



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearings: Planning & Zoning Board (PZB): September 2, 2026
Board of County Commissioners (BCC): October 6, 2026

Case No. and Project Name: PZ2025-371, Dreamcatcher Horse Ranch and Rescue Center CUP

Commissioner District: District 1 – Anthony Sabatini

Applicant: Dan Ausley

Owner: Alison Wheatley, Trustee of the Wheatley Family Trust

Requested Action: Conditional Use Permit (CUP) approval on approximately 10 +/- acres for a 199' monopole telecommunications tower with a waiver to Land Development Regulation (LDR) Section 3.13.09(B)(1) to allow the proposed telecommunications tower to be constructed off-center within the boundaries of the parent parcel within the Agriculture (A) District.

Staff Determination: Staff finds the CUP application consistent with the LDR and Comprehensive Plan.

Case Manager: Eddie Montanez, Planner I

PZB Recommendation:

Subject Property Information

Size: 10 +/- gross acre parent parcel (10,000 square foot lease area)

Location: 10627 Toad Road, in the unincorporated Clermont area

Alternate Key No.: 3330391

Future Land Use: Rural (Attachment “A”)

Zoning District: Agriculture (A) District (Attachment “B”)

JPA/ISBA: Groveland JPA and ISBA

Overlay/Rural Protection Area: N/A

Flood Zones: “AE” and “X”

BMAP Location: Upper Ocklawaha River Basin

Wildlife Corridor: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A) District	Agricultural, Residential and Waterbodies	Single-Family Residence on Agriculture Classification Parcel and Schoolhouse Lake
South	Rural	Agriculture (A) District	Right-of-Way and Agricultural	Agriculture Classification Parcels South of Toad Road
East	Rural	Agriculture (A) District	Agricultural and Waterbodies	Agriculture Classification Parcel and Schoolhouse Lake
West	Rural	Agriculture (A) District	Agricultural, Residential and Waterbodies	Single-Family Residence on Agriculture Classification Parcel and Schoolhouse Lake

- Summary of Analysis -

The subject 10 +/- acres, identified by Alternate Key Number 3330391, and located at 10627 Toad Road, in the unincorporated Clermont area. The subject parcel is zoned as Agriculture (A) District and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The Concept Plan (Attachment “C”) and GIS maps indicate that the subject parcel is located within flood zones “AE” and “X” and there is indication that wetlands exist on the site.

The Applicant seeks a CUP for 199’ monopole telecommunications tower with a waiver to LDR Section 3.13.09(B)(1), entitled *Setbacks*, to allow the proposed telecommunications tower to be constructed off-center within the boundaries of the parent parcel within the Agriculture (A) District.

The subject parcel is developed with a single-family dwelling, an accessory dwelling unit, and multiple accessory structures relating to the existing agricultural use. The Concept Plan (Attachment “C”) depicts the placement of the proposed monopole telecommunications tower within a 100’ x 100’ lease area, the engineered fifty foot (50’) fall zone, a thirty foot (30’) wide access and utility easement connecting to Toad Road, the geometric center of the parent parcel, site data, tower setbacks, and the distances from the nearest residential structures.

The subject property is located within the City of Groveland Joint Planning Area (JPA) and Interlocal Service Boundary Agreement (ISBA) and the application was provided to the City of Groveland to review for a determination of consistency with their regulations. The City of Groveland provided no comments.

On January 5, 2026, the requested action was sent to the Public Works Department, the Water Resources Floodplain Manager and the Building Services Chief Fire Plans Reviews/Inspector for review for a determination of consistency with their regulations.

- The Floodplain Manager had no objections.

- Public Works Department provided the following comments and conditions for incorporation into the CUP ordinance:

Conditions:

- ***Transportation:***

- *All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations as amended.*
- *The access to the property is from an unmaintained road by the name of Toad Road. The right-of-way for the road is by the Apshawa Groves Plat.*

- ***Stormwater Management:***

- *The stormwater management system shall be designed in accordance with all applicable Lake County and St. Johns River Management District (SJRWMD) requirements, as amended.*
- *The developer shall be responsible for any flood studies required for developing the site and comply with FEMA, Comprehensive Plan and Land Development Regulations as amended. Any Development within the floodplain as identified on the FEMA maps will require compensating storage.*

- Building Services Chief Fire Plans Reviews/Inspector provided the following comments: *No objection to Conditional Use Permit, provided compliance with the LDR's and Florida Fire Prevention Code.*

LDR Section 3.13.19, entitled *Conditional Use and Community Facility District (CFD) Criteria*, requires the Board of County Commissioners (BCC) to take into consideration whether or not the proposed telecommunications tower will have a substantial adverse aesthetic impact on neighboring residential lands and that the BCC utilize the following criteria in their determination:

- A. The following non-comprehensive list of items shall be considered when reviewing for Aesthetic impacts: the amount of the Tower that can be viewed from surrounding Residential Zones in conjunction with its proximity (distance) to the residential zone, landscaping, existing character of surrounding area and any other visual options proposed by the Applicant. The tower may be placed, designed or camouflaged to assist with mitigating the overall aesthetic impact.
- B. The degree to which a tower is designed and located in order to be compatible with the nature and character of Land Uses and/or the environment within which the tower is proposed to be located. The tower may be placed, designed or camouflaged to assist with compatibility. A camouflaged tower shall be designed to be compatible with the surrounding land uses and the environment.
- C. The minimum performance standards with respect to separation between Towers, separation between residential uses and Towers, etc., as referenced in Section 3.13.00, Shall be met. The Board of County Commissioners may impose more restrictive Conditions to a Conditional Use Permit or CFD request in order to achieve the desired protection with respect to aesthetic impact and harmony and compatibility with the surrounding community. The determination by the Board of County Commissioners to impose more restrictive conditions Shall be based on substantial competent evidence.

The Applicant provided a Project Narrative, as shown on Attachment "D", and Photo Simulations as shown on Attachment "E" to demonstrate the projects aesthetic impacts.

– Staff Analysis –

LDR Section 14.05.03 (Standards for Review)

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

The Applicant seeks a CUP for a 199' monopole telecommunications tower with a waiver to LDR Section 3.13.09(B)(1) entitled *Setbacks*, to allow the proposed telecommunications tower to be constructed off-center

within the boundaries of the parent parcel within the Agriculture (A) District.

The proposed use is consistent with Comprehensive Plan Policy I-1.4.4, entitled *Rural Future Land Use Category*, which allows for rural support uses and conditionally allows civic uses. Policy I-1.4.7, entitled *Rural Support*, states that rural support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series; land uses include communication towers. The 2030 Comprehensive Plan defines “civic use” in part as community facility uses, which are further defined as a use established primarily for the benefit and service of the population of the community in which it is located.

The proposed use is consistent with LDR Table 3.01.03, entitled *Schedule of Permitted and Conditional Uses*, which allows for non-camouflaged telecommunications towers, as a community facility use (civic use) within the Agriculture District with an appropriate land use regulatory instrument; the proposed CUP satisfies this requirement.

The proposed request is consistent with LDR Section 3.13.10, entitled *Separation between Towers*, which establishes setbacks for communication towers. A Tower Separation Map depicting existing telecommunications towers within three (3) miles of the subject parcel, with the closest being 1.47 miles has been included in Attachment “F”.

The proposed request is consistent with LDR Section 3.13.09 Tower Table 1, *Additional Tower Setbacks*, which requires monopole towers to be located 400 percent (796 feet) of the tower height from any single-family unit, as shown on the Adjacent Residence Map (Attachment “G”).

