



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): August 2, 2023  
Board of County Commissioners (BCC): September 5, 2023

Case No. and Project Name: RZ-23-32-4, Eld, Roach, and Azad Properties

Applicant: Lake County BCC

Owners: Mr. Arthur Eld IV & Mrs. Meghan Eld, Mr. Mohammad A Azad on behalf of Azad Enterprise Inc., and Mr. Eric G Roach.

Requested Action: Rezone parcels identified as Alternate Key (AK) Numbers 1400856 (Eld Property), 1400881 (Azad Property) and 1673828 (Roach Property) from Planned Commercial (CP) to Planned Unit Development (PUD) to correct previous zoning errors.

Staff Determination: Staff finds the rezoning application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Bernice Gonzalez, MDUR, CMP, AICP, Senior Planner

### Subject Property Information

Size: Approximate cumulative 5.38 +/- acres (no wetland or floodplain)

Location: County Road (CR) 44A and Lake Norris Road within the Eustis area of unincorporated Lake County

Alternate Key No: 1400856, 1400881 and 1673828

Future Land Use Category: Wekiva River Protection Area A-1-20 Receiving Area (Attachment "A")  
[Separate Application – See FLU-23-35-4]

Existing Zoning District: Planned Commercial (CP) via Ordinance #1973-25 and Ordinance #1978-4 (Attachment "B")

Proposed Zoning District: Planned Unit Development (PUD)

Joint Planning Area/ISBA: N/A

Overlay District(s): Wekiva River Protection Area and Wekiva Study Area Overlay Districts

**Adjacent Property Land Use Table**

<b>Direction</b>	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>Comments</b>
<b>North</b>	Receiving Area A-1-20	Agriculture (A)	Residential and Vacant	Existing Single-Family Dwellings
<b>South</b>	Receiving Area A-1-20	Agriculture (A)	Right-of-Way and Residential	Existing Single-Family Dwellings south of CR 44A
<b>East</b>	Receiving Area A-1-20	Agriculture (A)	Vacant	Vacant Large Tract of Agriculture Land
<b>West</b>	Receiving Area A-1-20	Rural Residential (A)	Right-of-Way and Residential	Existing Single-Family Dwellings west of Lake Norris Road

**- Summary of Analysis -**

The proposed rezoning is for an approximate cumulative 5.38 +/- acres, located at the corner of CR 44A and Lake Norris Road within the Eustis area of unincorporated Lake County. The subject property is identified by Alternate Key (AK) Numbers 1400856 (Eld Property), 1400881 (Azad Property), and 1673828 (Roach Property). GIS aerials do not indicate any flood zone or wetlands on the subject properties. The requested action proposes to rezone the properties from Planned Commercial (CP) to PUD to correct previous zoning errors and bring the existing residential uses on AK 1400856 (Eld property) and AK 1673828 (Roach property), and the commercial use on AK 1400881 (Azad property) into conformance with the Comprehensive Plan and LDR.

**Eld Property:**

Mr. and Mrs. Eld submitted for a zoning clearance to construct a pool on AK 1400856. The zoning clearance was denied as the Eld Property was zoned CP in 1978, and, upon examination, it was found that the existing residential use was inconsistent with CP Ordinance #1978-4 (Rezoning from A to CP to allow for a used car sales lot/major repairs – Attachment “D”) despite the property having been granted a building permit for a residential structure in 1983 and a zoning conformance letter for residential uses in 2003. The zoning conformance letter indicated that the Future Land Use for the property was Suburban, which was incorrect. There is currently a single-family dwelling unit on the Eld Property which is inconsistent with the uses identified in the 1978 CP zoning ordinance.

**Roach Property:**

A portion of AK 1673828 (Roach Property) was included in Ordinance #1978-4. The remainder of the Roach Property was included in a separate CP Ordinance, Ordinance #1973-25 (Rezone from A to CP to allow for service station/grocery store use – Attachment “E”). There is currently a single-family dwelling unit on the Roach Property that was constructed in 1969 according to the Property Appraiser’s records which is inconsistent with uses identified in the 1978 and 1973 CP zoning ordinances.

**Azad Property:**

The Azad Property was encumbered by Ordinance #1973-25 as well, and there is currently a one-story free-standing store located on the property. This use is consistent with the 1973 zoning ordinance.

