



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearings: Planning & Zoning Board (PZB): February 5, 2020
Board of County Commissioners (BCC): February 25, 2020

Case No. and Project Name: CUP-19-11-1 Wild Friends of the Earth Foundation

Applicant: Carrie Schacht

Owner: Fran Schacht

Requested Action: Conditional use permit (CUP) to allow a private exotic animal wildlife sanctuary on Agriculture (A) zoned property.

Staff Determination: Staff finds the conditional use permit application consistent with the LDR and Comprehensive Plan.

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 5.01 +/- acres

Location: North of Hanley Road, adjacent to Shady Grove Road in the Mascotte area of unincorporated Lake County.

Alternate Key No.: 1297664

Future Land Use: Rural

Current Zoning District: Agriculture

Flood Zone: "X" and "AE"

Joint Planning Area / ISBA: Mascotte ISBA

Overlay Districts: Not Applicable

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Agriculture and residential uses	Single-family residence
South	Rural	Agriculture (A)	Agriculture and residential uses	Agricultural
East	Rural	Agriculture (A)	Agriculture and residential uses	Adjacent to Shady Grove Road and single-family residence
West	N/A	N/A	Agriculture and residential uses	Sumter County and single-family residence

- Summary of Analysis -

The subject 5.01 +/- acre parcel is generally located north of Hanley Road, and adjacent to Shady Grove Road, in the Mascotte area of unincorporated Lake County. The parent parcel is zoned Agriculture (A) and is designated as Rural Future Land Use Category (FLUC). The property is developed with a single-family residence.

The Applicant has submitted a conditional use permit (CUP) application to allow a private exotic animal wildlife sanctuary for a maximum of ten (10) exotic animals. LDR Chapter 2 defines exotic animals as “those animals that are classified as either Class I or Class II captive wildlife as set forth in Rule 68A-6.002, Florida Administrative Code.” The proposed sanctuary will house a mix of both Class I and Class II species; including/limited to leopards, jaguars, tigers, lions, servals, lynx, and bobcats.

– Analysis –

LDR Section 14.05.03 (Standards for Review)

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

The proposed request is consistent with Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows exotic animals within the Agriculture (A) zoning district with an appropriate land use regulatory instrument; a conditional use permit (CUP) satisfies this requirement. The LDR contains a definition for exotic animals, but not provide a land use classification nor specify any regulations for them. However, the Florida State Statutes contain regulations for exotic animals; should the CUP be approved, the Applicant will be required to comply with appropriate state agency regulations. Pursuant to Florida Statute 68A-6.010, the minimum setback between the caged wildlife and the property line is 35-feet.

Upon researching the proposed use, Staff found a previous ordinance regarding exotic animals (Ordinance #2010-16). This ordinance was approved by the Board on March 23, 2010, did not contain any specific conditions regarding setbacks between animal enclosures and adjacent property lines, animal enclosure construction, or fencing requirements. It required compliance with State and Federal permitting and inspections. Additionally, Staff contacted several surrounding counties, which indicated that they utilize State and Federal requirements for exotic animals.

Pursuant to Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category, animal specialty services are allowed within the category with an appropriate land use regulatory instrument; a CUP satisfies this requirement.

B. Effect on Adjacent Properties.

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

Undue adverse effects are not anticipated as the proposed use will be private and not open to the public. Additionally, the ordinance will limit the maximum number of exotic animals to ten (10); a request for additional exotic animals will require an amendment to the CUP.

Secondly, the proposed ordinance contains fencing requirements consistent with the Concept Plan (Attachment “A”); the animal compound area is to be surrounded by a chain link fence 8-feet (minimum) in height, animal cages are to be made of chain link fence 10-feet (minimum) in height, and animal exercise areas are to be surrounded by chain link fence 16-feet (minimum) in height. The Applicant will be required to comply with appropriate State agency regulations.

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

The area is characterized by large parcels with agricultural and low density residential uses.

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 use will be situated on the rear of the property as depicted on the Concept Plan (Attachment "A"). There is an existing wooded area between the proposed animal compound area and the rear property line. Additionally, the ordinance contains minimum setbacks from adjacent property lines.

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.

As previously stated, the proposed use will not be open to the public and will not generate additional traffic in the area.

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.

Parks

The proposed request is not anticipated to adversely impact parks.

