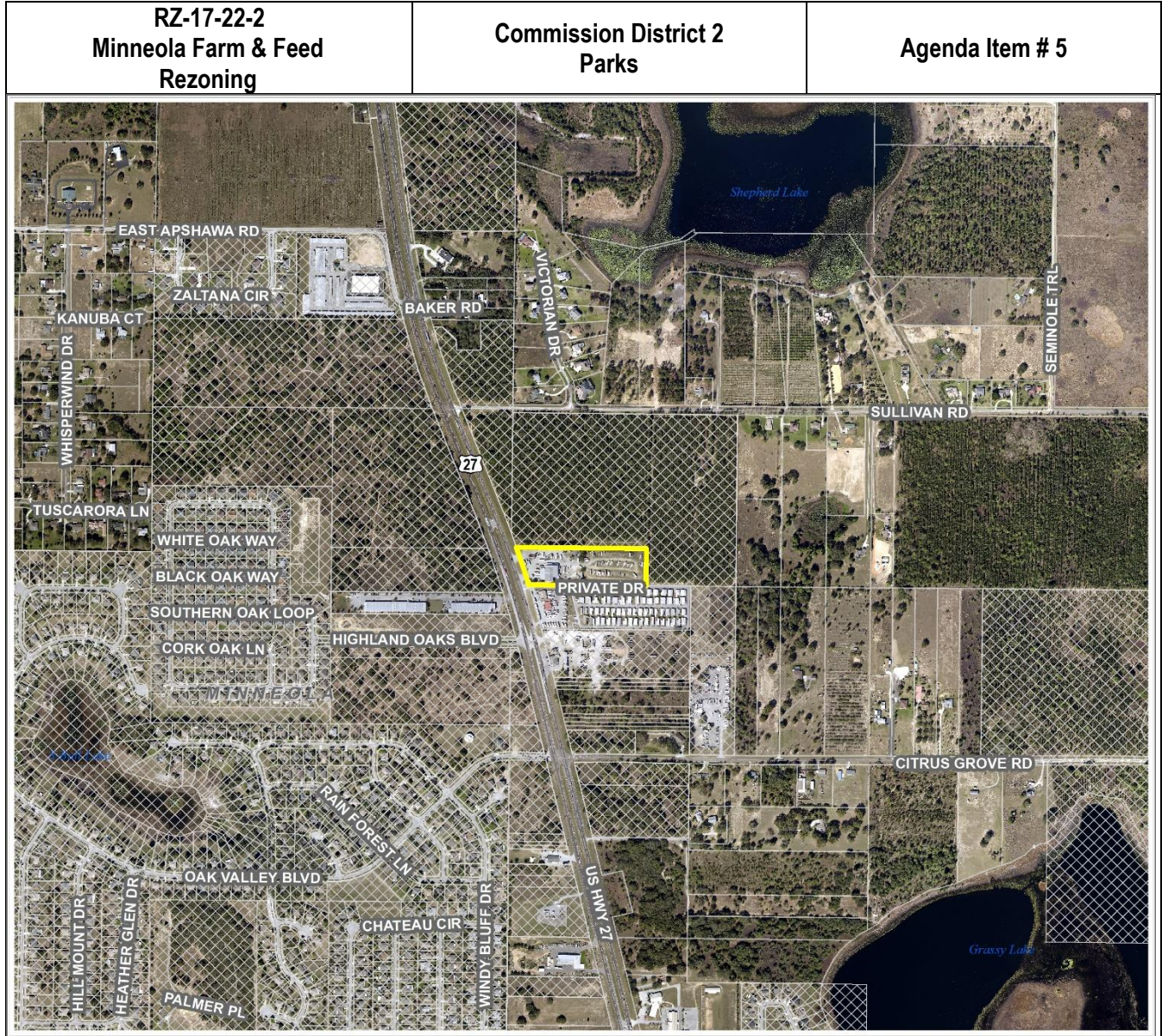


LAKE COUNTY OFFICE OF PLANNING AND ZONING
REZONING STAFF REPORT

PLANNING & ZONING BOARD
March 7, 2018



BOARD OF COUNTY COMMISSIONERS
March 27, 2018



Requested Action: Rezone Planned Industrial (MP) zoned property to a Planned Commercial (CP) zoning district to allow for Neighborhood Commercial (C-1) and Community Commercial (C-2) uses to include a farm & feed supply store with outdoor storage as an ancillary use; in addition to revoking all previously approved zoning ordinances for this property.

Owners: Hamilton Family Investments, LLC, Trustees (the "Owners")

Applicant: Jim Hamilton (the "Applicant")

- Site Location & Information -

| | |
|---------------------------------|---------------------------------------------------------------------|
| Size | Approximately 5.88 acres |
| Location | 17736 U.S. Highway 27, south of Sullivan Road in the Clermont area. |
| Alternate Key # | 1591872 |
| Future Land Use | Urban Low |
| Existing Zoning District | Planned Industrial (MP) |
| Proposed Zoning District | Planned Commercial (CP) |
| Joint Planning Area | Minneola |

- Land Use Table -

| <u>Direction</u> | <u>Future Land Use</u> | <u>Zoning</u> | <u>Existing Use</u> | <u>Comments</u> |
|------------------|------------------------|---------------|---------------------------|------------------------------------------|
| North | N/A | N/A | Existing Pine Tree Farm | City Limits of Minneola |
| South | Urban Low | CP/A | RV Sales/Mobile Home Park | ProTech RV/Highlands MHP |
| East | N/A | N/A | Existing Pine Tree Farm | City Limits of Minneola |
| West | Urban Low | CP | Vehicular Sales | Sales & Storage within Enclosed Building |

- Summary of Staff Determination -

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>STAFF RECOMMENDATION: Staff recommends Approval of the application to rezone 5.88 acres of Planned Industrial (MP) zoned property to Planned Commercial (CP) zoning district with conditions, to allow for Neighborhood Commercial (C-1) and Community Commercial (C-2) uses to include a farm & feed supply store with outdoor storage as an ancillary use; in addition to revoking all previously approved zoning ordinances for this property.</p> <p>PLANNING AND ZONING BOARD RECOMMENDATION:</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- Analysis -

LDR Section 14.03.03 (Standards for Review)

The rezoning application seeks to rezone 5.88 acres of Planned Industrial (MP) zoned property to a Planned Commercial (CP) zoning district to allow for Neighborhood Commercial (C-1) and Community Commercial (C-2) uses to include a farm & feed supply store with outdoor storage as an ancillary use. The area of the proposed uses is identified on the Concept Plan attached as Exhibit A. The proposed CP uses will eliminate and replace the allowed uses under current MP Ordinance No. 1997-96 and all previously approved zoning ordinances for this property attached as Attachment A.

