



# CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): July 7, 2021  
Board of County Commissioners (BCC): August 3, 2021

Case No. and Project Name: CUP-21-03-1 Mills Horse Boarding Facility

Applicant: Jimmy D. Crawford, Esq.

Owner: Debra A. Mills

Requested Action: Conditional use permit on approximately 9.7 +/- acres to allow a horse boarding and stable facility use 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: Emily W. Johnson, Senior Planner

PZB Recommendation:

### Subject Property Information

Size: 9.7 +/- acres

Location: 23915 Palm Avenue, Howey-In-The-Hills

Alternate Key No.: 1257794

Future Land Use: Rural

Existing Zoning District: Agriculture (A)

JPA / ISBA: Howey-In-The-Hills

Overlay: Yalaha – Lake Apopka Rural Protection Area (RPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agricultural Residential (AR)	Residential	Single-Family Dwelling Unit
South	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
West	N/A, Howey-In-The-Hills	N/A, Howey-In-The-Hills	Lake, Vacant	Lake Bertha, and vacant undeveloped land in Howey-In-The Hills

**- Summary of Analysis -**

The conditional use permit (CUP) application seeks approval for a horse boarding and stable facility use on a 9.7-acre parcel, identified by Alternate Key Number 1257794, and located west of Palm Avenue, in the unincorporated Hovey-In-The-Hills area. The subject parcel is zoned Agriculture (A), designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is currently developed with an existing single-family dwelling unit, barn, gated corral/paddocks, and other accessory uses.

It is the intention of the Owner to utilize the existing barn for equestrian boarding purposes; the Owner has requested a maximum of eight horses to be boarded on the subject property, including two personal horses. To clarify the proposed use, the Applicant provided the following statement: *“There is no intention to breed, lease and/or rent horses on the Property. Furthermore, the Owner will not offer in-house training, or public riding lessons on the Property. Clients who board at the facility will be allowed to ride their horses, with or without a private trainer.”*

On February 11, 2021, the Board of Adjustments approved a variance (VAR-20-66-1) to Land Development Regulations (LDR) Sections 3.01.04(1)(a) and 3.01.04(4)(b) to allow for the existing barn to be located less than 200-feet from the property lines, and on a tract of land less than 10-acres in size, to facilitate approval of the proposed conditional use. The Concept Plan (Attachment “A”) depicts the location of the existing barn.

**- 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 stable facility use in Agriculture (A) zoning. The proposed use is consistent with Comprehensive 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 Agriculture (A) zoning district with approval of a Conditional Use Permit (CUP).

The request for the proposed horse boarding 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, or hiring or for Boarding such animals.

**B. Effect on Adjacent Properties.**

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

On February 11, 2021, the Board of Adjustment approved a variance (VAR-20-66-1) to Land Development Regulations (LDR) Sections 3.01.04(1)(a) and 3.01.04(4)(b) to allow for the existing barn to be located less than 200-feet from the property lines, and on a tract of land less than 10-acres in size.

The Applicant provided additional justification (Attachment “B”) which states that the applicant will not be offering or providing riding lessons. The proposed hours of operation are 9am to sunset, and no additional lighting or sound system will be added to the facility.

The proposed ordinance includes a condition that a noise assessment must be submitted for review and acceptance prior to commencement of horse boarding operations.

**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. Pursuant to LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, Riding Stable or Academy uses are

allowed in the Agriculture (A) zoning district with a CUP. The surrounding properties are zoned Agriculture (A) and Agricultural Residential (AR), and contain single-family residences on large tracts of land, except for the adjacent parcel to the west, which is vacant and undeveloped.

**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 Applicant provided additional justification (Attachment "B") which includes the following statement: *"The Property is already constructed for equestrian uses. The Applicant will be requesting a variance to allow the existing barn to remain located in its current location, which is not 200-feet from the nearest property line. There is a row of trees that screens the barn from the neighboring property."*

On February 11, 2021, the Board of Adjustment approved a variance (VAR-20-66-1) to Land Development Regulations (LDR) Sections 3.01.04(1)(a) and 3.01.04(4)(b) to allow for the existing barn to be located less than 200-feet from the property lines, and on a tract of land less than 10-acres in size.

