

LAKE COUNTY PLANNING AND ZONING ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING & ZONING BOARD
November 25, 2015



BOARD OF COUNTY COMMISSIONERS
December 15, 2015

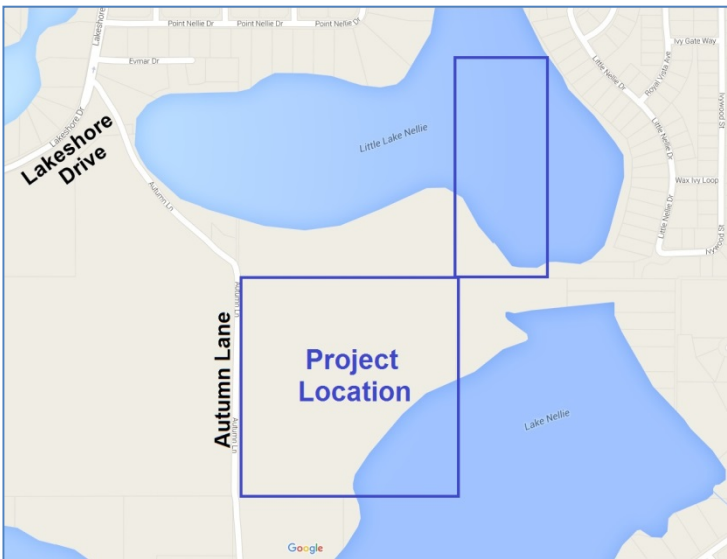
CUP-14/8/1-2 Al-Marah Arabian Horses	Case Manager: Melving Isaac, Senior Planner	Agenda Item #1
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Owner: M&D Horse Farms LLC (the "Owner")

Applicant: Mark Miller (the "Applicant")

Requested Action: Conditional Use Permit (CUP) to allow a Horse Farm including riding lessons, clinics, horse breeding/boarding, sale of horses, veterinary services and private events in the Agricultural Residential (AR) Zoning District.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit November 13, 2015
Sign Posted November 13, 2015 (2 posted)

Size	56 +/- acres	
Location	Clermont area, south of Lakeshore Drive, east of Autumn Lane	
Alternate Key #'s	1304121	
Future Land Use	Rural (1 du/5 ac)	
	Existing	Proposed
Zoning District	AR	AR
Density (LDR)	1 du/2 ac	1 du/2 ac
Floor Area Ratio (LDR Table 3.02.06)	0.20 max	0.20 max
Impervious Surface Ratio	0.25 max (LDR)	0.30 max (Policy I-1.4.4)
Joint Planning Area	Clermont	
Utility Area	N/A	
Site Utilities	Existing well and septic system	
Road Classification	Lakeshore Drive - Rural Major Collector Autumn Lane - Local	
Flood Zone/ FIRM Panel	(X, AE)/650	
Commissioner District	2 (Parks)	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Urban Residential (R-6)	Horse Farm (owned by applicant), Little Lake Nellie	
South	Green Swamp Rural Conservation	Urban Residential (R-6)	Rural Residential	
East	Rural	Urban Residential (R-6)	Rural Residential	Lake Nellie
West	Rural	Urban Residential (R-6)	Vacant Lands	Adjacent to Autumn Lane

– 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 Horse Farm including riding lessons, clinics, horse breeding/boarding, sale of horses, veterinary services and private events (weddings, birthday parties, family reunions, and similar events) in the Agricultural Residential (AR) Zoning District. The subject 56-acre property currently has a residence/office, barn, stables, paddocks, arena and training facilities. No new structures are being proposed at this time by the applicant, existing facilities will be used for the proposed uses.

The subject property of approximately 56 acres is located in the Clermont area, south of Lakeshore Drive, east of Autumn Lane. The property is located within the Rural Future Land Use Category (FLUC).

The applicant has indicated they expect to have between 6-12 private events per year and no more than 250 guests per event. Below is a brief summary of the types of events the applicant has held in the past and plan on holding in the future:

- 2 open house events with approximately 100-250 guests.
- 1 Derby Day fundraiser for Lake County Schools and Boys and Girls Club with approximately 70 guests.
- 4 VIP Tours for senior citizens with approximately 40 guests.

Special Events" which attract more than 500 people as defined under Chapter 13, Article V, Lake County Code, as amended, are prohibited, as conditioned in the proposed CUP Ordinance.