As provided by the Applicant, typical products to be sold, stored and displayed onsite in conjunction with the proposed retail use include, but are not limited to the following: horse, cattle, chicken and other pet feed; hay supplies; agricultural farm supplies; typical hardware supplies; garden supplies; and lawn equipment. The Applicant has indicated that the sale of larger traditional agricultural tractors or large scale farming implements will not be conducted.

The rezoning will allow the proposed CP zoning district to be more consistent with the current Future Land Use Category (FLUC) than the current MP zoning district. The rezoning to CP will also provide the Board of County Commissioners (BCC) with the ability to impose specific conditions as stipulated in the proposed CP ordinance, to utilize a greater portion of the site for outdoor storage than what could be allowed under the MP zoning district.

The property is designated as Urban Low FLUC and the development of the property will be pursuant to Comprehensive Plan (Comp Plan) Policy I-1.3.2. The property is also located within a Major Commercial Corridor as described in Comp Plan Policy I-1.3.10.6 and evidenced by the Lake County 2030 Future Land Use Map. Comp Plan Policy I-1.3.2 allows for Commerce uses pursuant to Comp Plan Policy I-1.3.10 that identifies the term "Commercial" to include commercial, retail, office, limited light industrial and other uses commonly associated with these activities. In accordance with Lake County Land Development Regulation (LDR) Section 3.01.03 *Schedule of Permitted and Conditional Uses*, the MP zoning district allows as a Permitted Use all industrial uses, including Heavy Industrial. However, this is inconsistent with the Urban Low FLUC. Conversely, the CP zoning district does not allow heavy industrial uses and therefore more consistent with the intent of the Urban Low FLUC.

With respect to outdoor storage, the Applicant proposes to utilize a significant portion of the property as outdoor storage, ancillary to the principle retail farm and feed supply store use. LDR Section 3.01.02 (D) (2) defines Heavy Industrial to include those uses where more than twenty (20) percent of the use takes place outside of an enclosed building or where exterior storage equals or exceeds the building floor area. Heavy Industrial Uses are not permitted under the Urban Low FLUC and inconsistent with this land use designation. As stated previously, Heavy Industrial uses are permitted in the MP zoning district. However, LDR Section 3.01.03 does not allow Heavy Industrial uses as either a permitted use or a conditional use in the CP zoning district. Therefore, the Applicant's desire for outdoor storage under the CP zoning district allows the BCC the ability to establish development conditions under the new CP Ordinance as to the amount, location and nature of the permitted outdoor storage.

Comp Plan Policy I-7.12.2 states that potable water, sanitary sewer and reclaimed water public utilities needed to support approved development may be permitted in all Urban Future Land Use Categories. As a requirement of the rezoning application, the Applicant has provided a completed Utility Notification Form demonstrating potable water and wastewater service is available from the City of Minneola. The proposed rezoning for a change in use and the subsequent site plan approval to facilitate the new use constitutes new development.

Comp Plan Policy IX-2.2.2 requires new development within the Urban Future Land Use Series to connect to a public water system, when available, as defined by LDR Section 6.12.01(A), where all private potable water systems, unless exempted by the BCC via public hearing, shall be connected and utilized to a regional/subregional potable water system when the regional/subregional potable water system comes within three hundred (300) feet of the private potable water system or any of the central lines of the private potable water system.

Furthermore, Comp Plan Policy IX-3.1.2 requires new development within the Urban Future Land Use Series to connect to a public sanitary sewer, when available, as defined by LDR Section 6.12.01(B), where all private treatment systems, unless exempted by the BCC via public hearing, shall be connected and utilized to a regional/subregional wastewater system when the regional/subregional system comes within one thousand (1,000) feet of the private treatment system or any of the central lines of the private treatment system.

To address this requirement, the Applicant has requested in writing an exemption to the connection requirements, as stated above. This connection exemption will be presented to the BCC for consideration at a public hearing, in conjunction with the proposed rezoning request.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;

The Applicant's request for Planned Commercial (CP) District zoning is permitted within most Future Land Use Categories as specified in LDR, Table 3.00.03, *Land Use-Zoning District Matrix*. Pursuant to LDR Section 3.01.03 *Schedule of Permitted and Conditional Uses*, the current MP zoning district allows as a Permitted Use all industrial uses, including Heavy Industrial. However, as previously stated the Heavy Industrial use is inconsistent with the Urban Low FLUC. Conversely, the CP zoning district, which does not allow Heavy Industrial uses, is more consistent with the Urban Low FLUC and the Applicant's proposed uses. Furthermore, LDR Section 3.01.03 does not allow Heavy Industrial uses as either a permitted use or a conditional use in the CP zoning district.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

The application request for Planned Commercial (CP) zoning is consistent with Comp Plan Policy I-1.3.2 that allows for Commerce uses pursuant to Comp Plan Policy I-1.3.10 that identifies the term “Commercial” to include commercial, retail, office, limited light industrial and other uses commonly associated with these activities and where typical uses requiring a Conditional Use Permit in the Urban Low FLUC include Light Industrial limited to those activities without off-site impacts and that takes place primarily within an enclosed building. The property is also located within a Major Commercial Corridor, as described in Comp Plan Policy I-1.3.10.6, where the CP zoning district is more appropriate than the current MP zoning district.

C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;

The proposed Planned Commercial (CP) rezoning to facilitate retail uses to include a farm & feed supply store with outdoor storage as an ancillary use on the property is consistent with the surrounding land uses, which include RV Sales, CP zoning to facilitate vehicle sales and the City Limits of Minneola. Also, the subject property is located within a major commercial corridor.

D. Whether there have been changed conditions that justify a rezoning;

As previously stated, it is the intention of the property owners to eliminate and replace the allowed uses under current MP Ordinance No. 1997-96, which could be described as non-conforming zoning and use, to the Urban Low future land use designation. The Applicant’s desire for CP zoning to facilitate retail uses to include a farm & feed supply store with outdoor storage as an ancillary use is more conforming to the future land use. The proposed use of the property will accommodate typical products sales, storage and display include, but are not limited to following: horse, cattle, chicken and other pet feed; hay supplies; agricultural farm supplies; typical hardware supplies; garden supplies; and lawn equipment, excluding larger traditional agricultural tractors and large scale farming implements.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

Water and Sewer

The proposed rezoning to the less intensive Planned Commercial use will not likely cause any adverse impacts to water and sewer capacity or level of service.

