



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): March 4, 2020
Board of County Commissioners (BCC): March 24, 2020

Case No. and Project Name: CUP-19-16-1 SaveaFox Sanctuary

Applicant: Mikayla Raines, SaveaFox Corporation

Owner: Jose I. Palos

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

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

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

Subject Property Information

Size: 9.65 +/- acres

Location: 19231 County Road 33 in the Groveland area.

Alternate Key No.: 3438094

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X" and "A"

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	Single-family residence
East	Rural (across CR 33)	Agriculture (A) (across CR 33)	Agriculture and residential uses (across CR 33)	Adjacent to County Road 33
West	Rural	Agriculture (A)	Agriculture and residential uses	Single-family residence

- Summary of Analysis -

The subject 9.65 +/- acre parcel is located at 19231 County Road 33, in the Groveland 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 an exotic animal sanctuary for a maximum of forty (40) 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.” In response to the staff comment letter, the Applicant has clarified that the proposed sanctuary will house a mix of both Class I and Class II species. The sanctuary does not breed, purchase, or sell animals; all animals housed in the sanctuary come from prior captive situations, and have been rescued from fur-farms, pet surrenders, or seized by authorities where they would have otherwise been euthanized. The facility will not be accessible to the public, however, the Applicant indicated that educational tour groups will be allowed into the facility at pre-authorized times, the facility may hold up to three (3) special events annually with pre-purchased ticket sales, and an animal caretaker will be present on the property at all times. Additionally, the Applicant indicated that animal enclosures will be a minimum of six (6) feet in height, consistent with USDA requirements, and shall be re-enforced in such a way as to prevent animals from climbing over or digging under the fencing enclosures.

- 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 caged wildlife and the property line is 35-feet.

In conditional use permits which have been brought to the Board previously, ordinances have required compliance with State and Federal permitting and inspections. Additionally, surrounding counties with similar facilities have 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 not open for public access. Additionally, the ordinance will limit the maximum number of exotic animals to forty (40); a request for additional exotic animals will require an amendment to the CUP.

Additionally, the proposed ordinance contains requirements that all animal enclosure areas must be located a minimum of 35-feet from any property line, as is consistent with Florida Statute 68A-6.010.

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.

Fenced animal enclosures shall be a minimum of six (6) feet high, and the subject property shall have additional perimeter fencing, as depicted on the Concept Plan. Additionally, the ordinance contains minimum setbacks from adjacent property lines. The Applicant has indicated that the property is heavily landscaped, and they will be utilizing the existing landscaping to screen the proposed use; landscaping and screening will be addressed during the site plan review process, if the conditional use permit is approved.

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 public access, and is not expected to 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.

Water and Sewer

The subject property has an existing well and septic.

