

ORDINANCE NUMBER 23-30

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A CONDITIONAL USE PERMIT FOR ADDITIONAL BARBED WIRE FENCING AT THE REAR OF THE ACE HARDWARE STORE LOCATED AT 18691 U.S. HIGHWAY 441.

WHEREAS, Roy “Cade” Carter, III, representative and applicant for Ace Hardware Store has applied for a Conditional Use Permit for a barbed wire expansion on the rear of the building located at 18691 U.S. Highway 441; and

WHEREAS, the subject property has a Land Use Designation of General Commercial (GC) and a Design District Designation of Suburban Corridor; and

WHEREAS, barbed wire fencing is allowed on properties with barbed wire fencing installed prior to December 15, 2016; 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 December 14, 2023, the City Commission held the 1st Public Hearing to consider the Conditional Use Permit; and

WHEREAS, on January 4, 2024, 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 additional barbed wire in the rear of the building located at 18691 U.S. Highway 441, more particularly described as:

EUSTIS, 44 GABLES LOT 1 PB 32 PGS 91-93 ORB 1692 PG 1772 ORB 3543
PG 1606

ALTERNATE KEY NUMBER: 3524390
PARCEL NUMBER: 19-19-27-0010-000-00100

- Section 2.** That the conditions of approval require that the store meets all 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- Section 3.** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 immediately upon passing.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 4th day of January 2024.

**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 4th day of January, 2024 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 23-30 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