



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): October 6, 2021
Board of County Commissioners (BCC): November 2, 2021

Case No. and Project Name: CUP-21-05-3, De Pasquale Equestrian Boarding and Training Facility

Applicant: Timothy Green, ASLA, AICP, LEED AP

Owner: De Pasquale Real Estate, LLC

Requested Action: Conditional use permit (CUP) on approximately 152 +/- acres to allow a horse boarding/ stable facility and other uses within the Agriculture (A) zoning district.

Staff Determination: Staff finds the conditional use permit application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Ryan Winkler, Planner

PZB Recommendation:

Subject Property Information

Size: 152 +/- acres

Location: 28820 Shirley Shores Road

Alternate Key Nos.: 1391296, 1069955, 1391288, 1589321, and 1391300

Future Land Use: Rural Transition

Existing Zoning District: Agriculture (A)

JPA / ISBA: Tavares ISBA

Overlay: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	A	Residential	Shirley Shores Road right-of-way, Single-Family Dwelling Units
South	Rural Transition	A	Vacant Agriculture land	Vacant Land
East	Rural Transition	A	Vacant Agriculture land, Residential	Single-Family Dwelling Unit, and vacant undeveloped land in Tavares
West	Rural Transition	A	Residential	Shirley Shores Road right-of-way, and Sunset Groves residential neighborhood

- Summary of Analysis -

The conditional use permit (CUP) application seeks approval for a horse boarding and stable facility use on the subject 152-acres. The subject 152-acres are identified by Alternate Key Numbers 1391296, 1069955, 1391288, 1589321, and 1391300; zoned Agriculture (A); and are designated as Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject properties are located east of Shirley Shores Road in the unincorporated Tavares area. The subject properties are currently developed with an existing single-family dwelling unit, three (3) additional residences, eight (8) accessory and support structures, and gated corral/paddocks.

The Applicant proposes additional structures to facilitate the conditional use for the horse boarding and training facility operations. It is the Owner’s intention to utilize the existing facilities for equine boarding, a horse farm, horse training, and horse care seminars (clinics) for commercial use. The operation seeks to include three (3) additional caretaker residential structures and one (1) workshop/storage building to be located on the property as identified on the Conceptual Plan (Attachment “A”). The Conceptual Plan for the proposed horse boarding and training facility identifies the existing and proposed uses and structures as indicated below:

<i>Proposed Uses</i>	<i>Existing Structures</i>	<i>Proposed Structures</i>
<i>Residential</i>	Principal Dwelling Unit A (AK# 1391296) Principal Dwelling Unit B (AK# 1589321) Principal Dwelling Unit C (AK# 1069955) Principal Dwelling Unit D (AK# 1391288)	Principal Dwelling Unit E (AK# 1391300) Accessory Caretaker Dwelling Unit A-1 (AK# 1391296) Accessory Caretaker Dwelling Unit B-1 (AK# 1589321)
<i>Horse Boarding/ Stable Facility</i>	Stable A (AK# 1589321) Stable B (AK# 1069955) Stable C (AK #1391300)	
<i>Riding Academy/ Horse Care Clinics (Seminar)</i>	Well House (AK# 1589321) Feed Room (AK# 1589321) Tack Room (AK# 1589321) Metal Storage Building (AK# 1391296) Metal Shed (AK# 1391296)	Storage/Workshop (AK# 1069955)
<i>RV Parking</i>		10 RV’s max/180 Days (AK #1391300)
<i>Horse Trailer Parking</i>		15 trailers max/12 months (AK #1589321)
<i>Events</i>		Weddings (20/year) – Max 100 guests Horse Show (5/year) – Max 100 guests

On March 15, 2021, the Owner was cited for operating a horse boarding facility without a CUP in the Agricultural (A) zoning district (Case No. 2021030148). To facilitate approval of the use and close out the violation, the Applicant submitted the subject application and provided the following statement: “We bought the property in August 2020, and we kept the existing horse boarding and training facility business running. There was never any other business idea, than using the existing infrastructure as a horse facility to offer horses a home. Same with the guest houses, to give horse owners the possibility to stay next to their horses as a rental home/vacation rental home.”

– Analysis –

LDR Section 14.05.03 (Standards for Review)

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

The application seeks conditional use approval for a horse boarding and training facility use in the A zoning district. The proposed horse boarding use is consistent with Comprehensive Plan (Comp Plan) Policy I-1.4.4, Rural Future Land Use Category (FLUC), which allows equestrian related uses.

This use is reflected in LDR Section 3.01.02 and LDR Table 3.01.03, which specify the allowance of Riding Stable or Academy uses in the A zoning district with approval of a CUP.

The request for the proposed equestrian training facility is consistent with LDR Section 3.01.02(F), which defines a Riding Stable or Academy use as a stable, other than a private stable, used for the care of horses, ponies, or other livestock to be used for instruction, renting, hiring, or for boarding such animals.

The 152-acre subject parcel is consistent with LDR Section 3.01.04(a), which requires public or private riding stables or academies on parcels greater than 10 acres.

The concept plan is consistent with LDR Section 3.01.04(4)(b), which requires all structures housing animals to be no less than two hundred (200) feet from the nearest right-of-way line of any public road, county road, state or federal road or highway or the adjacent boundary of property owned by others.

The request is consistent with Comp Plan Policy I-1.2.8, which states agriculture and equestrian uses shall be recognized as a suitable use of property within all Future Land Use Categories.

The request is consistent with Comp Plan Policy IV-3.3.2, which states that the County shall promote the economic, recreational, and cultural value of the equine industry and related activities; and support and promote equestrian activities and special events within the County as a means of generating public interest and promoting tourism.

B. Effect on Adjacent Properties.

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

The proposed use is consistent with LDR Section 3.01.04(4)(b) which requires all structures housing animals to be no less than two hundred (200) feet from the nearest right-of-way line of any public road, county road, state or federal road or highway or the adjacent boundary of property owned by others.

The Application proposes special events, including horse shows and weddings, to be generally located towards the center of the subject properties away from adjacent boundaries of property owned by others.

Furthermore, the proposed ordinance includes a condition that a noise assessment must be submitted for review and acceptance prior to commencement of horse boarding operations. New development will be required to meet all criteria contained within the LDR and Comprehensive Plan.

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

A Riding Stable or Academy use is defined as a stable, other than a private stable, used for the care of horses, ponies, or other livestock to be used for instruction, renting, or hiring or for boarding such animals. The proposed use meets the intent of the existing land use and Agriculture zoning district.

The parcels surrounding the subject properties are all zoned Agriculture and designated as Rural Transition FLUC. The land use and Agriculture zoning district allows for agricultural and equestrian related uses. The parcels to the north and west consist of single-family residences and agricultural uses on large tracts of an acre in size or greater. The adjoining southern and eastern parcels are improved with an active hayfield operation.

