



# CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): April 29, 2020  
Board of County Commissioners (BCC): May 19, 2020

Case No. and Project Name: CUP-20-01-4, Martin Sport Horses

Applicant: Jonathan and/or Nicole Martin

Owner: Jonathan and Nicole Martin

Requested Action: Conditional Use Permit to allow a horse stable for boarding, riding, horse sales, and breeding of horses on Agriculture (A) zoned property.

Staff Determination: Staff finds the CUP consistent with the Comprehensive Plan and Land Development Regulations (LDR).

Case Manager: Steve K. Greene, AICP, Chief Planner

PZB Recommendation:

### Subject Property Information

Size: 13.92 +/- acres

Location: Northwest corner of Wolfbranch Road/Equestrian Trail intersection, in the Mt. Plymouth-Sorrento area

Alternate Key No.: 3769112

Future Land Use: Rural Transition

Current Zoning District: Agriculture (A)

Flood Zone: "X" Firm Panel – C0650E

Joint Planning Area / ISBA: N/A

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition (RT)	Agricultural (A)	Residential dwelling	N/A
South	RT	A	Residential dwelling	Wolfbranch Road
East	RT	A	Residential dwelling	Equestrian Trail
West	RT	A	Residential dwelling	N/A

**- Summary of Analysis -**

The subject property, identified by Alternate Key Number 3769112, is located at the northwest corner of the Wolfbranch Road/Equestrian Trail intersection, in the Mt. Plymouth-Sorrento area. The property is approximately 13.92 +/- acres, zoned Agriculture (A), and designated as Rural Transition Future Land Use. The subject property is currently developed with a single-family dwelling (1,807 square feet), 4,400-SF barn, and 1,232-SF garage.

The Applicant seeks a conditional use permit (CUP) to allow a stable for boarding, riding, sales, and breeding of horses; 15 horses maximum will be housed on the property at one time. A stable, other than for private use, is defined in LDR Chapter 2 as an establishment for the care of horses, ponies or other livestock to be used for instruction, recreation, renting or hiring, or for boarding such animals.

**- Analysis -**

LDR Section 14.05.03 (Standards for Review)

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

The request is consistent with Comprehensive Plan Policy I-4.4.5 Rural Transition Future Land Use Category which allows equestrian related uses within the category. The request is also consistent with Comprehensive Plan Policy I-1.2.8, which states that equestrian uses are suitable within all future land use categories.

The request is consistent with Land Development Regulations (LDR) Table 3.01.03, which indicates that riding stables are conditionally allowed within the Agriculture (A) zoning district. LDR Section 3.01.04.4.a requires a minimum of ten (10) acres for a riding stable and LDR Section 3.01.04.4.b requires that structures housing animals maintain a setback of at least 200-feet from all property lines. The existing 4,400-SF barn will be used for the horse operations and meets the minimum required setbacks consistent with the LDR provision.

**B. Effect on Adjacent Properties.**

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

No adverse impacts to nearby properties are anticipated from the proposed stable for the horse boarding, sales, and breeding operation. The subject property is surrounded by agricultural and residential tracts with Rural Transition future land use.

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

The request is compatible with the surrounding agricultural zoning and uses and the existing rural character of the community. The adjacent western property has a current conditional use permit (CUP#88/9/5-4) that allows horse boarding and horse training.

**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 concept plan shows that the property is set-up for agricultural and equestrian uses. As the proposed stable is situated adjacent to other agricultural zoned properties, a landscape buffer for screening is not required pursuant to LDR Section 9.01.00. However, should a parking area be constructed, it will have to be landscaped to screen the views to adjacent properties and rights of way.

**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 proposed riding stable will be operated so as not to interfere with the development of neighboring properties. As previously stated, equestrian uses are conditionally permitted within the adjacent Agriculture zoning districts. Further, Comprehensive Plan Policy I-1.2.8 states that equestrian uses are suitable within all future land use categories.

**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

No adverse impacts are anticipated on parks.

Schools

No adverse impacts are anticipated on schools.

Solid Waste

No adverse impacts are anticipated to current solid waste capacity levels.