The proposed request is consistent with LDR Section 3.13.12, entitled *Fencing*, which requires a chain link fence no less than six (6) feet from finished grade and the Concept Plan (Attachment “C”) depicts a six (6) foot chain-link fence around the tower compound area with barbed wire along the top.

The proposed request is consistent with LDR Section 3.13.13(A), entitled *Landscaping*, which states that the visual impacts of a communications tower shall be mitigated through landscaping at the base of the Communications Tower and ancillary structures, as shown in the Concept Plan (Attachment “C”).

The proposed request is consistent with Comprehensive Plan Policy I-7.2.6, entitled *Communication Towers within Residential Areas*, as the proposed use is permitted pursuant to LDR Table 3.01.03.

New development will be required to meet all criteria specified by the Comprehensive Plan and LDR, as amended.

B. Effect on Adjacent Properties.

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

Undue adverse effects are not anticipated as the proposed tower will satisfy setbacks to adjacent residences and adjacent tower separation distances.

To further lessen any potential adverse effects, LDR Section 3.13.03(A) requires all communications towers to be designed to collapse only within the property lines of the lot on which the communications tower is located. The Applicant has provided a Fall Certification Letter (Attachment “H”), signed and sealed by an engineer, as evidence of compliance.

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

The surrounding development pattern is indicative of low density residential and agricultural uses.

Pursuant to Comprehensive Plan Policy I-1.4.7, entitled *Rural Support*, a communications tower is considered a Rural Support Use intended to address the need for narrowly defined commercial and office uses that support the residential population of areas within the Rural Future Land Use Series. The proposed use is consistent with rural support use.

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 potential visual adverse effects, the tower lease area will be fenced with a six (6) foot high chain link fence, surrounded by a twenty (20) foot landscape buffer, and will be setback 930 feet from Toad Road, 378 feet from the rear property line and at least 165 feet from side property lines as shown in the Concept Plan (Attachment "C").

- 3. 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.**

While the proposed telecommunications tower will not be centered on the parent parcel it has been placed in a manner that meets all other required setbacks and will include a fence and landscaping; no interference with the development of neighboring property is anticipated.

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.

Future development will require an analysis via submittal of a development application to demonstrate that the proposed development does not adversely impact the County's adopted levels of service to public facilities and services.

Water and Sewer

The request is not anticipated to adversely impact water and sewer facilities as no connections are proposed.

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.

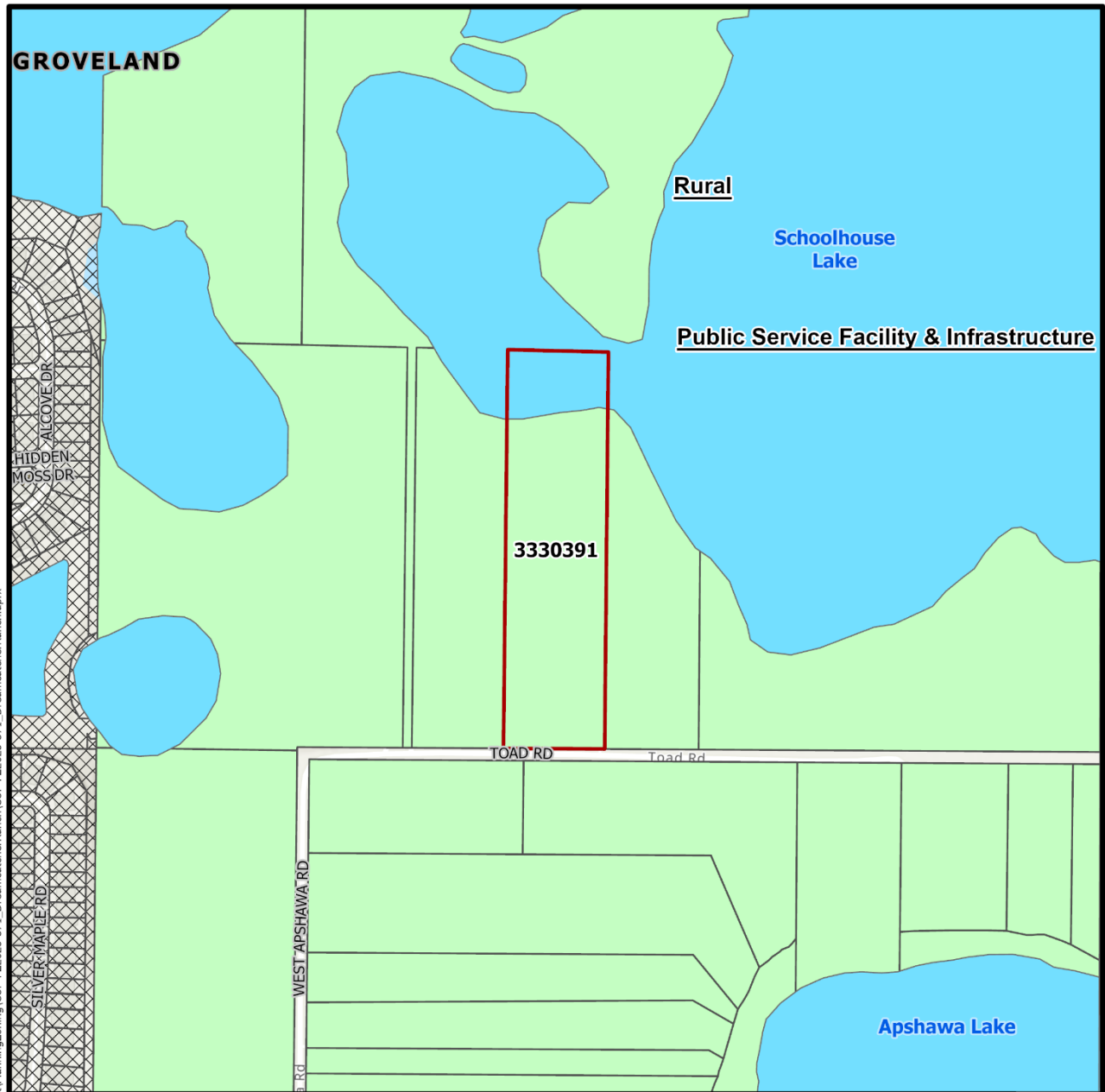
D. Adequacy of Fire Protection.

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.

Groveland Fire Station #94 is located 2.8 miles from the subject property at 193 Cherry Valley Trail, Groveland. 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

CURRENT FUTURE LAND USE

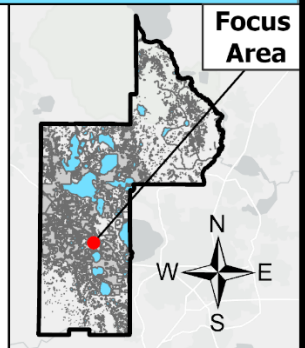


FLU

Public Service Facility & Infrastructure Rural

NAME: DREAMCATCHER HORSE RANCH AND RESCUE CENTER
CASE NUMBER: CUP-PZ2025-371
LOCATION (S-T-R): 25-17-29
REQUEST: COMMUNICATION TOWER