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.

To minimize any undue adverse effect to the adjacent parcels, the Applicant is required to maintain the minimum landscape buffer set forth in LDR Section 9.01.06(A)(2), which indicates any parcel adjacent to a public right-of-way shall have a Type "A" landscape buffer along its right-of-way. The Concept Plan also depicts a fifty (50) foot setback from the property line for all structures from the Shirley Shores right-of-way and a twenty-five (25) foot setback from adjacent property owned by others.

The Applicant's response to staff comment letter dated August 18, 2021, regarding minimization of impacts by indicating "All existing uses other than existing horse track located on the site and the proposed accessory dwelling units are more than 300-feet from any property line". Staff recommends that the special event activities be centrally situated on the property to the greatest extent possible to minimize adverse impact to adjacent properties.

To further lessen any adverse effects on the adjoining properties owned by others, a noise assessment will be required at the time of the development application. New development will be required to meet all criteria contained within the LDR and Comprehensive Plan.

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 CUP application includes existing buildings and structures that meet the setback requirements per LDR Section 9.01.06(A)(2) by establishing a fifty (50) foot setback from the Shirley Shores right-of-way and twenty-five (25) feet from any adjacent boundary of property owned by others. The CUP Application proposes additional structures to facilitate the conditional use and operations, which include two (2) additional accessory caretaker residences and one (1) workshop. These proposed structures shall be developed in accordance with the LDR and Comprehensive Plan.

The CUP proposes special events to include weddings and horse shows which, according to the Concept Plan, appear to be located as centered on the subject site as possible, away from property owned by others. These special events shall be operated as to provide a minimal impact on the neighboring properties, as the Applicant proposes special events will be limited to a maximum of one-hundred attendees per event (Attachment "B" – Response Letter). Per the Response to August 18, 2021, Staff Comments (Attachment "C"), the CUP will not host any special events greater than 100 attendees per event.

Should the CUP be approved, a subsequent development application for site plan review must be submitted prior to commencement of construction or horse boarding and training activities; the site plan shall be consistent with the Concept Plan (Attachment "A").

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 is serviced by an existing well and septic system.

Parks

The proposed request is not anticipated to adversely impact parks.

Solid Waste

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

Transportation

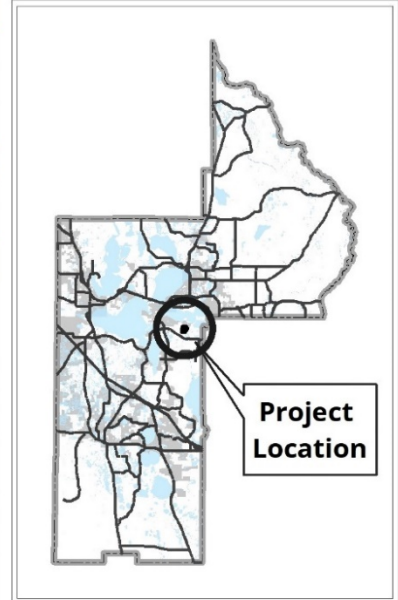
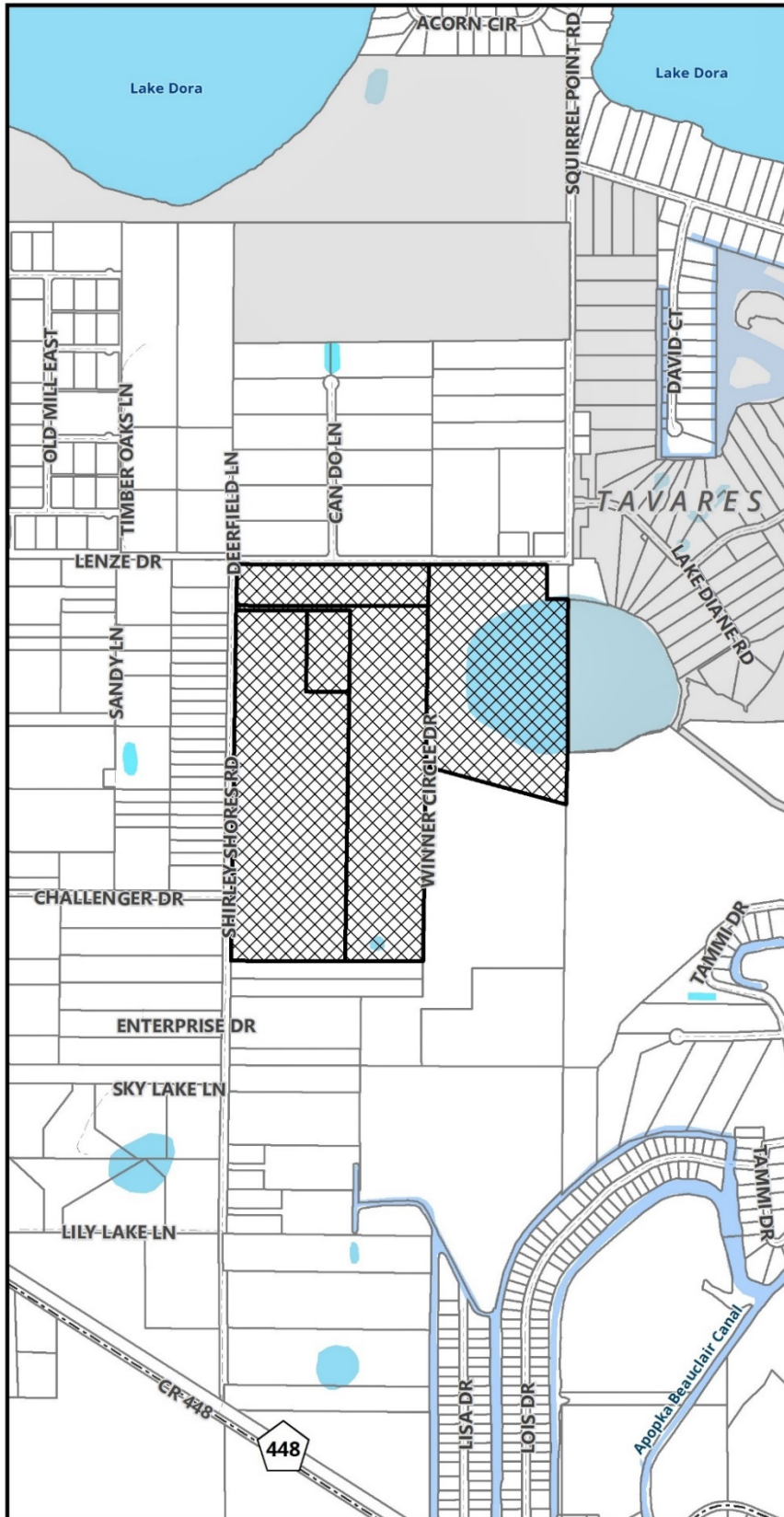
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