Transportation

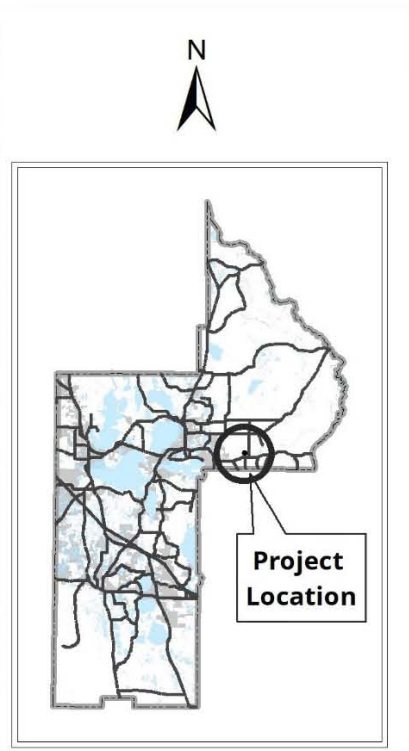
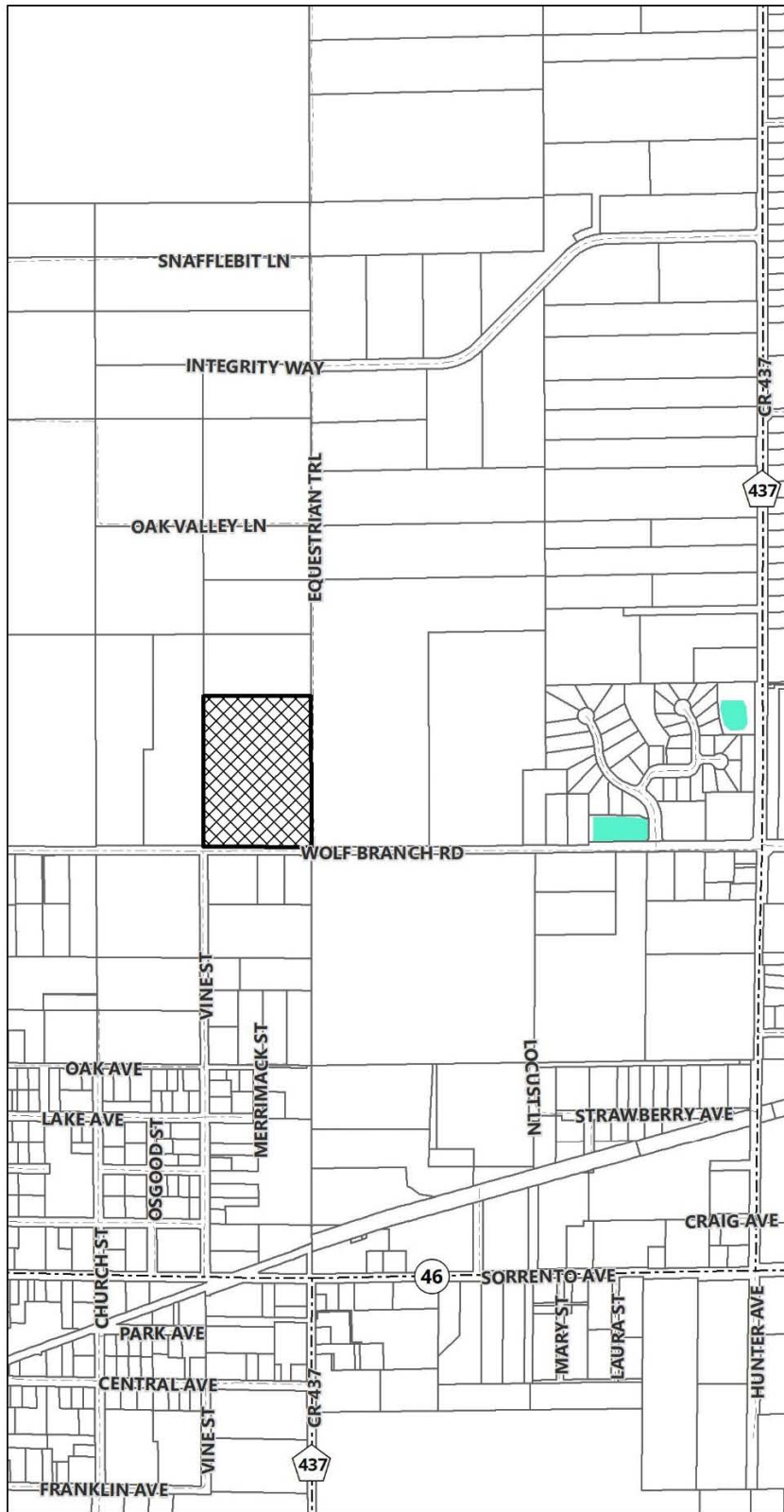
The proposed CUP is not anticipated to adversely affect the surrounding road network or Level of Service.