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

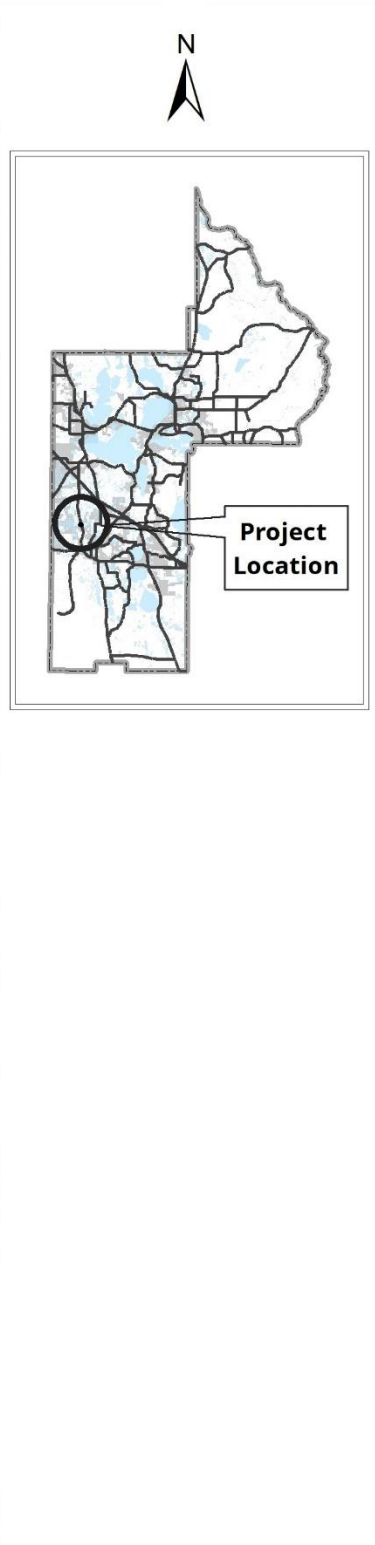
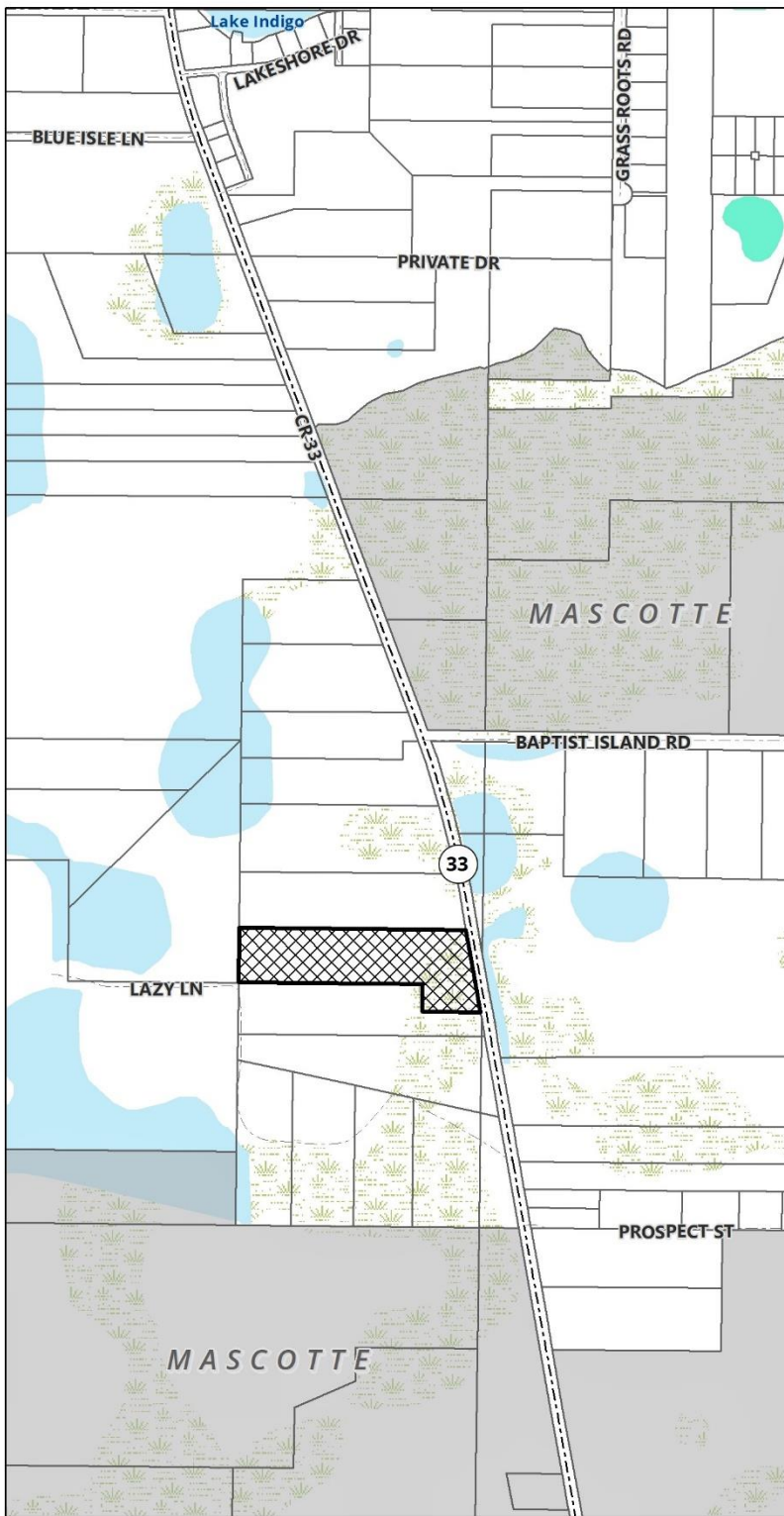
The proposed request is not anticipated to adversely impact transportation levels of service.

