



# CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearings: Planning & Zoning Board (PZB): June 3, 2020  
Board of County Commissioners (BCC): June 16, 2020

Case No. and Project Name: CUP-19-15-1, J&K Sargent Horse Stable-Riding Academy

Applicant: Tina Smith, Esq., Merideith, Nageal, P.A.

Owner: J & K Properties, LLC

Requested Action: Conditional Use Permit to allow a horse stable/boarding/riding academy with boarding and breeding on Agricultural Residential (AR) 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: 4.79 +/- acres

Location: Along Colony Barn Road, in the Clermont area

Alternate Key No.: 3374321

Future Land Use: Green Swamp Rural Conservation

Current Zoning District: Agricultural Residential (AR)

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	Green Swamp Rural Conservation	Agricultural Residential (AR)	Residential dwelling	N/A
South	Green Swamp Rural Conservation	AR	Residential dwelling	N/A
East	Green Swamp Rural Conservation	Agriculture (A)	Residential dwelling	N/A
West	Green Swamp Rural Conservation	Urban Residential (R-6)	Residential dwelling	Colony Barn Road

**- Summary of Analysis -**

The subject property, identified by Alternate Key Number 3374321, is located along Colony Barn Road, east of Lake Nellie, in the Clermont area. The property is approximately 4.79 +/- acres, zoned Agricultural Residential (AR), and designated as Green Swamp Rural Conservation Future Land Use. The subject property is developed for horse riding uses with two (2) stables; and 2 (two) agriculture structures.

The Applicant seeks a conditional use permit (CUP) to allow for a horse stable/riding academy with boarding and breeding. 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-4.2.3 Green Swamp Rural Conservation 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 Agricultural Residential (AR) zoning district, with the application of an appropriate land use regulation instrument; utilizing the conditional use permit satisfies this requirement. 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. Although the proposed stable/boarding facility does not meet the aforementioned codes, the Board of Adjustment (BOA) approved a variance request (VAR-19-17-1) on October 19, 2019, to allow a riding stable/academy to be located on 4.79 +/- acres, in lieu of 10-acre minimum requirement, and to allow existing structures which house horses to maintain a 35.93-foot from the eastern property line, 62.26-foot and 23.98-foot from the southern property line, and 165.53-foot from the western property line, in lieu of the 200-foot minimum requirement from the all property lines.

**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 horse boarding. The subject property is surrounded by agricultural and residential tracts with Green Swamp Rural Conservation 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 uses and the existing rural character of the community. Properties to the north and south are zoned Agricultural Residential (AR), while the property to the east is zoned Agriculture (A), and to the west, across Colony Barn Road, the property is designated as Urban Residential (R-6).

**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 agriculture and equestrian uses. As the proposed stable is allowed conditionally within the AR zoning district, the Applicant proposes landscaping and screening of the property. The existing structures that will shelter the horses do not meet the minimum 200-foot setback. However, the BOA granted a setback variance (VAR-19-17-1) to recognize the existing building setbacks of these structures pursuant to LDR Section 3.01.04.4.b.

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 and Agricultural Residential 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