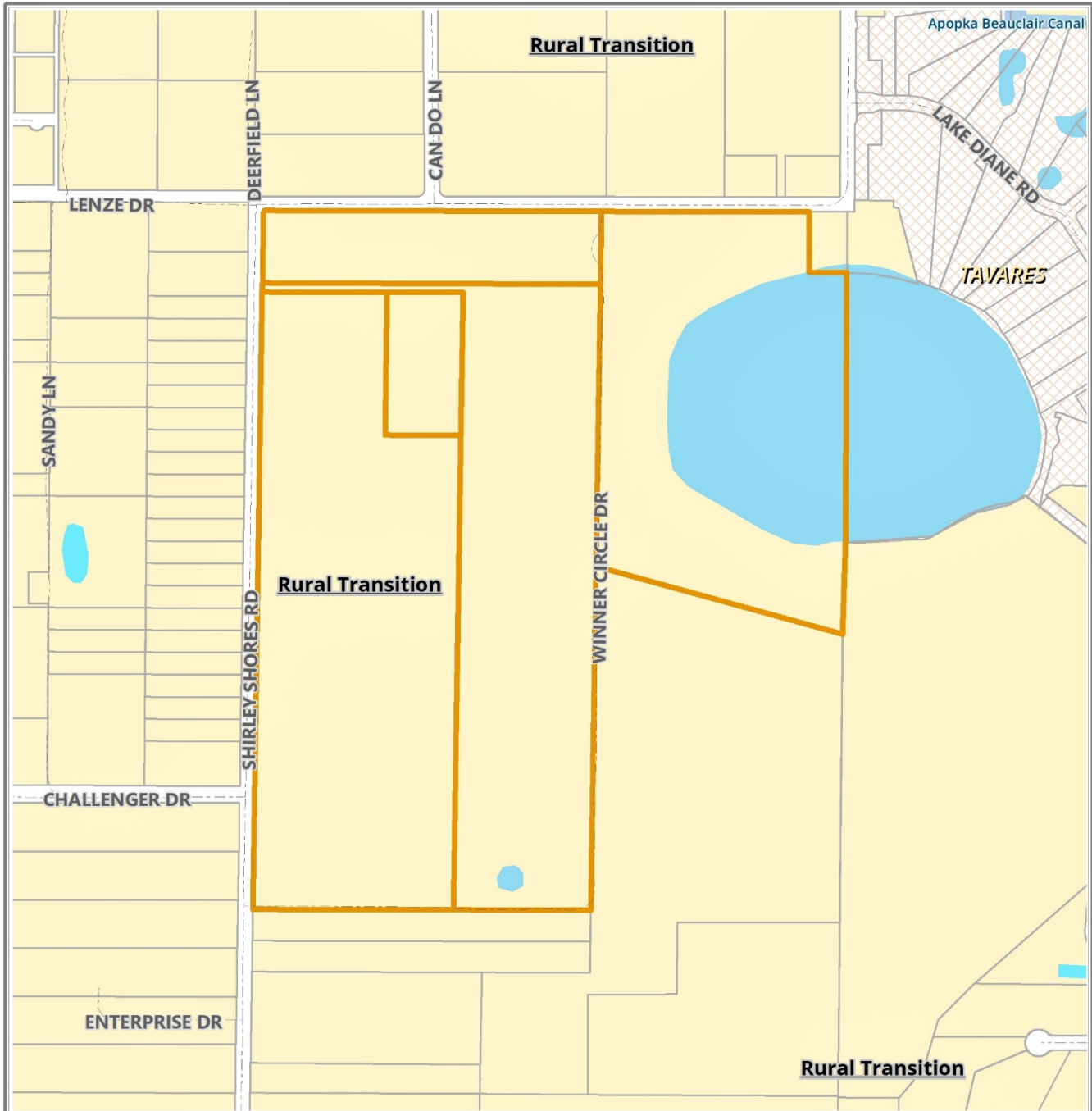
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station (LCFS) #78 is located less than three (3) miles from the subject properties, at 16345 County Road 448, in the Mt. Dora area. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is granted.