**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.**

Should the CUP be approved, a subsequent development application for site plan review must be submitted prior to commencement of construction or horse boarding 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

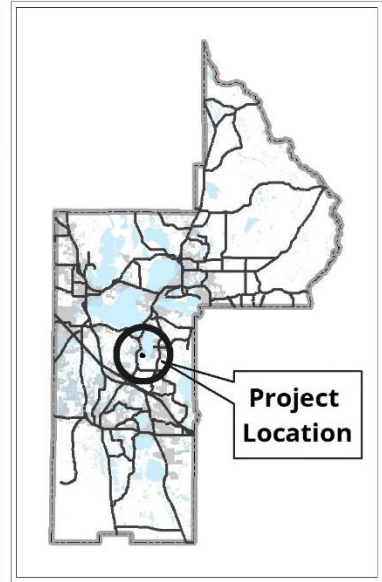
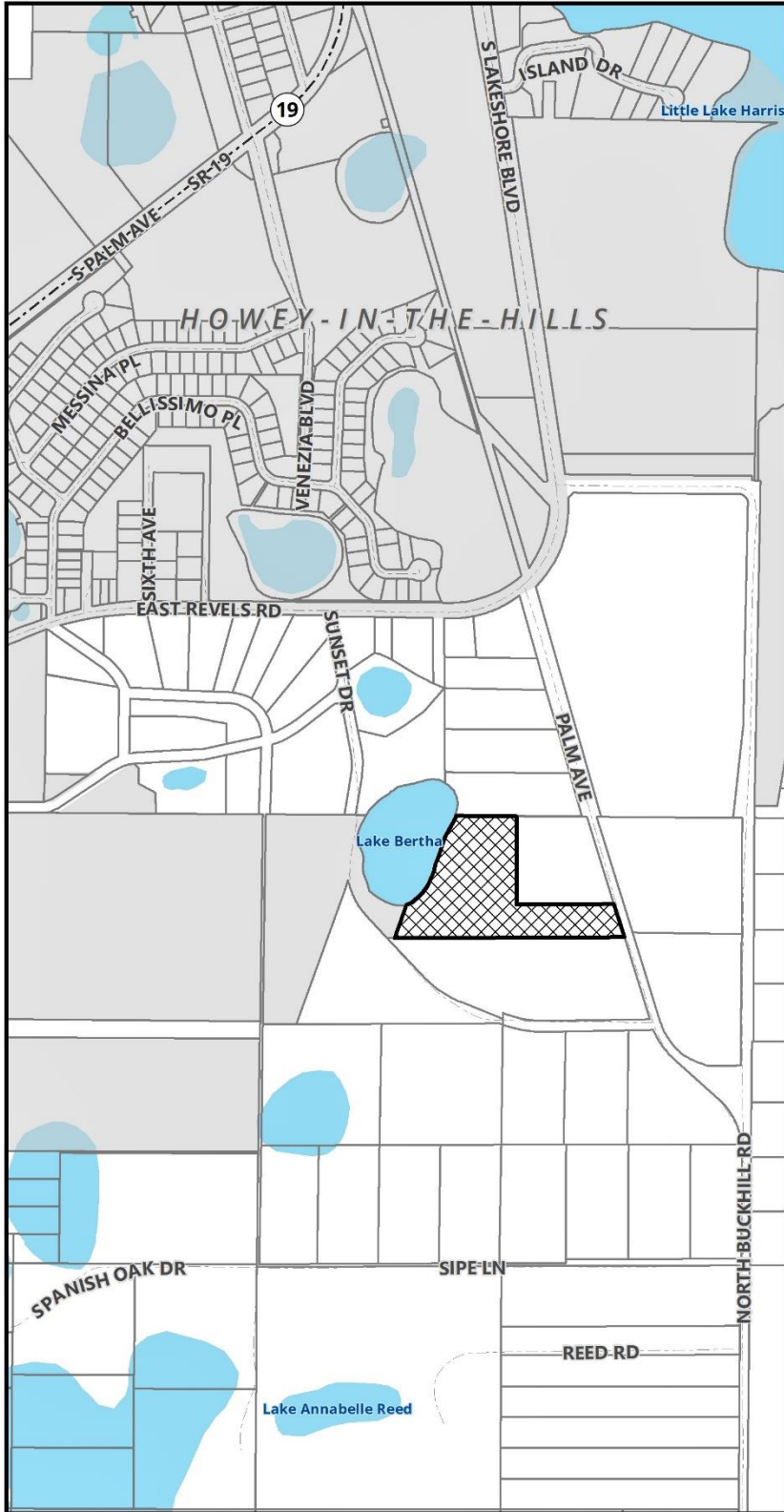
The proposed request is not anticipated to adversely impact transportation levels of service.