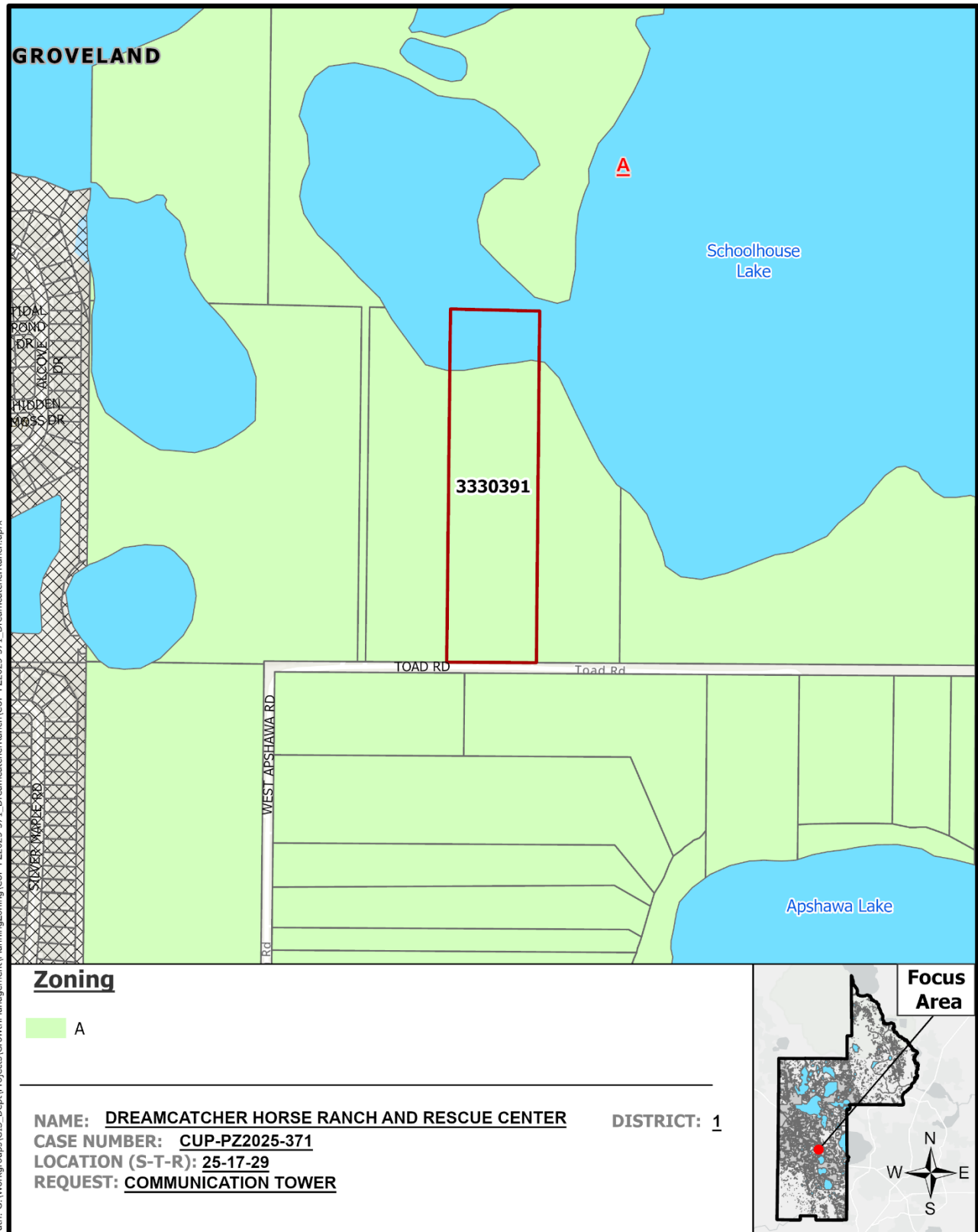
DISTRICT: 1



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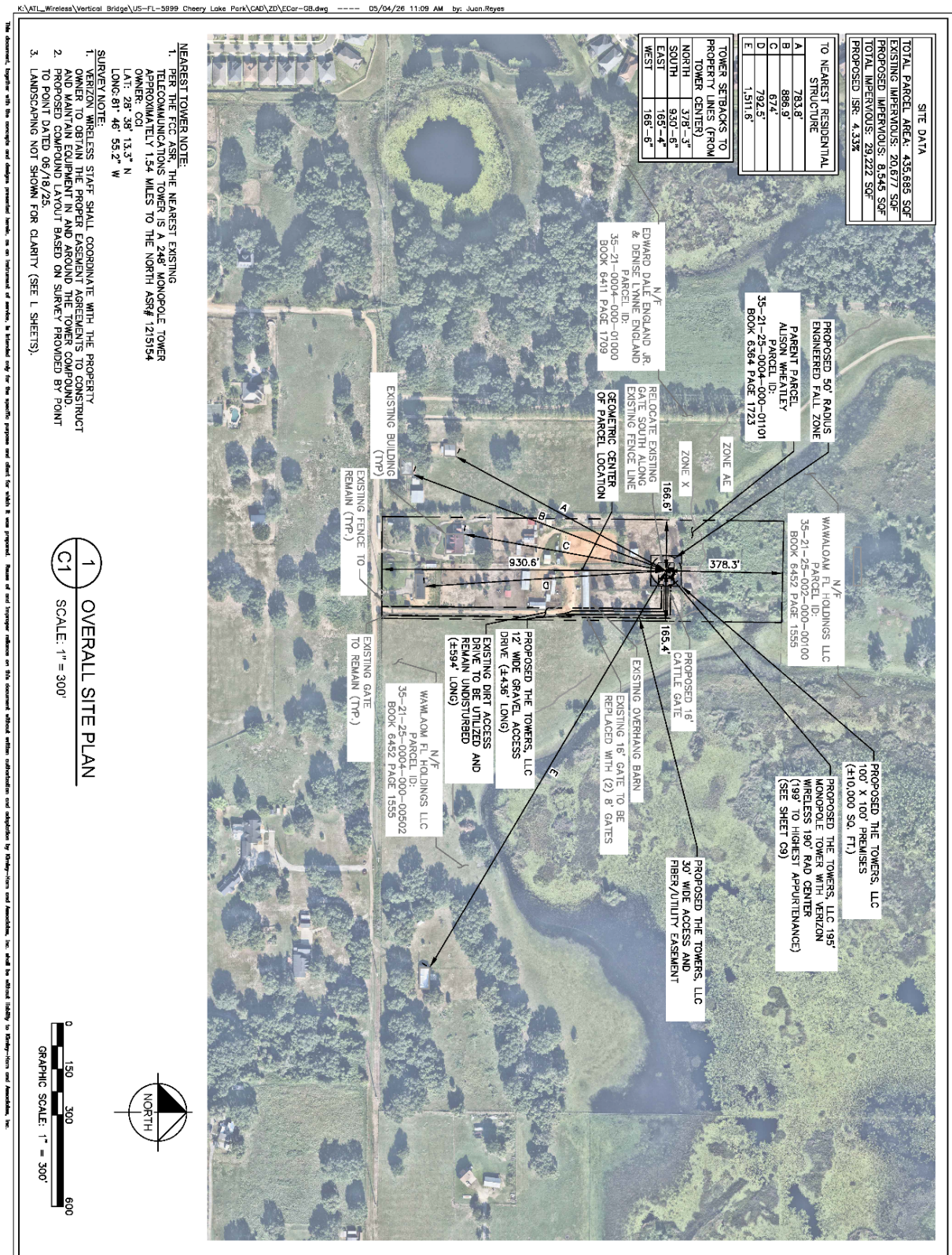
Attachment “B” – Zoning District Map

