



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): December 1, 2021
Board of County Commissioners (BCC): January 4, 2022

Case No. and Project Name: CUP-21-11-4, Horse and Hounds Stables

Applicants/Owners: Christopher F. and Robyn R. Kempf

Requested Action: Conditional use permit (CUP) approval on approximately 10 +/- acres to allow a horse boarding facility 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: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 10.0 +/- acres

Location: 33140 Little Hampton Court, Sorrento

Alternate Key No.: 2938650

Future Land Use: Wekiva River Protection Area (WRPA) A-1-20 Receiving Area (Attachment "A")

Existing Zoning District: Agriculture (A) (Attachment "B")

JPA/ISBA: N/A

Overlay/Rural Protection Area: Wekiva River Protection Area (WRPA) and Wekiva Study Area (WSA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Receiving Area	Agriculture Residential (AR)	Residential Subdivision	Gatwick Subdivision (Lots 17 and 19); Large Tract of Land with Single-Family Dwelling Unit
South	WRPA A-1-20 Receiving Area	Agriculture (A)	Agriculture	Large Tract of Land with Single-Family Dwelling Unit and Agriculture Exemption for Improved Pasture
East	WRPA A-1-20 Receiving Area	Agriculture (A)	Agriculture	Agriculture, Large Tract of Land with Single-Family Dwelling Unit and Agriculture Exemption for Improved Pasture
West	WRPA A-1-20 Receiving Area	Agriculture (A)	Right-of-Way, Agriculture	Little Hampton Court, Large Tract of Land with Single-Family Dwelling Unit and Agriculture Exemption for Improved Pasture West of R-O-W

- Summary of Analysis -

The conditional use permit (CUP) application seeks approval of a horse boarding facility on the subject 10 +/- acres, identified by Alternate Key Number 2938650, and located along the east side of Little Hampton Court. The property is zoned as Agriculture (A); designated with a WRPA A-1-20 Receiving Area Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan. The parcel is also situated within the WRPA and WSA. The subject parcel is developed with a single-family dwelling unit, accessory dwelling unit, two (2) woodsheds, two (2) covered grounds, pergola, and barn (Attachment "C").

The Owners purchased the subject parcel in 2020 and intend to continue utilizing the subject parcel as a horse boarding facility like the previous owner. The previous owner did not have a CUP approval as the subject horse boarding facility was situated on land classified agriculture by the Property Appraiser's Office.

- 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 facility in Agriculture (A) zoning. The proposed use is consistent with Comprehensive (Comp) Plan Policy I-3.2.3, WRPA A-1-20 Receiving Area FLUC, which allows equestrian related uses.

The request is consistent with Comp Plan Policy I-1.2.8, which states that agricultural and equestrian uses are permissible within all FLUCs.

This use is reflected in LDR Section 3.01.02 and LDR Section 3.01.03, which specifies the allowance of a riding stable, or academy uses in the Agriculture Zoning District with approval of a CUP.

The request for the proposed horse boarding facility is consistent with LDR Chapter II and LDR Section 3.01.02(F)(2), which defines a Riding Stable or Academy as a stable, other than a private stable, used for the care of horses, ponies, or other livestock to be use for instruction, recreation, renting, hiring, or for boarding such animals.

The subject 10 +/- acres are consistent with LDR Section 3.01.04(4)(a), which states that stables or academies shall not be located on parcels less than 10-acres.

The concept plan depicts the existing barn at 200 +/- feet from all property lines and is consistent with LDR Section 3.01.04(4)(b), which states that structures housing animals shall not be less than 200-feet from adjacent boundary of properties owned by others.

The subject parcel is located within the WRPA; the request is consistent with LDR Section 7.00.04.B.5, which allows the establishments for the keeping, grazing, or feeding of livestock, including riding academies and horse-breeding farms.

B. Effect on Adjacent Properties.

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

To minimize impacts to surrounding properties, the proposed ordinance limits the horse boarding facility to a maximum of 10 horses, which includes 4 of the Owner's personal horses and requires submittal of a noise assessment. To further lessen any undue adverse effect to the adjacent parcels, the Owner proposes to limit the horse boarding activities to the hours of 8:00 a.m. to 7:00 p.m.

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 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 Section 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 development pattern is indicative of low density residential, and agriculture uses. In addition, the immediate adjacent parcels receive the agriculture exemption from the Property Appraisers Office and consist of improved pasture operations.