The request for a Horse Farm and associated uses is consistent with the Comprehensive Plan, which allows equestrian related uses, agriculture (agricultural services which includes veterinary services for animal specialties such as horses) and animal specialty services in the Rural Future Land Use Category (FLUC) with the issuance of a CUP. The request is also consistent with Comprehensive Plan Policy I-1.2.8 *Agricultural and Equestrian Uses*, which recognizes that equestrian uses are a suitable use of property within all Future Land Use Categories. In addition, the requested uses are also consistent with the Land Development Regulations (LDR), which allows Horse-Breeding Farms as a permitted use and Riding Stable or Academy as a conditional use in the Agricultural Residential (AR) Zoning District.

– 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 CUP request is consistent with the Comprehensive Plan Policy I-1.2.8 *Agricultural and Equestrian Uses*, which specifies that equestrian uses shall be recognized as a suitable use of property within all Future Land Use Categories. The request is also consistent with the Comprehensive Plan Policy I-1.4.4 *Rural Future Land Use Category*, which allows equestrian related uses and agriculture (agricultural services which includes veterinary services for animal specialties such as horses) as a permitted use, and animal specialty services with the issuance of a Conditional Use Permit (CUP).

Horse-Breeding Farms are a permitted use and Riding Stables and Academies are allowed with the issuance of a CUP in the Agricultural Residential (AR) Zoning District, pursuant to LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*. The proposed use is consistent with LDR Section 3.01.04(4) *Key to Conditions in Table of Permitted and Conditional Uses*, which indicates that riding stables or academies, where permitted, shall not be located on a tract of land less than 10 acres in size, and the structures housing the animals shall not be less than 200 feet from the nearest right-of-way or adjacent property line owned by others. The property is 56 acres in size and the existing horse stables meet/exceed the required 200-foot setback.

As shown in the aerial map below, the existing Horse Farm facilities are screened and buffered by trees located along the west, south, east property lines. The property located to the north which includes portion of the lake owned by the applicant. In recognition of this situation, an ordinance condition is proposed to not require landscape buffer along north property line and that the existing trees/vegetation along the west (including Autumn Lane), south and east property lines shall be preserved and maintained in order to screen the Horse Farm operation 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, disposal of animal waste, and buffering/screening. The existing horse stables meet/exceed the required 200-foot setback and there is existing buffering/screening along west, south and east property lines. A condition has been added to the proposed CUP ordinance indicating that "Special Events" which attract more than 500 people as defined under Chapter 13, Article V, Lake County Code, as amended, are prohibited.

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 large acreage vacant land to the west rural residential uses to the south and west, vacant lands and agricultural uses. The immediate adjacent property to the north is owned by the applicant and is not part of this CUP application. The property is surrounded by Little Lake Nellie and Lake Nellie to the north, east and south. Adjacent properties are zoned Urban Residential (R-6). The current zoning of the subject parcel is Agricultural Residential (AR), 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 and disposal of animal waste. In addition, a condition has been included in the proposed ordinance indicating that existing trees/vegetation along west, south and east property lines shall be preserved and maintained in order to screen the Horse Farm operation from adjacent properties. These items will be addressed in detail during the site plan 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, disposal of animal waste, and buffering/screening 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.

Water/Sewer - The property is being served by an existing well and septic system.

Transportation - Public Works Engineering Division has indicated that the Applicant will be required to provide a road/driveway maintenance agreement and easement agreement for the expanded (outside normal farm operation) road use with the required site plan application. The full extent of the impacts will be evaluated as part of the site plan review process for the proposed uses.

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 3 miles from Lake County Fire Station 109 (closest fire station), located at 11630 Lakeshore Drive, Clermont.

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-1.2.8 *Agricultural and Equestrian Uses*, which specifies that equestrian uses shall be recognized as a suitable use of property within all Future Land Use Categories.
2. The request is consistent with the Comprehensive Plan Policy I-1.4.4 *Rural Future Land Use Category*, which allows equestrian related uses and agriculture (agricultural services which includes veterinary services for animal specialties such as horses) as a permitted use and animal specialty services with the issuance of a Conditional Use Permit (CUP).
3. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows Horse-Breeding Farms as a permitted use and Riding Stables and Academies as a conditional use in the Agricultural Residential (AR) Zoning District.

4. The request is consistent with LDR Section 3.01.04(4) *Key to Conditions in Table of Permitted and Conditional Uses*, which indicates that riding stables or academies, where permitted, shall not be located on a tract of land less than 10 acres in size, and the structures housing the animals shall not be less than 200 feet from the nearest right-of-way or adjacent property line owned by others. The property is 56 acres in size and the existing horse stables meet/exceed the required 200-foot setback.