Schools

The proposed request is not anticipated to adversely impact schools.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation

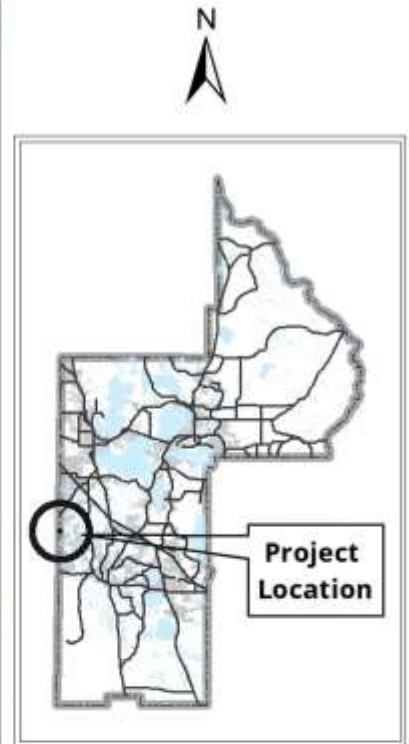
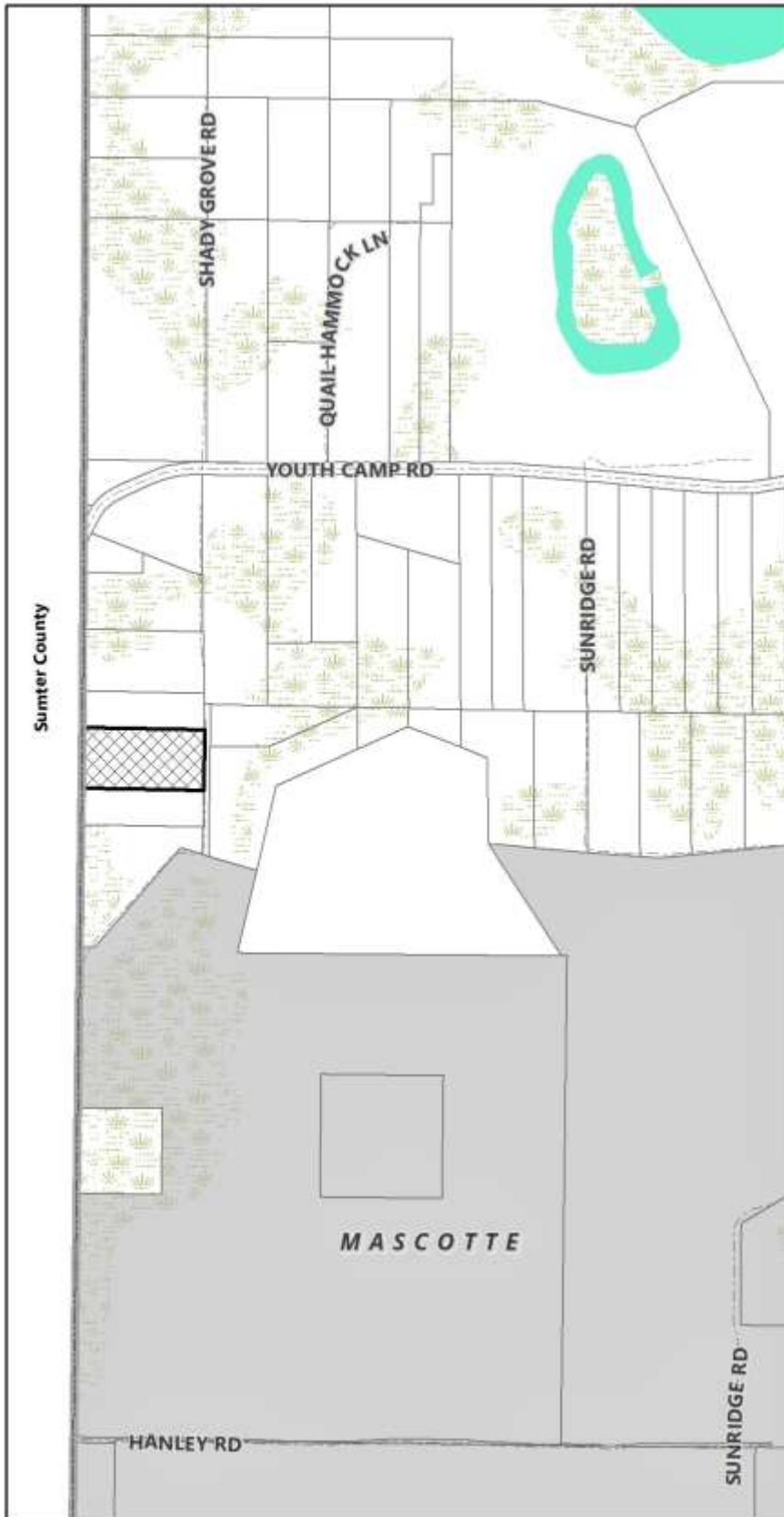
The proposed request is not anticipated to adversely impact transportation levels of service.