The Applicant provided the statement below to demonstrate compatibility with the character of the neighborhood:

"This property was formally used for boarding horses. The neighbor also previously had horse boarding."

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 increase compatibility between the proposed use and surrounding uses, and to minimize impacts to surrounding properties, the proposed ordinance includes conditions that require the submission of a noise assessment at the time of site plan submittal.

To further lessen any adverse effects on the adjoining properties owned by others, the existing barn is located at a minimum of 200-feet of the adjacent boundary properties owned by others.

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.

Horse boarding facility structures shall be centrally located on the subject parcel and the proposed activity distance to the property line will serve as a buffer from neighboring properties to minimize any interference with the existing uses within the surrounding area.

Should the CUP be approved, a development application for site plan shall be submitted prior to commence of the operation of the horse boarding facility and the site plan shall be generally consistent with the concept plan (Attachment "C").

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

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.

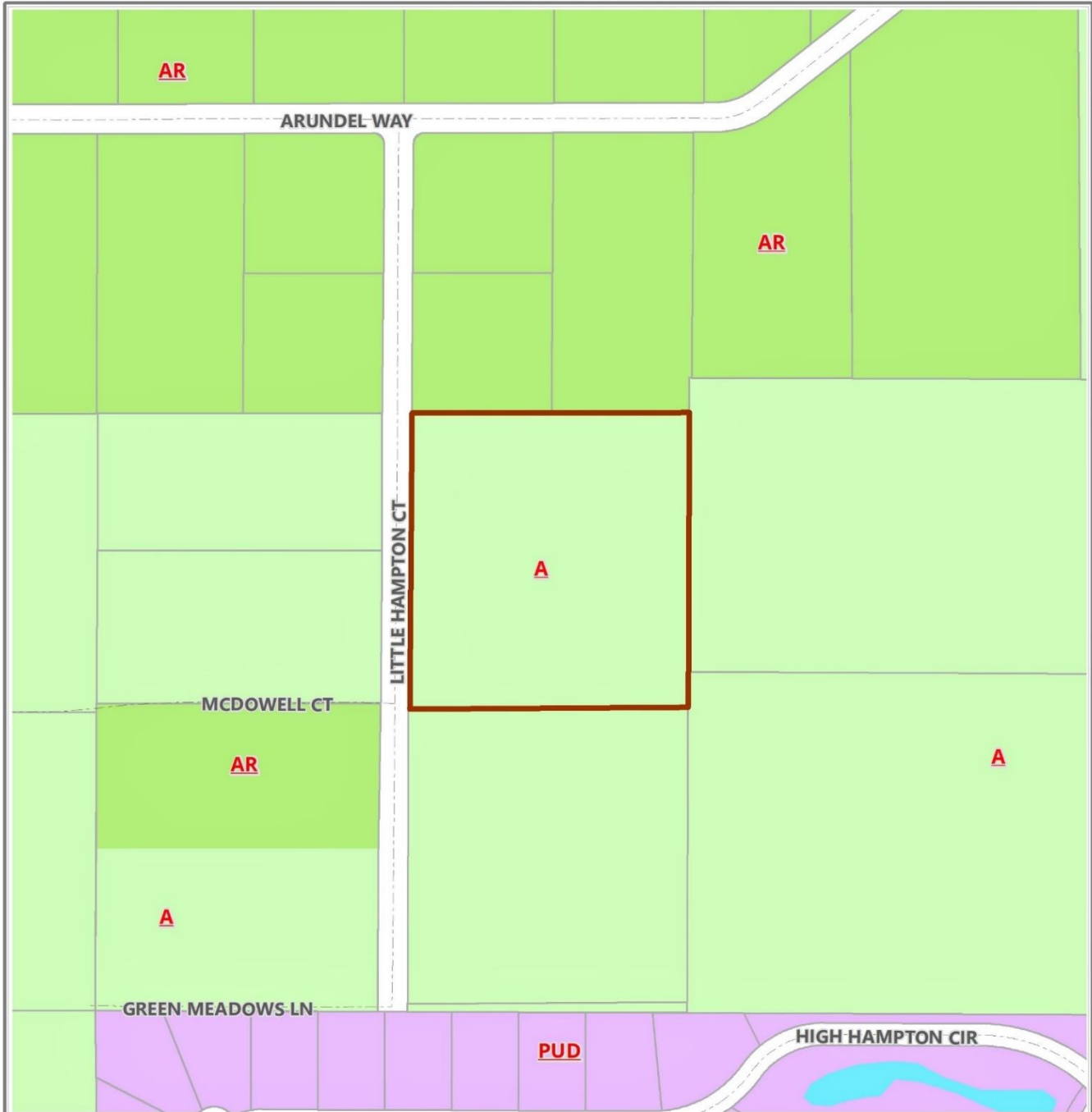
Lake County Fire Station #39 is located less than four (4) miles from the subject property at 31431 Walton Heath Avenue, Sorrento, and will provide advanced life support should an emergency on the property demand this service. Fire protection water supply and emergency access will be addressed during the site plan review process, should the conditional use permit be approved by the Board.