Schools

The proposed map amendment will likely have no impact on schools.

Parks

The rezoning will likely have no impact on any public facilities.

Transportation

No adverse impacts are anticipated to affect U.S. Hwy 27.

Solid Waste

The proposed rezoning amendment will not likely cause any adverse impacts to the current solid waste capacity or level of service.

Fire and Emergency Services

Minneola Fire Station 1 will service the subject property and is less than five (5) miles from the property with a response time of five (5) minutes or less.

F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;

The Applicant is intending to establish new retail uses to include a farm & feed supply store with outdoor storage as an ancillary use. Site plan approval meeting current LDR standards will be required to facilitate the change of use, which shall include updating landscape buffers, stormwater retention, the maximum Impervious Surface Ratio (ISR) and minimum open space requirements. Any extensive future development will require the submittal of an Environmental Assessment pursuant to the Land Development Regulations. Therefore, no adverse impacts to the natural environment are anticipated.

G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area;

The application does not contain any information regarding the effect the proposed rezoning would have on property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning would likely result in an orderly and logical development pattern.

I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

FINDINGS OF FACT: Staff has reviewed the proposed rezoning amendment and found:

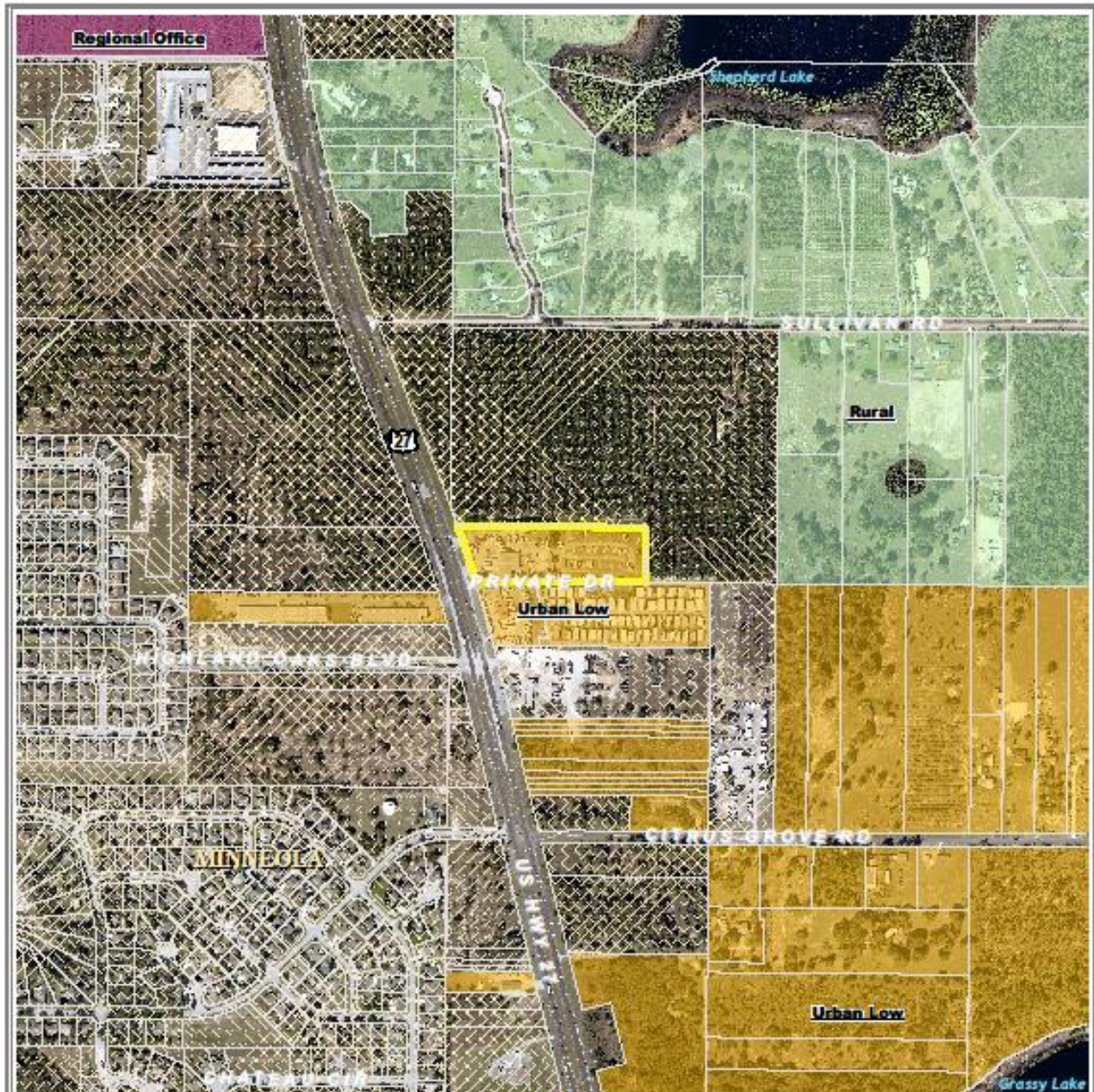
1. The application request for Planned Commercial (CP) zoning is consistent with Comp Plan Policy I-1.3.2 that allows for Commerce uses pursuant to Comp Plan Policy I-1.3.10 that identifies the term "Commercial" to include commercial, retail, office, limited light industrial and other uses commonly associated with these activities. The property is also located within a Major Commercial Corridor, as described in Comp Plan Policy I-1.3.10.6, where the CP zoning district is more appropriate than the current MP zoning district.
2. The Applicant's request for Planned Commercial (CP) District zoning is permitted within most Future Land Use Categories as specified in LDR, Table 3.00.03, *Land Use-Zoning District Matrix*. Pursuant to LDR Section 3.01.03 *Schedule of Permitted and Conditional Uses*, the MP zoning district allows as a Permitted Use all industrial uses, including Heavy Industrial, which is inconsistent with the Urban Low FLUC. Conversely, the CP zoning district does not allow heavy industrial uses and therefore more consistent with the intent of the Urban Low FLUC.

Therefore, based on these findings of fact, staff recommends **APPROVAL**, subject to the conditions as set forth in the attached Ordinance.