Map of Subject Property



CURRENT FUTURE LAND USE



Future Land Use

 Rural Transition

NAME: DE PASQUALE EQUESTRIAN PROPERTY

DISTRICT: 3

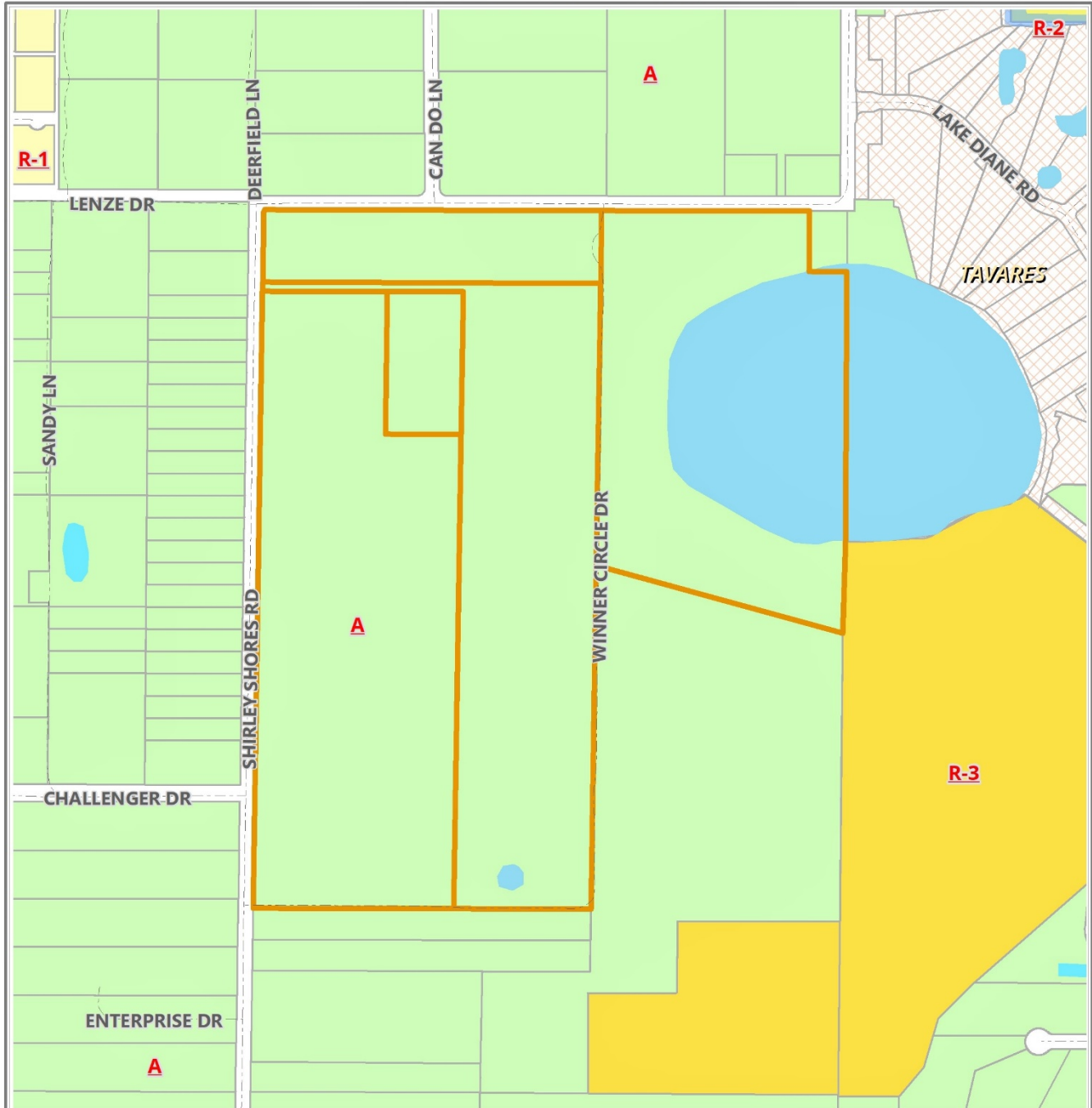
CASE NUMBER: CUP-21-05-3

LOCATION (S-T-R): 10-20-26

REQUEST: ALLOW HORSE BOARDING & TRAINING FACILITY



CURRENT ZONING



Zoning Legend

A R-1 R-2 R-3

NAME: DE PASQUALE EQUESTRIAN PROPERTY

DISTRICT: 3

CASE NUMBER: CUP-21-05-3

LOCATION (S-T-R): 10-20-26

REQUEST: ALLOW HORSE BOARDING & TRAINING FACILITY



Attachment "B" – Response to Comments from May 21, 2021

De Pasquale Equestrian

Project No. 2021040028, Application Request No. 4416

Response to Comments from May 21, 2021

REVIEW COMMENTS

Office of Planning and Zoning

1. Please confirm and provide a description of all existing structures and the proposed use areas (i.e. horse boarding, equestrian training / lessons, horse breeding, dressage, special events, guest lodging, racing / training track, paddocks, pasture / grazing, ect.)
Response: The data and locations have been updated on the Concept Plan.
2. Please provide an updated concept plan that shows all the existing structures and uses on the property that are associated with the conditional use permit (CUP) request.
Response: The Concept Plan has been updated.
3. Please state the maximum number of horses, including privately owned, that will be boarded at the facility.
Response: Maximum of 100.
4. Please state whether there will be any future structures proposed and their use. Please specify if there will be recreational amenities on the property for guests, including spectator seating and shade structures.
Response: The Concept Plan has been updated.
5. The application states an intention to also use the property as a vacation home rental to accommodate horse owners the possibility to stay on site while boarding horses. Please provide details regarding the maximum occupancy of guests per night and the location of guests lodging facilities on the property. Additionally, update the concept plan to show these structures and the additional parking spaces for this guest use.
Response: The existing and proposed homes will be utilized by caretakers.
6. Please state whether there will be an area for long-term horse trailer and Recreational Vehicle (RV) parking. If so, please state the maximum number of horse trailers and RVs that may be parked on the property, as well as update the concept plan to show the location. Please state the maximum duration horse trailers and RVs may be parked on the property.
Response: Horse trailer parking will be limited to a maximum of 15 on an annual basis. Self-contained RV's will be limited to maximum of 10 units parked on unimproved areas and shall be limited for each stay to 180 days.
7. Please indicate whether Special Events are proposed in conjunction with the horse boarding facility use; if so, please provide a maximum number of Special Events per year, and the maximum number of possible attendees. Please be advised that a Special Event shall be classified as an

advertised ticketed, workshop, seminar, training session event, A Special Event application will be required for approval prior to conducting any special event on the property.

Response: Special Events will be: Weddings (20 per year with a maximum of 100 guests) and Horse Shows (5 per year with a maximum of 100 guests).

8. There are indications of wetlands on the property, please ensure structures conform to the required setback Land Development Regulation (LDR) Section 6.01.04, which requires all structures and impervious surface to be located at least fifty (50) feet from the jurisdictional wetland line.

Response: The setback line has been added to the Concept Plan.

Office of Building Services – Fire Safety

Prior to approval, information shall be provided indicating how adequate water will be supplied for fire protection as is required per Florida fire Prevention Code 1: Chapter 18, Lake County Land Development Regulations (LDR) and NFPA 150 as listed below.

NFPA 150: Fire and Life Safety in Animal Housing Facilities Code, 2016 Edition 1.3.1: This standard shall apply to animal housing facilities that are subject to local, state, or federal licensing or permitting requirements, including but not limited to the following:

- a. Barns and stables
- b. Kennels
- c. Racetrack stable / kennel areas, including those stable / kennel areas, barns, and associated buildings at state, county, and local fairgrounds
- d. Animal shelters
- e. Animal hospitals and veterinary facilities
- f. Zoos and special amusement parks
- g. Laboratories
- h. Agricultural facilities
- i. Mercantile or business occupancies with animals

Response: All improvements will follow the requirements of Florida Statutes related to nonresidential farm buildings on agricultural property as new Site Plan improvements are proposed.

Department of Public Works – Development Engineering

To understand the traffic impacts from the proposed use, please provide the number of horses to be boarded and trained at the facility.

Response: A maximum of 100 horse will be boarded / trained at the facility.

Attachment "C" – Response to Comments

Response to August 18, 2021 Staff Comments

Application for Conditional Use Permit – De Pasquale Equestrian
(Horse Boarding & Training Facility) Project No. 2021040028, Application Request No. 4416
Alternate Key No's. 1391296, 1069955, 1391288, 1589321, 1391300

REVIEW COMMENTS

Office of Planning and Zoning

1. The concept plan indicates three (3) existing stables with an aggregate total of 52 stalls for horse boarding. Response to the comment letter states a maximum of 100 horses, including privately owned, to be boarded at the facility. Please provide details as to how many horses are expected to be privately owned and the number of horses that are to be boarded for commercial use. Additionally, for publication purposes, please revise the concept plan to one sheet rather than two.

Response: The plan has been consolidated to one sheet. There will be a limit of 20 owner owned and 80 boarding horses.