**D. Adequacy of Fire Protection.**

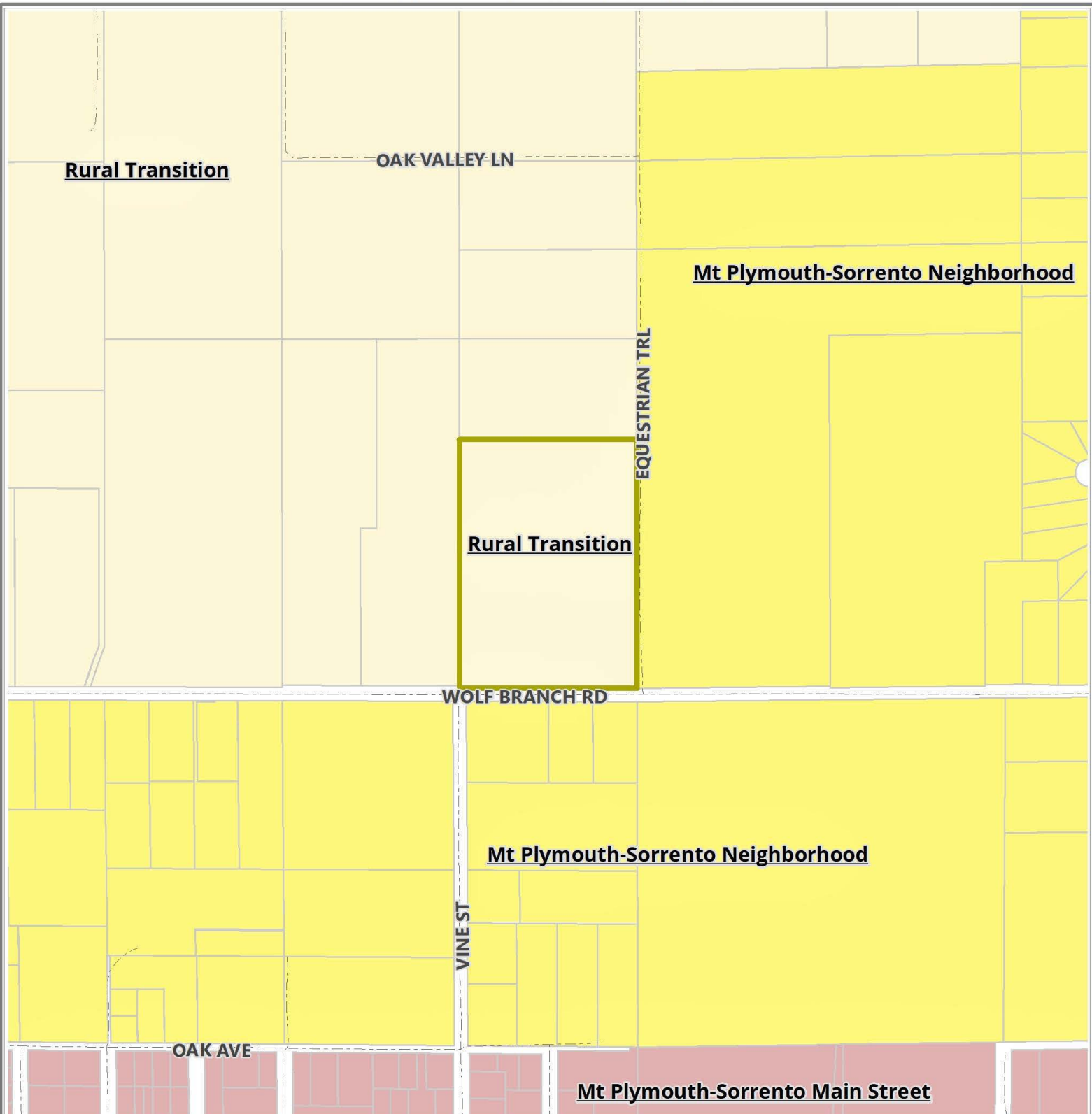
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station #39 is located two (2) miles from the subject property at 31431 Walton Heath Avenue, Sorrento. This facility has full tanker truck capability.