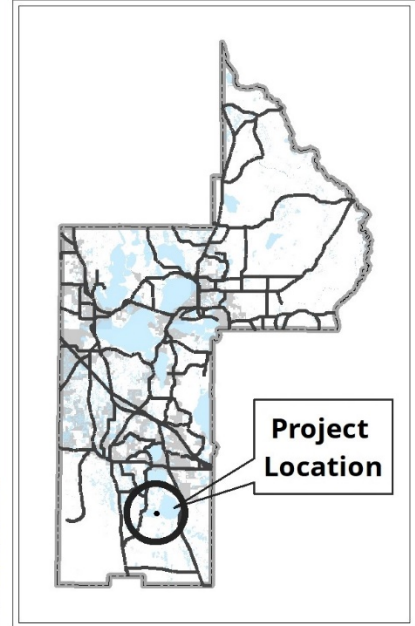
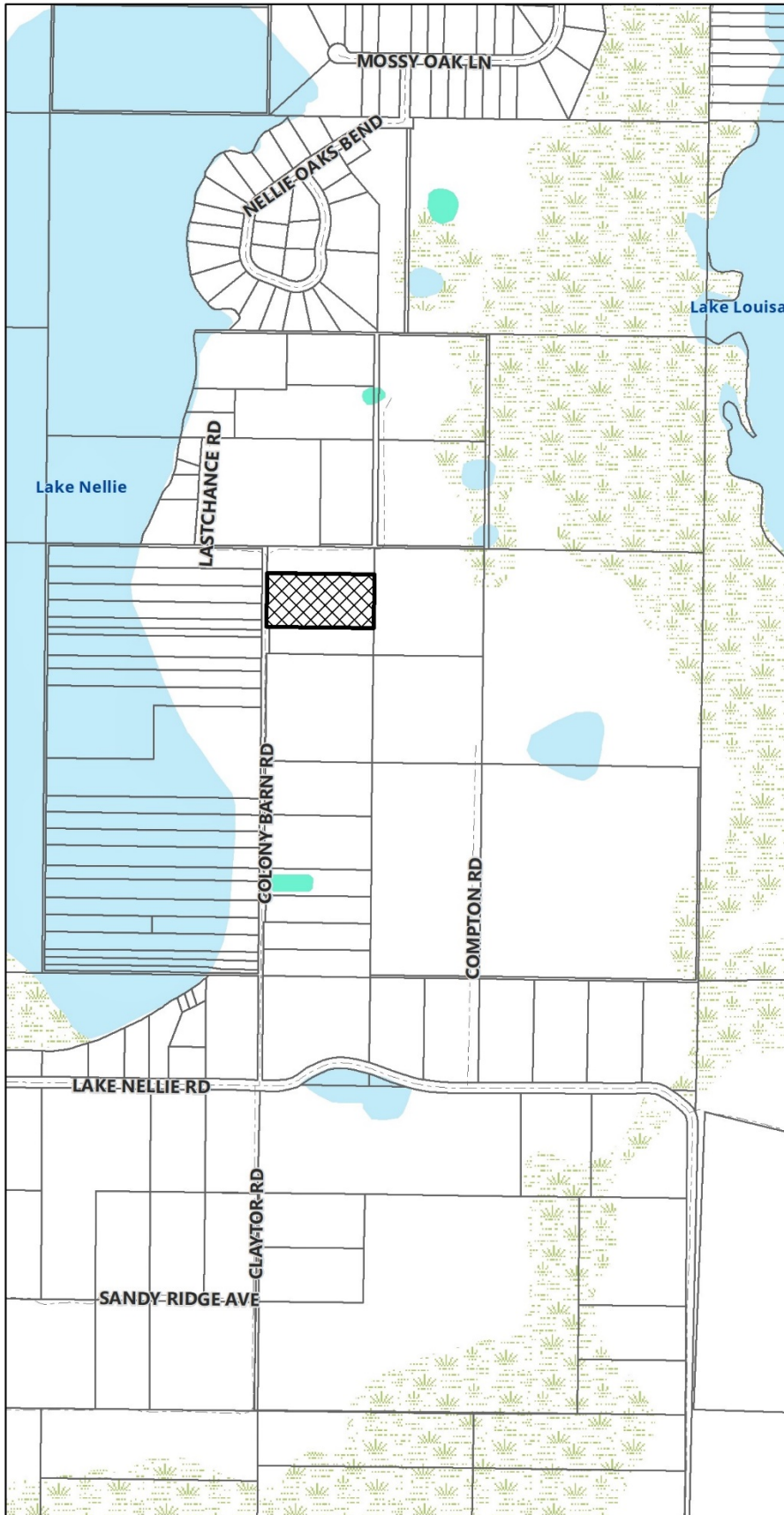
The proposed CUP is not anticipated to adversely affect the surrounding road network or Level of Service.