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.

Lake County Fire Rescue Station #82 is located less than seven (7) miles from the subject property at 24939 US Highway 27, Leesburg. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is approved.

Subject Property



With 4th's entry at
Enclosed POP 15
11/2 case (unintentional)

6-14



Ordinance #2020-XX
Wild Friends of the Earth Foundation
CUP-2019-11-1

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**, Carrie Schacht ("Applicant"), has submitted a conditional use permit application on
4 behalf of Fran Schacht (the "Owner") to allow a private wildlife sanctuary for exotic animals on Agriculture (A)
5 zoned property; and

6 **WHEREAS**, the subject property consists of approximately 5.01 +/- acres and is generally located
7 north of Hanley Road, and adjacent to Shady Grove Road, in the Mascotte area of unincorporated Lake
8 County, in Section 19, Township 21 East, Range 24 South, having Alternate Key Number 1297664, and more
9 particularly described below as:

10 The North 330 feet of the South 528 feet of the Northwest 1/4 of the Northwest 1/4 of the
11 Northwest 1/4 in Section 19, Township 21 South, Range 24 East, Lake County, Florida.

12 **WHEREAS**, the property subject to the request is located within the Rural Future Land Use Category
13 as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

14 **WHEREAS**, Lake County Planning and Zoning Board did review petition CUP-2019-11-1 on the 5th
15 day of February, 2020, and after giving Notice of Hearing for a change in the use of land, including a notice
16 that said petition will be presented to the Board of County Commissioners of Lake County, Florida, on the
17 25th day of February, 2020; and

18 **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the
19 Lake County Planning and Zoning Board, the staff report and any comments, favorable or unfavorable, from
20 the public and surrounding property owners at a public hearing duly advertised, and

21 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
22 property have been duly approved; and

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

25 **Section 1.** Permission is hereby granted to allow exotic animals as a Conditional Use within the Agriculture
26 (A) Zoning District. All land uses must be generally consistent with the Concept Plan as shown
27 in Exhibit "A" of this Ordinance. To the extent that there are conflicts between the Conceptual
28 Plan, and this Ordinance, this Ordinance will take precedence.

29 **Section 2. Terms:** The County Manager or designee shall amend the Official Lake County Zoning Map to
30 reflect a Conditional Use Permit (CUP) to allow uses with conditions as outlined in this
31 Ordinance. All land uses must be generally consistent with the Concept Plan as shown in Exhibit
32 "A", of this Ordinance. To the extent that there are conflicts between the Conceptual Plan, and
33 this Ordinance, this Ordinance will take precedence.

34 **A. Land Uses:**

35 1. Agricultural and residential uses

36 2. Exotic animals (maximum of 10)

37 i. Permitted exotic animals include tigers, lions, jaguars, lynx, bobcats, and
38 leopards.

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

4 **B. Specific Conditions:**

- 5 1. The Permittee shall submit a development application for site plan approval.
- 6 2. The Applicant shall obtain all required Federal and/or State permits and/or inspections
7 prior to operation and ensure that they are maintained in an active status while exotic
8 animals are kept on the property.
- 9 3. Copies of all required Federal and/or State permits and/or inspections shall be received
10 by the county within 30 days of issuance.
- 11 4. Breeding and selling of exotic animals is prohibited.
- 12 5. There shall be no signs permitted on the site.
- 13 6. This is not to be a public facility and shall not be open to the public.
- 14 7. Animal waste, used bedding, and any other associated animal waste(s) generated by
15 the exotic animals shall be disposed of off-site on a weekly basis (7-day week).
- 16 8. Animal waste may not be placed within 100-feet of the jurisdictional wetland line.

17 **C. Setbacks.**

- 18 1. At a minimum, the animal compound area setback from the property line shall be as
19 stated below:
20 North – 100-feet
21 West – 100-feet
22 South – 35-feet
23 East – 100-feet
- 24 2. Proposed structures must maintain a minimum setback of 50-feet from the jurisdictional
25 wetland line (JWL).
- 26 3. Unless otherwise specified in this ordinance, setbacks shall be in accordance with the
27 Land Development Regulations (LDR), as amended.