Case Manager: Ken Johnson, Senior Planner



CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--------------------------------------------|--------------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Summer Bay |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | Urban High Density |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | South Lake Regional Park | |

NAME: MINNEOLA FARM & FEED SUPPLY
CASE NUMBER: RZ-17-22-2
LOCATION (S-T-R): 06-22-26
REQUEST: PLANNED INDUSTRIAL DISTRICT (MP) TO
PLANNED COMMERCIAL DISTRICT (CP)





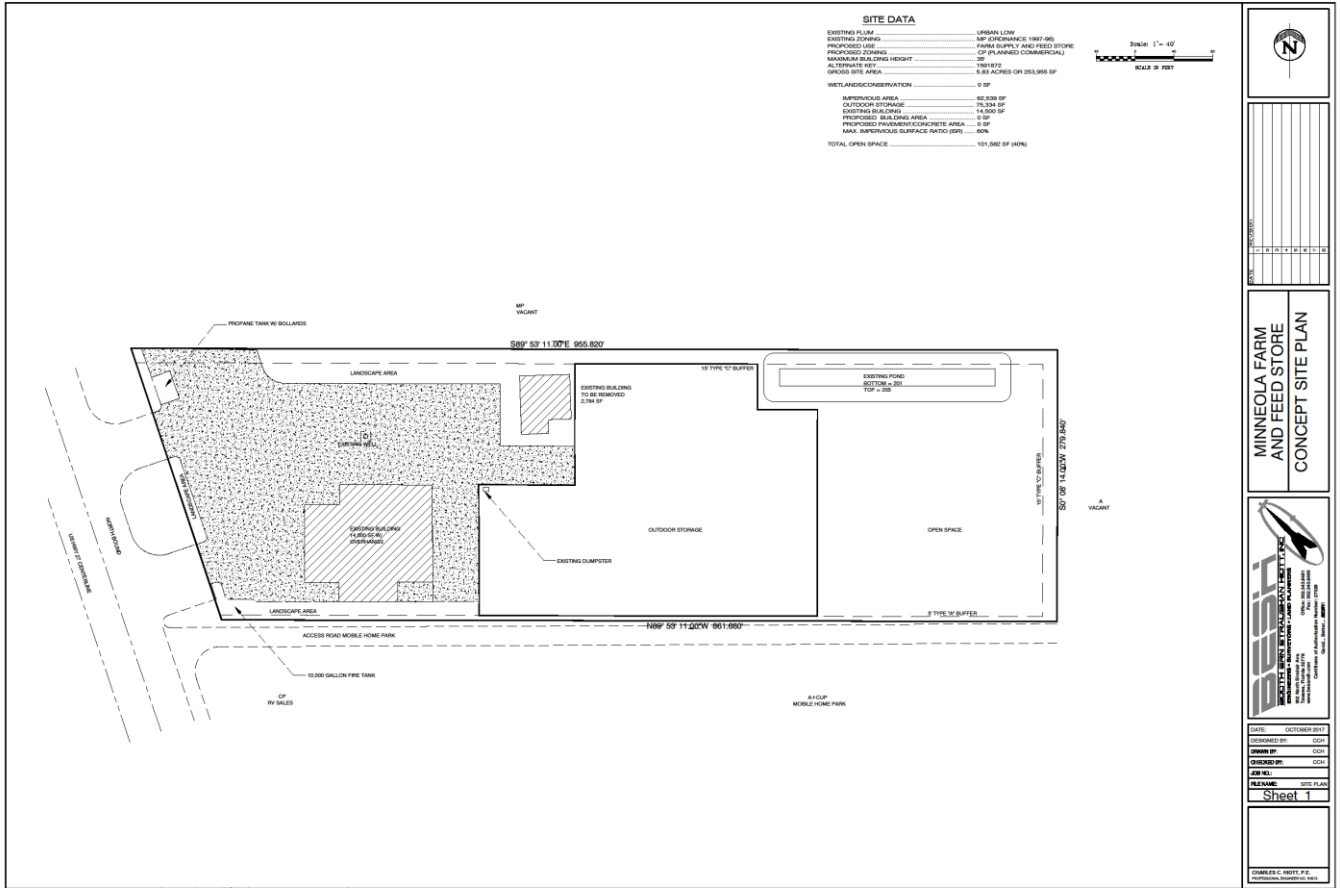
ZONING LEGEND

| | | | | | | | | | | |
|----|-----|-----|-----|-----|------|----|-----|----|----|-----|
| A | RA | R-2 | R-4 | R-7 | RMRP | RV | C-2 | LM | MP | PUD |
| AR | R-1 | R-3 | R-6 | RP | RM | | C-1 | CP | HM | CFD |



NAME: **MINNEOLA FARM & FEED SUPPLY**
CASE NUMBER: **RZ-17-22-2**
LOCATION (S-T-R): **06-22-26**
REQUEST: **PLANNED INDUSTRIAL DISTRICT (MP) TO**
PLANNED COMMERCIAL DISTRICT (CP)

Exhibit A Concept Plan



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ORDINANCE #2018-XX
Minneola Farm & Feed Supply Store Rezoning
RZ-17-22-2

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jim Hamilton (the "Applicant") made a request on behalf of Hamilton Family Investments, LLC (the "Owner") to rezone property from Planned Industrial (MP) District to Planned Commercial (CP) District to allow for Neighborhood Commercial (C-1) and Community Commercial (C-2) uses, to include a Farm and Feed Supply Store use, with outdoor storage; and

WHEREAS, the subject property consists of approximately 5.88+/- acres located at 17736 U.S. Highway 27, Clermont, Florida, in Section 6, Township 22 East, Range 26 South, identified by Alternate Key Number 1591872, and more particularly described below:

LEGAL DESCRIPTION

The South 279.84 feet of the West $\frac{3}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ in Section 6, Township 22 South, Range 26 East, lying East of the Easterly line of right of way of State Road No. 25, lying and being in Lake County, Florida.

WHEREAS, the property subject to the request is located within the Urban Low Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, Lake County approved Ordinance No. 16-74 on the 20th day of August, 1974 to allow the use of the property to consist of a store for the manufacturing of handbags; and

WHEREAS, Lake County approved Ordinance No. 26-75 on the 18th day of November, 1975 to modify Ordinance No. 16-74 to include a fruit stand and picnic area; and

WHEREAS, Lake County approved Ordinance No. 5-76 on 17th day of February, 1976 to modify Ordinance No. 16-74 and No. 26-75 to include a mobile home as a caretaker residence; and

WHEREAS, Lake County approved Ordinance 1997-96 on the 16th day of December, 1997 to amend Ordinance No. 16-74, No. 26-75 and No. 5-76 to allow for the sales, service and manufacturing of recreational vehicles; and

WHEREAS, the approval of this Ordinance will supersede all previously approved zoning ordinances for this property;

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-17-22-2 on the 7th day of March, 2018, after giving Notice of Hearing for a change in the use of land, including a notice that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 27th day of March, 2018; and