Attachment "A" – Future Land Use Map



Attachment "B" – Zoning District Map

CURRENT ZONING

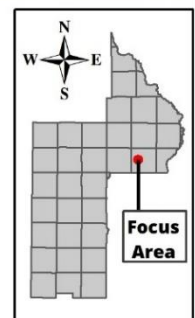


Zoning Legend

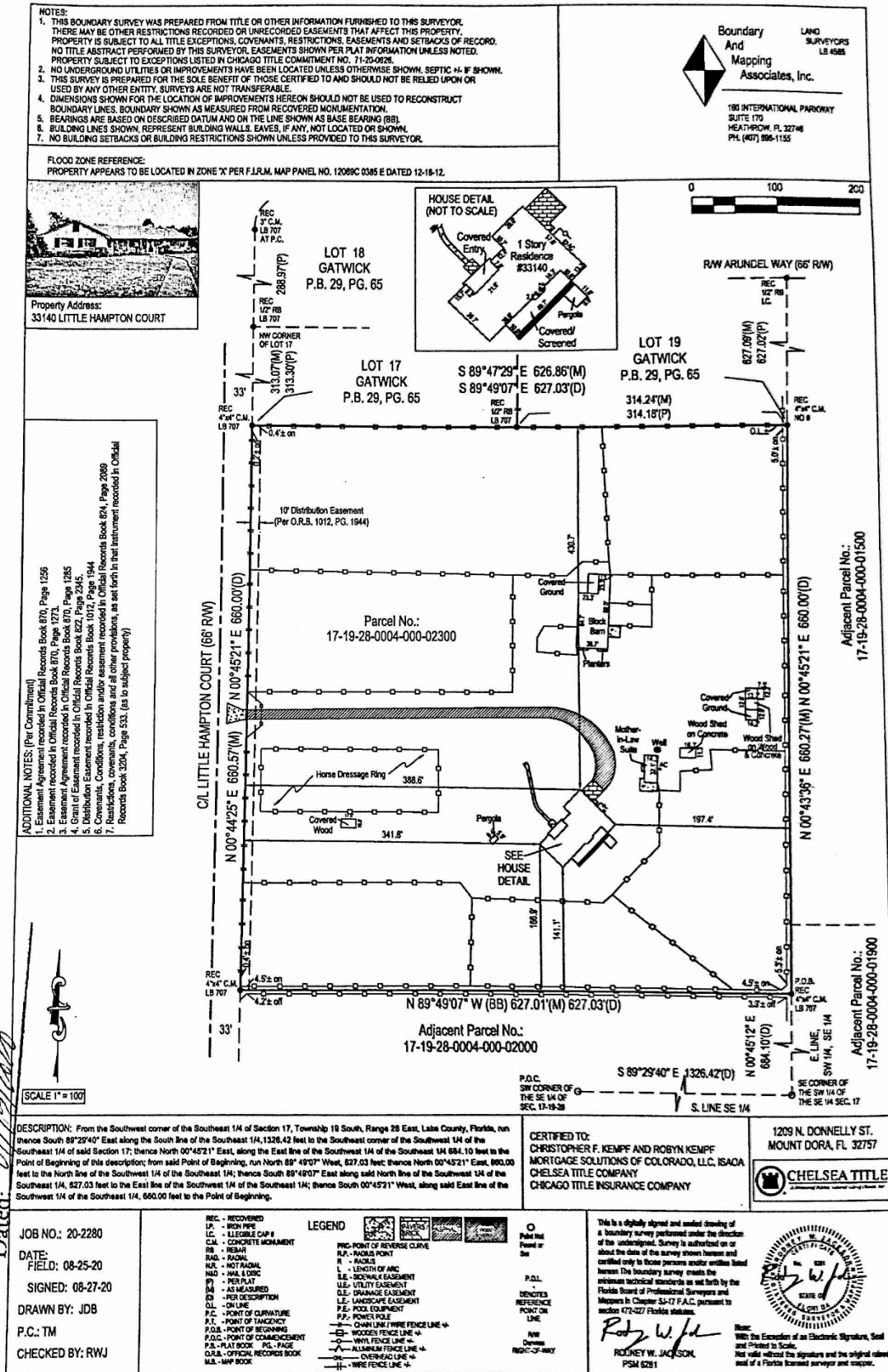
A AR PUD