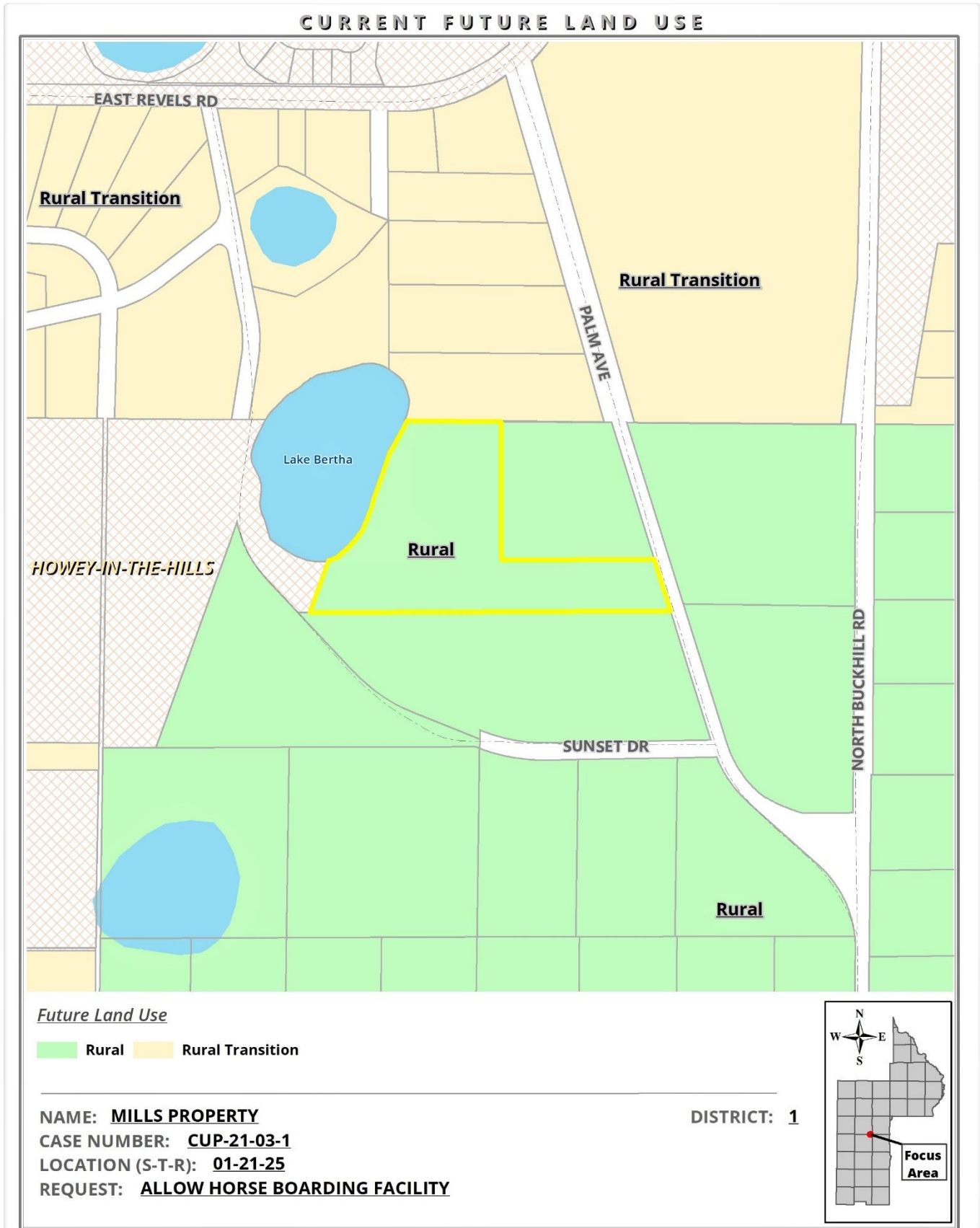
**D. Adequacy of Fire Protection.**

**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.**

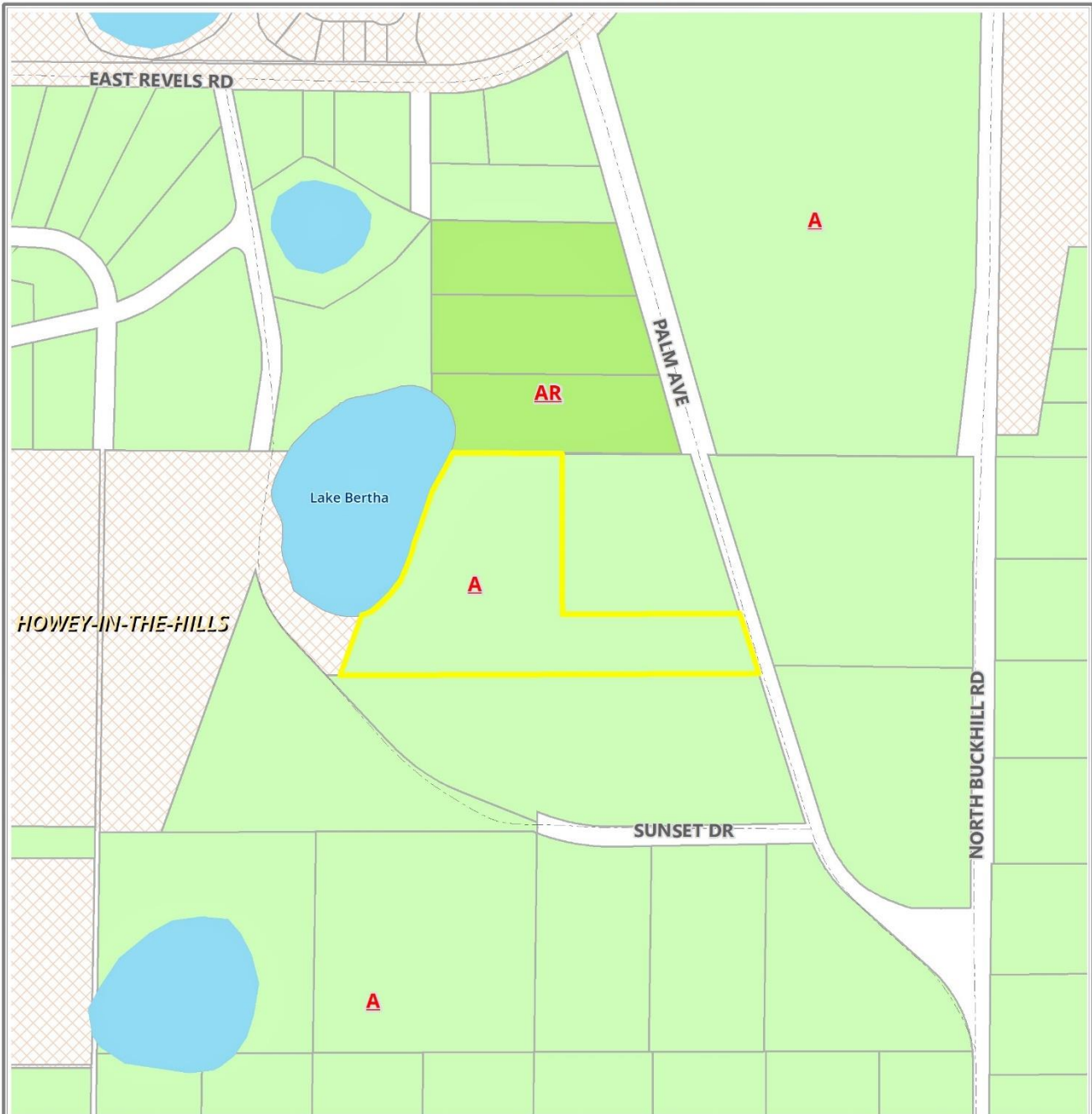
Lake County Fire Station (LCFS) #77 is located less than three (3) miles from the subject property, at 13431 Ohio Street, in the Astatula area. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is granted.