CURRENT ZONING



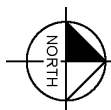
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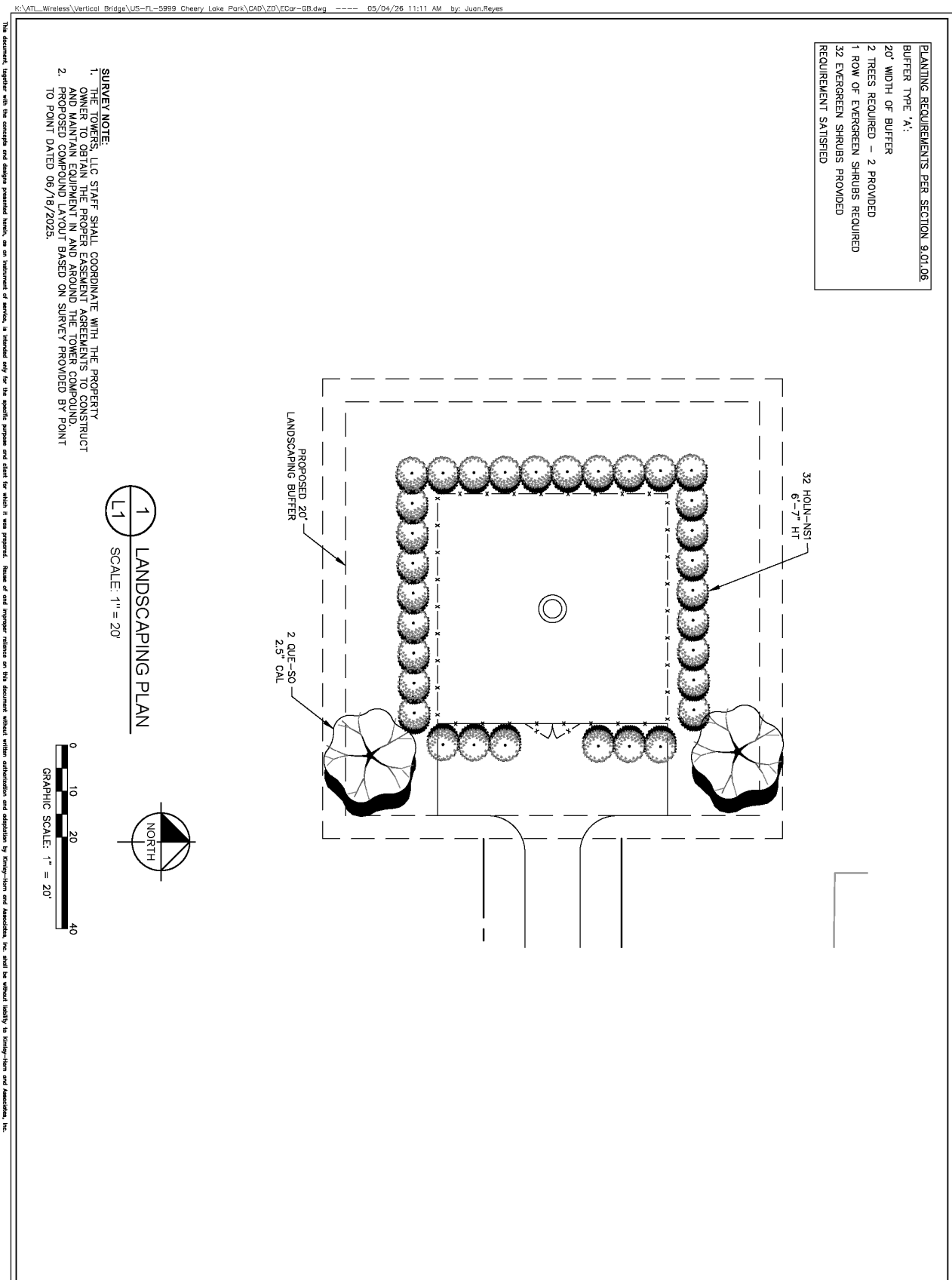
Attachment “C” – Concept Plan

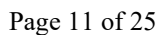




1. VERIZON WIRELESS STAFF SHALL COORDINATE WITH THE PROPERTY OWNER AND/OR TOWER OWNER TO OBTAIN THE PROPER EASEMENT AGREEMENTS TO CONSTRUCT AND MAINTAIN EQUIPMENT IN AND AROUND THE TOWER COMPOUND.
2. PROPOSED COMPOUND LAYOUT BASED ON SURVEY PROVIDED BY POINT TO POINT DATED 06/18/25.
3. CONTRACTOR TO CONFIRM WITH VERIZON CONSTRUCTION MANAGER THAT THE SHELTER/EQUIPMENT SHOWN HAS BEEN ORDERED/SCHEDULED FOR DELIVERY TO THIS SITE.
4. THE BASIS OF EQUIPMENT DESIGN INCLUDES ONE (1) RF CABINET, ONE (1) FUTURE BATTERY CABINET, AND ONE (1) FUTURE EXPANSION CABINET.
5. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND MODIFYING SCOPE OF WORK TO ACCOMMODATE ANY CHANGES IN THE EXACT EQUIPMENT PRODUCED BY VERIZON WIRELESS. COORDINATE ANY CHANGES WITH VERIZON WIRELESS CONSTRUCTION MANAGER.
6. ROUTE COAX/FIBER UP TOWER PER STRUCTURAL ANALYSIS BY TOWER OWNER.
7. TOWER DIMENSIONS SHOWN ON THIS PLAN ARE FOR TOWER CENTER LOCATION. CONTRACTOR TO OBTAIN COPY OF TOWER ERECTION DRAWINGS FROM VERIZON CONSTRUCTION MANAGER PRIOR TO DRILLING TOWER FOUNDATIONS. CASSIONS AND TOWER SHOWN ON THIS PLAN ARE ILLUSTRATIVE, SEE DESIGN DRAWING BY OTHERS. DO NOT SCALE.
8. PROPOSED LANDSCAPING NOT SHOWN FOR CLARITY (SEE L SHEETS).







Attachment “D” – Project Narrative

Conditional Use Permit Project Narrative

Project

US-FL-5999 Cheery Lake Park
10627 Toad Road, Clermont, Florida
Zoning: Agriculture

1. Consistency with the Comprehensive Plan and Local Code

The proposed telecommunications tower is consistent with the Lake County Comprehensive Plan and the Lake County Land Development Regulations (LDR). Wireless facilities are recognized as essential infrastructure supporting public safety, emergency communications, and economic development. The proposed monopole and unmanned equipment compound comply with all applicable LDR standards for communication facilities, including setbacks, fall-zone containment, buffering, and operational requirements.

2. Effect on Adjacent Properties

The proposed conditional use will not have an undue adverse effect on adjacent properties. The site is located on a large agricultural parcel and is setback from surrounding residences. Landscaping and existing vegetation further minimize visual impacts.

3. Undue Adverse Effects

The facility is unmanned and will generate minimal traffic and noise. All radio frequency emissions will comply with FCC regulations, and the tower fall zone is fully contained within the parent parcel.

4. Compatibility with Area

Telecommunications facilities are commonly approved in agricultural and rural zoning districts in Lake County. The proposed tower is compatible with the existing rural character and preserves continued agricultural and residential use of the property.

5. Minimization of Impacts

The monopole design, evergreen landscaping, fencing, and use of existing access drives minimize visual and physical impacts. No lighting is proposed except as required by FAA regulations.

6. Non-Interference

The facility will not interfere with the development or use of neighboring properties and complies with all district regulations.

