



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): May 1, 2019
Board of County Commissioners (BCC): May 21, 2019

Case No. and Project Name: CUP-19-03-4, Moss Estates CUP

Applicant: Tracy M. Moss

Owner: Barry T. Eveland, Successor Trustee of the Vern Eveland Trust

Requested Action: Conditional use permit on approximately 20 +/- acres to allow for use of an existing barn as a wedding venue within the Agriculture zoning district.

Staff Determination: Staff recommends approval of the conditional use permit.

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

Subject Property Information

Size: 20.05 net acres (no wetlands or water bodies on subject property)

Location: 27700 County Road 44A, in the Eustis area

Alternate Key No.: 1313252

Future Land Use: Wekiva River Protection Area A-1-20 Sending Area

Current Zoning District: Agriculture (A)

Flood Zone: Flood zones "A" and "X"

Joint Planning Area/ ISBA: None

Overlay Districts: Wekiva River Protection Area, Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Road	County Road 44A
South	WRPA A-1-20 Sending Area	Agriculture (A)	Residential	Single-family dwelling units on large tracts of land
East	WRPA A-1-20 Sending Area	Agriculture (A)	Vacant	Large tract of vacant land
West	WRPA A-1-20 Sending Area	Agriculture (A)	Vacant	Large tract of vacant land

Staff Analysis

The subject property is identified by Alternate Key Number 1313252, contains 20 +/- acres, and is located at 27700 County Road 44A in the Eustis area of unincorporated Lake County. The subject property is zoned Agriculture (A), is designated as Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category by the 2030 Comprehensive Plan. Additionally, the property is situated within the Wekiva River Protection Area. The property is developed with a single-family residence and related accessory structures, including a barn.

The requested conditional use permit (CUP) application seeks approval to allow for use of an existing barn and other areas of the property as a wedding venue. The CUP application has been submitted as a contingency of purchase of the property by the Applicant. The Applicant has indicated that the proposed venue for weddings and ceremonies will be operating between the hours of 9:00 am and 11:00 pm on Fridays and Saturdays. Additionally, the Applicant has indicated that they are proposing a total of seventy (70) ceremonies to be held annually. The majority of ceremonies will be designed for a total of one hundred (100) guests, but the Applicant has requested approval for up to one hundred-fifty (150) guests.

Standards for Review (LDR Section 14.05.03)

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

The Land Development Regulations (LDR) are silent regarding venues for weddings and events. However, LDR Section 3.01.05 Similar Uses, states that uses not specifically listed and not more detrimental than the uses listed in Subsection 3.01.03, may be permitted in the Agricultural Zoning District. The proposed wedding venue is likely similar to or not more detrimental than the uses of a Private or Country Club, a Park for Passive Recreation, or a Hunting and Fishing Resort; therefore, staff has interpreted that the requested use would not be inconsistent with the Land Development Regulations.

The requested use of a wedding venue is not specifically listed within the Comprehensive Plan. However, Staff has determined that the requested use is likely most similar to the use of passive parks, and outdoor sports and recreation clubs which are conditionally allowed within the Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category. As the requested use is interpreted to be similar to specified conditionally allowed uses, the proposed use is likely consistent with the Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category.

Pursuant to interpretation from the County Attorney's Office, agri-tourism activities are not required to obtain a permit when such agri-tourism activity takes place on land classified as agriculture. If a parcel receives agricultural exemption (sometimes also called greenbelt exemption, or greenbelt classification) from the Property Appraiser's Office, the Office of Planning and Zoning considers the parcel to be classified as agriculture. Florida Statute 570.86(1) defines an agri-tourism activity as "any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities." The statute lists cultural, civil, and ceremonial activities as being contained within this definition. Staff considers weddings to be consistent with a ceremonial use, in relation to this definition. Comprehensive Plan Policy I-1.2.9 *Ecotourism and Agri-tourism Uses* states that ecotourism and agri-tourism uses are an allowed use within all future land use categories.