1
2 **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the
3 Lake County Planning and Zoning Board, the staff report and any comments, favorable or unfavorable, from
4 the public and surrounding property owners at a public hearing duly advertised, and
5

6 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
7 property have been duly approved; and
8

9 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
10 Florida, that:

11
12 **Section 1. Terms:** The County Manager or designee shall amend the Official Lake County Zoning Map to
13 show the Planned Commercial (CP) zoning in accordance with Exhibit "A" of this Ordinance. All
14 land uses must be generally consistent with the Concept Plan as shown in Exhibit "A", of this
15 Ordinance. To the extent that there are conflicts between the Conceptual Plan and this
16 Ordinance, this Ordinance will take precedence. The adoption of this Ordinance will supersede
17 and replace all previously approved Ordinances for the property described in Exhibit A.
18

19 A. Land Uses:

20 1. Neighborhood Commercial (C-1) and Community Commercial (C-2) uses, prohibiting the
21 following uses:

- 22 a. Adult Use
- 23 b. Amusements, Commercial
- 24 c. Bar or Tavern
- 25 d. Truck Yard
- 26 e. Vehicular Sales

27
28 2. Farm and Feed Supply Store use, to include:

- 29 a. Retail sales and display of products including but not limited to: horse, cattle, chicken
30 and other pet feed; hay supplies; agricultural farm supplies; typical hardware supplies;
31 garden supplies; and lawn equipment (not to include larger traditional agricultural
32 tractors or large scale farming implements).
- 33 b. Outdoor Storage as an ancillary use, subject to the following conditions:
 - 34 I. Not to exceed an area greater than the combined Maximum Impervious Surface
35 Ratio (ISR) and Minimum Open Space Requirement as specified by the
36 Comprehensive Plan, as amended.
 - 37 II. The outdoor storage area **will be considered pervious** if stored materials and
38 products are elevated a minimum of twelve (12) inches above the ground
39 surface. The ground surface must consist of pervious materials, such as turf
40 blocks, sod or mulch. Outdoor storage areas not meeting these criterion will be
41 considered impervious and count against the maximum allowable ISR specified
42 in the Comprehensive Plan, as amended.

- 1 III. The use of storage containers, such as tractor trailers and personal storage
2 containers, will be considered Temporary Structures pursuant to Land
3 Development Regulation (LDR) Section 10.01.00, as amended.
- 4 c. Propane sales and hazardous materials must be stored in accordance with the all
5 applicable federal, state, and local codes and regulations, as amended.
- 6 3. Accessory Uses directly associated with the above principal use may be approved by the
7 County Manager or designee. Any other use of the site not specified above will require
8 approval of an amendment to this Ordinance by the Board of County Commissioners
9
- 10 B. Setbacks and Landscape Requirements:
- 11 1. All buildings must be set back no less than fifty (50) feet from all road right-of-ways and right-
12 of-way easements.
- 13 2. All side and rear setbacks and landscaping must meet the minimum buffer requirements and
14 landscape requirements as set forth in the Comprehensive Plan and Land Development
15 Regulations, as amended.
- 16
- 17 C. Commercial Screening: Commercial Screening must be in accordance with the Comprehensive
18 Plan and Land Development Regulations. In the event adjacent properties develop as
19 residential, additional screening of the site will be required.
- 20 D. Materials Management: All materials and products stored outside or in an enclosed building
21 must be in accordance with the all applicable federal, state, and local codes and regulations,
22 as amended.
- 23
- 24 E. Open Space, Floor Area Ratio/Intensity, Impervious Surface (ISR), and Structure Height:
25 Development requirements for Open Space, Floor Area Ratio/Intensity, Impervious Surface
26 Ratio, and Structure Height must be in accordance with the Comprehensive Plan and LDR, as
27 amended.
- 28
- 29 F. Parking: Parking for the development must be consistent with the Comprehensive Plan and
30 Land Development Regulations, as amended.
- 31
- 32 G. Lighting: All lighting, if provided, must be in accordance with the Comprehensive Plan and Land
33 Development Regulations, as amended.
- 34
- 35 H. Signage: All signage, if provided, must be in accordance with the Comprehensive Plan and
36 Land Development Regulations, as amended.
- 37
- 38 I. Transportation: Access management must be in accordance with the Comprehensive Plan and
39 Land Development Regulations, as amended.
- 40
- 41 J. Noise: A noise assessment will be required in accordance with the LDR, as amended.
- 42
- 43 K. Commercial Design: All new development and construction must adhere to the commercial
44 design standards specified in the LDR, as amended.

- 1
- 2 L. Stormwater Management:
- 3
- 4 1. The stormwater management system must be designed in accordance with all applicable
- 5 Lake County and St. Johns River Water Management District (SJRWMD) requirements; as
- 6 amended.
- 7
- 8 2. The developer will be responsible for any flood studies required for developing the site and
- 9 comply with FEMA, Comprehensive Plan and Land Development Regulations, as amended.
- 10 Any development within the floodplain as identified on the FEMA maps will required
- 11 compensating storage.
- 12
- 13 M. Fire Protection: Fire Protection must be in accordance with the all applicable federal, state, and
- 14 local codes and regulations, as amended.
- 15
- 16 N. Utilities:
- 17
- 18 1. The provision of potable water, as applicable, must be permitted in accordance with Florida
- 19 Department of Health, Florida Department of Environmental Protection, the Comprehensive
- 20 Plan, and Land Development Regulations, as amended.
- 21
- 22 2. Septic and sewage service, as applicable, must be permitted in accordance with the Florida
- 23 Department of Health, Florida Department of Environmental Protection, the Comprehensive
- 24 Plan, and Land Development Regulations, as amended.
- 25
- 26 O. Concurrency Management Requirements: Any development must comply with the Lake County
- 27 Concurrency Management System, as amended.
- 28
- 29 P. Development Review and Approval: Prior to the issuance of permits, the Applicant will be
- 30 required to submit a development application for any future construction, for review and
- 31 approval, in accordance with the Comprehensive Plan and LDR, as amended.
- 32
- 33 Q. Future Amendments to Statutes, Code, Plans, and Regulations: The specific references in this
- 34 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive
- 35 Plan, and Lake County Land Development Regulations must include any future amendments
- 36 to the Statutes, Code, Plans, and Regulations.

Section 2. Conditions.