To correct the inconsistencies with the historic and present uses, and the 1978 and 1973 CP zoning ordinances, a county-initiated rezoning application was filed seeking to correct the zoning errors and bring the existing uses into conformance with current regulations.

Furthermore, because the Roach Property and Azad Property are covered under the same two historic CP Ordinances, the rezoning must recognize the existing uses on those properties and establish a zoning classification that is consistent with current regulations. Staff has contacted all three property owners who have provided their written consent to the proposed changes. (Attachment “G” – “I”).

The parcels are designated with a Wekiva River Protection Area A-1-20 Receiving Area FLUC in the Comprehensive Plan. Policy I-3.2.3 *Wekiva River Protection Area A-1-20 Receiving Area FLUC* allows for residential uses. The rezoning request is consistent with Objective I-7.14 Planned Unit Development FLU Series, which states: *“The Planned Unit Development (PUD) Future Land Use Series is established to provide an implementing tool to accommodate site specific development standards for unique properties and developments which do not conform to an established Future Land Use Category.”*

A Future Land Use Amendment application is accompanied by a an application to change the future land use to Planned Unit Development (PUD). [Separate Application – See FLU-23-35-4].

**Existing and Proposed Development Standards Table**

	Zoning District	FLUC	Maximum Density LDR	Maximum Density Comp Plan (Rural)	Maximum ISR LDR	Maximum ISR Comp Plan (Rural)	Minimum Open Space (Rural)	Maximum Floor Area Ratio Comp Plan (Rural)	Maximum Building Height LDR/Comp Plan
Existing	CP	Receiving Area A-1-20	N/A	1 du/20 net acres	20%	20%	35%	-	40 Feet
Proposed	PUD	PUD	N/A	AK 1400856 = 1 du/5 net acre AK 1673828 = 1 du/net acre	10%	10%	25%	AK 1400881 = 0.20	40 Feet

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;**

No additional development or uses are being proposed with the rezoning request. The proposed rezoning request will bring the existing residential uses located on AK 1400856 (Eld property) and AK 1673828 (Roach property), and the commercial use on AK 1400881 (Azad property) into conformance with the Comprehensive Plan and LDR, as amended. The proposed rezoning request is consistent with LDR Section 3.00.00 and Section 3.02.00 as shown in the Existing and Proposed Development Standards Table above.

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

The proposed rezoning request is consistent with Comprehensive Plan Policy I-7.8.1 entitled Requirements for Planned Unit Developments, which states that the density and intensity of a PUD shall not exceed the density and intensity of the underlying Future Land Use Categories and may be further restricted in the Land Development Regulations.

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

The proposed rezoning request is consistent with the provision of the Comprehensive Plan Policy I-7.8.1 entitled Requirements for Planned Unit Developments, and the development requirements for the proposed Planned Unit Development (PUD) district.

The PUD zoning district will help bring the existing residential uses on AK 1400856 (Eld property) and AK 1673828 (Roach property), and the commercial use on AK 1400881 (Azad property) into conformance with the Comprehensive Plan and LDR, as amended.

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

The county-initiated proposed rezoning and accompanying Comprehensive Plan Land Use Map Amendment request are to correct previous zoning errors regarding AK 1400856 (Eld property) as follows:

1. Approval of single-family residential building permit issued in 1983 that was inconsistent with the 1978 CP Ordinance; and
2. Issuance of zoning conformance letter (ZCL-2003-003) on January 2, 2003, describing the Future Land Use as Suburban, which was an incorrect future land use classification.

Furthermore, the comprehensive plan amendment and rezoning requests shall include all properties owned by others affected by the inconsistency with Ordinance #1973-25 and Ordinance #1978-4, identified as AK 1673828 (Roach property), and AK 1400881 (Azad property).

**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;**

The existing uses are on well and septic systems. No additional utility requests are being made for the properties. The rezoning does not change the current uses or demand on services provided by the County.

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

No additional development or uses are being proposed with this rezoning to Planned Unit Development (PUD). Future development shall be consistent with the requirements of Lake County Comprehensive Plan and Land Development Regulations.

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

There should be no impact on surrounding property values as the uses currently exist and are compatible with the surrounding uses.