**D. Adequacy of Fire Protection.**

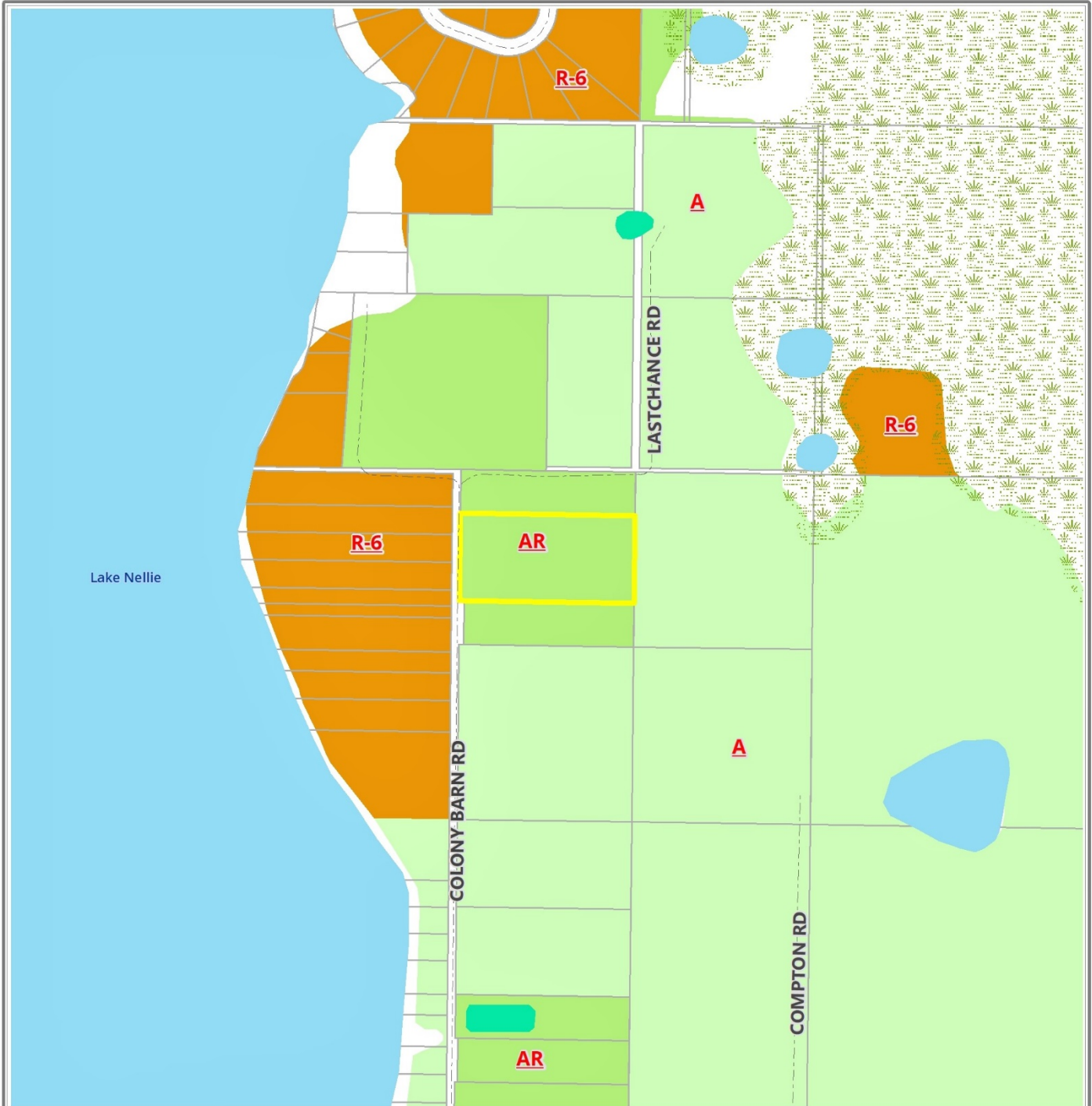
**The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.**

Lake County Fire Station #110 located at 6234 CR 561, Clermont, is less than five (5) miles from the subject property. This facility has full tanker truck capability.

