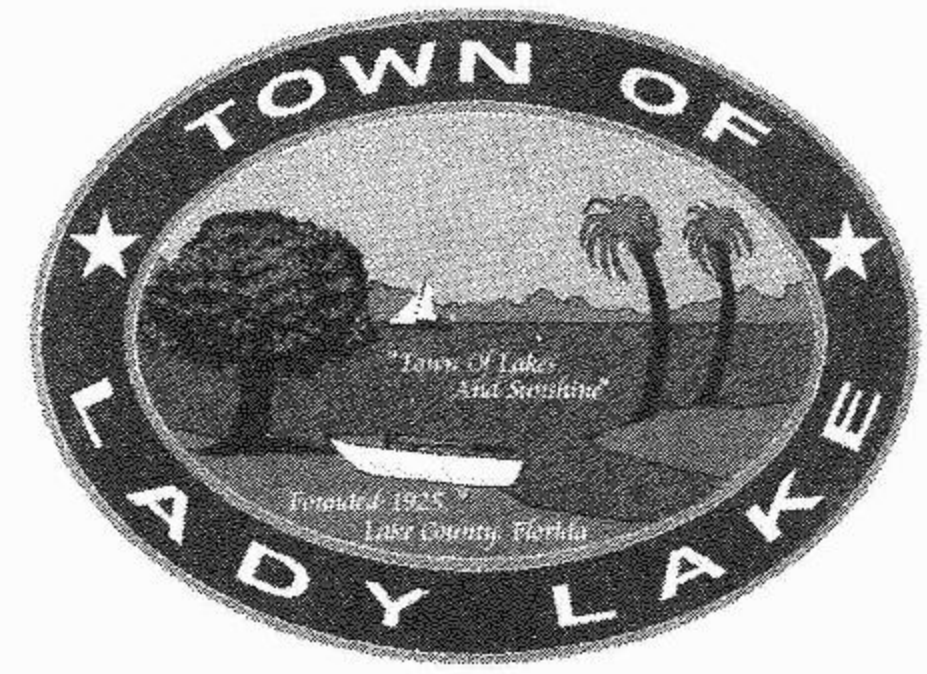
ATTACHMENT 2

Municipal Complex, 409 Fennell Boulevard, Lady Lake, Florida 32159 USA

352-751-1500

FAX 352-751-1510

www.ladylake.org



July 23, 2010

RE: Exemption from Connection to Town's Water Supply (AK#2669268)

Nancy Heron

37601 Rolling Acres Road

Lady Lake, FL 32159

To whom it may concern,

This letter is to inform you that an exemption has been granted for property referenced by Alternate Key Number 2669268, located in near proximity to the municipal limits of the Town of Lady Lake, situate in Lake County, Florida. Pursuant to Ordinance 2010-10, Appendix "B" of the Water and Sewer connection matrix was revised to afford a process by which the Town Manager may review criteria of a property to determine whether it is practical to require a connection to the Town's Utility.

The subject property has been evaluated in accordance with this policy by the Department of Growth Management and the Public Works Department, and it has been determined that given the nature of the use of the property as a residential property with agricultural and small business activities, the Town of Lady Lake is hereby choosing to exempt Mrs. Heron from connecting to our Water and Sewer Utility. Should any expansion of any operations on the property occur, the Town of Lady Lake hereby requests the right to reevaluate the proposal at that time to determine if the exemption should continue.

Best Regards,

Kristen Kollgaard
Town Manager

KK/tc

To Robert
7-8-14
TC

TOWN OF LADY LAKE
Water/Sewer/Reuse Physical Availability

Work Order Date: 7-8-14

Residential-Single Family Commercial Subdivision PUD Other Unknown

Requested by: Lake Co. Dept. of L.M.

Owner: Chlarn Go Beach LLC

Misc. Details: Utility Notification to be completed - attached.

Phone: 343-9767 Fax: _____ Email: zounig@lakecountyfl.gov

Location/Description: AK # 2669268 (37601 Rolling Acres Rd)

Is WATER physically available at site: Yes No

Approximate distance from site: 50 ft. Over 200 ft. or 1320 ft.

Is Jack & Bore required: Yes No

Is Water Tap required: Yes No

Is Meter Installation required: Yes No

Misc. Information: 12" Main on East Side of Rolling Acres

Is SEWER physically available at site: Yes No

Approximate distance from site: _____ ft. Over 200 ft. or 1320 ft.