### Subject Property



CURRENT FUTURE LAND USE



**FUTURE LAND USE LEGEND**

-  Mt Plymouth-Sorrento Neighborhood
-  Rural Transition
-  Mt Plymouth-Sorrento Main Street

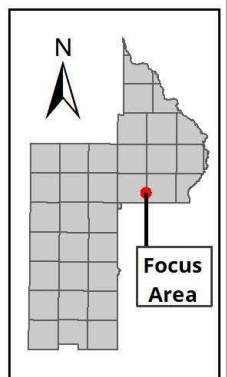
NAME: **MARTIN SPORT HORSES PROPERTY**

DISTRICT: **4**

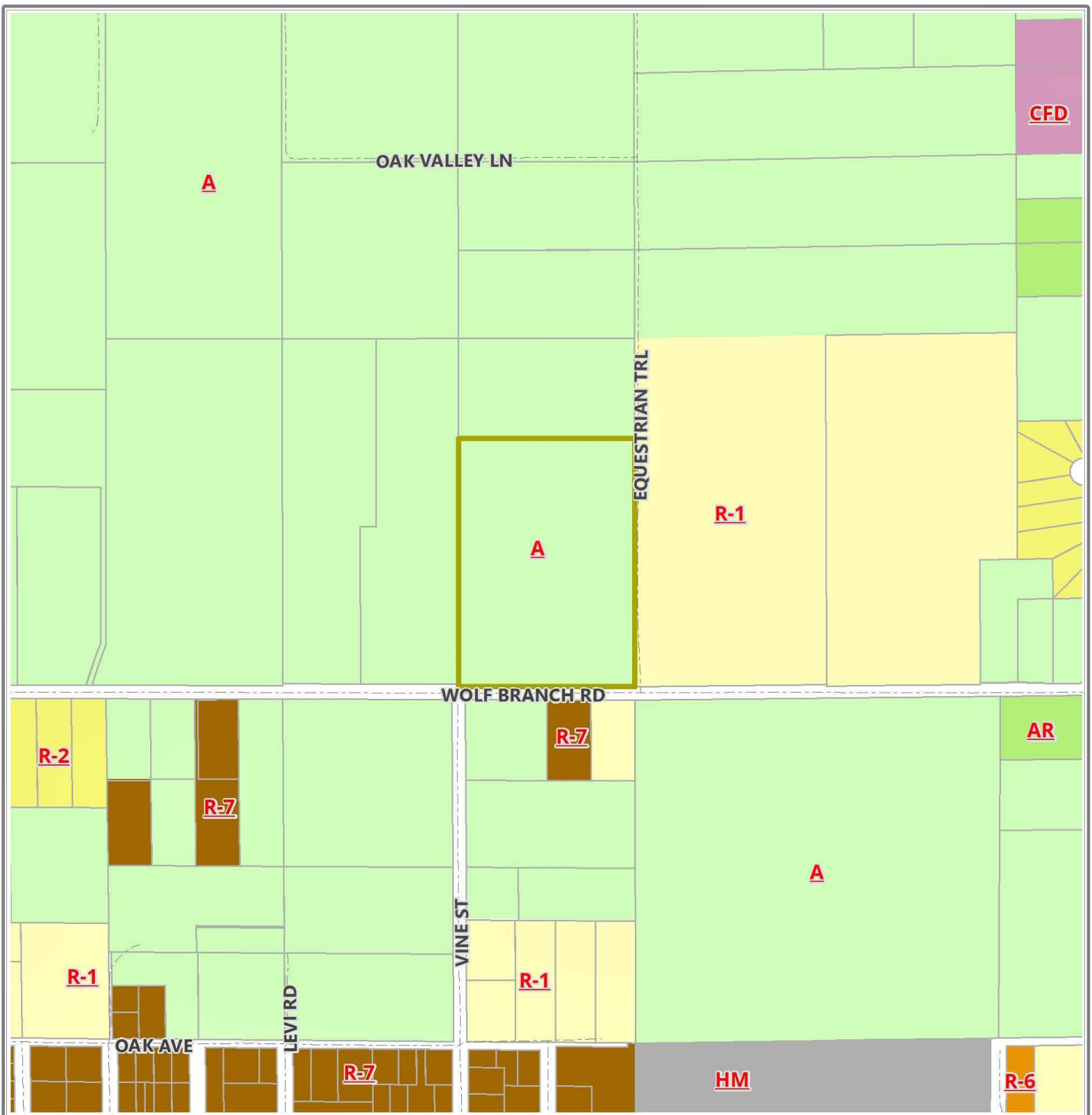
CASE NUMBER: **CUP-20-01-4**

LOCATION (S-T-R): **24-19-27**

REQUEST: **ALLOW HORSE RIDING, BOARDING, TRAINING, BREEDING & SALES**



# CURRENT ZONING



**ZONING LEGEND**

- |   |  |  |  |
|---|--|--|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> A  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> R-1 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffc000; border: 1px solid black; margin-right: 5px;"></span> R-6 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></span> HM  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> AR | <span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> R-2 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #800000; border: 1px solid black; margin-right: 5px;"></span> R-7 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #c00000; border: 1px solid black; margin-right: 5px;"></span> CFD |

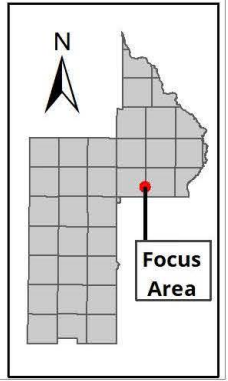
NAME: **MARTIN SPORT HORSES PROPERTY**

DISTRICT: **4**

CASE NUMBER: **CUP-20-01-4**

LOCATION (S-T-R): **24-19-27**

REQUEST: **ALLOW HORSE RIDING, BOARDING, TRAINING, BREEDING & SALES**



1 Ordinance #2020-xx  
2 Martin Sport Horses  
3 CUP-20-01-4  
4

5 AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE  
6 LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.  
7

8 WHEREAS, Jonathan and Nicole Martin (the "Applicants and Owners") have submitted a Conditional  
9 Use Permit (CUP) application to allow a stable for boarding, riding, sales, and breeding of horses on  