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

WRITTEN COMMENTS FILED: Supportive: -0-

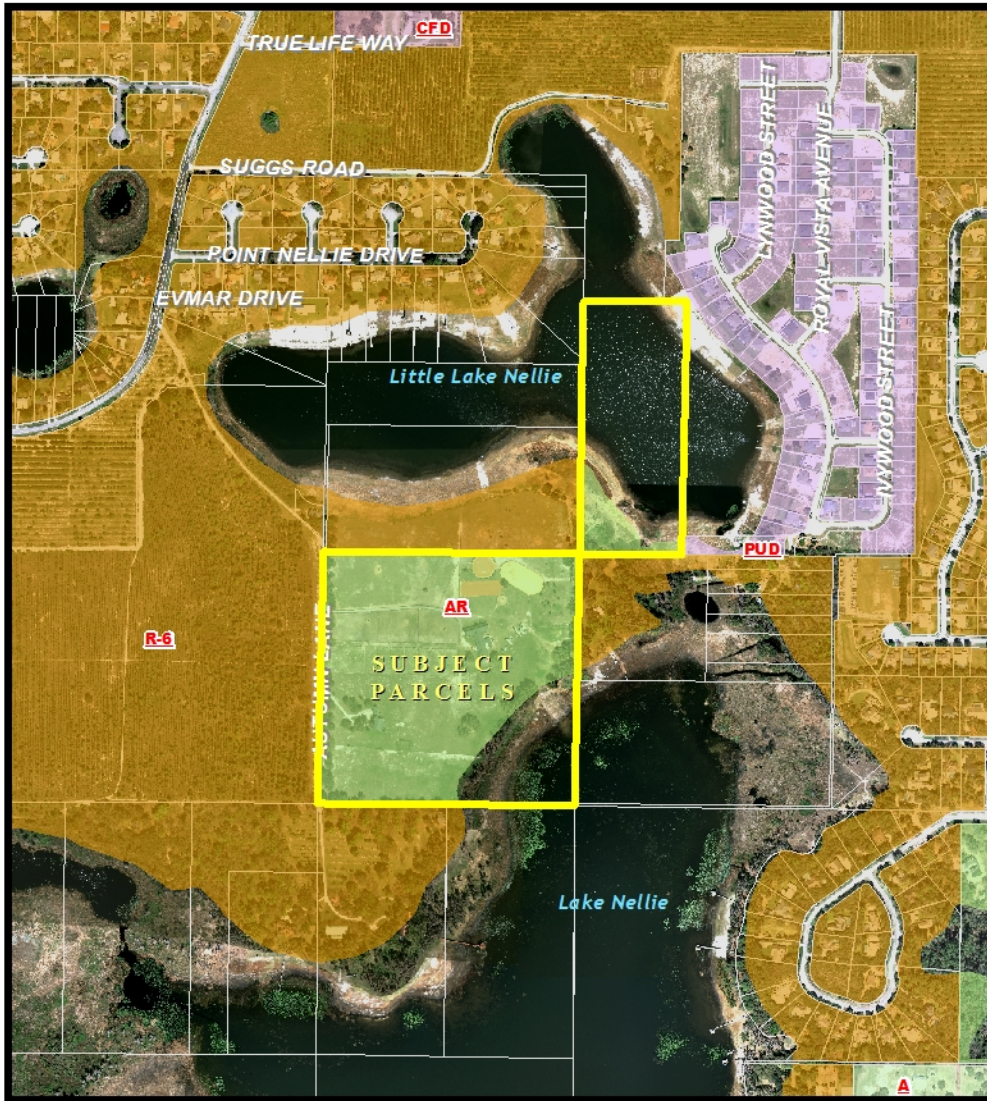
Concern: -0-

Opposition: -0-



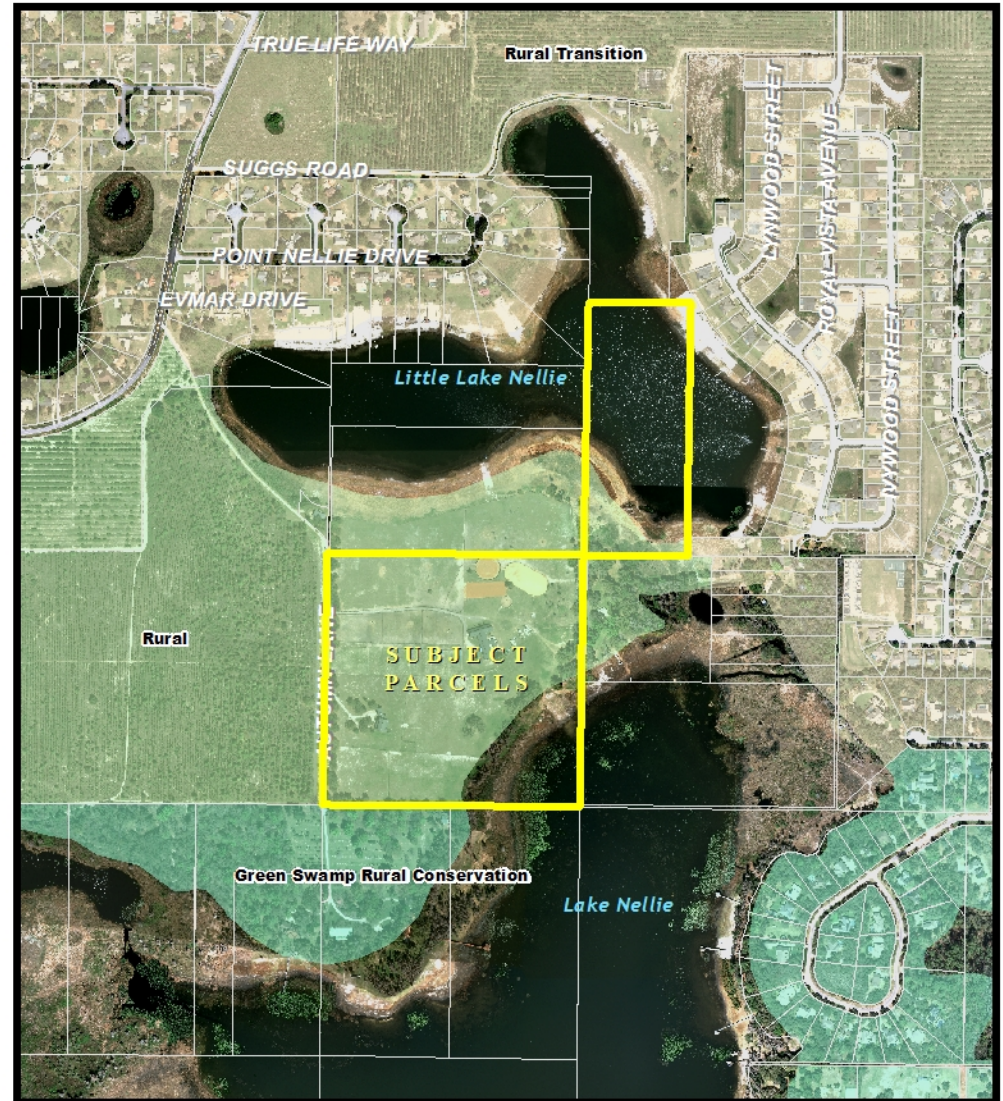
CURRENT ZONING

1 inch = 1,000 feet



CURRENT 2030 FUTURE LAND USE

1 inch = 1,000 feet



Zoning Legend

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

RLU Legend

Bella Collina	Heavy Industrial
Cagan's Crossing Conservation	Mt Plymouth - sorrento Main Street District
Green Swamp Core Conservation	Mt Plymouth - Sorrento Proper
Green Swamp Ridge	Mt Plymouth - Sorrento Receiving Area
Green Swamp Rural	Office
Green Swamp Rural Conservation	Public Service Facility and Infrastructure
	Receiving Area A-1-20

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	

**AL-MARAH
ARABIAN HORSES**

CASE NO.
CUP #14/8/1-2

CASE LOCATION:
S13, T23S, R25E

REQUESTING:
CUP to allow a
Horse Farm

**LAKE COUNTY
FLORIDA**

Planning & Zoning Division
Economic Growth Department

FOCUS AREA

ORDINANCE #2015-XX
Al-Marah Arabian Horses
CUP-14/8/1-2

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

WHEREAS, Mark Miller (the "Applicant") has made a request on behalf of M&D Horse Farms LLC (the "Owner"/"Permittee") for a Conditional Use Permit (CUP) to allow a Horse Farm including riding lessons, clinics, horse breeding/boarding, sale of horses, veterinary services and private events in the Agricultural Residential (AR) Zoning District; and

WHEREAS, the subject property consists of approximately 56 acres and is generally located in the Clermont area, south of Lakeshore Drive, east of Autumn Lane in Sections 13, Township 23 South, Range 25 East, currently having Alternate Key Number 1304121, and more particularly described as:

LEGAL DESCRIPTION

The Southwest 1/4 of the Southwest 1/4 and the West 535 feet of the Northeast 1/4 of the Southwest 1/4 of Section 13, Township 23 South, Range 25 East, in Lake County, Florida. Also, Tracts 47 and 48 in Section 13, Township 23 South, Range 25 East, according to the plat of Groveland Farms, a subdivision in Lake County, Florida, recorded in Plat Book 2, Pages 10 and 11, Public Records of Lake County, Florida.