- 36 A. After establishment of the facilities as provided in this Ordinance, the property must only be
- 37 used for the purposes named in this Ordinance. Any other proposed use must be specifically
- 38 authorized by the Board of County Commissioners.
- 39
- 40 B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
- 41 move, convert, or demolish any building structure, add other uses, or alter the land in any
- 42 manner within the boundaries of the above described land without first obtaining the
- 43 necessary approvals in accordance with the Lake County Code, as amended, and obtaining
- the permits required from the other appropriate governmental agencies.

- 1 C. This Ordinance will inure to the benefit of, and will constitute a covenant running with the
2 land and the terms, conditions, and provisions of this Ordinance, and will be binding upon
3 the present Owner and any successor, and will be subject to each and every condition set
4 out in this Ordinance.
- 5 D. Construction and operation of the proposed use must at all times comply with the regulations
6 of this and other governmental permitting agencies.
- 7 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
8 must include in the transfer or lease agreement, a provision that the purchaser or lessee is
9 made good and aware of the conditions established by this Ordinance and agrees to be
10 bound by these conditions. The purchaser or lessee may request a change from the existing
11 plans and conditions by following the procedures contained in the Land Development
12 Regulations, as amended.
- 13 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
14 Enforcement Special Master will have authority to enforce the terms and conditions set forth
15 in this ordinance and to recommend that the ordinance be revoked.
16

17 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
18 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
19 of the remaining portions of this Ordinance.
20

21 **Section 4. Filing with the Department of State:** The clerk is hereby directed forthwith to send a copy of
22 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
23 125.66, Florida Statutes.
24

25 ***{Remainder of Page Intentionally Left Blank}***
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Section 5. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this _____ day of _____, 2018.

FILED with the Secretary of State _____, 2018.

EFFECTIVE _____, 2018.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

TIMOTHY I. SULLIVAN, CHAIRMAN

ATTEST:

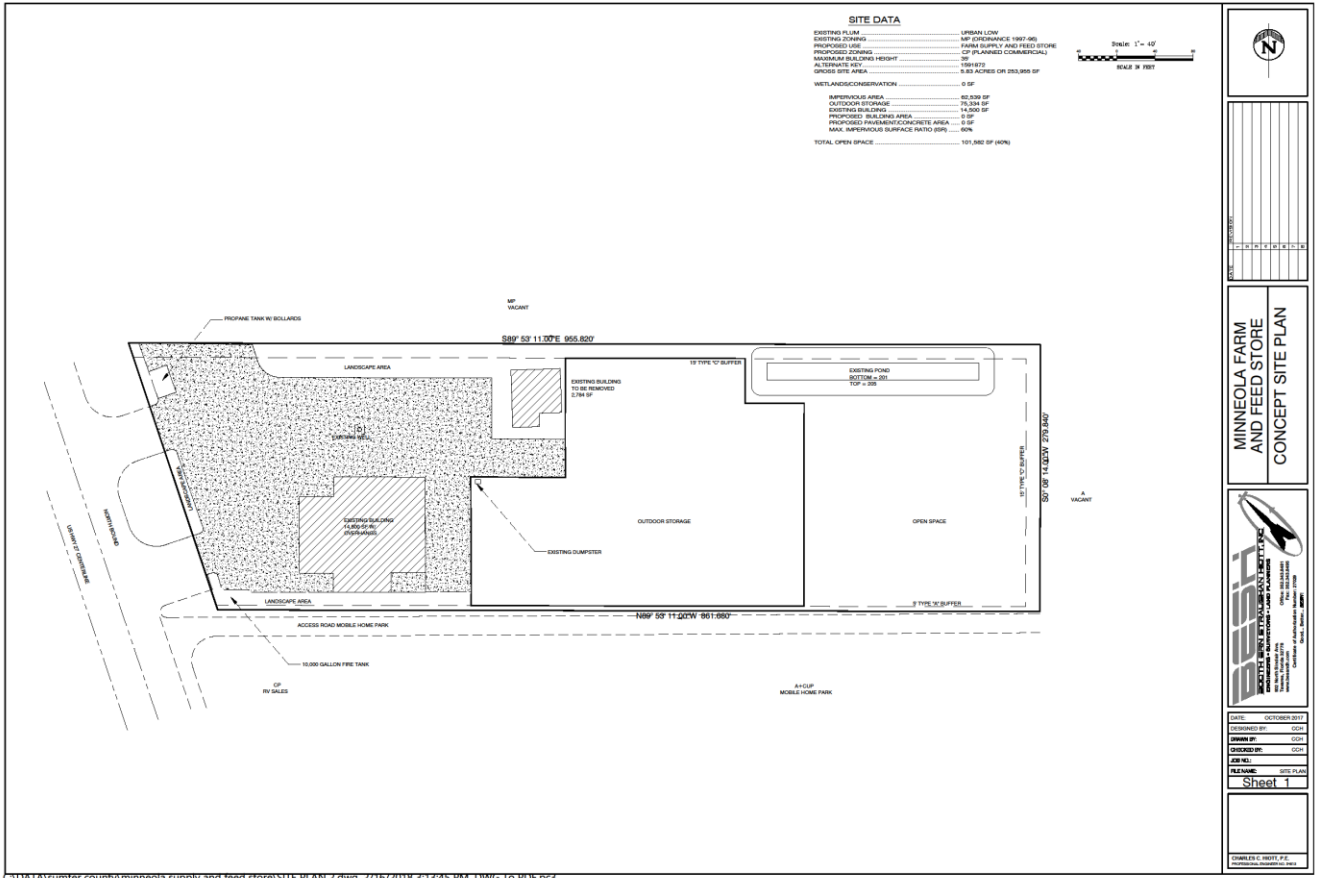
**NEIL KELLY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT "A" - CONCEPT PLAN



\\DATA\sumter county\minneola supply and feed store\SITE PLAN 2.dwg, 2/16/2018 3:13:45 PM, DWG to PDF.pc3

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REC 21.00
TF 3.00

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ORDINANCE #1997 - 96
Tracking No: #90-97-MP/AMD
Richard W. Weber, Jr.
PH#54-97-2

O.R. BOOK **1575** PAGE **0124**

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

1 WHEREAS, the Lake County Planning and Zoning Commission did, on the 5th day of
2 December, 1997, review petition #54-97-2 a request for an amendment to MP Ordinance #16-74,
3 #26-75 and #5-76 to allow for the sales, service and manufacturing of Recreational Vehicles on
4 property generally located in the Minneola area - From the intersection of US 25/27 and E.
5 Apshawa Road (dR2-2038); proceed S on US 25/27 approx. 1 mile to property lying E of Us 25/27.
6 (Sec. 6 Twp. 22S Rge. 26E) (5 +/-ac)