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

No additional development or uses are being proposed with this rezoning to Planned Unit Development (PUD). The proposed rezoning will not impede orderly or logical development. The surrounding properties are of similar size and similar use. Future development shall be consistent with the requirements of Lake County Comprehensive Plan and Land Development Regulations.

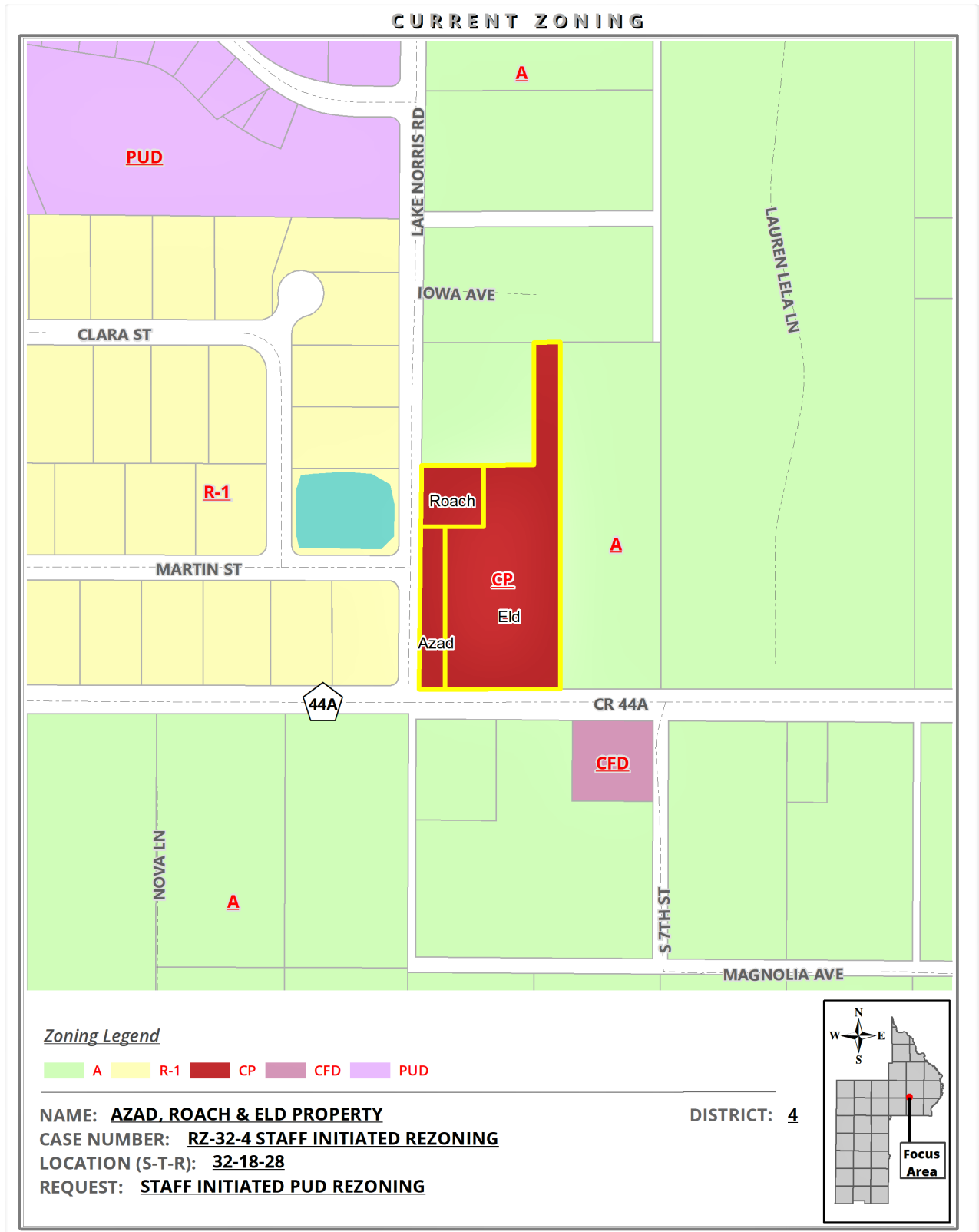
**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

The request is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in above sections.