2. Resubmitted documents indicate an intent to host events to include weddings (20 per year) and horse shows (5 per year) with a maximum number of 100 guests per event. Please indicate whether Special Events are proposed if so, please provide a maximum number of Special Events per year. A Special Event Application will require permits in accordance with the Land Development Regulations (LDR) Section 14.13.00, and Comprehensive Plan, as amended.

Response: There will not be "Special Events" as defined in Article V, Section 13-146.

3. The concept plan indicates areas to serve as event parking. Please provide details to the number of parking spaces to be created or how much square footage will be available for event parking. Pursuant to LDR Section 9.03.05(L) the minimum parking stall size shall be nine (9) feet by eighteen (18) feet for regular stalls. All parking spaces abutting a sidewalk, landscape buffer, or travel lane shall have a wheel stop or curbs. Handicap stalls shall be paved to meet state accessibility requirements. Table LDR Section 9.03.06 requires one (1) space per five (5) horses boarded on site for riding stable and academy activities.

Response: Parking has been illustrated on the Concept Plan.

4. The response to the staff comments letter and concept plan indicates a proposed horse care clinic. Comprehensive Plan Policy I-1.4.5 Rural Transition Future Land Use Category indicates animal specialty services typically require a conditional use permit. Will the horse care clinic be for the horses boarded at the facility, or will it be taking appointments from the general public as an on-site veterinary clinic for horses? The LDR defines veterinary clinic as an establishment providing medical care, treatment, grooming, or boarding services for animals. Please provide clarification to this proposed use, including information that details the scope of the proposed use. Be advised if the CUP proposes this veterinary clinic use, parking shall be required in accordance with LDR Table 9.03.06, one (1) space per two hundred fifty (250) square feet plus one (1) per employee of greatest employment.

Response: "Horse Care Clinic" is not for veterinary services, but rather for learning purposes, and has been renamed as "Horse Care Seminars" for owners of horses being boarded.

5. The revised application and concept plan proposes residential, event, and equestrian-related uses to include a boarding and rehab facility, a horse farm, horse training, and horse care clinic. Please specify whether the horse care clinic will be for the boarding patrons and those horses owned by the property owner or open to the public. If the clinic is open to the public, please specify the hours of operation and revise concept plan to show proposed clinic location.

Response: "Horse Care Clinic" is not for veterinary services, but rather for learning purposes, and has been renamed as "Horse Care Seminars" for owners of horses being boarded.

6. The resubmitted concept plan proposes three (3) additional caretaker residences and one (1) workshop to be located on the subject parcels. Please be advised there shall be one (1) caretaker residence permitted to facilitate the use of the CUP. Please revise the concept plan accordingly.

Response: The additional caretaker residences have been relabeled to accessory dwellings and are placed on the existing alternate key parcels.

Office of Building Services – Fire Safety

The revised concept plan and original comments on phased development note states transient/rental housing for guests as well as events on this site and proposed RV parking. Please also note on the concept plans which caretaker homes are proposed to be for transient use as well as location for proposed wedding venue use.

Response: The homes have been relabeled as accessory dwellings and will function as single family homes.

Department of Health Services

Please submit site plan showing well and septic locations. Indicate whether these wells are proposed or existing. The well may have to be permitted as a limited-use well.

Response: All existing wells and septic systems general locations have been labeled.

INFORMATIONAL COMMENTS

Office of Planning and Zoning

1. The revised concept plan identifies existing residential structures to include (1) owner (primary) residence and three (3) caretaker residences. Please be advised that there will only be one (1) caretaker's residence associated with the CUP horse boarding/stable operations. The remaining three (3) residences are allowed on their respective parcels as primary dwellings, in conformance with the Agriculture zoning and Rural Transition future land use.

Response: The homes have been relabeled as accessory dwellings and will function as single family homes.

2. The revised concept plan notes existing ancillary uses to the CUP to include one (1) well house, (1) feeding room, (1) track room, (1) metal storage building, and (1) metal shed.

Response: Acknowledged.

3. The concept plan proposes a maximum number of Recreational Vehicles (RV) to be limited to 10 vehicles to be parked on site no longer than 180 days. Please be advised that an RV parking space must be 2,400-square feet, minimum.

Response: Acknowledged.

4. Please be advised that should the conditional use permit be approved, a development application for site plan approval will be required prior to commencement of the boarding or special event operations. Upon submittal of said development application, an environmental assessment (EA) and landscape plan may be required.

Response: A site plan will be submitted for uses other than nonresidential farm buildings as per Section 604.50 F.S.

5. The subject parcel is zoned Agriculture and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Equestrian related uses are permitted within this zoning district and future land use classification. Riding Stables and Academies require a conditional use permit pursuant to LDR Section 3.01.03.

Response: Acknowledged.

6. The subject property is located within the Tavares Interlocal Service Boundary Area (ISBA).

Response: Acknowledged.

7. A noise impact assessment will be required with the site plan submittal. This assessment must describe mitigation of possible noise impacts to promote noise compatibility between existing and proposed land uses pursuant to LDR Section 9.09.00.

Response: All existing uses other than the existing horse track located on the site and the proposed accessory dwelling are more than 300 feet from any property boundary.

8. At the development application phase, documentation which demonstrates the proposed use and development will not adversely impact surface or ground water resources will be required.

Response: Acknowledged.

9. The concept plan appears to show the presence of a wetland feature. Please be advised that development must not encroach within 50-feet of the wetland jurisdictional line and the wetlands must be placed into a conservation easement prior to or in conjunction with the site plan approval.

Response: Acknowledged.

10. Please be advised the applicant is responsible for paying the legal advertisement and notification fees. Once the fees have been assessed, the applicant will be notified, and all applicable fees will be due prior to the public hearing. The recording fees will be calculated separately, the applicant will be notification separately.

Response: Acknowledged.

Office of Building Services – Permitting

The buildings shown on the concept plan are addressed below:

1. Main House: Is the primary residence for this project (non-exempt under the 7th Edition Florida Building Code, (2020)).

Response: Acknowledged.

2. The lake house, guest house, and caretaker house structures shall not be used as a rental or used to accommodate paying patrons (non-exempt under the 7th Edition Florida Building Code, (2020)).

Response: Acknowledged.

3. Barn 1 & 2: Existing Buildings meeting “nonresidential farm buildings” on farms and are being used for agritourism events will have to meet the requirements set forth by Florida State Fire Marshal in 69A-67 Administrative Code of Florida and the applicable requirements of the current Florida Fire Prevention Code.

Response: Acknowledged.

4. Any proposed structures will require a building permit.

Response: All buildings that are not nonresidential farm buildings will be permitted.

5. RV connections (electric and/or plumbing) will require a building permit.

Response: Acknowledged.