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 Comprehensive Plan and 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 November 25, 2015 and by the Board of County Commissioners of Lake County, Florida on December 15, 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 Horse Farm as a Conditional Use within the Agricultural Residential (AR) 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 Agricultural Residential (AR) Zoning District, the use of the site shall also allow the uses specified below and consistent with Exhibit "A", the Conceptual Plan:

1. Horse Farm including riding lessons, clinics, horse breeding/boarding and sale of horses, and additional services such as body clipping, braiding, supplements, veterinary (as an accessory use), farrier, and halter preparation.

- 1 2. Private events (weddings, birthday parties, family reunions, and similar events). No more than 12
2 private events per year.
- 3 3. "Special Events" which attract more than 500 people as defined under Chapter 13, Article V, Lake
4 County Code, as amended, are prohibited.
- 5 4. Caretaker's (farm manager) residence and trainer living quarters.

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

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

11 B. Specific Conditions:

- 12 1. A site plan application shall be submitted for review and approval for the Horse Farm operation and
13 associated uses, and for any other future development.
- 14 2. The Horse Farm shall be in conformity with all Federal, State and Local Regulations at all times.
15 The Permittee shall secure all applicable required State and Local Licenses including a Lake
16 County business tax receipt.
- 17 3. Animal Waste:
 - 18 a. Animal waste shall not be allowed to accumulate, and shall be properly disposed or composted
19 if collected onsite. There shall be no storage of organic waste material within the setback or
20 buffer areas.
 - 21 b. No raw animal waste shall be spread on site unless it has been properly composted. Other
22 techniques may be used to break up manure in the pasture and accelerate the natural
23 degradation.
- 24 4. There shall be no storage of materials, equipment or vehicles within the setbacks or buffers or
25 easements.
- 26 5. Noise: Public Address Systems or similar amplification devices shall not be allowed.
- 27 6. Parking: Parking surfaces may be grass or other pervious material, except as required for disabled
28 access. There shall be no off-site parking.
- 29 7. Hours of Operation: Riding lessons and clinics shall be held during the hours of 7 a.m. to 7 p.m.
30 only. Private events shall be limited from 7 a.m. to 10 p.m.

31 C. Impervious Surface Ratio (ISR) shall be a maximum of 0.30 in accordance with the Comprehensive
32 Plan, as amended.

33 D. Setbacks, Open Space, Floor Area Ratio, and Building Height shall be in accordance with the
34 Comprehensive Plan and LDR, as amended.

35 E. Landscaping, Buffering, and Screening:

- 36 a. Landscape Buffer along North property line: No buffer required.
- 37 b. Existing trees/vegetation along west, south and east property lines shall be preserved and
38 maintained in order to screen the Horse Farm operation from adjacent properties.

- 1 c. No additional landscaping, screening or buffering required as long as the existing
2 trees/vegetation are preserved and maintained.
- 3 d. All other landscape buffer requirements shall be in accordance with the LDR, as amended.
- 4 F. Transportation Improvements/Access Management: Requirements shall be determined for the
5 proposed uses at site plan review and in accordance with the LDR, as amended. At a minimum, the
6 Applicant will be required to provide road/driveway maintenance agreement and easement agreement
7 for the expanded (outside normal farm operation) road use, unless determined at site plan review to be
8 unnecessary.
- 9 G. Fire Protection and Emergency Services Access: Access and fire safety requirements of the property
10 shall be provided in accordance with the Florida Fire Prevention Code and LDR, as amended.
- 11 H. Lighting: Exterior lighting shall not illuminate adjacent properties or public right of way, and shall be in
12 accordance with the LDR, as amended, and consistent with Dark-Sky Principles.
- 13 I. Signage: Signs shall be in accordance with the LDR, as amended.
- 14 J. Development Review and Approval: Prior to the issuance of any permits, the Permittee shall submit a
15 site plan generally consistent with Exhibit "A" – Conceptual Plan, for review and approval in
16 accordance with the Comprehensive Plan and LDR, as amended.
- 17 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
18 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
19 Lake County Land Development Regulations shall include any future amendments to the Statutes,
20 Code, Plans, and/or Regulations.
- 21 L. After establishment of the facilities as provided herein, the aforementioned property shall only be used
22 for the purposes named in this Conditional Use Permit, unless a proposed use meets every
23 requirement of the zoning district in which the property is located. Any other proposed use must be
24 specifically authorized by the Board of County Commissioners.