# Subject Property



### CURRENT ZONING



**ZONING LEGEND**

Light Green A    Medium Green AR    Orange R-6

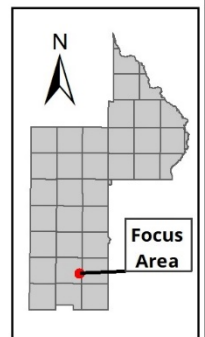
**NAME: J & K SARGEANT PROPERTY**

**DISTRICT: 1**

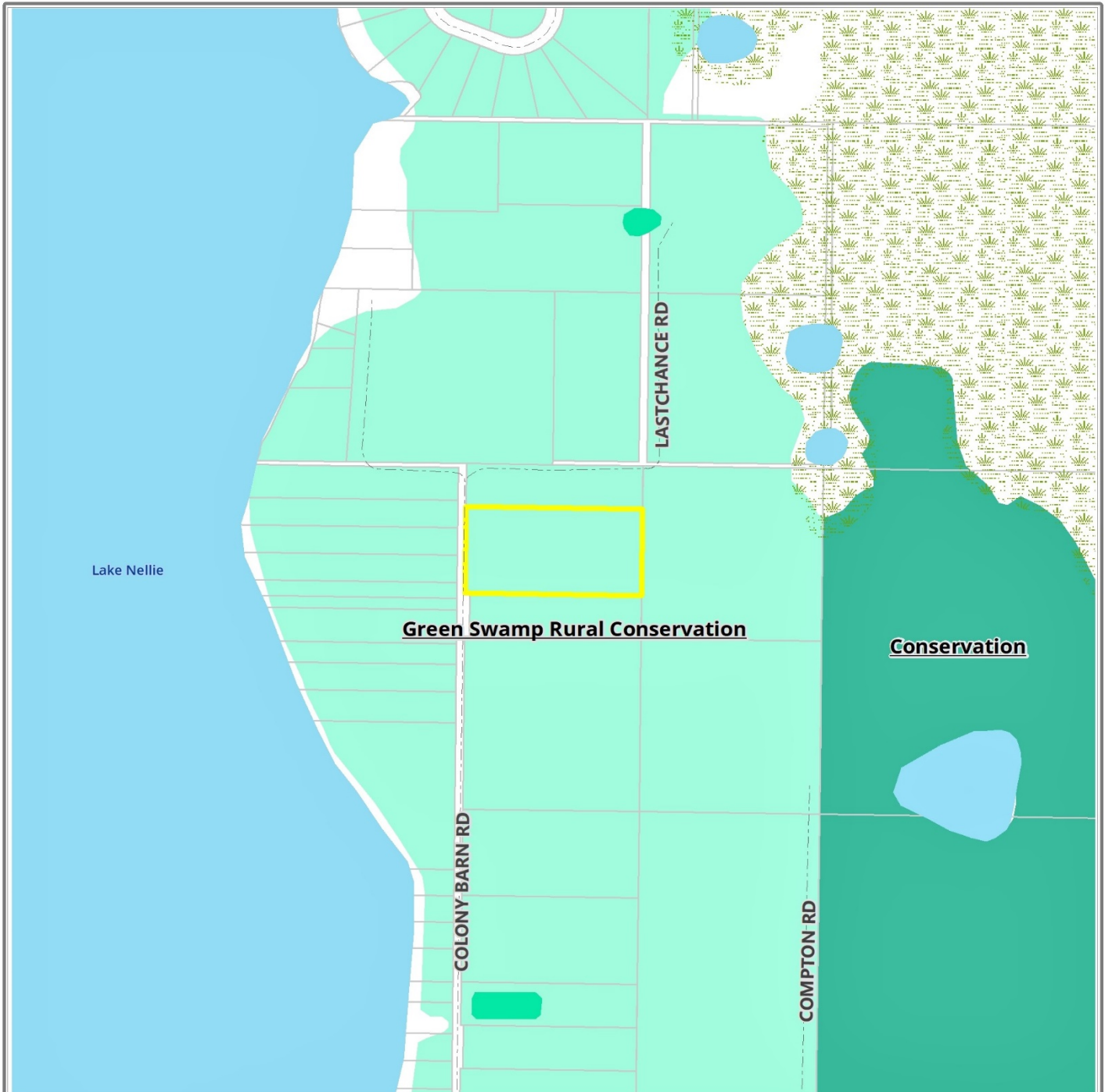
**CASE NUMBER: CUP-19-15-1**

**LOCATION (S-T-R): 24-23-25**



**REQUEST: ALLOW HORSE RIDING, STABLES, BOARDING & LESSONS**



### CURRENT FUTURE LAND USE



**FUTURE LAND USE LEGEND**

-  Conservation
-  Green Swamp Rural Conservation

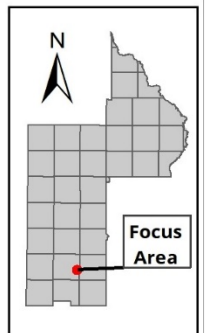
**NAME: J & K SARGEANT PROPERTY**

**CASE NUMBER: CUP-19-15-1**

**LOCATION (S-T-R): 24-23-25**

**REQUEST: ALLOW HORSE RIDING, STABLES, BOARDING & LESSONS**

**DISTRICT: 1**



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Ordinance #2020-xx  
J&K Sargent Horse Stable-Riding Academy  
CUP-19-15-1

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

**WHEREAS**, Tina Smith, Esq. (the "Applicant") has submitted a Conditional Use Permit (CUP) on behalf of J & K Properties, LLC (the "Owners"), to allow a horse stable/riding academy with boarding and breeding use on Agricultural Residential (AR) zoned property; and

**WHEREAS**, the subject property consists of 4.79 +/- acres and is generally located along Colony Barn Road in the Clermont area, in Section 24, Township 23 South, Range 25 East, having Alternate Key Number 3374321, and more particularly described as:

**LEGAL DESCRIPTION: N 2/3 OF S 3/4 OF NW 1/4 OF NW 1/4 OF SE ¼; ORB 4934 PG 649**

**WHEREAS**, the subject property is located within the Green Swamp Rural Conservation 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 Land Development Regulations (LDR), to require compliance with the special conditions after set forth in this Ordinance; and

**WHEREAS**, on October 10, 2019, the Lake County Board of Adjustment approved VAR #19-17-1 to allow a riding stable on a 4.79 +/- acre parcel less than the 10-acre minimum requirement, and to allow stable//boarding structures to be setback less than the minimum 200-foot setback requirement; and

**WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on the 3<sup>rd</sup> day of June 2020, and by the Board of County Commissioners of Lake County, Florida, on the 16<sup>th</sup> day of June 2020; and

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

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

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

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

- a. Agriculture use
- b. Residential use (1 dwelling, maximum)
- c. Horse Stable and boarding (a maximum of twenty (20) horses, including foals)
- d. Utility Buildings and accessory structures associated with the above uses