### Map of Subject Property





**CURRENT ZONING**



Zoning Legend

 A  AR

**NAME: MILLS PROPERTY**

**CASE NUMBER: CUP-21-03-1**

**LOCATION (S-T-R): 01-21-25**

**REQUEST: ALLOW HORSE BOARDING FACILITY**

**DISTRICT: 1**







## Attachment "B" – Justification Statement (Page 1 of 2)

### Request for Variance and CUP for a Horse Stable

Ms. Debra Mills recently purchased 9.7 +/- acres identified as 23915 Palm Ave., Howey in the Hills (the "Property"). The Property consists of both lots 3 and 4 of the 1<sup>st</sup> Subdivision of Howey, as recorded in Plat Book 5, Page 32 Lake County Records. The Property was purchased improved with a 3,200 sq. ft. single-family home, a 4,900 sq. ft. barn, and gated corral. The Property is surrounded to the north, east and south with other single-family homes on large lots. To the west is an isolated wetland. The Property is located within the Rural Future Land Use Category and is zoned Agriculture. Ms. Mills would like to operate a Public Horse Stable, which requires a Conditional Use Permit (CUP) according to the Land Development Regulations 3.01.03.

Ms. Mills purchased the property with the intent of boarding horses in the existing barn. There are no improvements to the Property that would be required prior to operation. According to LDR 3.01.04, all stables are to be located on a tract of land 10 acres or more in size, and structures to house animals shall be at least 200-ft from adjacent property boundaries. Therefore, Ms. Mills is also requesting a variance to both requirements of the LDR condition. As recently as this year, the County approved the J&K Sargent Horse Stable-Riding Academy CUP located on a 4.79-acre with a structure to house animals less than 36-feet from its eastern property line. Additionally, the Board of Adjustments approved a stable on a property of 5.23-acres. Not only is the difference between the size of Ms. Mill's property at 9.7+/- acres and the required 10 acres, minimal, the layout of the land utilizes the Property to its highest potential as a stable. The existing barn was permitted in 2007 by the owner of Lot 3, who did not own Lot 4. The barn centered on Lot 3 and is setback 34.9 feet from the south property line.

Ms. Mills offers the following to support her variance and CUP request.

1. The purpose of the Land Development Regulations will be or has been achieved by other means.

The intent of LDR Section 3.01.04, is to regulate the use and location of structures to ensure that they are not aesthetically or physically harmful to the surrounding neighborhood. Ms. Mills has increased the size of Lot 3 that had previously been permitted with the existing structures on the property. Furthermore, Ms. Mills intends the facility to be a public boarding facility only and will not offer riding lessons. The operation will only take place during daylight hours and no additional lighting or sound systems will be installed.

2. The application of the LDR would create a substantial hardship or would violate principles of fairness.

Ms. Mills is relying of this Property to generate income for her and her daughter to survive. The owner did not create the hardship she now requests relief from. Further, the existing structures were permitted on a parcel that is half the size of what Ms. Mills has acquired.



## Attachment "B" – Justification Statement (Page 2 of 2)

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

The applicant is not offering or providing riding lessons. Proposed hours of operation are 9 am to sunset. There will be no extra lighting or sound system added to the Property. There will be no adverse impacts to nearby properties from the proposed stable for horse boarding. The Property is surrounded by similar uses in agriculture zoning.

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

The proposed stable is compatible with the surrounding agricultural uses and the existing rural character of the community. All the surrounding properties are zoned Agriculture, with exception to the adjacent lot to the north, which is zoned Agriculture Residential (AR).

5. 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 Property is already constructed for equestrian uses. The Applicant will be requesting a variance to allow the existing barn to remain located its current location, which is not 200-ft from the nearest property line. There is a row of trees that screens the barn from the neighboring property.

6. 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 stable will be operated so as not to interfere with the development of neighboring properties. Equestrian uses are conditionally permitted with tin the Agriculture and Agriculture Residential zoning districts. Finally, the Rural Land Use Category in which the Property is located in states that equestrian uses are typical uses within the category.