10 Agriculture (A) zoned property; and

11 WHEREAS, the subject property consists of 13.92 +/- acres, and is generally located at the northwest  
12 corner of the Wolfbranch Road/Equestrian Trail intersection, in the Mt. Plymouth-Sorrento area in Section  
13 23, Township 19 South, Range 27 East, having Alternate Key Number 3769112, and more particularly  
14 described as:

15 LEGAL DESCRIPTION:

16 E 1/2 OF SE 1/4 OF SE 1/4--LESS N 376 FT & LESS S 25 FT FOR RD R/W; ORB 5399 PG 1078

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

19 WHEREAS, the Lake County Board of County Commissioners deems it necessary and desirable, in  
20 order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance  
21 with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the  
22 special conditions set forth in this Ordinance; and

23 WHEREAS, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board  
24 on the 29<sup>th</sup> day of April, 2020, and by the Board of County Commissioners of Lake County, Florida, on the  
25 19<sup>th</sup> day of May, 2020.

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

28 **Section 1. Conditional Use Permit.** Permission is hereby granted for operation of a stable for boarding,  
29 riding, sales, and breeding of horses as a Conditional Use within the Agriculture (A) Zoning  
30 District. All land uses must be generally consistent with the Concept Plan as shown in Exhibit  
31 "A" of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and  
32 this Ordinance, this Ordinance will take precedence.

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

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

38 a. Agricultural use

39 b. Residential use (1 dwelling, maximum)