NAME: **HORSE & HOUND STABLES PROPERTY**
CASE NUMBER: **CUP-21-11-4**
LOCATION (S-T-R): **17-19-28**
REQUEST: **ALLOW HORSE BOARDING**

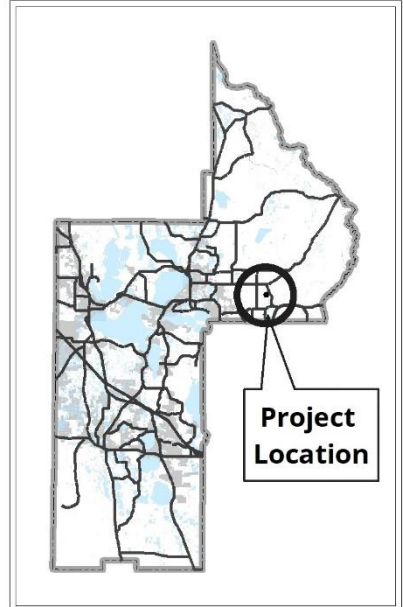
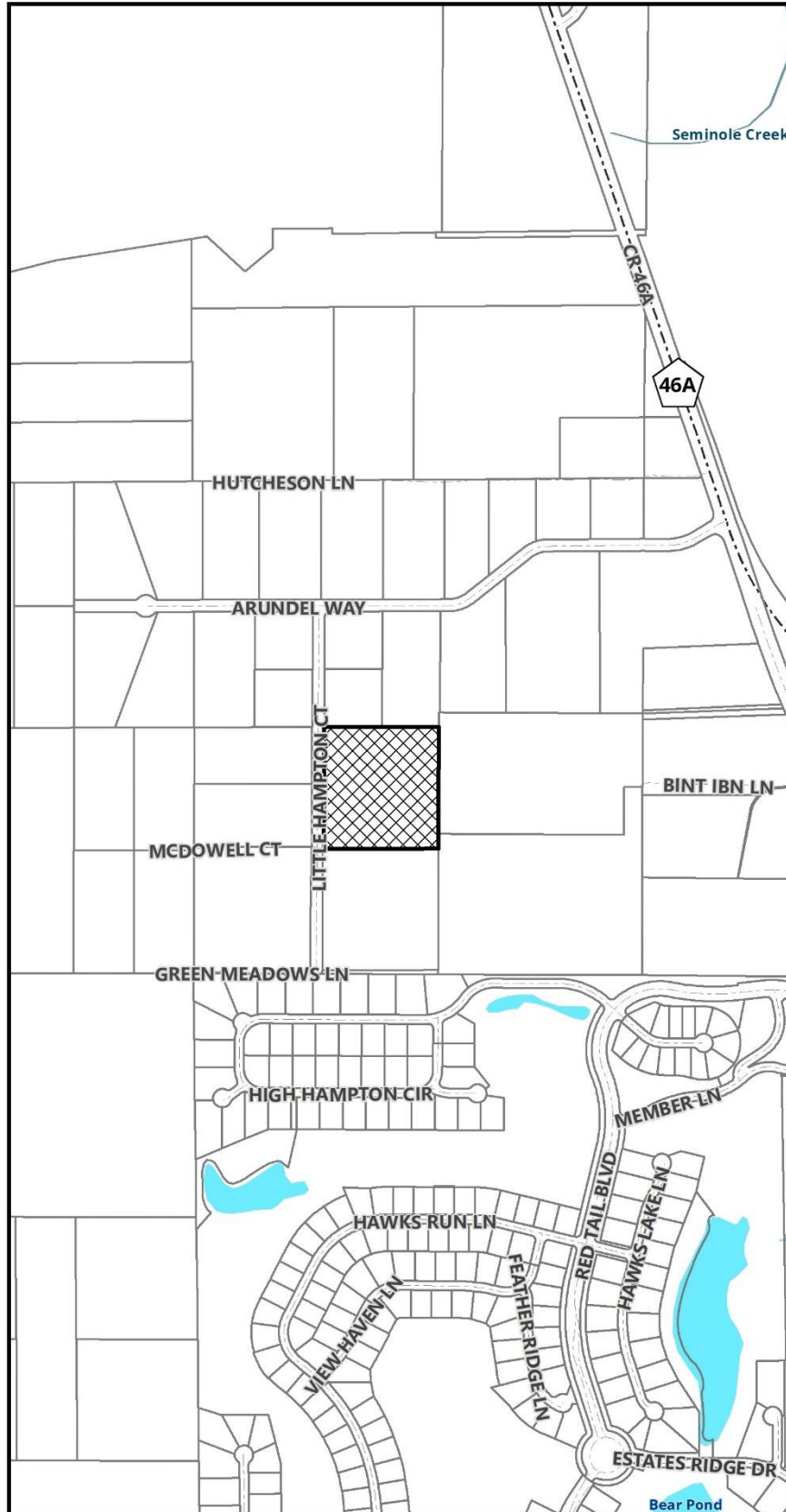
DISTRICT: **4**



