

**ORDINANCE NUMBER 23-09**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD AT 4017 EAST ORANGE AVENUE (ALTERNATE KEY NUMBER 1658641).**

**WHEREAS**, Paul Oates / Orange Acre Properties LLC has applied for a Conditional Use Permit to allow an accessory structure to be placed in the front yard of a single-family residence within the Suburban Residential (SR) Future Land Use District located at 4017 East Orange Avenue; and

**WHEREAS**, the subject property has a Land Use Designation of Suburban Residential (SR) and a Design District Designation of Suburban Neighborhood; and

**WHEREAS**, the request for a Conditional Use Permit was properly Noticed for a Quasi-Judicial Public Hearing before the City Commission; and

**WHEREAS**, on May 4, 2023, the City Commission held the 1<sup>st</sup> Public Hearing to consider the Conditional Use Permit; and

**WHEREAS**, on May 18, 2023, the City Commission held the 2nd Public Hearing to consider the Conditional Use Permit; and

**WHEREAS**, the proposed conditional use is not consistent with the City's Land Development Regulations and Code of Ordinances, presents special circumstances which warrant the approval of the Conditional Use; and

**WHEREAS**, the applicant has presented evidence to establish the following:

1. That the proposed use is desirable at the particular location.
2. That the proposed conditional use will not have an undue adverse effect upon nearby property.
3. That such use will not be detrimental to the health, safety, or general welfare of the citizens residing in the area.
4. That the proposed use will comply with all Regulations and Conditions specified in the City Code for such use.
5. That the proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

**NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:**

**SECTION 1.**

That a Conditional Use Permit is granted to allow placement of an accessory storage building within the street front yard for the property located at 4017 East Orange Avenue, as shown on Exhibit A attached hereto and more particularly described as:

Alternate Key Number: 1685641

Parcel Number: 08-19-27-0101-000-00400

EUSTIS, MELODY HILLS SUB LOT 4 PB 23 PG 17 ORB 5182 PG 2433

**WHEREAS**, the following conditions must be met following this Conditional Use Permit Approval;

1. The proposed accessory structure must be constructed or clad with material appropriate to the existing residential structure and/or in accordance with Section 115-6.1.2 of the City of Eustis Land Development Regulations.
2. The building must be oriented so that the roll-up doors do not face East Orange Avenue.
3. The elevations of the accessory structure visible from East Orange Avenue must be designed to provide the appearance of a residential structure (i.e.: porch, doors, window treatments (either functional or faux), etc.)
4. The applicant must provide a recent survey of the property with pre-development and post-development impervious surface calculations as part of the building permit application.
5. No commercial-type operations may occur on the property.
6. The property may not be used for public assembly, exhibition, or display.
7. No signage may be allowed other than that allowed for any residential district.

**SECTION 2.**

That the conditions of approval require that the development meet all other applicable provisions of the Land Development Regulations and the City Code of Ordinances.

**SECTION 3.**

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 4.**

That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**SECTION 5.**

That this Ordinance shall become effective upon passing.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 18<sup>th</sup> day of May, 2023.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

\_\_\_\_\_  
Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of May, 2023 by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public - State of Florida  
My Commission Expires:  
Notary Serial Number:

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

## **CERTIFICATE OF POSTING**

The foregoing Ordinance Number 23-09 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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Christine Halloran, City Clerk

## EXHIBIT A