- 1 c. Horse Stable with boarding, riding, sales, and breeding (a maximum of fifteen (15)  
2 horses, including foals)
- 3 d. Utility Buildings and accessory structures associated with the above uses
- 4 Accessory uses directly associated with the above uses may be approved by the County  
5 Manager or designee. Any other use of the site not specified above will require approval of  
6 an amendment to this Ordinance by the Board of County Commissioners.
- 7 **B. Specific Conditions.** A development application must be submitted for review and approval  
8 prior to commencement of the stable operations.
- 9 **C. Setbacks.** All structures shall be setback in accordance with the LDR, as amended.
- 10 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage**  
11 **Height.** Open space, impervious surface ratio, floor area ratio and building/signage shall be  
12 in accordance with the Comprehensive Plan and LDR, as amended.
- 13 **E. Landscaping, Buffering, and Screening.** Landscaping, buffering, and screening shall be  
14 in accordance with the LDR, as amended.
- 15 **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements of  
16 the property shall be provided in accordance with the Florida Fire Prevention Code and LDR,  
17 as amended.
- 18 **G. Transportation Improvements and Access Management** shall be in accordance with the  
19 Comprehensive Plan and LDR, as amended.
- 20 **H. Stormwater and Floodplain Management.**
- 21 a. The stormwater management system shall be designed in accordance with all  
22 applicable Lake County and St. Johns River Water Management District (SJRWMD)  
23 requirements, as amended.
- 24
- 25 b. The Applicant/Owners shall be responsible for any flood studies required for developing  
26 the site and comply with Federal Emergency Management Agency (FEMA),  
27 Comprehensive Plan and LDR, as amended. Any development within the floodplain as  
28 identified on the FEMA maps will require compensating storage.
- 29 **I. Environmental Consideration.**
- 30 a. Manure, used bedding, and any other associated animal waste(s) generated by the riding  
31 stable/academy shall be disposed of off-site on a weekly basis (7-day week). The organic  
32 waste stockpile shall be stored in a location that is as centered as possible on the property,  
33 but no less than 50-feet from the adjacent property.
- 34 b. Spreading of manure and waste on site shall be prohibited.
- 35 c. Environmental Considerations not otherwise specified shall be in accordance with the  
36 Comprehensive Plan and LDR, as amended.
- 37 **J. Parking.**
- 38 a. Parking surfaces may be grass or other pervious material, except as required for  
39 Americans with Disabilities Act (ADA) access.
- 40 b. Parking shall be in accordance with the LDR, as amended.



- 1           **M. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance  
2           with the LDR, as amended.
- 3           **N. Noise.** Any future redevelopment of the property shall require submittal of a noise  
4           assessment in accordance with the LDR, as amended.
- 5           **O. Signage.** Signs shall be in accordance with the LDR, as amended.
- 6           **P. Utilities.** Individual well and septic tank shall be utilized in accordance with the  
7           Comprehensive Plan and LDR, as amended.
- 8           **Q. Concurrency Management Requirements.** All development must comply with the Lake  
9           County Concurrency Management System, as amended.
- 10          **R. Special Events.** Any future special events will require approval prior to commencement of  
11          the event in accordance with the LDR, as amended.
- 12          **S. Development Review and Approval.** Prior to the issuance of any permits, the  
13          Applicant/Owners shall be required to submit a development application generally consistent  
14          with Exhibit "A" - Conceptual Plan for review and approval in accordance with the  
15          Comprehensive Plan and LDR, as amended.
- 16          **T. Future Amendments to Statutes, Code, Plans, 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 will include any  
19          future amendments to the Statutes, Code, Plans, or Regulations.

20   **Section 3. Conditions:**

- 21          **A.** After establishment of the facilities as provided in this Ordinance, the property must only be  
22          used for the purposes named in this Ordinance, unless a proposed use meets every  
23          requirement of the zoning district in which the property is located. Any other proposed use  
24          must be specifically 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  
27          manner within the boundaries of the above described land without first obtaining the  
28          necessary approvals in accordance with the Lake County Code, as amended, and obtaining  
29          the permits required from the other appropriate governmental agencies.
- 30          **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the  
31          land, and the terms, conditions, and provisions of this Ordinance will be binding upon the  
32          present owners and any successor, and will be subject to each and every condition set out  
33          in this Ordinance.
- 34          **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance  
35          must include in the transfer or lease agreement, a provision that the purchaser or lessee is  
36          made good and aware of the conditions established by this Ordinance and agrees to be  
37          bound by these conditions. The purchaser or lessee may request a change from the existing  
38          plans and conditions by following the procedures contained in the LDR, as amended.
- 39          **E.** The Lake County Code Enforcement Special Master will have authority to enforce the terms  
40          and conditions set forth in this Ordinance and to recommend that the ordinance be revoked  
41          when necessary.

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

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

8  
9 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

10  
11 FILED with the Secretary of State \_\_\_\_\_, 2020.

12  
13 EFFECTIVE \_\_\_\_\_, 2020.