All applicable levels of service are within acceptable levels and will not be adversely impacted. Furthermore, the requested amendment will not fiscally burden county services.

The Property site does not contain any wetlands or protected upland communities.

**Ordinance 2021-XX  
Mills Horse Boarding Facility  
CUP-21-03-1**

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

3 **WHEREAS**, Jimmy D. Crawford (the "Applicant") submitted a conditional use permit application on  
4 behalf of Debra A. Mills (the "Owner") to allow a horse boarding and stable facility use on approximately 9.7  
5 +/- acres within the Agriculture (A) zoning district; and

6 **WHEREAS**, the subject property consists of approximately 9.7 +/- acres, is located at 23915 Palm  
7 Avenue, in the unincorporated Howey-In-The-Hills area of Lake County, Florida, situated in Section 01,  
8 Township 21 South, Range 25 East, having Alternate Key Number 1257794, and more particularly described  
9 in Exhibit "A" – Legal Description:

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

12 **WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable, in  
13 order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance  
14 with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the  
15 special conditions set forth in this Conditional Use Permit; and

16 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board  
17 on the 7th day of July 2021, and by the Board of County Commissioners of Lake County, Florida, on the 3rd  
18 day of August 2021.

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

21 **Section 1.** Permission is hereby granted to allow for a Riding Stable as a Conditional Use within the  
22 Agriculture (A) Zoning District. All land uses must be generally consistent with the Concept Plan  
23 as shown in Exhibit "B" of this Ordinance. To the extent that there are conflicts between the  
24 Conceptual Plan and this Ordinance, this Ordinance will take precedence.

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

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

- 30 1. Horse boarding and stable facility use on parcel less than 10-acres, in size pursuant to VAR-  
31 20-66-1.

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

35 **B. Specific Conditions:**

- 36 1. Eight (8) horses, maximum, to be boarded onsite.

- 1           2. Animal Waste: Animal waste shall be picked up at least once daily, shall not be allowed to  
2           accumulate, and shall be properly disposed. There shall be no storage of organic waste  
3           material within the setback areas.
- 4           3. Removal of Animal Waste and Sewage: Domestic and commercial waste must be disposed  
5           of in an approved Department of Health/Lake County Health Department system. Additional  
6           permitting may be required by the Florida Department of Environmental Protection (FDEP).  
7           All development permit requirements shall be addressed during the site plan review and  
8           approval process.
- 9           4. There shall be no storage of materials within the setbacks or buffers.
- 10          5. Leasing, and/or renting of horses shall be prohibited.

11          **C. Setbacks.**

- 12          1. The existing barn, for boarding and stabling horses, can be setback less than 200 feet from  
13          the property lines per VAR-20-66-1.
- 14          2. Other livestock buildings or structures that house/shelter, or contain animals will be setback  
15          a minimum of two hundred (200) feet from all property lines.
- 16          3. All other buildings or structures shall require building setbacks in accordance with the Land  
17          Development Regulations (LDR), as amended.

18          **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height**  
19          shall be in accordance with the Comprehensive Plan and LDR, as amended.

20          **E. Landscaping, Buffering, and Screening** shall be in accordance with the Comprehensive Plan  
21          and Land 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.** All access management shall be  
26          in accordance with the Comprehensive Plan and LDR, as amended.

27          **H. Stormwater/Floodplain Management.**

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

31          **I. Environmental Consideration** shall be in accordance with the Comprehensive Plan and LDR,  
32          as amended.

33          **J. Parking.** All parking will be provided in accordance with the LDR, as amended.

34          **K. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with  
35          the LDR, as amended.

36          **L. Noise.** A noise assessment must be submitted for review and acceptance prior to  
37          commencement of the operations of the new uses identified in this Ordinance. Compliance must  
38          be in accordance with the LDR, as amended.

39          **M. Signage.** All signage must be in accordance with the LDR, as amended.

1       **N. Utilities.** Individual well and septic tank shall be utilized in accordance with the requirements of  
2       the Florida Department of Health, the Comprehensive Plan and LDR, as amended.

3       **O. Concurrency Management Requirements.** Any development must comply with the Lake  
4       County Concurrency Management System, as amended.