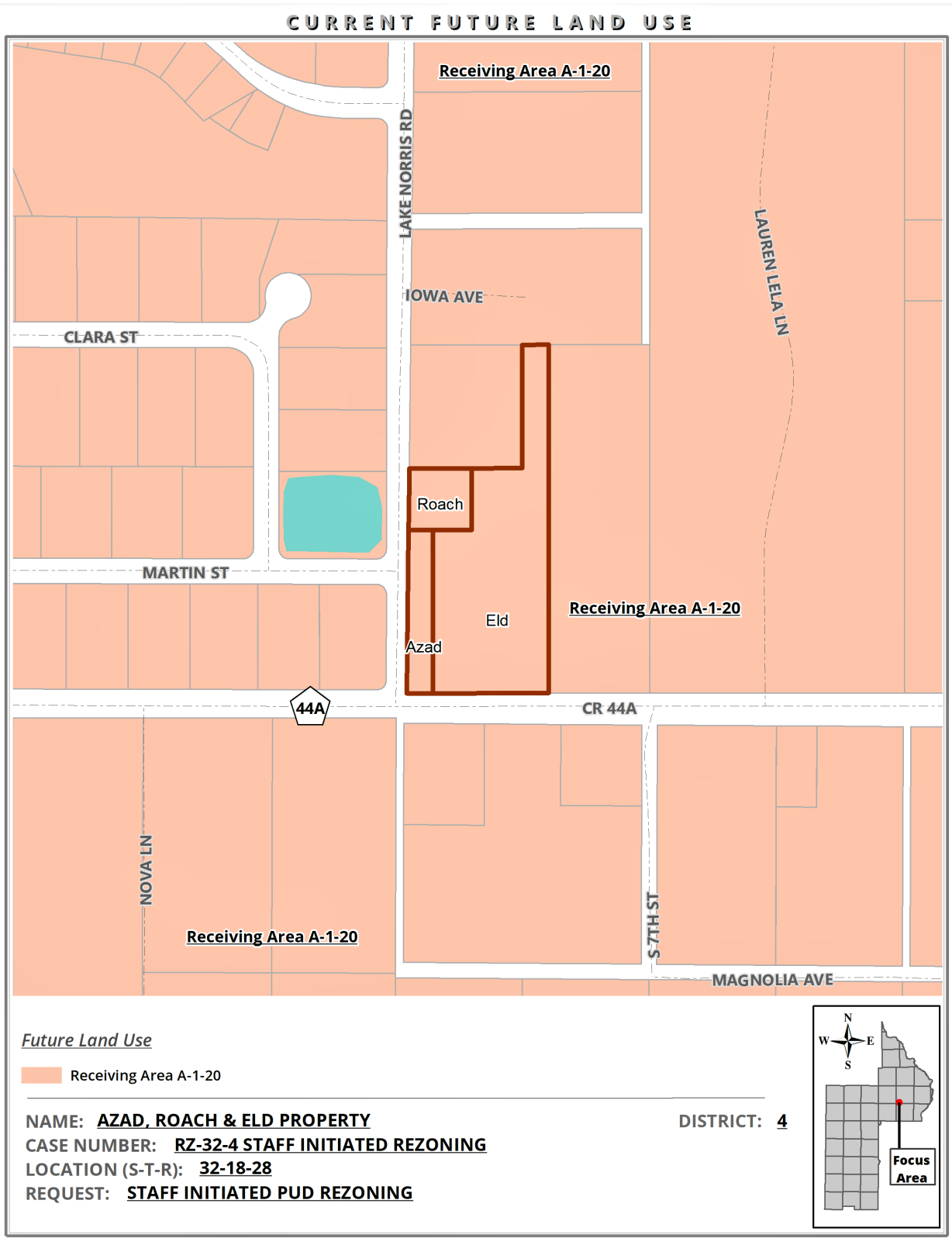
**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

N/A

# Attachment "A" – Zoning Map



# Attachment "B" – Future Land Use Map



# Attachment "C" – CP Ordinance #4-78 (Page 1 of 2)

## ORDINANCE #4-78

WHEREAS, the Lake County Planning and Zoning Commission did, on the 25th day of January, 1978, review petition #124-77-4, a request for rezoning from A to CP (Planned Commercial) zoning district for a used car lot on property generally located in the Lake Norris Area: 80 ft. East of the junction of Lake Norris Rd. (4-7187) and S-44A on the North side of S-44A, and more particularly described as follows:

