

ORDINANCE NUMBER 23-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT TO AN EXISTING SINGLE-FAMILY RESIDENCE IN THE RURAL RESIDENTIAL (RR) FUTURE LAND USE DISTRICT ON APPROXIMATELY 1.0 ACRES LOCATED AT 34534 ESTES RD (ALTERNATE KEY NUMBER 1461600).

WHEREAS, Betty Gaard, property owner, has applied for a Conditional Use Permit for a free-standing accessory dwelling unit to be located at 34534 Estes Road; and

WHEREAS, the subject property has a Land Use Designation of Rural Residential (RR) and a Design District Designation of Urban Neighborhood; and

WHEREAS, an accessory dwelling unit is permitted as a Conditional Use in the Rural Residential 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 17, 2023, the City Commission held the 1st Public Hearing to consider the Conditional Use Permit; and

WHEREAS, on September 7, 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 an accessory dwelling unit on approximately 1.0 acres located at 34534 Estes Road, more particularly described as:

EUSTIS, MELODY HILLS SUB LOT 7 PB 23 PG 17 ORB 5827 PG 2036 ORB 6165 PG 2

ALTERNATE KEY NUMBER: 1461600
PARCEL NUMBER: 08-19-27-0101-000-00700

Section 2. That the conditions of approval require that the accessory use 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. The applicant proposes to design and build a new accessory dwelling unit to the rear of the existing single-family residence and be allowed to connect it with a breezeway. The addition will be approximately 960 square feet.
2. Building permits must be obtained before construction.
3. Payment of applicable impact fees is required.
4. Maximum Impervious Surface Ratio of the property shall remain consistent with the Rural Residential district requirements.

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 7th day of September 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 7th day of September 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 23-22 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.

Christine Halloran, City Clerk