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



**Ordinance #2020-XX
SaveaFox Sanctuary
CUP-2019-16-1**

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

WHEREAS, Mikayla Raines, SaveaFox Corporation (the “Applicant”), has submitted a conditional use permit application on behalf of Jose I. Palos (the “Owner”), to allow an exotic animal sanctuary on Agriculture (A) zoned property; and

WHEREAS, the subject property consists of approximately 9.65 +/- acres and is located at 19231 County Road 33, in the Groveland area of unincorporated Lake County, in Section 27, Township 21 South, Range 24 East, having Alternate Key Number 3438094, and more particularly described below as:

EXHIBIT “A” – Legal Description

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

WHEREAS, Lake County Planning and Zoning Board did review petition CUP-2019-16-1 on the 4th day of March, 2020, and after giving Notice of Hearing for a change in the use of land, including a notice that said petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 24th day of March, 2020; and

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

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

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

Section 1. Terms: The County Manager or designee shall amend the Official Lake County Zoning Map to reflect a Conditional Use Permit (CUP) to allow uses with conditions as outlined in this Ordinance. All land uses must be generally consistent with the Concept Plan as shown in Exhibit “B”, of this Ordinance. To the extent that there are conflicts between the Conceptual Plan, and this Ordinance, this Ordinance will take precedence.

A. Land Uses:

1. Agricultural and residential uses, in accordance with Rural future land use.
2. Exotic animals (maximum of 40)
 - i. Permitted exotic animals include both Class I and Class II captive wildlife, as set forth in Rule 68A-6.002, Florida Administrative Code.
3. Caretaker Residence
4. Educational Tours: An Educational Tour shall be classified as a supervised visit to the facility by a group of persons which is booked in advance, and which provides the group with an experience of educational value centered on exotic animals. Educational Tours shall have no more than 10 persons (minors and adults) per group.

1 **5. Special Event / Special Event Site Plan**

- 2 i. No more than three (3) special events or special event site plans to be held
3 annually.
- 4 ii. Special Event: A Special Event shall be classified as an advertised, ticketed
5 event expected to draw 500 persons or greater. A Special Event will require
6 permits in accordance with the Land Development Regulations (LDR) and
7 Comprehensive Plan, as amended.
- 8 iii. Special Event Site Plan: Special Event Site Plan shall be classified as an
9 advertised, ticketed event expected to draw less than 500 persons. A Special
10 Event Site Plan will require permits in accordance with the Land Development
11 Regulations (LDR) and Comprehensive Plan, as amended.

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

15 **B. Specific Conditions:**

- 16 1. The Permittee shall submit a development application for site plan approval.
- 17 2. The Applicant shall obtain all required Federal and/or State permits and/or inspections
18 prior to operation and ensure that they are maintained in an active status while exotic
19 animals are kept on the property.
- 20 3. Copies of all required Federal and/or State permits and/or inspections shall be received
21 by the county within 30 days of issuance.
- 22 4. Breeding and selling of exotic animals is prohibited.
- 23 5. Signage shall be in accordance with the Comprehensive Plan and Land Development
24 Regulations, as amended.
- 25 6. Access by the public is prohibited, with the exception of the allowed educational tours
26 and special events as stated above.
- 27 7. Animal waste, used bedding, and any other associated animal waste(s) generated by
28 the exotic animals shall be disposed of off-site on a weekly basis (7-day week).
- 29 8. Animal waste may not be placed within 100-feet of the jurisdictional wetland line or
30 property line.

31 **C. Setbacks.**

- 32 1. At a minimum, the animal compound area setback from the property line shall be as
33 stated below:
- 34 North – 35-feet
- 35 West – 35-feet
- 36 South – 35-feet
- 37 East – 100-feet

- 1 2. Proposed structures must maintain a minimum setback of 50-feet from the jurisdictional
- 2 wetland line (JWL).
- 3 3. Unless otherwise specified in this ordinance, setbacks shall be in accordance with the
- 4 Land Development Regulations (LDR), as amended.

5 **D. Fencing Requirements.**

- 6 1. Perimeter fencing of the subject property, as depicted in Exhibit “B” – Concept Plan.
- 7 2. Animal enclosures shall be a minimum of 6-feet high, and shall be re-enforced in such
- 8 a way as to prevent animals from climbing over or digging under fencing.

9 **E. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.** Open

10 Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in

11 accordance with the Comprehensive Plan, and Land Development Regulations (LDR), as

12 amended.