The subject property is located within the Wekiva River Protection Area. The policies contained in the Comprehensive Plan under Objective I-3.3 *Wekiva River Protection Area* are intended to maintain the rural density and character of the Wekiva River Protection Area (as defined by Florida Statutes). Staff considers the conditional use permit request to be consistent with the intention of this objective, as the use is similar to and not more detrimental than those that are allowed and conditionally allowed within the future land use category. Additionally, the requested use does not propose development at a higher density or intensity than that which is allowed by the future land use category.

B. Effect on Adjacent Properties.

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

In order to address any potential adverse effects upon nearby properties, the proposed ordinance includes conditions for implementing operating hours and a maximum number of guests.

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

The properties surrounding the subject property are agricultural and low density residential uses. The existing single-family residence located on the subject property will be maintained for use by the Owner consistent with the surrounding residential uses. The Applicant has indicated that if the property is purchased following CUP approval, they will be pursuing Agricultural Exemption through the Office of the Property Appraiser to raise and graze livestock. If the subject parcel is a bona fide farm and granted agricultural classification, it will be compatible with the surrounding agricultural uses and a CUP will no longer be required under the aforementioned standards for agri-tourism.

A wedding venue is an agri-tourism use which is consistent with agriculture and recreation uses, both of which are allowed in the Agriculture zoning district.

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.**

In order to minimize impacts to surrounding properties, the proposed ordinance includes conditions that require the submission of a noise study at the time of site plan submittal. Additionally, the Applicant proposes to plant pine tree saplings around the property perimeter to provide a visual and noise barrier between adjacent properties.

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

The subject property is 20 +/- acres in size and the barn that will function as a wedding venue are centrally located on the subject property. Specific hours of operation and occupancy limits will be established in the ordinance.

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

Water and Sewer

The subject parcel has an existing well and septic. The Applicant indicated that an existing accessory dwelling unit will be removed and the septic tank utilized for the proposed restrooms, pending approval by the Department of Health.

Access Management

Public Works indicated the following improvements must be addressed prior to the commencement of the wedding venue use:

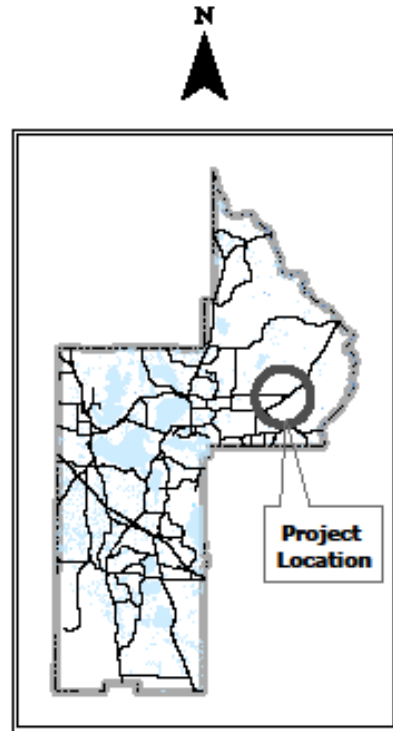
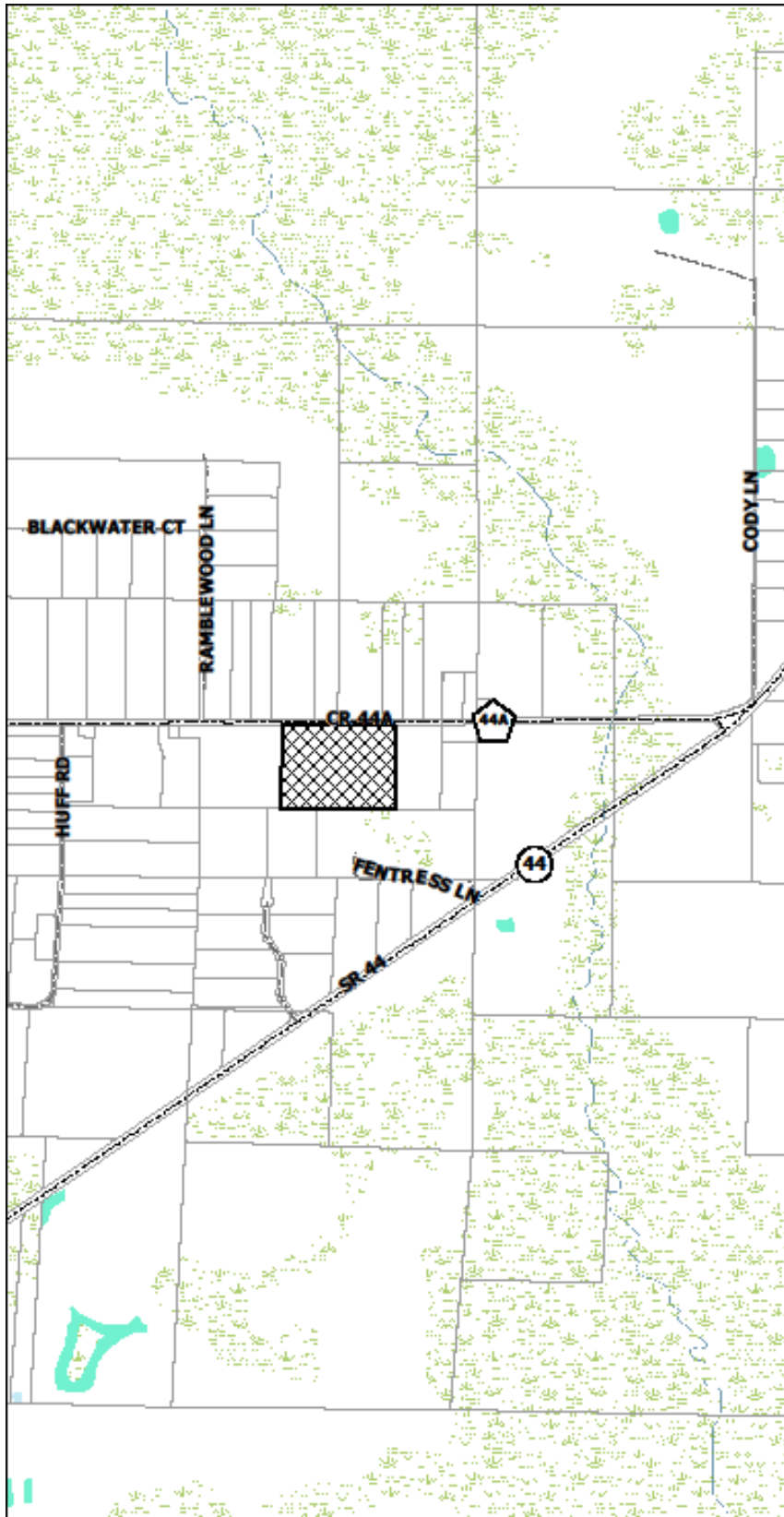
- a. The landscaped island located within the center of the driveway will have to be filled in.
- b. The width of the driveway must be twenty (20) to twenty-four (24) feet wide to allow for two way traffic ingress to and egress from the site.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Office of Fire Rescue 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 closest Lake County Fire Rescue Station (LCFR Station #21) is located approximately 2.6 miles from the site. The second-responder station, Station #39, is located 5.3 miles from the site.

Subject Property.



Ordinance 2019-XX
Moss Estates
CUP-19-03-5

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

3 **WHEREAS**, Tracy M. Moss (the "Applicant") submitted a conditional use permit application on behalf
4 of Barry T. Eveland, Successor Trustee of the Vern Eveland Trust (the "Owner"), on approximately 20 +/-
5 acres to allow the use of an existing barn as a wedding venue within the Agriculture zoning district; and

6 **WHEREAS**, the subject property consists of approximately 20 +/- acres, is identified by Alternate
7 Key Number 1313252, located at 27700 County Road 44A, in the Eustis area, situated in Section 34,
8 Township 18 South, Range 28 East, and more particularly described as:

9 **EXHIBIT "A" – LEGAL DESCRIPTION**

10 **WHEREAS**, the subject property is located within the Wekiva River Protection Area A-1-20 Sending
11 Area Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map
12 (FLUM); and

13 **WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable, in
14 order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance
15 with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the
16 special conditions set forth in this Conditional Use Permit; and

17 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board
18 on the 1st day of May, 2019 and by the Board of County Commissioners of Lake County, Florida, on the 21st
19 day of May, 2019.