Is Jack & Bore required: _____ Yes No

Is Sewer Tap required: Yes No

Misc. Information: 16" Main on West Side of Rolling Acres
Will Require a Pump Station

Is REUSE physically available at site: Yes No

Approximate distance from site: _____ ft. Over 200 ft. or 1320 ft.

Is Jack & Bore required: _____ Yes No

Is Water Tap required: Yes No

Is Meter Installation required: Yes No

Misc. Information: 12" Main on West side of Rolling Acres

* Note: Connecting to Utilities May not be
financially feasible; will need to determine
ERUs Required. Will need to Submit Total Cost to Connect?

Date Completed: 7-10-14 Completed by: [Signature]

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2010 NOV -4 AM 11:06
FILED

ORDINANCE #2010-50
Village Paw Spa
CUP #10/10/1-5

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

WHEREAS, Nancy L. Herrin (the "Applicant") on behalf of Doralice Hartmann (the "Owner/the Permittee") has made a request for a Conditional Use Permit (CUP) on property in the Agriculture (A) Zoning District to allow a Kennel; and

WHEREAS, the subject property consists of 5 +/- acres and is generally located in the Lady Lake area, West of Rolling Acres Road, approximately 2 miles from the intersection of Lake Ella Road and U.S. Highway 27 in Section 30, Township 18 South, Range 24 East, currently having Alternate Key Number 2669268, as described below:

LEGAL DESCRIPTION:

The North 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 18 South, Range 24 East, Lake County, Florida, LESS the East 25 feet thereof. Together with an easement for ingress and egress over, across and upon the South 25 feet of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 18 South, Range 24 East, Lake County, Florida, LESS the East 25 feet thereof.

WHEREAS, the subject property is located within the Urban Expansion 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.

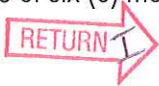
WHEREAS, this Conditional Use Permit was reviewed by Zoning Board on October 6, 2010 and by the Board of County Commissioners of Lake County, Florida on October 26, 2010; and

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

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

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 CUP, in accordance with this Ordinance.

- A. Land Uses: Use of the site shall be limited to the following as shown in EXHIBIT "A" "Conceptual Plan":
 - 1. All permitted uses within the Agriculture (A) Zoning District.
 - 2. Kennel: The Kennel shall be limited to a maximum of forty (40) animals (any combination of dogs and cats) over the age of six (6) months at any time



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

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

6 B. Specific Conditions:

7 1. The Kennel shall be in conformity with all Federal, State and Local Regulations at all times.
8 The Permittee shall secure all applicable required State and Local Licenses including a
9 Lake County occupational tax receipt.

10 2. Site/plot plan approval is required for all structures. The Applicant shall submit a site/plot
11 plan application within three (3) months of the effective date of this Ordinance; otherwise
12 this Permit shall be null and void, and the Permittee shall reapply for public hearing before
13 the Zoning Board and the Board of County Commissioners.

14 3. The Permittee shall acquire a Building Permit for all structures related to the Kennel no
15 later than three (3) months after site/plot plan approval; otherwise this Permit shall be null
16 and void, and the Permittee shall reapply for public hearing before the Zoning Board and
17 the Board of County Commissioners. The Building Permit application may be submitted
18 before site/plot plan approval but it will required an approved site/plot plan before the
19 issuance of a building permit.

20 4. Pet waste shall be picked up and properly disposed of at least once a day.

21 5. There shall be no storage of materials within the setbacks or buffers.

22 6. Noise:

23 a. Noise attenuation shall be addressed through one or more of the following; building
24 materials such as walls and fencing and/or landscaping. Soundproofing of the Kennel
25 building shall be required and demonstrated on the building plans.

26 b. Public Address Systems or similar amplification devices shall not be allowed.

27 c. A noise study may be required with the submittal of the site/plot plan to ensure
28 appropriate noise mitigation, in accordance with the Land Development Regulations,
29 as amended.

30 7. Parking:

31 a. There shall be no parking allowed outside the property limits.

32 b. Florida Accessibility Code Parking shall be provided, if required.

33 8. Hours of Operation for outside activities: Limited to the hours of 7 a.m. to 7 p.m.