6. All plans submitted for building or trade permits shall be designed and submitted in conjunction with the requirements of the 7th Edition (2020) Florida Building (FBC), Existing Building, Accessibility, Energy Conservation, Mechanical, Plumbing, Fuel Gas, Florida Fire Prevention Code, and 2017 National Electric Code (NEC), for all others.

Response: Acknowledged.

7. The site plan shall contain the following minimum requirements:
 - a. Drawn to scale
 - b. Show all existing/proposed driveways/roadways and parking lots
 - c. Outline of floorplan for the proposed building or structures
 - d. Dimensions of all existing and proposed buildings/structures on this site
 - e. Dimensions from all buildings/structure to property lines (including imaginary property line, if any)
 - f. Finish floor elevation for each building on the site

Response: Acknowledged.

8. Plan submittals shall incorporate the minimum requirements of the 2020 FBC 107.2.1 and 107.3.5.

Response: Acknowledged.

9. FS 481.229 requires an architect, licensed in the State of Florida, to sign/seal plans for this project.

Response: Acknowledged.

Office of Building Services – Fire Safety

Please be advised the following will be required at site plan submittal:

1. The site plan must indicate the building construction type and the total building area for each structure

Response: Acknowledged.

2. The site plan must indicate the fire separation distances (setbacks) from the closest lot line; street; alley; public way; and all buildings on the same property for each structure.

Response: Acknowledged.

3. The site plan must indicate the *type* of Fire Protection Water Supply to be provided at the site, such as fire hydrants connected to a central water service or an aboveground fire protection water supply tank.

Response: Acknowledged.

4. The site plan must indicate the name of the water supply Utility such as City of Groveland, City of Clermont, Utilities Inc., etc.

Response: Acknowledged.

5. Please notate on the site plans that if water is supplied by a privately owned utility; the site contractor is required to submit plans to Lake County Building Services for review and approval prior to installation of all water mains located on private property to include the Underground Fire Mains.

Response: Acknowledged.

6. If fire hydrants connected to a central water service (public or private utility) are being used to provide the required fire flow for the buildings, the needed Fire Flow for the building(s) and or structure(s) shall be indicated as well as hydraulic modeling report proving the needed fire flow is available at the proposed site. According to the GIS mapping, there appears to be a fire hydrant on the corner of Cando Lane and Lenze Drive. Please see the (a.) item below:

- a. Fire hydrant flow test for existing hydrant may be required (witness fee will apply). Please email fireprevention@lakecountyfl.gov to obtain information on how to pay and schedule this hydrant flow test request.

Response: Acknowledged.

- b. The hydraulic modeling report must be based upon the structure requiring the greatest demand per NFPA 1 Chapter 18.

Response: Acknowledged.

- c. The site plan must indicate the location of any fire hydrants for the site. A 36-inch clear space shall be maintained around the circumference of fire hydrants. Hydrants must be called out as *new* or *existing* to include location of nearest hydrants to proposed project.

Response: Acknowledged.

7. The site plan must indicate whether the site will be using an aboveground fire protection water supply tank to provide the fire protection water supply.

- a. If an above ground fire protection water supply tank is being used, the size of the aboveground fire protection water supply tank (calculations per NFPA 1142) and locations must be indicated on the plan.

Response: Acknowledged.

8. The site plan must indicate the fire protection water supply will be available *prior* to and *during* construction.

Response: Acknowledged.

9. The site plan must indicate compliance with the Florida Fire Prevention Code regarding fire department access per NFPA 1 Chapter 18. Please show width of all access to all structures and proposed RV site location, must be a minimum 20-feet as noted below:

- a. Accessway must have a minimum width of at least 20-feet, unobstructed vertical clearance of 13-feet, 6-inches and capable of supporting imposed loads of fire apparatus in all weather conditions. Dead ends in excess of 150-feet shall be provided with an approved turn-around per NFPA 1 Chapter 18.

Response: Acknowledged.

10. The site plan must indicate an accessible path of travel (sidewalk(s) and/or ramps) to a public way from all required exits.

Response: Acknowledged.

Department of Public Works – Development Engineering

1. The stormwater management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements, as amended.

Response: Acknowledged.

2. The developer shall be responsible for any flood studies required for developing the site and comply with FEMA, Comprehensive Plan and Land Development Regulations (LDR) as amended. Any development within the floodplain as identified on the FEMA maps will required compensating storage.

Response: Acknowledged.

Potential Development Review Fees

Prior to commencement of the operational use, a development application for site plan review and approval is required. Please contact this office to confirm the estimated fees prior to submitting the development application. A breakdown of the estimated fees is specified below:

Planning and Zoning	\$1,250.00
Landscape Review and Inspection	TBD
Public Works	\$635.00
Public Works (Stormwater)	\$460.00
Fire	\$181.00
Public Safety/Addressing	\$154.00 Capacity
Encumbrance	TBD

Response: All buildings that are not nonresidential farm buildings will be permitted.

ORDINANCE 2021-XX
DE PASQUALE EQUESTRIAN LLC CUP
CUP-21-05-3

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

WHEREAS, Timothy Green (the “Applicant”), submitted a conditional use permit application on behalf of Fabian De Pasquale Real Estate, LLC (the “Owner”) on approximately 152.00 +/- acres to allow a horse boarding and training facility within the Agriculture zoning district; and

WHEREAS, the subject property consists of approximately 152.00 +/- acres, and is located east of Shirley Shores Road in the unincorporated Tavares area, situated in Section 10, Township 20 South, Range 26 East, having Alternate Key Numbers 1391296, 1069955, 1391288, 1589321, and 1391300, is and more particularly described in Exhibit “A” – Legal Description; and

WHEREAS, the subject property is located within the Rural Transition Future 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 set forth in this Conditional Use Permit; and

WHEREAS, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on the 6th day of October 2021, and by the Board of County Commissioners of Lake County, Florida, on the 2nd day of November 2021.

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

Section 1. 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 “B” 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.