Attachment "C", Concept Plan



Subject Property



ORDINANCE 2021-XX
HORSE AND HOUND STABLES, LLC
CUP-21-11-4

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

WHEREAS, Christopher F. and Robyn R. Kempf (the “Owners” and “Applicants”) submitted a conditional use permit application to allow a horse boarding facility on approximately 10.0 +/- acres within the Agriculture zoning district; and

WHEREAS, the subject property consists of approximately 10.0 +/- acres, located at 33140 Little Hampton Court, in the unincorporated Sorrento area of unincorporated Lake County, Florida, situated in Section 17, Township 19 South, Range 28 East, having Alternate Key Number 2938650, and more particularly described as:

From the southwest corner of the Southeast 1/4 of Section 17, Township 19 South, Range 28 East, Lake County, Florida, run thence South 89°29'40” East along the South line of the Southeast 1/4, 1326.42 feet to the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of said Section 17; thence North 00°45'21” East, along the East line of the Southwest 1/4 of the Southeast 1/4 684.10 feet to the Point of Beginning of this description; from said Point of Beginning, run North 89°49'07” West, 627.03 feet; thence North 00°45'21” East, 660.00 feet to the North line of the Southwest 1/4 of the Southeast 1/4; then South 89°49'07” East along said North line of the Southwest 1/4 of the Southeast 1/4, 627.03 feet to the East line of the Southwest 1/4 of the Southeast 1/4; thence South 00°45'21” West, along said East line of the Southwest 1/4 of the Southeast 1/4, 660.00 feet to the Point of Beginning.

WHEREAS, the subject property is located within the Wekiva River Protection Area A-1-20 Receiving Area Future Land Use Category as shown on the Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Board of County Commissioners deems it necessary and desirable, 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 (CUP); and

WHEREAS, this CUP was reviewed by the Lake County Planning & Zoning Board on the 1st day of December 2021, and by the Board of County Commissioners of Lake County, Florida, on the 4th day of January 2022.

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 to allow for a Horse Boarding Facility 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.