28 **D. Fencing Requirements.**

- 29 1. Animal compound area to be surrounded by an 8-foot tall (minimum) chain link fence.
- 30 2. Animal cages to be made of 10-foot tall (minimum) chain link fence.
- 31 3. Animal exercise areas to be made of 16-foot tall (minimum) chain link fence.

32 **E. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.** Open
33 Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in accordance
34 with the Comprehensive Plan, and Land Development Regulations (LDR), as amended.

- 1 **F. Environmental Considerations.**
- 2 1. An environmental assessment dated within six (6) months of the site plan submittal. The
- 3 environmental assessment will need to be indicate the presence of vegetation, soils,
- 4 threatened and endangered species that may exist on the site. Any state permitting or
- 5 mitigation will be required before development can commence.
- 6 2. Environmental resources shall be protected in accordance with the Comprehensive Plan
- 7 and Land Development Regulations (LDR), as amended.
- 8 **G. Transportation.** All access management shall be in accordance with the Comprehensive Plan
- 9 and Land Development Regulations (LDR), as amended.
- 10 **H. Floodplain and Stormwater Management.** The stormwater management system shall be
- 11 designed in accordance with all applicable Lake County and St. Johns River Water
- 12 Management District (SJRWMD) requirements, as amended.
- 13 **I. Concurrency Management Requirements.** Any development must comply with the Lake
- 14 County Concurrency Management System, as amended.
- 15 **J. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall
- 16 be required to submit a development application generally consistent with Exhibit "A" -
- 17 Conceptual Plan for review and approval in accordance with the Comprehensive Plan and Land
- 18 Development Regulations (LDR), as amended.
- 19 **K. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references in
- 20 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
- 21 Comprehensive Plan, and Lake County Land Development Regulations will include any future
- 22 amendments to the Statutes, Code, Plans, or Regulations.

23 **Section 3. Conditions:**

- 24 **A.** After establishment of the facilities as provided in this Ordinance, the property must only be
- 25 used for the purposes named in this Ordinance. Any other proposed use must be specifically
- 26 authorized by the Board of County Commissioners.
- 27 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
- 28 move, convert, or demolish any building or structure, add other uses, or alter the land in any
- 29 manner within the boundaries of the above described land without first obtaining the
- 30 necessary approvals in accordance with the Lake County Code, as amended, and obtaining
- 31 the permits required from the other appropriate governmental agencies.
- 32 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the land
- 33 and the terms, conditions, and provisions of this Ordinance, and will be binding upon the
- 34 present Owner and any successor, and will be subject to each and every condition set out in
- 35 this Ordinance.
- 36 **D.** Construction and operation of the proposed use must comply with the regulations of this and
- 37 other governmental permitting agencies.

1 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
2 must include in the transfer or lease agreement, a provision that the purchaser or lessee is
3 made aware of the conditions established by this Ordinance and agrees to be bound by these
4 conditions. The purchaser or lessee may request a change from the existing plans and
5 conditions by following the procedures contained in the Land Development Regulations, as
6 amended.

7 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
8 Enforcement Special Master will have authority to enforce the terms and conditions set forth
9 in this ordinance and to recommend that the ordinance be revoked.

10 **Section 4. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
11 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
12 of the remaining portions of this Ordinance.

13 **Section 5. Filing with the Department of State:** The clerk is hereby directed forthwith to send a copy of
14 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
15 125.66, Florida Statutes.

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Section 6. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this _____ day of _____, 2020.

FILED with the Secretary of State _____, 2020.