5       **P. Development Review and Approval.**

- 6           1. Prior to the issuance of any permits, the Operator shall be required to submit a development  
7           application generally consistent with Exhibit "B" - Conceptual Plan for review and approval  
8           in accordance with the Comprehensive Plan and LDR, as amended.

9       **Q. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references  
10       in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County  
11       Comprehensive Plan, and LDR will include any future amendments to the Statutes, Code, Plans,  
12       and/or Regulations.

13       **R. Other Proposed Uses.** After establishment of the facilities as provided in this Ordinance, the  
14       property must only be used for the purposes named in this Ordinance, unless a proposed use  
15       meets every requirement of the zoning district in which the property is located. Any other  
16       proposed use must be specifically authorized by the Board of County Commissioners.

17       **Section 3. Conditions.**

18       **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure  
19       of the Permittee or his successor to: Fulfill development in substantial accordance with the  
20       conceptual plan as submitted to the Planning & Zoning Board and the Board of County  
21       Commissioners; comply with the codes of the governmental agencies having lawful and  
22       appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use Permit;  
23       or if this CUP is found to become a nuisance or safety hazard, the permit may be revoked after  
24       due Public Hearing before the Planning & Zoning Board and the Board of County  
25       Commissioners.

26       **B.** This Conditional Use Permit shall inure to the benefit of and shall constitute a covenant running  
27       with the land; and the purpose, terms, and conditions contained herein shall be binding upon the  
28       Permittee or any successor and his interest hereto.

29       **C.** The Lake County Code Enforcement Special Master shall have authority to enforce the terms  
30       and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

31       **D.** This use shall be inspected by the Code Enforcement Division annually to ensure compliance  
32       with the conditions of this Conditional Use Permit and the approved site plan. An annual  
33       inspection fee will be assessed. If an emergency inspection is necessary during non-operating  
34       hours, a fee shall also be assessed.

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

38       **Section 5. Filing with the Department of State.** The clerk is hereby directed to send a copy of this  
39       Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,  
40       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**



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### Exhibit "A" – Legal Description

Parcel B of the Lot Line Deviation Adjustment recorded in Official Records Book 1575, Page 605, Public Records of Lake County, Florida, also described as follows: Lots 3 and 4 1st Subdivision of Howey, as recorded in Plat Book 5, Page 32, of the Public Records of Lake County, Less and Except Parcel A of the Lot Line Deviation Adjustment recorded in Official Records Book 1575, Page 605, Public Records of Lake County, Florida, also described as follows: That Part of Lot 3, 1st Subdivision of Howey, as recorded in Plat Book 5, Page 32, of the Public Records of Lake County, Florida, described as follows: Commence at the Northeast corner of said Lot 3; thence run South 89 Degrees 50 Minutes 22 Seconds West along the North line of said lot, a distance of 383.61 feet; thence run South 00 Degrees 09 Minutes 38 Seconds East, a distance of 476.65 feet to the South line of said Lot 3; thence run North 89 Degrees 50 Minutes 22 Seconds East along the South line of said Lot 3, a distance of 503.25 feet to the Westerly right-of-way line of Palm Avenue and the Southeast corner of said Lot 3; thence run North 17 Degrees 15 Minutes 38 Seconds West along the said West right-of-way line, a distance of 498.7 feet to the Point of Beginning.