- 1 **Section 2. Terms.** The County Manager or designee shall amend the Lake County Zoning Map
2 to show the issuance of a CUP to allow uses as outlined within this Ordinance.
- 3 **A. Land Use.**
- 4 1. Agriculture Uses.
- 5 2. Horse Boarding Facility: Ten (10) horses, maximum, including those owned
6 by the Owner.
- 7 3. Accessory uses directly associated with the above uses may be approved by
8 the County Manager or designee. Any other use of the site will require
9 approval of an amendment to this Ordinance by the Board of County
10 Commissioners.
- 11 **B. Specific Conditions:**
- 12 1. Animal waste shall be picked up at least once daily, shall not be allowed to
13 accumulate, and shall be properly disposed. There shall be no storage of
14 organic waste material within the setback areas.
- 15 2. Domestic and commercial waste must be disposed of in an approved
16 Department of Health/Lake County Health Department system. Additional
17 permitting may be required by the Florida Department of Environmental
18 Protection (FDEP). All development permit requirements shall be addressed
19 during the site plan review and approval process.
- 20 3. There shall be no storage of materials within the setbacks or buffers.
- 21 4. Horse Boarding Hours of Operation: Monday through Sunday from 8:00 a.m.
22 to 7:00 p.m.
- 23 **C. Setbacks.**
- 24 1. Livestock buildings and/or structures that house, shelter, or contain animals
25 shall be setback two hundred (200) feet from all property lines.
- 26 2. All other buildings and structures shall adhere to setbacks in accordance with
27 the LDR, as amended.
- 28 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and**
29 **Building/Signage Height.** The property shall be developed in accordance
30 with the Comprehensive Plan and LDR, as amended.
- 31 **E. Landscaping, Buffering, and Screening.** The property shall be developed
32 in accordance with the Comprehensive Plan and LDR, as amended.
- 33 **F. Fire Protection and Emergency Services Access.** Access and fire safety
34 requirements shall be provided in accordance with the Florida Fire Prevention
35 Code and LDR, as amended.

- 1 **G. Transportation Improvements and Access Management.** All
2 transportation improvements and access management shall be in
3 accordance with the Comprehensive Plan and LDR, as amended.
- 4 **H. Floodplain Management.** The Owner shall be responsible for any flood
5 studies required for developing the site and shall comply with Federal
6 Emergency Management Agency (FEMA) requirements, along with the
7 requirements contained in the Comprehensive Plan and LDR, as amended.
8 Any development within the floodplain as identified on the FEMA maps will
9 require compensating storage.
- 10 **I. Stormwater Management.** The stormwater management system shall be
11 designed in accordance with all applicable Lake County and St. Johns River
12 Water Management District (SJRWMD) requirements, as amended.
- 13 **J. Environmental Consideration.** The property shall be developed in
14 accordance with the Comprehensive Plan and LDR, as amended.
- 15 **K. Parking.** All parking will be provided in accordance with the LDR, as
16 amended.
- 17 **L. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in
18 accordance with the LDR, as amended.
- 19 **M. Noise.** Compliance must be in accordance with the LDR, as amended.
- 20 **N. Signage.** All signage must be in accordance with the LDR, as amended.
- 21 **O. Utilities.** An individual well and septic tank shall be utilized in accordance
22 with the requirements of the Florida Department of Health, the
23 Comprehensive Plan and LDR, as amended.
- 24 **P. Concurrency Management Requirements.** All development must comply
25 with the Lake County Concurrency Management System, as amended.
- 26 **Q. Development Review and Approval.** Prior to the issuance of any permits,
27 the Owner shall be required to submit a development application generally
28 consistent with Exhibit "A" - Conceptual Plan for review and approval in
29 accordance with the Comprehensive Plan and LDR, as amended.
- 30 **R. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The
31 specific references in this Ordinance to the Florida Statutes, Florida
32 Administrative Code, Comprehensive Plan, and LDR will include any future
33 amendments to the Statutes, Code, Plans, and/or Regulations, as applicable.
- 34 **S. Other Proposed Uses.** After establishment of the facilities as provided in this
35 Ordinance, the property must only be used for the purposes named in this
36 Ordinance, unless a proposed use meets every requirement of the zoning
37 district in which the property is located. Any other proposed use must be
38 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
3 any default or failure of the Owner or his successor to: Fulfill development in
4 substantial accordance with the conceptual plan as submitted to the Planning
5 & Zoning Board and the Board of County Commissioners; comply with the
6 codes of the governmental agencies having lawful and appropriate
7 jurisdiction thereon; or comply with any of the terms of the CUP; or if this CUP
8 is found to become a nuisance or safety hazard, the permit may be revoked
9 after due public hearing before the Planning & Zoning Board and the Board
10 of County Commissioners.

11 **B.** This CUP shall inure to the benefit of and shall constitute a covenant running
12 with the land; and the purpose, terms, and conditions contained herein shall
13 be binding upon the Owner or any successor in interest.

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

17 **D.** This use shall be inspected by the Office of Code Enforcement annually to
18 ensure compliance with the conditions of this CUP and the approved site plan.
19 An annual inspection fee will be assessed. If an emergency inspection is
20 necessary during non-operating hours, a fee shall also be assessed.

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

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