- 1                    Accessory uses directly associated with the above uses may be approved by the County Manager  
2                    or designee. Any other use of the site not specified above will require approval of an amendment  
3                    to this Ordinance by the Board of County Commissioners.
- 4                    **B.** A development application must be submitted for review and approval prior to commencement of the  
5                    stable operations.
- 6                    **C. Setbacks.**
- 7                    a. In accordance with VAR #19-17-1, two (2) existing structures housing domestic animals allowed  
8                    to be setback 35.93-feet from the eastern property line, 62.26-feet from the southern property  
9                    line, and 165.53-feet from the western property line, in lieu of the 200-foot minimum requirement  
10                    from the all property lines. These structures may not be enlarged or expanded.
- 11                    b. All other structures not specified shall be setback in accordance with the Land Development  
12                    Regulations (LDR), as amended.
- 13                    **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height.** Open  
14                    space, impervious surface ratio, floor area ratio, and building/signage shall be in accordance with  
15                    the Comprehensive Plan and LDR, as amended.
- 16                    **E. Landscaping, Buffering, and Screening.**
- 17                    a. A 15-foot wide Type "C" landscape buffer shall be required between the existing structures that  
18                    house animals with reduced setbacks and the southern property line. The landscape buffer must  
19                    be established and maintained in perpetuity.
- 20                    b. Landscaping, buffering, and screening not specified shall be in accordance with the Land  
21                    Development Regulations (LDR), as amended.
- 22                    **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements of the  
23                    property shall be provided in accordance with the Florida Fire Prevention Code and LDR, as  
24                    amended.
- 25                    **G. Transportation Improvements and Access Management.** Transportation improvements and  
26                    access management shall be in accordance with the Comprehensive Plan and LDR, as amended.
- 27                    **H. Stormwater and Floodplain Management.**
- 28                    a. The stormwater management system shall be designed in accordance with all applicable Lake  
29                    County and St. Johns River Water Management District (SJRWMD) requirements, as amended.  
30
- 31                    b. Prior to development any required flood studies will comply with Federal Emergency  
32                    Management Agency (FEMA), Comprehensive Plan and LDR, as amended. Any development  
33                    within the floodplain as identified on the FEMA maps will require compensating storage.  
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- 35                    **I. Environmental Requirements.**
- 36                    a. Manure, used bedding, and any other associated animal waste(s) generated by the riding  
37                    stable/academy shall be disposed of off-site on a weekly basis (7-day week). The organic waste  
38                    stockpile shall be stored in a location that is as centered as possible on the property, but no less than  
39                    50-feet from adjacent properties.
- 40                    b. Spreading of manure and waste on site shall be prohibited.
- 41                    c. Environmental requirements not otherwise specified shall be in accordance with the Comprehensive  
42                    Plan and LDR, as amended.
- 43



- 1           **J. Parking.**  
2           a. The riding stable/academy parking area shall be located as centered as possible on the property,  
3           but no less than 50-feet from the adjacent property.  
4           b. Parking surfaces may be grass or other pervious material, except as required for Americans with  
5           Disabilities Act (ADA) access.  
6           c. Parking not otherwise specified shall be in accordance with the LDR, as amended.  
7           **M. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with the  
8           LDR, as amended.  
9           **N. Noise.** Any future redevelopment of the property shall require submittal of a noise assessment in  
10           accordance with the LDR, as amended.  
11           **O. Signage.** Signs shall be in accordance with the LDR, as amended.  
12           **P. Utilities.** Individual well and septic tank shall be utilized, in accordance with the Comprehensive Plan  
13           and LDR, as amended.  
14           **Q. Special Events.** Any future special events will require approval prior to commencement of the  
15           event in accordance with the LDR, as amended.  
16           **R. Concurrency Management Requirements.** Any development must comply with the Lake County  
17           Concurrency Management System, as amended.  
18           **S. Development Review and Approval.** Prior to the issuance of any permits, the Applicant or Owner  
19           shall be required to submit a development application generally consistent with Exhibit "B" -  
20           Conceptual Plan for review and approval in accordance with the Comprehensive Plan and LDR, as  
21           amended.  
22           **T. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references in this  
23           Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,  
24           and Lake County LDR will include any future amendments to the Statutes, Code, Plans, or  
25           Regulations.

26   **Section 3. Conditions.:**

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

1 E. The Lake County Code Enforcement Special Master will have authority to enforce the terms and  
2 conditions set forth in this Ordinance and to recommend that the ordinance be revoked.

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

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

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

10 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

13  
14 EFFECTIVE \_\_\_\_\_, 2020.

15  
16 BOARD OF COUNTY COMMISSIONERS  
17 LAKE COUNTY, FLORIDA

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20 LESLIE CAMPIONE, CHAIRMAN

21 ATTEST:

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

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30 APPROVED AS TO FORM AND LEGALITY:

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33 MELANIE MARSH, COUNTY ATTORNEY  
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EXHIBIT - A

RECEIVED  
 FEB 13 2019  
 BY: \_\_\_\_\_

CONCEPT PLAN