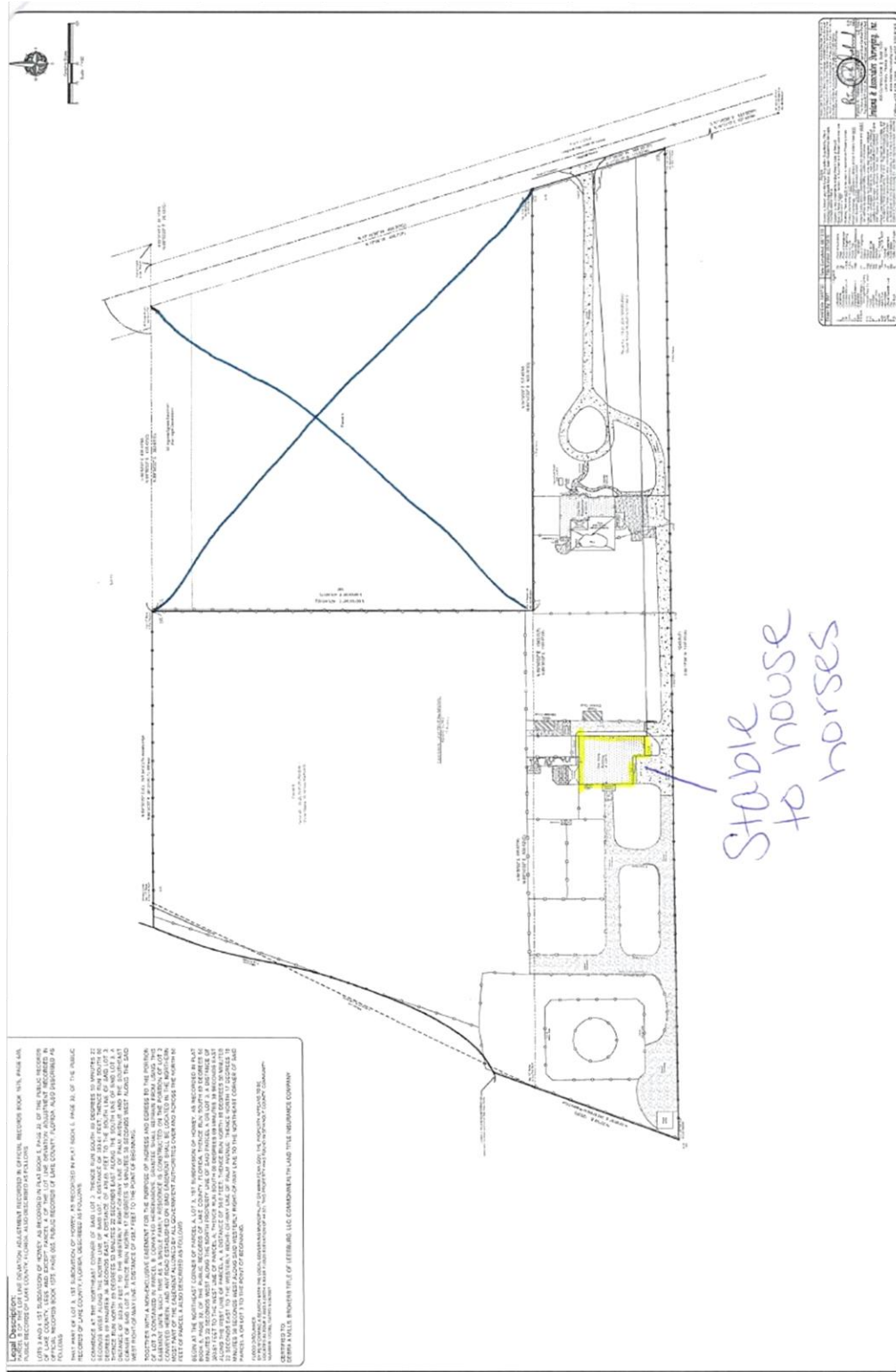
Together with a non-exclusive easement for the purpose of ingress and egress to the portion of Lot 3 contained in Parcel B conveyed hereinabove, Grantee shall refrain from using this easement until such time as a single family residence is constructed on the portion of Lot 3 conveyed herein, and any road established on said easement shall be located in the Northern most part of the easement allowed by all government authorities over and across the North 50 feet of Parcel A also described as follows:

Begin at the Northeast corner of Parcel A, Lot 3, 1st Subdivision of Howey, as recorded in Plat Book 5, Page 32, of the Public Records of Lake County, Florida; thence run South 89 Degrees 50 Minutes 22 Seconds West along the North property line of said Parcel A or Lot 3, a distance of 383.61 feet to the West line of Parcel A; thence run South 00 Degrees 09 Minutes 38 Seconds East along the West line of Parcel A, a distance of 50.0 feet; thence run North 89 Degrees 50 Minutes 22 Seconds East to the Westerly right-of-way line of Palm Avenue; thence North 17 Degrees 15 Minutes 38 Seconds West along said Westerly right-of-way line to the Northeast corner of said Parcel A or Lot 3 to the Point of Beginning.

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# Exhibit "B" – Concept Plan



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