

Resolution 2017- XXX

File No.: CU 520175130

A RESOLUTION GRANTING CONDITIONAL USE PERMIT APPROVAL TO ALLOW FOR THE OPERATION OF A COMPLETELY ENCLOSED DOG KENNEL FACILITY IN THE AR-1, (AGRICULTURAL, RESIDENTIAL – 1) ZONING DISTRICT FOR CERTAIN PROPERTY LOCATED IN ST. LUCIE COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, based on the testimony and evidence, including but not limited to findings in the staff report, has made the following determinations:

1. Matthew and Jann Rudd, presented a petition for a Conditional Use Permit to allow for the operation of a completely enclosed dog kennel facility in the AR-1 (Agricultural, Residential - 1) Zoning District for the property depicted on the attached map in Exhibit "A" and described in Part B below.
2. On August 17, 2017, the St. Lucie County Planning and Zoning Commission held a public hearing on the petition, after publishing notice at least 10 days prior to the hearing and notifying by mail all owners of property within 500 feet of the subject property, and recommended that the Board of County Commissioners approve the hereinafter described Conditional Use Permit in the AR-1 (Agricultural, Residential - 1) Zoning District for the property described in Part B.
3. On September 5, 2017, this Board held a public hearing on the petition, after publishing a notice of such hearing and notifying by mail all owners of property within 500 feet of the subject property.
4. The Conditional Use Permit, with the conditions therein, is consistent with the goals, objectives and policies of the St. Lucie County Comprehensive Plan and has satisfied the requirements of Section 11.07.03 of the St. Lucie County Land Development Code.
5. With conditions therein, the project will not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, or other matters affecting the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Lucie County, Florida:

- A. Pursuant to Section 11.07.03 of the St. Lucie County Land Development Code, a Conditional Use Permit that allows for the operation of a completely enclosed dog kennel facility on the property described below is hereby approved subject to the following conditions:
1. All kennel activities shall occur within an enclosed structure, with the exception of airing the dogs in the designated outdoor run area and outdoor play areas.
 2. New structures and additions to existing structures which are used for boarding animals shall be located no closer than 100 feet to a side property line, no closer than 100 feet from the rear property line, no closer than 100 feet from the front property line, and shall be completely enclosed. Client drop-off and pick-up shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends.
 3. No dogs shall be outside in the activity areas before 8:00 a.m. and after 6:00 p.m.
 4. The outdoor dog run shall be fenced in and separated from the outdoor activity area to allow for a reduced nighttime walking area so as not to cause nuisances during the overnight hours.
 5. No more than 50 dogs shall be boarded on the property at any one time.
 6. The owner at all times shall comply with the St. Lucie County Code of Ordinances, Section 28-107 through 28-112, as amended regulating noise.
 7. The owner shall comply with the St. Lucie County Code of Ordinances, Section 6-26, as amended regulating Animal care.
 8. A crematory shall not be permitted on site.
 9. Must comply with the Restrictive Covenant Agreements for the North Lennard Road 1,2 and 3 Municipal Service Benefit Units (MSBUs).
 10. Prior to issuance of a Certificate of Occupancy, the site shall be reviewed by the Environmental Resources Department for substantial conformity with the landscape plan dated 8/04/17 submitted as part of this conditional use application.
 11. Prior to issuance of a Vegetation Removal Permit or Exemption, the landscape plan shall be revised to require a minimum 25 percent of the proposed hedge materials to consist of native species and specify the 8 foot fence will be opaque.
 12. Prior to issuance of a Vegetation Removal Permit or Exemption, the applicant shall provide a Preserve Area Monitoring and Maintenance Plan for the wetland and associated upland buffer preserve area. This plan shall include the following information: a restoration plan, restrictions

within the preserve area, monitoring and maintenance requirements, and required invasive exotic removal.

13. Prior to issuance of a Vegetation Removal Permit or Exemption the applicant shall provide a Conservation Easement over the onsite wetland and associated buffer and approved Preserve Area Monitoring and Management Plan (PAMMP) with an attached affidavit and cashier's check (payable to the Clerk of the Court for recording fees) to the County Attorney for review and approval. The applicant shall also provide a georeferenced CAD or shapefile of the conservation easement boundaries to St. Lucie County. A copy of a standard Conservation Easement may be obtained by contacting the Environmental Resources Department at 772-462-2526.
14. All dog waste shall be immediately bagged by staff and properly disposed of in enclosed dumpsters. Failure to comply with this condition may result in revocation of the conditional use approval.
15. Prior to issuance of a Certificate of Occupancy all Category I listed invasive species shall be eradicated from the site.
16. The issuance of County development permit does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

B. The subject property is described as follows:

Lot 12, Block 2, St. Lucie Gardens, in Section 23, Township 36 South, Range 40 East, according to the map or plat thereof as recorded in Plat Book 1, Page 35, Public Records of St. Lucie County, Florida, Less and Except that portion conveyed to St. Lucie County, by instrument recorded May 9, 2005, in O.R. Book 2237, Page 1361, Public Records of St. Lucie County, Florida.

Parcel Identification Number: 3414-501-0612-000-1

C. The approvals and authorizations granted by this Resolution are for the purpose of obtaining a Building Permit or Zoning Compliance from St. Lucie County, and are not assigned to any other party or institution. Should the petitioners choose or decide to assign this business to another entity or individual, a minor adjustment to the Conditional Use Permit shall be required.

D. The developer is advised as part of this conditional use permit approval for Tilton Road Dog Retreat, including any successors in interest, the developer

shall obtain all applicable development permits and construction authorizations from the appropriate state and federal and local regulatory agencies including, but not limited to, the United States Army Corps of Engineers, the Florida Department of Environmental Protection, and South Florida Water Management District, and the St. Lucie County Environmental Resources and Building Departments prior to the commencement of any development activities on the property described in Part C. Issuance of this permit by the County does not in any way create any rights on the part of the developer to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of this permit if the developer fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that may result in a violation of state or federal law.

- E. The approvals and authorizations granted by this Resolution shall expire on September 5, 2018, unless a Building Permit or Certificate of Zoning Compliance for is obtained for the uses described in Part A above, or an extension has been granted in accordance with Section 11.07.05(F), St. Lucie County Land Development Code.

After motion and second, the vote on this resolution was as follows:

Chairman Chris Dzadoovsky	XXX
Vice-Chairman Tod Mowery	XXX
Commissioner Frannie Hutchinson	XXX
Commissioner Linda Bartz	XXX
Commissioner Cathy Townsend	XXX

PASSED AND DULY ADOPTED this 5th day of September, 2017.

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLOIRDA

BY _____

Chairman

ATTEST:

APPROVED AS TO FORM
AND CORRECTNESS:

DEPUTY CLERK

COUNTY ATTORNEY

**Exhibit A
Location Map**