Attachment “E” – Photo Simulations (1 of 8)



Attachment “E” – Photo Simulations (2 of 8)



View #1 - Looking northeast from Silver Maple Road Existing

	Vertical Bridge - US-FL-5999 Cheery Lake Park 10627 Toad Road Clermont, FL 34715 Lake County	
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Attachment “E” – Photo Simulations (3 of 8)

Proposed Vertical Bridge 195' monopole tower
(199' top of lightning rod)



View #2 - Looking east southeast from Tidal Pond Drive

Existing

	Vertical Bridge - US-FL-5999 Cheery Lake Park 10627 Toad Road Clermont, FL 34715 Lake County	
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Attachment “E” – Photo Simulations(4 of 8)



View #2 - Looking east southeast from Tidal Pond Drive		Proposed
	Vertical Bridge - US-FL-5999 Cheery Lake Park 10627 Toad Road Clermont, FL 34715 Lake County	

Attachment “E” – Photo Simulations (5 of 8)



View #3 - Looking north northeast from Apshaw Road		Existing
	Vertical Bridge - US-FL-5999 Cheery Lake Park 10627 Toad Road Clermont, FL 34715 Lake County	

Attachment “E” – Photo Simulations (6 of 8)



View #3 - Looking north northeast from Apshaw Road		Proposed
	Vertical Bridge - US-FL-5999 Cheery Lake Park 10627 Toad Road Clermont, FL 34715 Lake County	

Attachment “E” – Photo Simulations (7 of 8)



View #4 - Looking west from E Apshawa Road		Existing
	Vertical Bridge - US-FL-5999 Cheery Lake Park 10627 Toad Road Clermont, FL 34715 Lake County	

Attachment “E” – Photo Simulations (8 of 8)



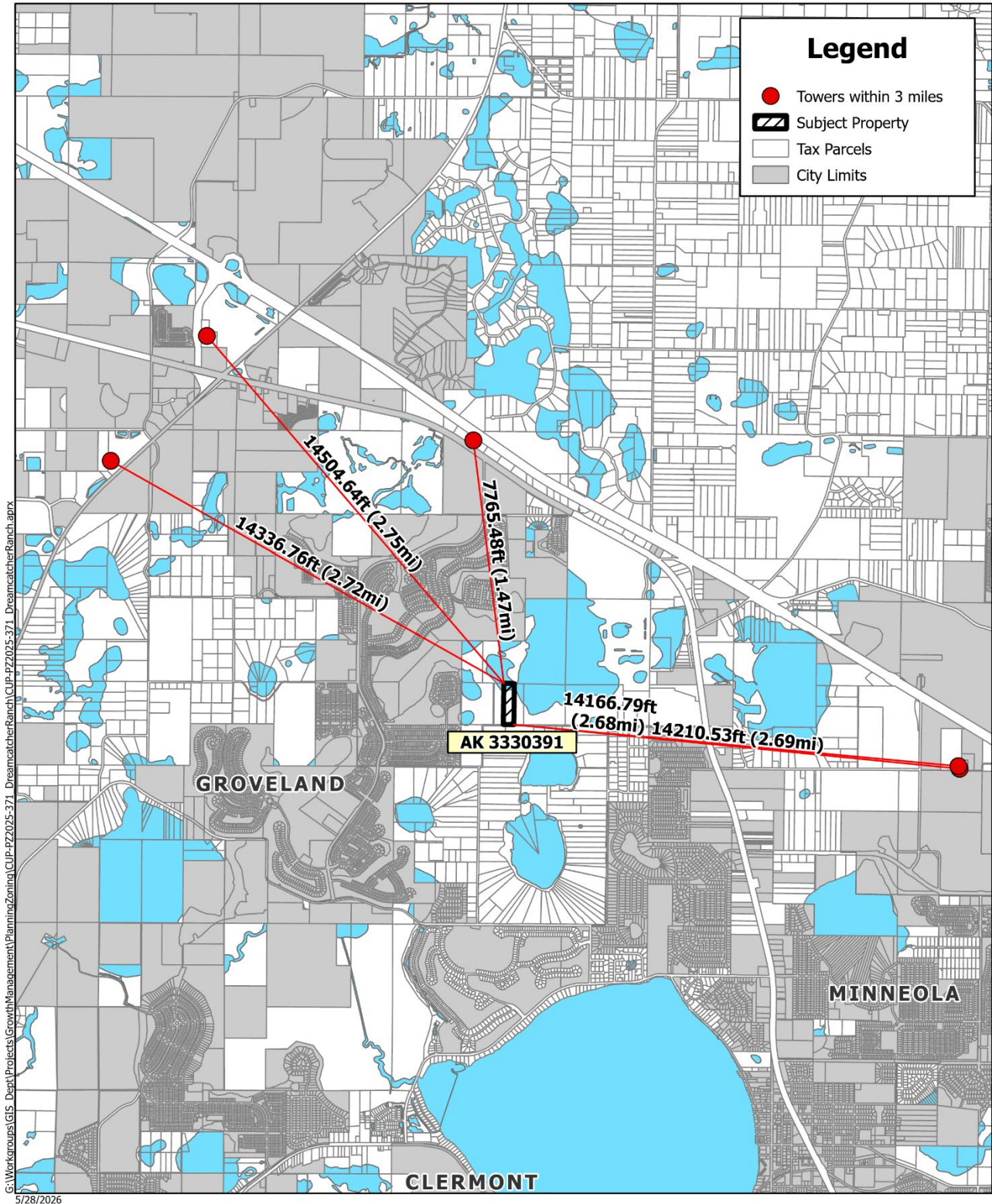
View #4 - Looking west from E Apshawa Road Proposed

	Vertical Bridge - US-FL-5999 Cheery Lake Park 10627 Toad Road Clermont, FL 34715 Lake County	
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Attachment “F” – Tower Separation Maps



ADJACENT TOWERS (3 MILES) CUP-PZ2025-371



Attachment “G” – Adjacent Residence Map



ADJACENT RESIDENCE CUP-PZ2025-371



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5/28/2026

Attachment “H” – Fall Certification Letter

January 19, 2026

Andrella Barnes
The Towers, LLC
750 Park Of Commerce Drive, Suite 200
Boca Raton, Florida 33487



B+T Group
1717 S. Boulder, Suite 300
Tulsa, OK 74119
(918) 587-4630
btwo@btgrp.com

Subject: Fall Certification Letter
Arcosa Designation: Arcosa Project Number: C169
Engineering Firm Designation: Arcosa Site Name: Cheery Lake Park (US-FL-5999)
B+T Group Project Number: 26-000210
Site Data: Cheery Lake Park (US-FL-5999)
195' Monopole

To Whom it May Concern:

As Requested by Arcosa Telecom Structures on behalf of The Towers, LLC, B+T Group is pleased to submit this “Fall Certification Letter” for the 195' Monopole to be constructed at the Cheery Lake Park (US-FL-5999) site.

This pole will be designed in accordance with the TIA 222-I standard for Lake County, FL. The pole will be designed to support antennas and transmission lines for four wireless carriers. The design criteria are more particularly described as follows:

Design Wind Speed: 133 mph 3-sec gust (no ice), 30mph 3-sec gust (0" ice)
Structure Class: II
Exposure Category: C
Topographic Category: 1

190'—Wireless Carrier 1 (CaAa= 42,000 sq in w/ (18) 1 5/8" transmission lines
179'—Wireless Carrier 2 (CaAa= 30,000 sq in w/ (12) 1 5/8" transmission lines
169'—Wireless Carrier 3 (CaAa= 30,000 sq in w/ (12) 1 5/8" transmission lines
159'—Wireless Carrier 4 (CaAa= 30,000 sq in w/ (12) 1 5/8" transmission lines

It is our understanding that this Monopole structure will be designed such that, if a failure were to occur due to a significant storm or other event, the pole would fall within a radius of 50' from the base of the structure. Although the pole would not be designed to fail, stronger sections that required by analysis would be provided in the lower sections of the pole, resulting in an increased safety factor in the lower sections. In the highly unlikely event that this pole were to experience operational failure due to catastrophic wind loading, the design would enable the pole to fail through compression buckling. Failure in this manner would result in the upper portion of the pole buckling and folding over the lower portion, resulting in a fall radius of 50' from the base of the pole.