20 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
21 Florida, that:

22 **Section 1.** Permission is hereby granted for a wedding venue as a Conditional Use within the Agriculture (A)
23 Zoning District. All land uses must be generally consistent with the Concept Plan as shown in Exhibit
24 "A" of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this
25 Ordinance, this Ordinance will take precedence.

26 **Section 2. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to show a
27 Conditional Use Permit to allow uses with conditions as outlined within this Ordinance.

28 **A. Land Use.** In addition to those uses listed as permitted land uses within the Agriculture (A)
29 Zoning District, the uses of the site will be allowed as specified below and generally consistent
30 with Exhibit "B", the Conceptual Plan.

- 31 1. Wedding Venue
- 32 2. Special Events
- 33 3. Agriculture use
- 34 4. Residential use

- 1 2. The developer shall be designed in accordance with all applicable Lake County and St. Johns
2 River Water Management District (SJRWMD) requirements, and the LDR, as amended.
- 3 **H. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height**
4 shall be in accordance with the Comprehensive Plan and Land Development Regulations (LDR),
5 as amended.
- 6 **I. Setbacks:** Unless otherwise specified, any new buildings or structures shall require building
7 setbacks in accordance with the LDR, as amended.
- 8 **J. Landscaping, Buffering, and Screening** shall be in accordance with the Comprehensive Plan
9 and Land Development Regulations (LDR), as amended.
- 10 **K. Concurrency Management Requirements:** Any development shall comply with the Lake
11 County Concurrency Management System, as amended.
- 12 **L. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be
13 required to submit a site plan application for any development for review and approval in
14 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as
15 amended.
- 16 **M. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references
17 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
18 Comprehensive Plan, and Lake County Land Development Regulations shall include any future
19 amendments to the Statutes, Code, Plans, and/or Regulations.

20 **Section 3. Conditions.**

- 21 **A.** After establishment of the facilities as provided in this Ordinance, the property must only be used
22 for the purposes named in this Ordinance, unless a proposed use meets every requirement of
23 the zoning district in which the property is located. Any other proposed use must be specifically
24 authorized by the Board of County Commissioners.
- 25 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
26 move, convert, or demolish any building structure, add other uses, or alter the land in any manner
27 within the boundaries of the above described land without first obtaining the necessary approvals
28 in accordance with the Lake County Code, as amended, and obtaining the permits required from
29 the other appropriate governmental agencies.
- 30 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the land,
31 and the terms, conditions, and provisions of this Ordinance will be binding upon the present
32 Owners and any successor, and will be subject to each and every condition set out in this
33 Ordinance.
- 34 **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance must
35 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good
36 and aware of the conditions established by this Ordinance and agrees to be bound by these
37 conditions. The purchaser or lessee may request a change from the existing plans and conditions
38 by following the procedures contained in the Land Development Regulations, as amended.
- 39 **E.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
40 Enforcement Special Master will have authority to enforce the terms and conditions set forth in
41 this Ordinance and to recommend that the ordinance be revoked.

1 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
2 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
3 of the remaining portions of this Ordinance.

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

7
8 **Section 5. Effective Date.** This Ordinance will become effective as provided by law.

9
10 ENACTED this _____ day of _____, 2019.

11 FILED with the Secretary of State _____, 2019.

12 EFFECTIVE _____, 2019.

13
14 BOARD OF COUNTY COMMISSIONERS
15 LAKE COUNTY, FLORIDA

16
17
18 _____
19 LESLIE CAMPIONE, CHAIRMAN

20
21 ATTEST:

22
23
24 _____
25 GARY J. COONEY, CLERK OF THE
26 BOARD OF COUNTY COMMISSIONERS
27 LAKE COUNTY, FLORIDA

28
29
30 APPROVED AS TO FORM AND LEGALITY:

31
32
33 _____
34 MELANIE MARSH, COUNTY ATTORNEY

Exhibit A – Legal Description

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

That Part of the Northwest 1/4 of the Southeast 1/4 and of the West 3/4 of the Northeast 1/4 of the Southeast 1/4 lying south of State Highway No. 44; All of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4; and all of the North 1/2 of the Southwest 1/4 of the Southeast 1/4, all in Section 34, Township 18 South, Range 28 East, in Lake County, Florida.