7 **LEGAL DESCRIPTION: [EXHIBIT 'A' - ATTACHED]**

8 AND, after giving Notice of Hearing on petition for rezoning for a change in the use of land
9 including a notice that said would be presented to the Board of County Commissioners of Lake
10 County, Florida, on the 16th day of December, and

11 WHEREAS, the Board of County Commissioners reviewed said petition, the
12 recommendations of the Lake County Planning and Zoning Commission, and any comments,
13 favorable or unfavorable from the Public and surrounding property owners at a Public Hearing duly
14 advertised, and

15 WHEREAS, upon review, certain terms and conditions pertaining to the development of the
16 above described property have been duly approved, and

17

RECORDED
RECORD VERIFIED
LAKE COUNTY, FL
JAN 8 8 23 AM 1998

FILED
DEC 24 12 18 PM '97
SECRETARY OF STATE

Return to Board Support

1 NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake
2 County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and
3 amended as they pertain to the above tract of land subject to the following terms and conditions:

4 1. Terms: This Ordinance shall mean and include the following:

5 A. Land Uses: Use of the site shall include those uses of the MP (Planned Industrial)
6 zoning district, as amended, to allow for the exclusive use of sales and service of
7 Recreational Vehicles and manufacturing installation of accessories on Recreational
8 Vehicles. Installation of accessory uses shall be limited to indoors only. Normal
9 accessory uses related thereto may be approved by the County Manager or
10 designee. Any other use of the site shall require approval of an amendment by the
11 Board of County Commissioners.

12 B. Buffering/Screening: The applicant shall be required to provide adequate buffering
13 and screening in accordance with the Lake County Land Development Regulations,
14 as amended.

15 C. Access Management: US 27 is classified as an Arterial and as such is subject to the
16 County's Access Management Ordinance. Pursuant to Section 9.05 of the Lake
17 County Land Development Regulations applicant shall comply with the Access
18 Management Ordinance

- 19
20 1. Only one driveway can be permitted.
21 2. Cross-access easement dedication may be required.
22 3. Additional requirements and/or restrictions may be necessary upon review
23 of a submitted site plan.
24 4. Access spacing for all turning movements must be a minimum of 660 feet
25 at 55 MPH.

26 D. Transportation Improvements:

- 27 1. The applicant is advised that impacts of additional development may
28 generate right-of-way dedication if right-of-way is insufficient.
29 2. The applicant is further advised, that impacts of additional development may
30 generate requests for road improvements such as turn lanes if traffic is
31 sufficient to warrant them.

32 E. Development Review and Approval: Prior to the issuance of any permits, the
33 applicant shall be required to submit formal site plan for review and approval by

ORDINANCE #1997- 96
(Tracking No. #90-97-MP/AMD) (PH#54-97-2) (Richard W. Weber Jr.)

- 1 County Manager or designee. The site plans shall meet all submittal requirements
2 and comply with all County codes and ordinances, as amended.
- 3 F. Future Development Orders: Any requested development order must comply with
4 the Lake County Land Development Regulations, as amended, and the Lake County
5 Comprehensive Plan, as amended.
- 6 G Future Amendments to Statutes, Code, Plan and/or Regulations:
- 7 The specific reference in this Ordinance to Florida Statutes, Florida Administrative
8 Code, Lake County Comprehensive Plan, and Lake County Land Development
9 Regulations, include any future amendments to the Statutes, Code, Plan, and/or
10 regulations.
- 11 2. Conditions as altered and amended which pertain to the above tract of land shall mean:
- 12 A. After establishment of the facilities as provided herein, the aforementioned property
13 shall only be used for the purposes named in this ordinance. Any other proposed
14 use must be specifically authorized by the Planning and Zoning Commission and the
15 Board of County Commissioners.
- 16 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove,
17 improve, move, convert, or demolish any building structure, or alter the land in any
18 manner within the boundaries of the above described land without first submitting
19 the necessary plans in accordance with Chapter XIV of the Lake County Land
20 Development Regulations, and obtaining approval from the County Manager or
21 designee upon obtaining the permits required from the other appropriate
22 governmental agencies.
- 23 C. This amendment shall inure to the benefit of, and shall constitute a covenant
24 running with the land and the terms, conditions, and provisions hereof, and shall be
25 binding upon the present owner and any successor, and shall be subject to each
26 and every condition herein set out.
- 27 D. Construction and operation of the proposed use shall at all times comply with the
28 regulations of this and other governmental agencies.
- 29 E. The transfer of ownership or lease of any or all of the property described in this
30 Ordinance shall include in the transfer or lease agreement, a provision that the
31 purchaser or lessee is made good and aware of the conditions pertaining to this
32 Ordinance, and agrees to be bound by these conditions. The purchaser or lessee
33 may request a change from the existing plans and conditions by following
34 procedures contained in Chapter XIV of the Lake County Land Development
35 Regulations (LDRs), as amended.

ORDINANCE #1997- 96
(Tracking No. #90-97-MP/AMD) (PH#54-97-2) (Richard W. Weber Jr.)

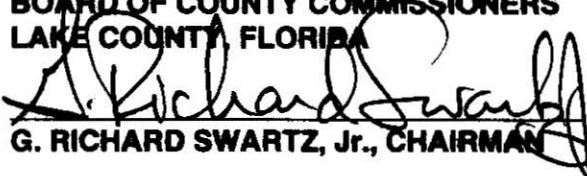
1 SECTION 3. Effective Date. This Ordinance shall become effective as provided by law.

2 ENACTED this 16th day of December, 19 97.

3 FILED with the Secretary of State December 24, 19 97.

4 EFFECTIVE December 24, 19 97.

5 BOARD OF COUNTY COMMISSIONERS
6 LAKE COUNTY, FLORIDA


G. RICHARD SWARTZ, Jr., CHAIRMAN

9 ATTEST:



10
11 For JAMES C. WATKINS, Clerk of the
12 Board of County Commissioners
13 Lake County, Florida

14 APPROVED AS TO FORM AND LEGALITY:



15
16 SANFORD A. MINKOFF, County Attorney

**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING
THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

PUBLIC HEARING NO.: PH#54-97-2 (Richard W. Weber Jr. - Steven J. Richey)

LEGAL DESCRIPTION: S 279.84 ft of W 3/4 of NW 1/4 of NW 1/4 (Sec. 6 Twp. 22S Rge. 26E)

ORB 868 PB 723, ORB 964 PG 872

ORDINANCE 5-76

WHEREAS, The Lake County Planning and Zoning Commission did, on the 28th day of January, 1976, review application #3-76-3, a request for site plan approval in an "MP" Zoning District, on property described as follows:

That part of the South 279.84' of the West 3/4 of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$,
Section 6, Twp. 22S, Rge. 26E, lying East of the E'ly R/W line of US-27.

