

ORDINANCE NUMBER 23-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL IN THE CENTRAL BUSINESS DISTRICT (CBD) FUTURE LAND USE DISTRICT LOCATED AT 50 W. ORANGE AVENUE.

WHEREAS, Sharon Swann, representative and tenant for Orange Avenue Holdings, LLC, property owner, has applied for a Conditional Use Permit for a school to utilize Unit 2 of the plaza located at 50 West Orange Avenue; and

WHEREAS, the subject property has a Land Use Designation of Central Business District (CBD) and a Design District Designation of Urban Center; and

WHEREAS, a school is permitted as a Conditional Use in the Central Business Land Use District; 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 August 3, 2023, the City Commission held the 1st Public Hearing to consider the Conditional Use Permit; and

WHEREAS, on August 17, 2023, the City Commission held the 2nd Public Hearing to consider the Conditional Use Permit; and

WHEREAS, the proposed conditional use is consistent with the City's Land Development Regulations, Comprehensive Plan, and Code of Ordinances; 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 on 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 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 for a school in Unit 2 at the plaza located at 50 West Orange Avenue, more particularly described as:

EUSTIS, LOTS 15, 16 BLK 59 W OF RR, E 33 FT OF N 66 FT OF STREET ON WEST PB 1 PG 79 ORB 5628 PG 1014.

ALTERNATE KEY NUMBER: 1188431

PARCEL NUMBER: 11-19-26-0100-059-01500

Section 2. That the conditions of approval require that the school meets all applicable provisions of the Land Development Regulations and the City Code of Ordinances

and complies with the following specific conditions and limitations:

1. Obtain a sign permit for the wall sign on the building.
2. Obtain a Business Tax Receipt (BTR) for this activity/use; and
3. Allow the Building Official and the Fire Marshal to determine if a change of use permit is necessary for this unit (of the plaza).

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 immediately upon passing.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 17th day of August 2023.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, Acting City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 17th day of August, 2023 by Michael L. Holland, Mayor, and Mary C. Montez, Acting 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 23-21 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.

Mary C. Montez, Acting City Clerk