13 **F. Environmental Considerations.**

- 14 1. An environmental assessment dated within six (6) months of the site plan submittal. The
- 15 environmental assessment will need to be indicate the presence of vegetation, soils,
- 16 threatened and endangered species that may exist on the site. Any state permitting or
- 17 mitigation will be required before development can commence.
- 18 2. Environmental resources shall be protected in accordance with the Comprehensive Plan
- 19 and Land Development Regulations (LDR), as amended.

20 **G. Transportation.** All access management shall be in accordance with the Comprehensive

21 Plan and Land Development Regulations (LDR), as amended.

22 **H. Utilities.** Potable water and sanitary sewage service must be provided in accordance with

23 the permit provisions of the Florida Department of Health.

24 **I. Floodplain and Stormwater Management.** The stormwater management system shall be

25 designed in accordance with all applicable Lake County and St. Johns River Water

26 Management District (SJRWMD) requirements, as amended.

27 **J. Concurrency Management Requirements.** Any development must comply with the Lake

28 County Concurrency Management System, as amended.

29 **K. Development Review and Approval.** Prior to the issuance of any permits, the Applicant

30 shall be required to submit a development application generally consistent with Exhibit "B" -

31 Concept Plan for review and approval in accordance with the Comprehensive Plan and Land

32 Development Regulations (LDR), as amended.

33 **L. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references

34 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County

35 Comprehensive Plan, and Lake County Land Development Regulations will include any

36 future amendments to the Statutes, Code, Plans, or Regulations.

37 **Section 3. Conditions:**

- 38 **A.** After establishment of the facilities as provided in this Ordinance, the property must only be
- 39 used for the purposes named in this Ordinance. Any other proposed use must be specifically
- 40 authorized by the Board of County Commissioners.

- 1 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
2 move, convert, or demolish any building or structure, add other uses, or alter the land in any
3 manner within the boundaries of the above described land without first obtaining the
4 necessary approvals in accordance with the Lake County Code, as amended, and obtaining
5 the permits required from the other appropriate governmental agencies.
- 6 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the
7 land and the terms, conditions, and provisions of this Ordinance, and will be binding upon
8 the present Owner and any successor, and will be subject to each and every condition set
9 out in this Ordinance.
- 10 **D.** Construction and operation of the proposed use must comply with the regulations of this and
11 other governmental permitting agencies.
- 12 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance
13 must include in the transfer or lease agreement, a provision that the purchaser or lessee is
14 made aware of the conditions established by this Ordinance and agrees to be bound by
15 these conditions. The purchaser or lessee may request a change from the existing plans
16 and conditions by following the procedures contained in the Land Development Regulations,
17 as amended.
- 18 **F.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
19 Enforcement Special Master will have authority to enforce the terms and conditions set forth
20 in this ordinance and to recommend that the ordinance be revoked.

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

24 **Section 5. Filing with the Department of State:** The clerk is hereby directed forthwith to send a copy of
25 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
26 125.66, Florida Statutes.

27

28 **[Remainder of Page Left Intentionally Blank]**

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

2
3 **ENACTED** this _____ day of _____, 2020.

4
5 **FILED** with the Secretary of State _____, 2020.

6
7 **EFFECTIVE** _____, 2020.

8
9 **BOARD OF COUNTY COMMISSIONERS**
10 **LAKE COUNTY, FLORIDA**

11
12 _____
13 **LESLIE CAMPIONE, CHAIRMAN**

14 **ATTEST:**
15
16
17 _____
18 **GARY J. COONEY, CLERK OF THE**
19 **BOARD OF COUNTY COMMISSIONERS**
20 **LAKE COUNTY, FLORIDA**

21
22 **APPROVED AS TO FORM AND LEGALITY:**
23
24
25 _____
26 **MELANIE MARSH, COUNTY ATTORNEY**

27
28
29
30
31

EXHIBIT "A" – Legal Description

1
2
3
4
5
6
7
8
9
10
11
12
13

Parcel B-2:

That part of the South 600 feet of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 21 South, Range 24 East, Lake County, Florida, lying West of the Westerly right-of-way line of State Road No. 33, LESS the North 305 feet thereof.