1. Agriculture uses.
2. Residential use in accordance with the LDR, as amended.
3. Horse Stable and boarding is limited to one hundred (100) horses (maximum), to include twenty (20) owned by the Owner.
4. Riding Academy and Horse Care Seminars.
5. Support and accessory structures including one (1) well house, one (1) feed room, one (1) tack room, one (1) metal storage building, one (1) metal shed, one (1) storage/workshop.
6. Ten (10) recreational vehicle (RV) parking spaces, each 2,400-SF

- 1 7. Fifteen (15) horse trailer spaces.
- 2 8. Special Events. Horse Shows, Weddings, or any other special event drawing more than 500
- 3 persons shall be subject to the following conditions in accordance with complying with the
- 4 requirements contained within Section 14.13.00, LDR, and Section 13-147, Lake County
- 5 Code:
- 6 a. Horse Shows, (20 maximum per year, 100 attendees maximum per event).
- 7 b. Weddings (5 maximum per year, 100 attendees maximum per event).
- 8 c. Any future special events will require approval prior to commencement of the event
- 9 in accordance with the LDR, as amended.
- 10 d. All special events will be centrally situated on the property to greatest extent possible.
- 11 e. No vehicles or trailers of any kind will be permitted to park or stage on Shirley Shores
- 12 Road. All vehicles and trailers must be parked or stored upon the Owner's Property.
- 13 9. Accessory uses directly associated with the above uses may be approved by the County
- 14 Manager or designee. Any other use of the site will require approval of an amendment to
- 15 this Ordinance by the Board of County Commissioners.

16 **B. Specific Conditions:**

- 17 1. Animal waste shall be picked up at least once daily, shall not be allowed to accumulate,
- 18 and shall be properly disposed. There shall be no storage of organic waste material within
- 19 the setback areas.
- 20 2. Domestic and commercial waste must be disposed of in an approved Department of
- 21 Health/Lake County Health Department system. Additional permitting may be required
- 22 by the Florida Department of Environmental Protection (FDEP). All development permit
- 23 requirements shall be addressed during the site plan review and approval process.
- 24 3. There shall be no storage of materials within the setbacks or buffers.

25 **C. Setbacks.** Any new buildings or structures shall require building setbacks in accordance with

26 the LDR, as amended.

27 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height.**

28 The property shall be developed in accordance with the Comprehensive Plan and LDR, as

29 amended.

30 **E. Landscaping, Buffering, and Screening.** The property shall be developed in accordance with

31 the Comprehensive Plan and LDR, as amended.

32 **F. Fire Protection and Emergency Services Access:** Access and fire safety requirements shall

33 be provided in accordance with the Florida Fire Prevention Code and LDR, as amended.

34 **G. Transportation Improvements and Access Management.** All transportation improvements

35 and access management shall be in accordance with the Comprehensive Plan and LDR, as

36 amended.

37 **H. Stormwater and Floodplain Management.**

- 1 1. The stormwater management system shall be designed in accordance with all applicable
2 Lake County and St. Johns River Water Management District (SJRWMD) requirements,
3 as amended.
- 4 2. The Owner shall be responsible for any flood studies required for developing the site and
5 comply with FEMA regulations, Comprehensive Plan provisions, and LDRs, as amended.
6 Any development within the floodplain as identified on the FEMA maps will required
7 compensating storage.
- 8 **I. Environmental Considerations and Open Spaces.** The property shall be developed in
9 accordance with the Comprehensive Plan and LDR, as amended.
- 10 **J. Parking.**
 - 11 1. Parking surfaces may be grass or other pervious material, except as required for
12 Americans with Disabilities Act (ADA) access.
 - 13 2. All parking will be provided in accordance with the LDR, as amended.
- 14 **K. Lighting.** Exterior lighting, if utilized, shall be consistent with Dark-Sky Principles and in
15 accordance with the Land Development Regulations (LDR), as amended.
- 16 **L. Noise.** A noise assessment must be submitted with the development application for review and
17 acceptance prior to commencement of the operations of the new uses identified in this
18 Ordinance. Compliance must be in accordance with the LDR, as amended.
- 19 **M. Signage.** All signage must be in accordance with the LDR, as amended.
- 20 **N. Utilities.** Individual well and septic tank shall be utilized in accordance with the requirements of
21 the Florida Department of Health, the Comprehensive Plan and LDR, as amended.
- 22 **O. Concurrency Management Requirements.** All development must comply with the Lake County
23 Concurrency Management System, as amended.
- 24 **P. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall be
25 required to submit a development application generally consistent with EXHIBIT "B" - Conceptual
26 Plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 27 **Q. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
28 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
29 Comprehensive Plan, and Lake County Land Development Regulations will include any future
30 amendments to the Statutes, Code, Plans, and/or Regulations as applicable.
- 31 **R. Other Proposed Uses.** After establishment of the facilities as provided in this Ordinance, the
32 property must only be used for the purposes named in this Ordinance, unless a proposed use
33 meets every requirement of the zoning district in which the property is located. Any other
34 proposed use must be specifically authorized by the Board of County Commissioners.

1 **Section 3. Conditions.**

- 2 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure
3 of the Owner or his successor to: Fulfill development in substantial accordance with the
4 conceptual plan as submitted to the Planning & Zoning Board and the Board of County
5 Commissioners; comply with the codes of the governmental agencies having lawful and
6 appropriate jurisdiction thereon; or comply with any of the terms of this CUP; or if this CUP is
7 found to become a nuisance or safety hazard, the CUP may be revoked after due public hearing
8 before the Planning & Zoning Board and the Board of County Commissioners.
- 9 **B.** This CUP shall inure to the benefit of and shall constitute a covenant running with the land; and
10 the purpose, terms, and conditions contained herein shall be binding upon the Owner or any
11 successor and his interest hereto.
- 12 **C.** The Lake County Code Enforcement Special Master shall have authority to enforce the terms
13 and conditions set forth in this ordinance and to recommend that the ordinance be revoked if
14 necessary.
- 15 **D.** This use shall be inspected by the Office of Code Enforcement annually to ensure compliance
16 with the conditions of this CUP and the approved site plan. An annual inspection fee will be
17 assessed. If an emergency inspection is necessary during non-operating hours, a fee shall also
18 be assessed.

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

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

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

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ENACTED this _____ day of _____, 2021.
FILED with the Secretary of State _____, 2021.
EFFECTIVE _____, 2021.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

SEAN M. PARKS, 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

1

Exhibit "A" – Legal Description

LEGAL DESCRIPTION:

Alternate Key: 1020260001-000-00101

Parcel No. 1: Tax ID# 1020260001-000-00101 The North 360 feet of the West 1550.0 feet of the Northeast $\frac{1}{4}$ of Section 10, Township 20 South, Range 25 East, in Lake County, Florida. Less and Except County Road right of way.

Alternate Key: 1020260001-000-00201

Parcel No. 2: Tax ID# 1020260001-000-00201 The East 340 feet of the West 934 feet of the South 340.5 feet of the North 1040.5 feet of the Northeast $\frac{1}{4}$, all in Section 10, Township 20 South, Range 26 East, in Lake County, Florida, Less and Except County Road right of way.

Alternate Key: 1020260001-000-00202

Parcel No. 3: Tax ID# 1020260001-000-00202 The South 3810.33 feet of the North 3170.33 feet of the East 616 feet of the West 1550 feet of the East $\frac{1}{2}$, and the South 40 feet of the North 400 feet of the West 934 feet of the Northeast $\frac{1}{4}$, all in Section 10, Township 20 South, Range 26 East, in Lake County, Florida, Less and Except County Road right of way.