25 **Section 3. Additional Conditions:**

- 26 A. In the event of any breach in any of the terms or conditions of this permit or any default or failure of the
27 Permittee or his successor to: Fulfill development in substantial accordance with the conceptual plan as
28 submitted to the Planning & Zoning Board and the Board of County Commissioners; comply with the
29 codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or comply with
30 any of the terms of the Conditional Use Permit; or if this CUP is found to become a nuisance or safety
31 hazard, the permit may be revoked after due Public Hearing before the Planning & Zoning Board and
32 the Board of County Commissioners.
- 33 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with
34 the land; and the purpose, terms, and conditions contained herein shall be binding upon the Permittee
35 or any successor and his interest hereto.
- 36 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
37 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
38 to recommend that the ordinance be revoked.

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

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

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

9
10 ENACTED this _____ day of _____, 2015.

11
12 FILED with the Secretary of State _____, 2015.

13
14 EFFECTIVE _____, 2015.

15
16 BOARD OF COUNTY COMMISSIONERS
17 LAKE COUNTY, FLORIDA

18
19 _____
_____, Chairman

20 **ATTEST:**

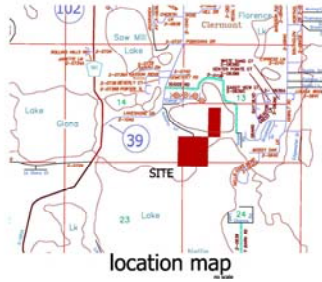
21 _____
22 NEIL KELLY, Clerk of the
23 Board of County Commissioners
24 Lake County, Florida

25 **APPROVED AS TO FORM AND LEGALITY**

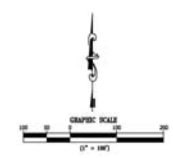
26 _____
27 MELANIE MARSH, County Attorney

1

EXHIBIT "A" – CONCEPTUAL PLAN



Legal Description
 The Southwest 1/4 of the Southwest 1/4 AND the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 13, Township 23 South Range 25 East, in Lake County, Florida.



Notes:
 Total acreage: 56 acres (2,420,360 square feet)
 Zoning of parcel: AR
 Proposed zoning: CUP
 Adjacent zoning:
 North - R-6
 South - R-6
 East - R-6/PUD
 West - R-6
 Future land use: Rural
 Proposed F.U.: Rural
 Proposed Use: Horse training and event center
 100 year flood elevation: (as indicated on plan)
 Wetland acreage: 3.2 acres
 Open Water: 16 acres
 Upland: 36.80 acres
 Open Space: 18.6 acres - 33%

Notes:
 • This plan is conceptual in nature and is subject to change due to engineering and other influences.
 • Maximum impervious surface ratio of .3
 • Maximum allowable building height: 40'
 • Building setbacks:
 Front - 20'
 Rear - 20'
 Side - 25'
 Building housing animals - 200'
 • Lake County Akr1304121

Notes:
 • Water, sewer and fire protection will be provided by on-site systems.
 • Stormwater management will be through a system of swales and dry bottom retention ponds as required.
 • Existing vegetation to be utilized as landscape buffer and be maintained by the owner.
 • Project to use existing turf areas for parking. No additional paving is proposed.
 • Trees indicated on plan are approximate locations of existing trees. No tree removal is anticipated.

Owner: M&D Horse Farms, LLC
 2730 Partin Settlement Road
 Kissimmee, Florida 34744
 Engineer: Wicks Engineering Services, Inc.
 C/O Ted Wicks
 225 West Main Street
 Tavares, Florida 32778
 (352) 343-8667

Drawn: LHM	REVISION:	DATE:
Checked: MHP		
Date: 07/26/2015	STAFF COMMENTS	08/18/2015
Scale: AS SHOWN		
File No.: 13332		
SHEET: 1 of 1		

**Al-Marah Arabians
 Equestrian
 Training and Event Center**

Concept Plan



2