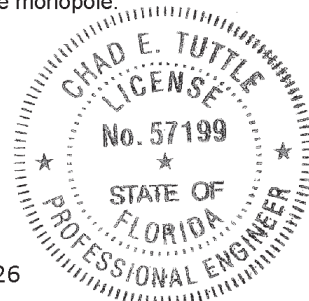
It should be understood that this opinion does not consider unpredictable extreme catastrophic events for which the structure is not designed. However, any damage to surrounding property caused by the pole failing during such an event would be relatively insignificant when compared to the damage caused to the surrounding property by the event itself.

Please contact us should you have any questions concerning the safety and design of the monopole.

Letter prepared by: Angela Ashwood

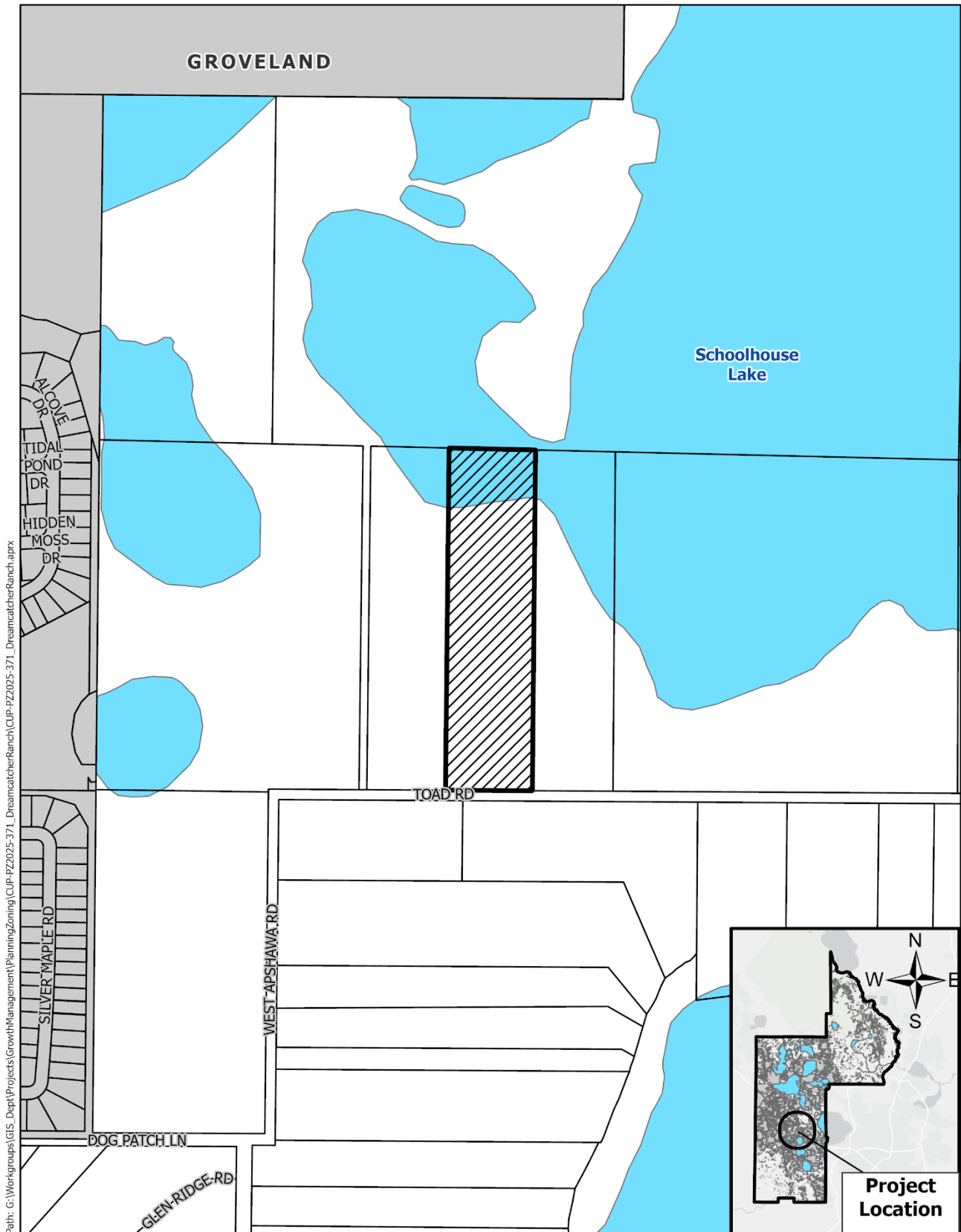
Submitted by: B&T Engineering, Inc.
Chad E Tuttle, P.E.

CHAD TUTTLE, P.E.
B&T ENGINEERING, INC.
This Item has been digitally signed and sealed by
Chad Tuttle on the date adjacent to the seal.
Printed copies of this document are not
considered signed and sealed and the signature
must be verified on any electronic copies.