14  
15 BOARD OF COUNTY COMMISSIONERS  
16 LAKE COUNTY, FLORIDA

17  
18 \_\_\_\_\_  
19 LESLIE CAMPIONE, CHAIRMAN

20 ATTEST:

21  
22 \_\_\_\_\_  
23 GARY J. COONEY, CLERK OF THE  
24 BOARD OF COUNTY COMMISSIONERS  
25 LAKE COUNTY, FLORIDA

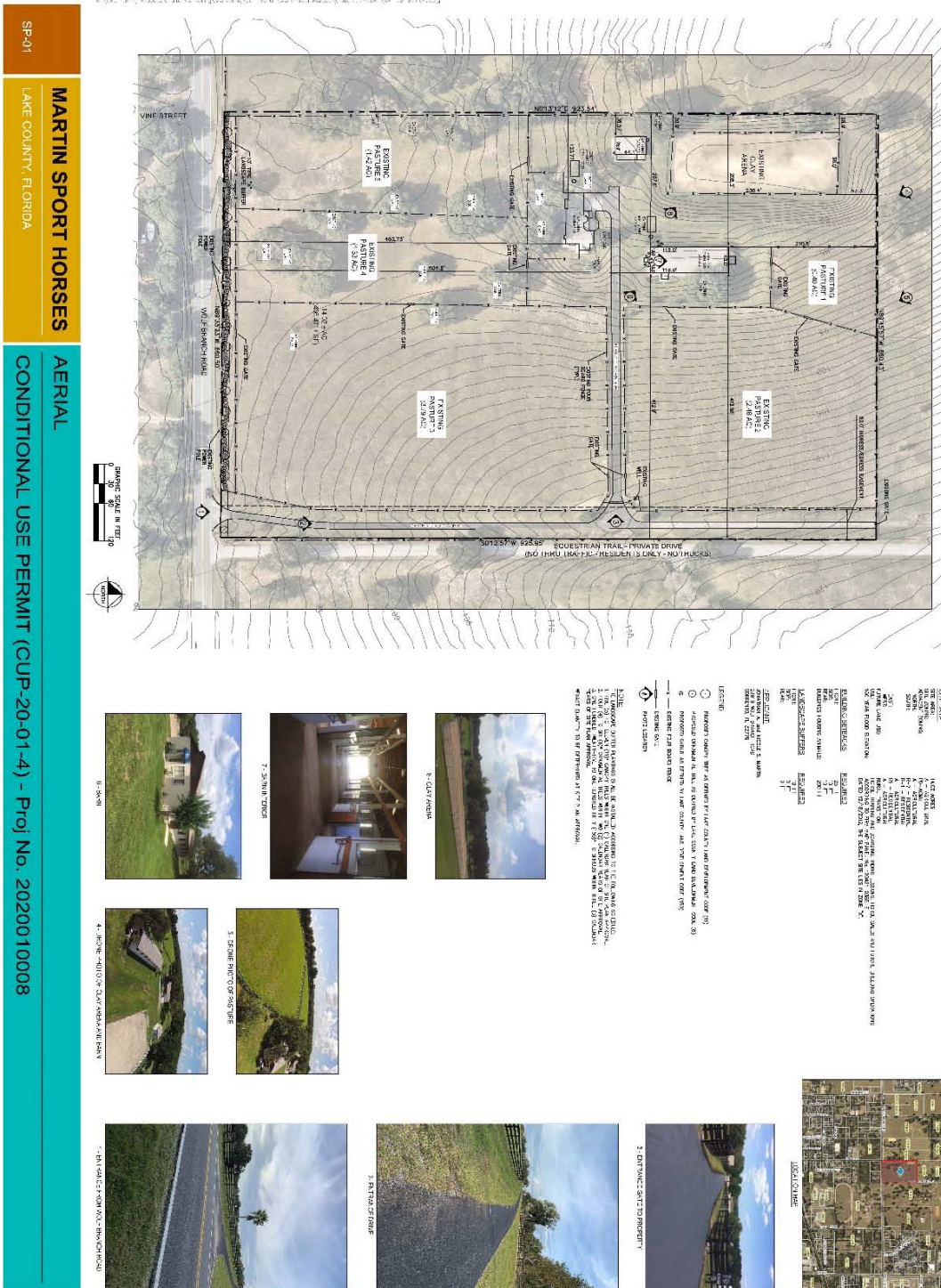
26  
27  
28 APPROVED AS TO FORM AND LEGALITY:

29  
30 \_\_\_\_\_  
31 MELANIE MARSH, COUNTY ATTORNEY  
32

EXHIBIT - A

Concept Plan

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 2



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 4  
 5