34 9. Play Yard: Use of the Play Yard in front (west side) of the property, as shown on the
35 Conceptual Plan, shall be limited as follows:

36 a. The Play Yard shall be limited to a maximum of five (5) dogs at any one time.

37 b. Use of the Play Yard shall be limited to Tuesdays and Thursdays only.

38

- 1 C. Removal of Animal Waste and Sewage: Domestic and commercial waste must be disposed of
2 in an approved Department of Health/Lake County Health Department system. Additional
3 permitting may be required by the Florida Department of Environmental Protection (FDEP).
4 All development permit requirements shall be addressed during the site plan review and
5 approval process.
- 6 D. Setbacks: The Lake County Board of Adjustment (BOA) granted a variance (BOA #9-10-5)
7 from the LDR to allow setbacks of approximately 130 feet from the east property line and 59
8 feet from the easement for the Kennel as shown in EXHIBIT "A" "Conceptual Plan". Dog runs
9 shall be removed and located outside the Kennel setbacks. Other setbacks shall be in
10 accordance with the Comprehensive Plan and LDR, as amended.
- 11 E. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
12 accordance with the Comprehensive Plan and LDR, as amended.
- 13 F. Landscaping, Buffering and Screening: Shall comply with the LDR, as amended.
- 14 G. Fire Protection and Emergency Services Access: Access to the property shall be provided in
15 accordance with the Florida Fire Prevention Code and/or the LDR, as amended.
- 16 H. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent
17 with Dark-Sky Principles.
- 18 I. Signage: Signs shall be in accordance with the LDR, as amended.
- 19 J. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall
20 be required to submit a site/plot plan generally consistent with EXHIBIT "A" – CONCEPTUAL
21 PLAN, for review and approval in accordance with the Comprehensive Plan and LDR, as
22 amended.
- 23 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
24 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
25 Comprehensive Plan, and Lake County Land Development Regulations shall include any
26 future amendments to the Statutes, Code, Plans, and/or Regulations.
- 27 L. After establishment of the facilities as provided herein, the aforementioned property shall only
28 be used for the purposes named in this Conditional Use Permit, unless a proposed use meets
29 every requirement of the zoning district in which the property is located. Any other proposed
30 use must be specifically authorized by the Board of County Commissioners.
- 31 M. Action by the Lake County Code Enforcement Special Master. The Lake County Code
32 Enforcement Special Master shall have the authority to enforce the terms and conditions set
33 forth in this ordinance and to recommend that the ordinance be revoked.

34 **Section 3** Additional conditions of this permit shall mean:

- 35 A. In the event of failure of the Permittee to: Fulfill development in substantial accordance with
36 the plans as submitted to the Zoning Board and the Board of County Commissioners; comply
37 with the codes of the governmental agencies having lawful and appropriate jurisdiction
38 thereon; or comply with any of the terms of the Conditional Use Permit, the permit may be
39 revoked after due Public Hearing before the Zoning Board and the Board of County
40 Commissioners.

- 1 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant
- 2 running with the land; and the purpose, terms, and conditions contained herein shall be
- 3 binding upon the Permittee or any successor and his interest hereto.
- 4 C. In addition to any other remedy by law, any breach in any of the terms or conditions of this
- 5 permit or any default on the part of the Permittee or his successor in interest shall be deemed
- 6 a material breach hereof, and this Ordinance for a Conditional Use Permit may be canceled or
- 7 revoked. Cancellation or revocation of this Permit may be instituted by the County. The
- 8 County Manager or designee shall set this matter for Public Hearing giving the same notice as
- 9 provided in the Lake County Land Development Regulations, as amended.
- 10 D. This permit shall be inspected by the Code Enforcement Division annually to ensure
- 11 compliance with the conditions of this Conditional Use Permit and the approved site/plot plan.

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

ENACTED this 26th day of October, 2010.

FILED with the Secretary of State Nov 4, 2010.

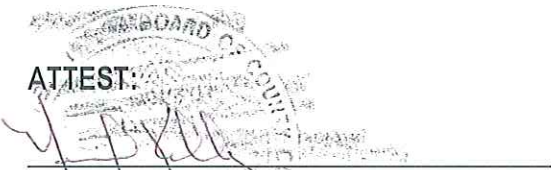
EFFECTIVE November 4, 2010.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



WELTON G. CADWELL, Chairman

ATTEST:



Neil Kelly
NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

Melanie Marsh
MELANIE MARSH, Acting County Attorney