Together with:

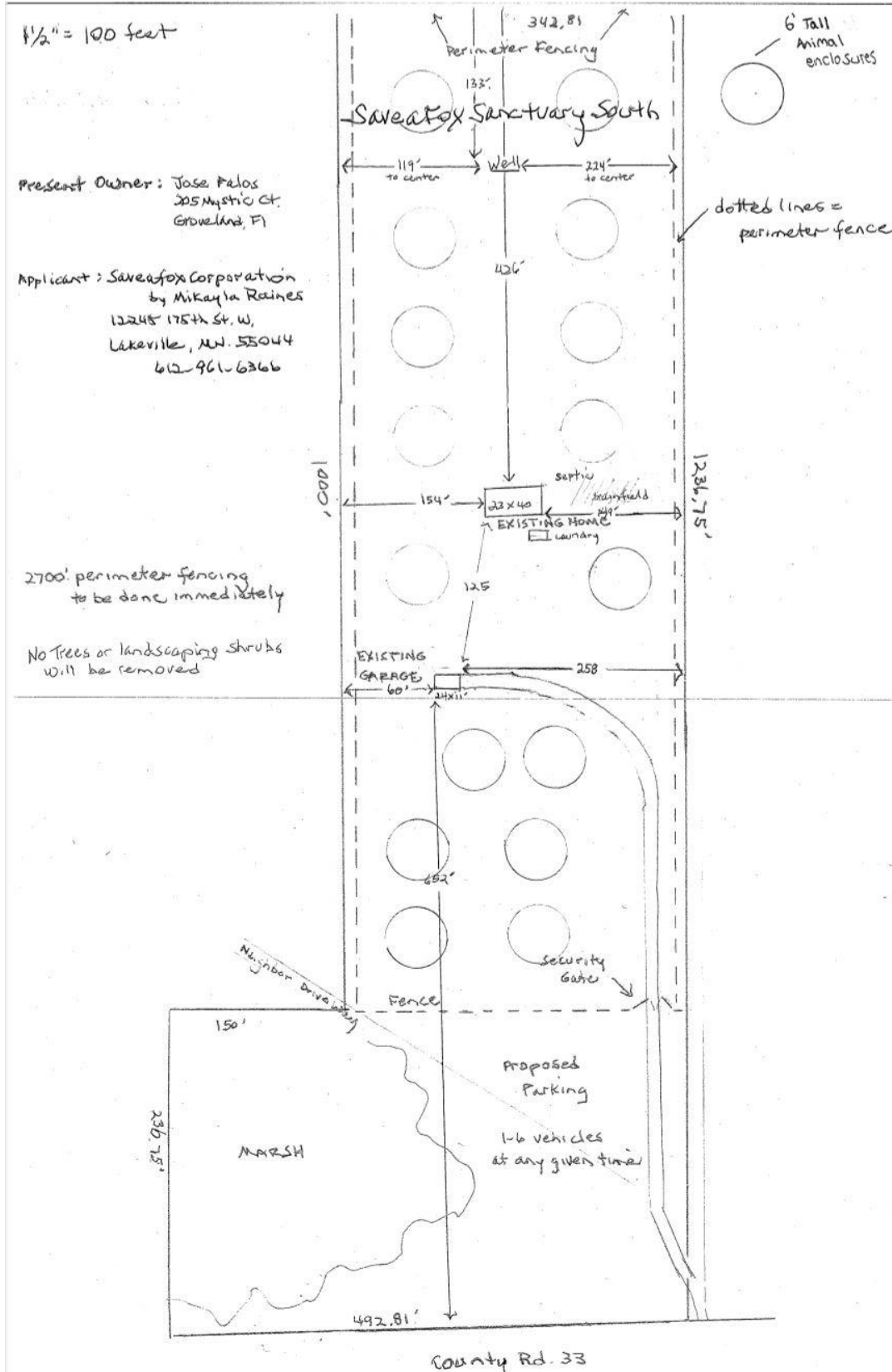
The North 150 feet of that part of the Southeast 1/4 of the Southeast 1/4 of said Section 27, lying West of the Westerly right-of-way of State Road No. 33, LESS the West 1000 feet thereof,

Together with:

An easement ten feet wide for the purpose of ingress and egress across the Eastern 1/4 of Parcel B-1, more described as follows: That part of the North 305 feet of the South 600 feet of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 21 South, Range 24 East, Lake County, Florida, lying West of the Westerly right-of-way line of State Road No. 33.

1

EXHIBIT "B" – Concept Plan



2