AND after Notice of a Public Hearing on applications for changes of Zoning Classifications (including that said applications would be presented to the Board of County Commissioners of Lake County, Florida, on the 17th day of February, 1976) and

WHEREAS, The Lake County Planning and Zoning Commission did make recommendations as to the changes as requested in the aforementioned application subject to the approval of the Board of County Commissioners of Lake County, Florida and

WHEREAS, The Board of County Commissioners of Lake County, Florida reviewed said application; the recommendation of the Lake County Planning and Zoning Commission, any comments, favorable or unfavorable from the public and surrounding property owners, and being further advised in the premises at a Public Hearing duly advertised, and

WHEREAS, upon review, certain conditions pertaining to the development of the above described property have been duly approved and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they pertain to the above described tract of land subject to the following conditions:

1. Resolution #16-74 and #26-75 are hereby modified to include a mobile home as a caretaker residence.
2. All of the provisions set forth in Resolution #16-74 will pertain to this Ordinance.
3. This rezoning shall inure to the benefit of and shall constitute a covenant running with the land, and the terms, conditions and provisions hereof shall be binding upon the present owner and any successor shall be subject to each and every condition herein set forth.

DONE AND RESOLVED by the Lake County Board of County Commissioners on the 17th day of February, 1976.

STATE OF FLORIDA)

:

COUNTY OF LAKE)

I HEREBY CERTIFY that the above and foregoing is a true copy of an Ordinance adopted by the Board of County Commissioners in regular session on February 17, 1976, as the same appears on the record in County Commissioners Minute Book 26, page _____.

WITNESS my hand and official seal this 17th day of February A.D., 1976.

JAMES C. WATKINS
Clerk of the Circuit Court
and Ex-Official Clerk of the
Board of County Commissioners,
Lake County, Florida,

BY: James C. Watkins
Clerk

ORDINANCE 26-75

WHEREAS, The Lake County Planning and Zoning Commission did, on the 29th day of October, 1975, review application #99-75-3, a request for site plan approval in an "MP" Zoning District.

That part of the South 279.84' of the W 3/4 of the NW 1/4 of the NW 1/4, Section 6, Twp. 22S, Rge. 26E, lying East of the Easterly R/W line of US 27.

AND after Notice of a Public Hearing on applications for changes of Zoning Classifications (including that said applications would be presented to the Board of County Commissioners of Lake County, Florida, on the 18th day of November, 1975, and

WHEREAS, The Lake County Planning and Zoning Commission did make recommendations as to the changes as requested in the aforementioned application subject to the approval of the Board of County Commissioners of Lake County, Florida and

WHEREAS, The Board of County Commissioners of Lake County, Florida, reviewed said application the recommendation of the Lake County, Planning and Zoning Commission, any comments, favorable or unfavorable from the public and surrounding property owners, and being further advised in the premises at a Public Hearing duly advertised, and

WHEREAS, upon review, certain conditions pertaining to the development of the above described property have been duly approved and

NOW THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and ammended as they pertain to the above described tract of land subject to the following conditions:

1. Resolution #16-74 is hereby modified to include a fruit stand and picnic area.
2. All of the provisions set forth in Resolution #16-74 will pertain to this Resolution.
3. This rezoning shall inure to the benefit of shall constitute a covenant running with the land, and the terms, conditioned and provisions hereof shall be binding upon the present owner and any successor shall be subject to each and every condition herein set forth.

DONE AND RESOLVED BY the Lake County Board of County Commissioners on the 18th day of November, 1975.

STATE OF FLORIDA)

:

COUNTY OF LAKE)

I HEREBY CERTIFY that the above and foregoing is a true copy of an Ordinance adopted by the Board of County Commissioners in regular session on November 18, 1975, as the same appears on the record in County Commissioners Minute Book 26 page _____.

WITNESS my hand and official seal this 21st day of November A.D., 1975.

JAMES C. WATKINS
Clerk of the Circuit Court
and Ex-Official Clerk of the
Board of County Commissioners,
Lake County, Florida.

BY:

James C. Watkins
Clerk

RESOLUTION 16-74

Page 1.

WHEREAS, The Lake County Planning and Zoning Commission did, on the 31st day of July, 1974, review application # 62-74-3 a request for rezoning from Agriculture to MP.

That part of the South 279.84 feet of the West 3/4 of NW 1/4 of NW 1/4, Section 6, Township 22 S, Range 26 E, lying East of the Easterly right-of-way line of U.S. Highway No. 27 (State Rd. No. 25) AND after Notice of a Public Hearing on applications for changes of Zoning Classifications (including that said applications would be presented to the Board of County Commissioners of Lake County, Florida, on the 20th day of August, 1974, and

WHEREAS, The Lake County Planning and Zoning Commission did make recommendations as to the changes as requested in the aforementioned application subject to the approval of the Board of County Commissioners of Lake County, Florida and

WHEREAS, The Board of County Commissioners of Lake County, Florida, reviewed said application the recommendation of the Lake County, Planning and Zoning Commission, any comments, favorable or unfavorable from the public and surrounding property owners, and being further advised in the premises at a Public Hearing duly advertised, and

WHEREAS, upon review, certain conditions pertaining to the development of the above described property have been duly approved and

NOW THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and ammended as they pertain to the above described tract of land subject to the following conditions:

1. The use of the property shall consist of a store for the manufacturing of handbags.
2. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or alter the land in any manner, within the boundaries of the above described land, without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, same being advertised for Public Hearing before the Planning and Zoning Commission and Board of County Commissioners.
3. This rezoning shall inure to the benefit of shall constitute

a covenant running with the land, and the terms, conditioned and provisions hereof shall be binding upon the present owner and any successor shall be subject to each and every condition herein set forth.

DONE AND RESOLVED BY the Lake County Board of County Commissioners on the 20th day of August, 1974.

STATE OF FLOIRDA)

:

COUNTY OF LAKE)

I HEREBY CERTIFY THAT the above and foregoing is a true copy of a Resolution adopted by the Board of County Commissioners in regular session.

August 20, 1974 as the same appears on the record in County Commissioners Minute Book 25 page _____.

WITNESS my hand and official seal this 16th day of September A.D. 1974

JAMES C. WATKINS
Clerk of the Circuit
Court and the ExOfficial
Clerk of the Board of
County Commissioners
of Lake County, Florida

BY: James C. Watkins
Clerk