Alternate Key: 1020260001-000-00200

Parcel No. 4: Tax ID# 1020260001-000-00200 The West 864 feet of the South 2810.33 feet of the North 3170.33 feet of the East $\frac{1}{2}$ of Section 10, Township 20 South, Range 26 East, in Lake County. LESS: The East 340 feet of the West 364 feet of the South 640.5 feet of the North 1040.5 feet of the Northeast $\frac{1}{4}$ of Section 10, Township 20 South, Range 26 East, in Lake County, Florida. LESS: The North 40 feet of the West 524 feet of the South 2810.33 feet of the North 3170.33 feet of the East $\frac{1}{2}$ of Section 10, Township 20 South, Range 26 East, in Lake County, Florida. (Per Surveyor) Less and Except County Road right of way.

Parcel No. 5: Tax ID# 1020260001-000-00200 The East 70.0 feet of the West 934.0 feet of the South 2129.83 feet of the North 3170.33 feet of the East $\frac{1}{2}$ of Section 10, Township 20 South, Range 26 East, in Lake County, Florida.

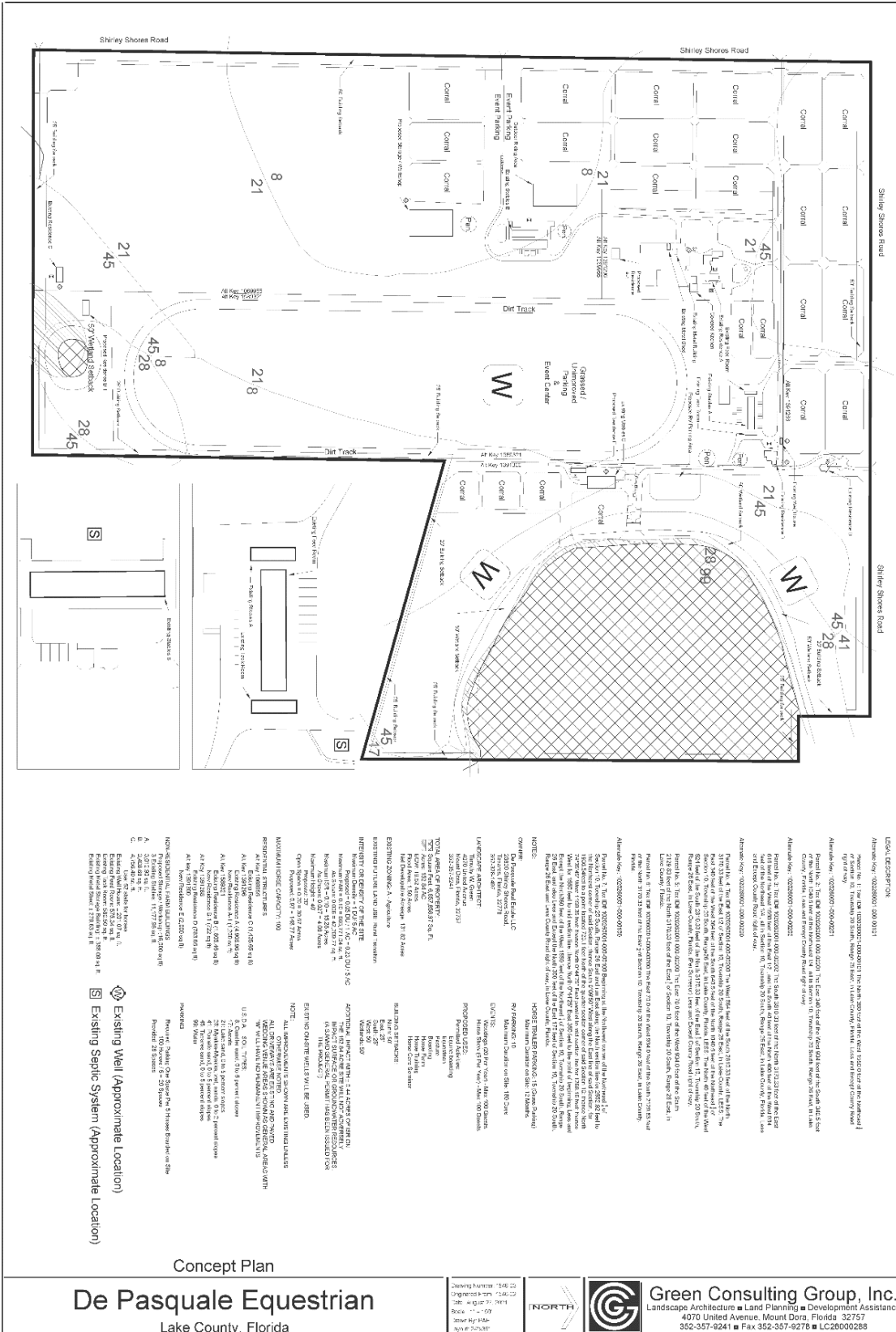
Parcel No. 6: Tax ID# 1020260001-000-00200 The East 70.0 of the West 934.0 feet of the South 2129.83 feet of the North 3170.33 feet of the East $\frac{1}{2}$ of Section 10, Township 20 South, Range 26 East, in Lake County, Florida.

Alternate Key: 1020260001-000-00100

Parcel No. 7: Tax ID# 1020260001-000-00100 Beginning at the Northwest corner of the Northeast $\frac{1}{4}$ of Section 10, Township 20 South, Range 26 East and run East along the North section line for 2652.92 feet to the Northeast corner of said Section; thence South $0^{\circ}09'50''$ West along the East line of said Section, for 1936.54 feet to a point located 723.1 feet North of the quarter section corner of said Section 10; thence North $74^{\circ}35'45''$ West 1159.35 feet; thence North $0^{\circ}44'25''$ East parallel to mid section line for 1268.16 feet; thence West for 1550 feet to mid section line; thence North $0^{\circ}44'25''$ East 360 feet to the point of beginning; Less and Except the North 360 feet of the West 1550 feet of the Northeast $\frac{1}{4}$ of Section 10, Township 20 South, Range 26 East, and also Less and Except the North 300 feet of the East 170 feet of Section 10, Township 20 South, Range 26 East and Less County Road right of way, in Lake County, Florida.

2

Exhibit "B" – Conceptual Plan



Concept Plan

De Pasquale Equestrian
 Lake County, Florida



Green Consulting Group, Inc.
 Landscape Architecture • Land Planning • Development Assistance
 4070 United Avenue, Mount Dora, Florida 32757
 352-357-9241 • Fax 352-357-9276 • LC26000288