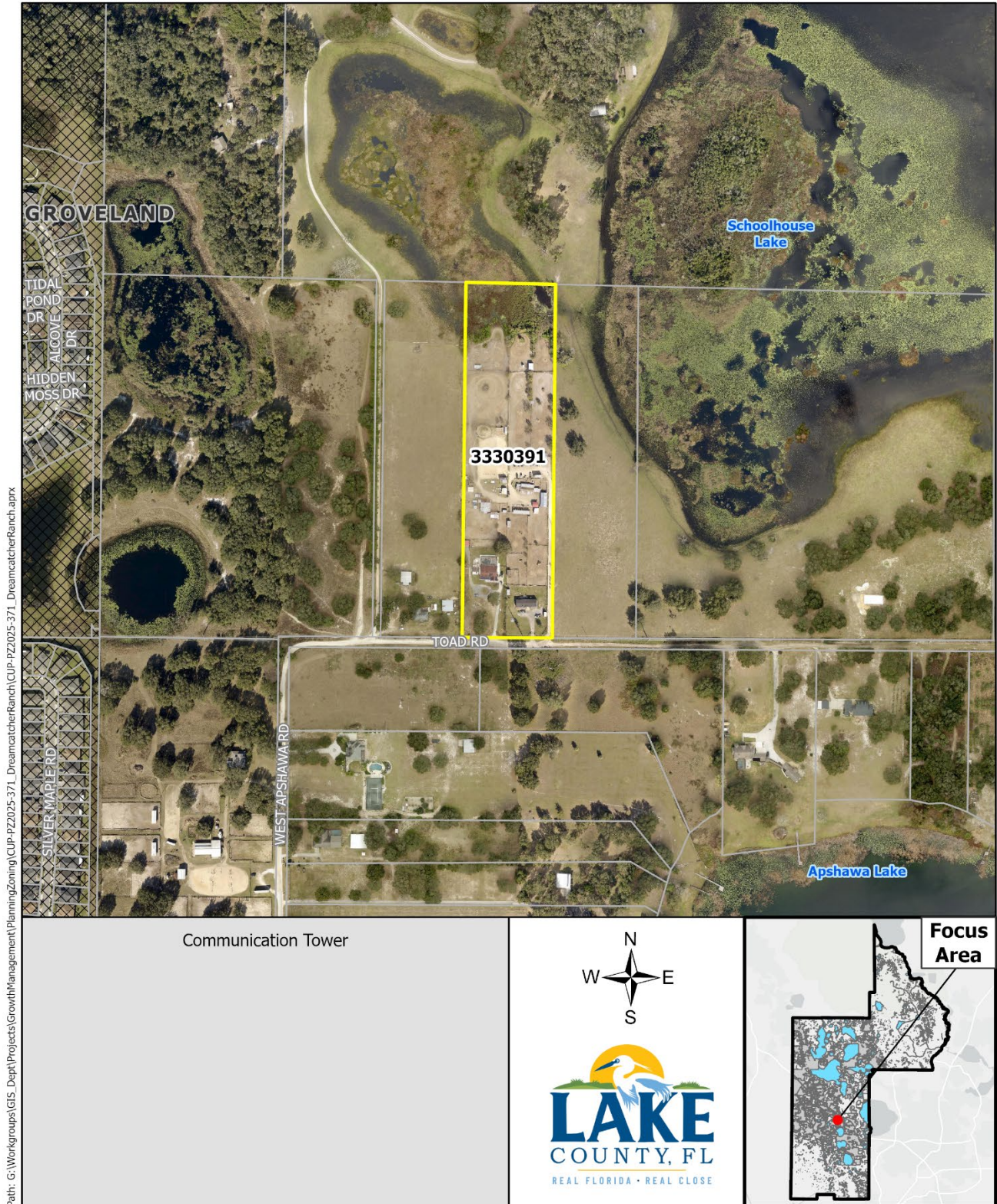
1/29/2026

Map of Subject Property



Aerial Map of Subject Property

CUP-PZ2025-371
Dreamcatcher Horse Ranch and Rescue Center



ORDINANCE 2026 - _____

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A 199' MONOPOLE TELECOMMUNICATIONS TOWER WITH A WAIVER TO LAND DEVELOPMENT REGULATIONS (LDR) SECTION 3.13.09(B)(1) TO ALLOW THE PROPOSED TELECOMMUNICATIONS TOWER TO BE CONSTRUCTED OFF-CENTER WITHIN THE BOUNDARIES OF THE PARENT PARCEL WITHIN THE AGRICULTURE (A) DISTRICT; IDENTIFIED AS ALTERNATE KEY NUMBER 3330391, LOCATED IN SECTION 35, TOWNSHIP 21 SOUTH, RANGE 25 EAST; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Dan Ausley (the "Applicant") submitted a Conditional Use Permit (CUP) application on behalf of Alison Wheatly, Trustee of the Wheatley Family Trust (the "Owner"), to allow a 199' monopole telecommunications tower with a waiver to Land Development Regulations (LDR) Section 3.13.09(b)(1) to allow the proposed telecommunications tower to be constructed off-center within the boundaries of the parent parcel within the Agriculture (A) District; and

WHEREAS, the subject property consists of approximately 10.00 +/- acres located at 10627 Toad Road, in the unincorporated Clermont area in Section 35, Township 21 South, Range 25 East, known as Alternate Key Number 3330391, and more particularly described in Exhibit "A"; and

WHEREAS, the property is located within the Rural Future Land Use Category (FLUC) 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, 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), require compliance with the special conditions set forth in this Ordinance; and

WHEREAS, this application was reviewed by the Lake County Planning and Zoning Board on the 2nd day of September 2026, and by the Board of County Commissioners of Lake County, Florida, on the 6th day of October 2026.

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

Section 1. Conditional Use Permit Granted: Permission is hereby granted for operation of a monopole communications tower 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 "B" of this Ordinance. To the extent that there are conflicts between the Concept 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 (CUP) to allow uses with conditions as outlined within this Ordinance.

A. Waiver. A waiver to Land development Regulations (LDR) Section 3.13.09(B)(1) to allow the proposed monopole telecommunications tower to be constructed off-center is hereby granted.

B. Land Uses: Uses of the site described above shall allow the following:

1. Monopole telecommunications tower, 199-feet maximum, to be located on the portion of the site described in **Exhibit A – Lease Parcel**.
2. Agriculture uses as permitted.
3. Accessory uses directly associated with the above use may be approved by the County Manager or designee.
4. Any other use of the site will require approval of an amendment to this Ordinance by the Board of County Commissioners.

C. Specific Conditions:

1. Site Plan Required: The Owner shall submit a development application for site plan of the telecommunications tower facility.
2. Illumination: The communications tower facility shall not be illuminated except to ensure human safety or as required by the Federal Aviation Administration (FAA) and the LDR, as amended.
3. Structural Design: The structural design of the tower shall be in accordance with the LDR, as amended.

D. Building Setbacks. Setbacks shall be in accordance with the LDR, as amended.

1. The communications tower facility and associated uses shall meet all applicable setbacks as set forth in the LDR, as amended unless stated within the above waivers.
2. The future development application must demonstrate self-collapsing capabilities in accordance with LDR Section 3.13.03.A, as amended.

E. Landscaping, Buffering, Fencing and Screening.

1. Landscaping, Buffering, Fencing and Screening shall be in accordance with the LDR, as amended.
2. Removal of Heritage Trees is prohibited unless it poses a danger to persons or property. The development must be designed around existing Heritage Trees unless a waiver has been granted by the Board of County Commissioners as part of a conditional zoning or amendment thereto, or a variance has been granted by the Board of Adjustment, or its successor.

1 **F. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building**
2 **Height.** Open space, impervious surface ratio, floor area ratio, and building
3 height shall be in accordance with the Comprehensive Plan, and LDR, as
4 amended.

5 **G. Environmental Considerations.**

- 6 1. An environmental assessment will be submitted with the site plan
7 application prior to the installation of the tower.
- 8 2. Proposed structures must maintain a minimum setback of fifty (50)
9 feet from the Jurisdictional Wetland Line (JWL).
- 10 3. Environmental resources shall be protected in accordance with the
11 Comprehensive Plan and LDR, as amended.

12 **H. Noise.** Compliance must be in accordance with the LDR, as amended

13 **I. Transportation and Access Management.** All access management shall
14 be in accordance with the Comprehensive Plan and LDR, as amended.

15 **J. Floodplain and Stormwater Management.**

- 16 1. The stormwater management system shall be designed in
17 accordance with all applicable Lake County and St. Johns River
18 Water Management District (SJRWMD) requirements, as amended.
- 19 2. The Owner shall be responsible for any flood studies required for
20 developing the site and comply with FEMA, Comprehensive Plan
21 and LDR, as amended. Any development within the floodplain as
22 identified on the FEMA maps will require compensating storage.

23 **K. Signage.** Signs shall be in accordance with the LDR, as amended.

24 **L. Concurrency Management Requirements.** Any development must
25 comply with the Lake County Concurrency Management System, as
26 amended.

27 **M. Development Review and Approval.** Prior to the issuance of any permits,
28 the Applicant shall be required to submit a development application
29 generally consistent with Exhibit "B" - Concept Plan for review and
30 approval in accordance with the Comprehensive Plan and LDR, as
31 amended.

32 **N. Future Amendments to Statutes, Code, Plans, or Regulations.** The
33 specific references in this Ordinance to the Florida Statutes, Florida
34 Administrative Code, Lake County Comprehensive Plan, and Lake County
35 LDR will include any future amendments to the Statutes, Code, Plans, or
36 LDR.

37 **Section 3. Conditions:**

38 **A.**After establishment of the facilities as provided in this Ordinance, the
39 property must only be used for the purposes named in this Ordinance. Any

other proposed use must be specifically authorized by the Board of County Commissioners.

B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.

C. This Ordinance will ensure the benefit of and will constitute a covenant running with the land and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present Owner and any successor and will be subject to each and every condition set out in this Ordinance.

D. Construction and operation of the proposed use must comply with the regulations of this and other governmental permitting agencies.

E. The transfer of ownership or lease of any or all the property described in this Ordinance must include in the transfer or lease agreement a provision that the purchaser or lessee is made aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the LDR, as amended.

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

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

Section 5. No Estoppel: Approval of this ordinance cannot be relied upon to assert a claim of estoppel against the County if the property identified herein cannot be developed due to the inability to meet other requirements under the applicable Land Development Regulations. The Owner is solely responsible for performing any necessary due diligence to ensure the property will appropriately support future development.