EFFECTIVE _____, 2020.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

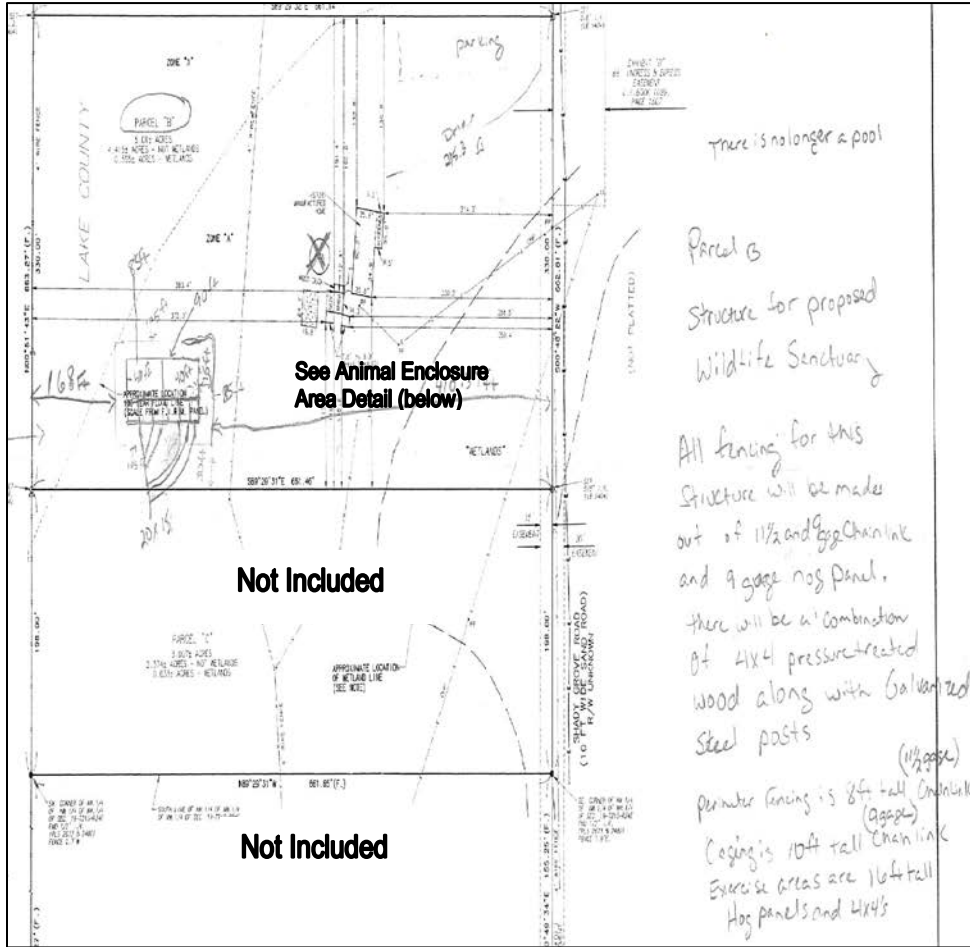
GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

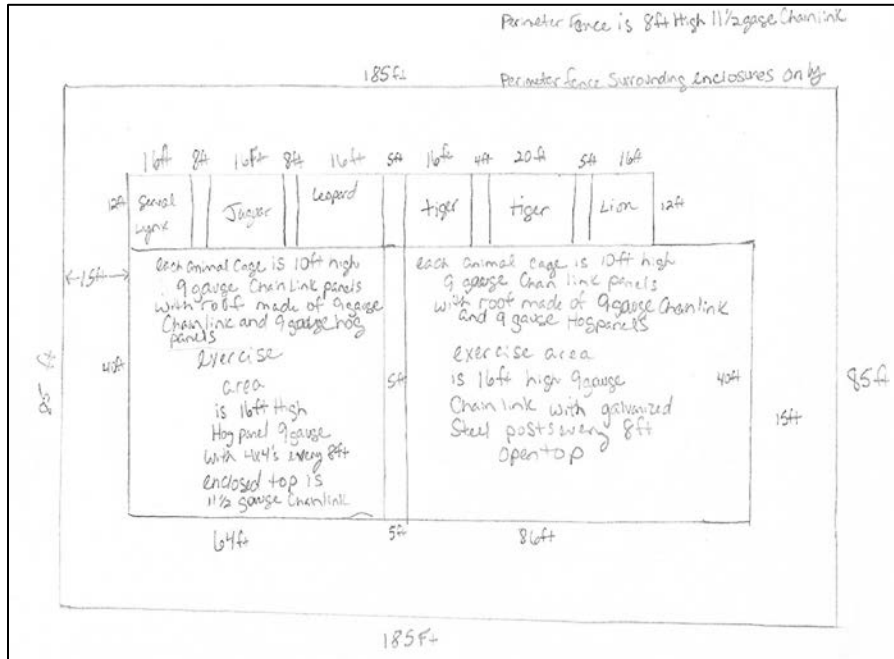
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EXHIBIT "A", CONCEPT PLAN



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Animal Enclosure Area Detail



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