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

Section 7. Effective Date. This Ordinance shall become effective upon recordation in the public records of Lake County, Florida. The Applicant shall be responsible for all recording fees.

ENACTED this _____ day of _____, 2026.

FILED with the Secretary of State _____, 2026.

EFFECTIVE _____, 2026.

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

LESLIE CAMPIONE, 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.

PARENT PARCEL

(PER COMMITMENT NO. VTB-210518-C)

THE FOLLOWING DESCRIBED REAL ESTATE IN THE COUNTY OF LAKE AND STATE OF FLORIDA:

THE EAST 1/2 OF THE FOLLOWING DESCRIBED REAL PROPERTY, FROM THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; RUN SOUTH 89°05'44" EAST ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST 1/4, A DISTANCE OF 678.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°05'44" EAST ALONG THE SAID NORTH BOUNDARY, 331.54 FEET; THENCE SOUTH 00°13'28" WEST, 1307.96 FEET TO THE NORTH RIGHT-OF-WAY LINE OF A 40 FOOT RIGHT-OF-WAY AS SHOWN ON THE REPLAT OF APSWAW GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 49, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE SOUTH 89°57'00" WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE, 333.16 FEET; THENCE NORTH 00°17'45" EAST, 1313.49 FEET TO THE POINT OF BEGINNING; SUBJECT TO AN ADDITIONAL 5.00 FEET RIGHT-OF-WAY OVER AND ACROSS THE SOUTH 5.00 FEET THEREOF.

PARCEL ID: 35-21-25-0004-000-01101 (ALT KEY: 3330391)

THIS BEING A PORTION OF THE SAME PROPERTY CONVEYED TO ALISON WHEATLEY, TRUSTEE OF THE WHEATLEY FAMILY TRUST, DATED MARCH 11, 2008, AND ANY AMENDMENTS THERETO BY A DEED FROM ALISON WHEATLEY AND ADRIAN P. WHEATLEY, A MARRIED COUPLE DATED 7/09/2004 AND RECORDED 7/12/2004 IN BOOK 63646 PAGE 1723 AND INSTRUMENT 2024081986 IN THE COUNTY OF LAKE, STATE OF FLORIDA.

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LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, BEING A PORTION OF THE LANDS OF ALISON WHEATLEY, TRUSTEE OF THE WHEATLEY FAMILY TRUST, AS RECORDED IN BOOK 6364 PAGE 1723, LAKE COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF TOAD ROAD, SAID REBAR MARKING THE SOUTHWEST CORNER OF SAID LANDS AND HAVING A FLORIDA GRID NORTH, NAD83, EAST ZONE VALUE OF N=1556103.6065, E=406300.2139; THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 89°40'51" EAST, 165.18 FEET TO A POINT; THENCE CONTINUING, SOUTH 89°40'51" EAST, 144.18 FEET TO A POINT; THENCE, LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING NORTH 00°33'13" EAST, 929.36 FEET TO A POINT; THENCE, NORTH 89°24'23" WEST, 90.94 FEET TO A POINT; THENCE SOUTH 00°35'37" WEST 50.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE, NORTH 89°24'23" WEST, 100.00 FEET TO A POINT; THENCE NORTH 00°35'37" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 89°24'23" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 00°35'37" WEST, 100.00 FEET TO A POINT AND THE POINT OF BEGINNING.

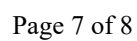
BEARINGS BASED ON FLORIDA GRID NORTH, NAD83, EAST ZONE.

SAID TRACT CONTAINS 0.2296 ACRES (10,000 SQUARE FEET), MORE OR LESS.

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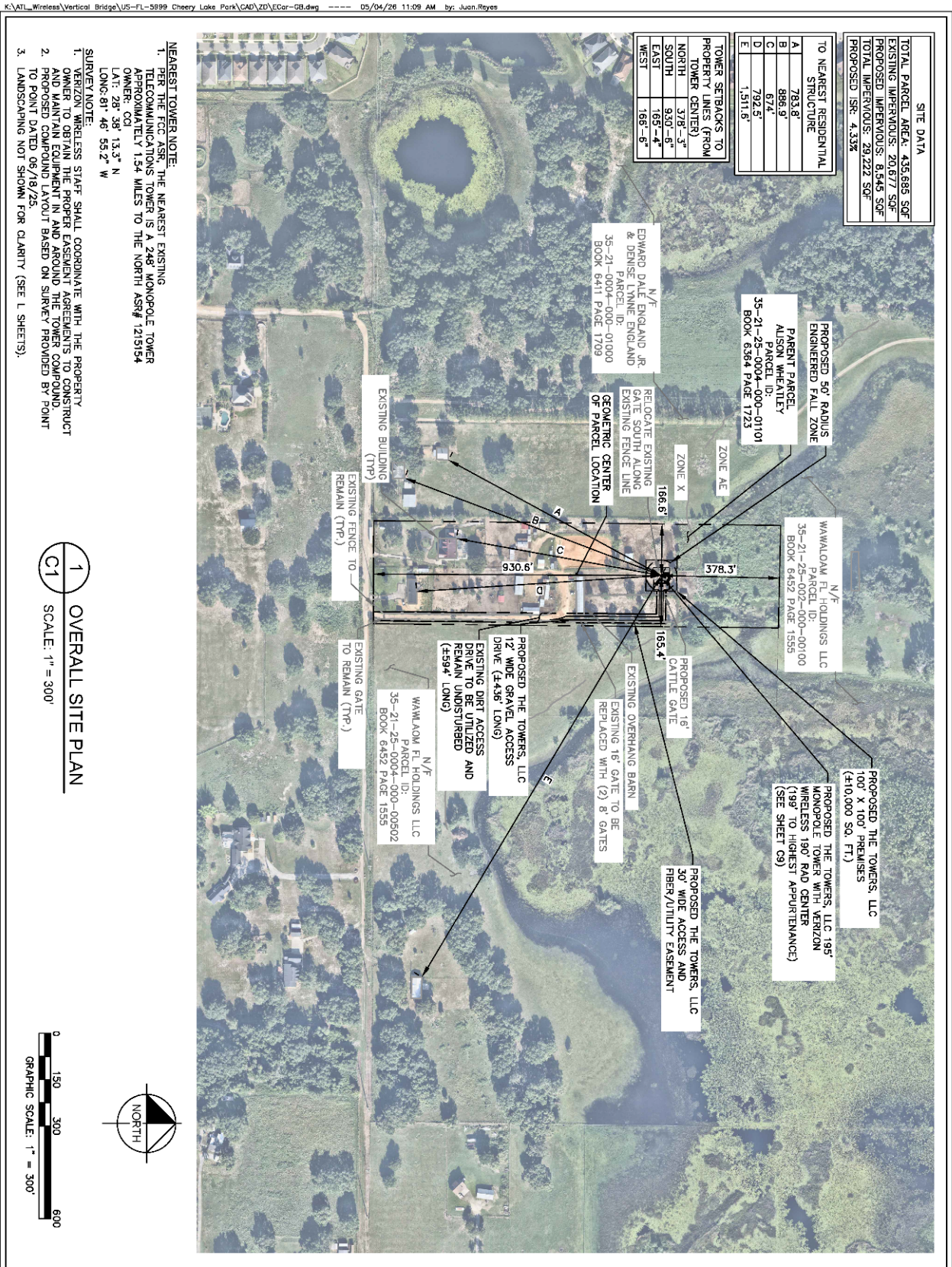
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EXHIBIT "B", CONCEPT PLAN



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