Begin at a point on the South line 560 ft. West of the SE corner of Lot 41 of PHILIPSBURG, a subdivision in Lake County, Florida, according to the plat thereof recorded in Plat Book A, page 9, Lake County, Florida, run North 660 ft. to the South line of Lot 40 in above named subdivision thence East along lot line 230 ft., thence North 330 ft., thence East 88 ft., thence South 990 ft. to the South 990 ft. to the South line of Lot 41, thence West 318 ft. to point of beginning, less Right of way on South side for road.

AND, after giving notice of hearing on petition for site plan approval (including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 21st of February, 1978) and

WHEREAS, the Lake County Planning and Zoning Commissioners of Lake County, Florida, reviewed said petition, 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 be altered and amended as they pertain to the above described tract of land subject to the following conditions:

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building 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, and obtaining approval from the Director of Planning upon obtaining the permits required from the other appropriate Governmental Agencies.

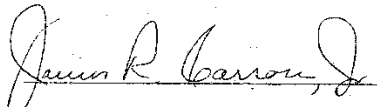
# Attachment "C" – CP Ordinance #4-78 (Page 2 of 2)

ORDINANCE #4-78

2. 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 out.
3. This approval is for the following land use only:
  - a. Used car lot to include major mechanical repairs.
  - b. All repair work must be done inside.
  - c. The storage area for inoperable vehicles must be screened.
  - d. There will only be vehicles allowed on the property at any one time in order to prevent this from turning into a junk yard.
  - e. Development shall conform to the site plan submitted to and on file in the Planning Department.
4. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
5. Approval of drainage plans by the Director of Public Works is required.  
(If applicable)
6. Only such signs as approved by the Director of Planning will be permitted.

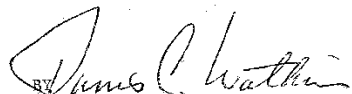
DONE AND RESOLVED by the Lake County Board of County Commissioners on the 21st day of February, 1978.

STATE OF FLORIDA )  
 :  
 COUNTY OF LAKE )

  
 James R. Carson, Jr., Chairman  
 Board of County Commissioners

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 Feb. 21, 1978 as the same appears on record of County Commissioners Minute Book 27 page --,  
 WITNESS my hand and official seal this 7 day of March, 1978, A.D.

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

  
 Clerk



# Attachment "D" – CP Rezoning Resolution #25-73 (Page 1 of 2)

REZONING RESOLUTION 25-73

WHEREAS, The Lake County Planning and Zoning Commission did, on the 31st day of October, 1973, review application #135-73-4, a request for rezoning from A to CP.

Property described as:

Section 32, Twp. 18, Range 28. The West 80 feet of Lot 41, Phillipsburg Subdivision, according to plat thereof shown upon the public records of Lake County, Florida.

And after giving Notice of a Hearing on applications for changes of zoning classifications (including a Notice that said applications would be presented to the Board of County Commissioners of Lake County, Florida, on the 20th day of November, 1973) and

WHEREAS, The Lake County Planning and Zoning Commission did make recommendations as to the change 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, be altered and amended as they pertain to the above described tract of land subject to the following conditions:

1. 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, and obtaining approval from the Director of Planning upon obtaining the permits required from the other appropriate Governmental Agencies.
2. 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 out.

# Attachment "D" – CP Rezoning Resolution #25-73 (Page 2 of 2)

REZONING RESOLUTION 25-73

Page 2

3. This approval is subject to the following special conditions:
- A. The subject property shall be used for a Service Station and Grocery Store.
  - B. The final plans shall be reviewed and approved by the Director of Planning and Zoning, The Building Official, and Director of Public Works of Lake County.
  - C. The proposed project shall be developed according to establish Site Planning Criteria of the Lake County Board of County Commissioners.

The Director of Planning or his Designee shall be charged with the enforcement of the conditions contained herein.

DONE AND RESOLVED BY the Lake County Board of County Commissioners on the \_\_\_\_\_ day of NOV 20 1973, 1973.

STATE OF FLORIDA )

:

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

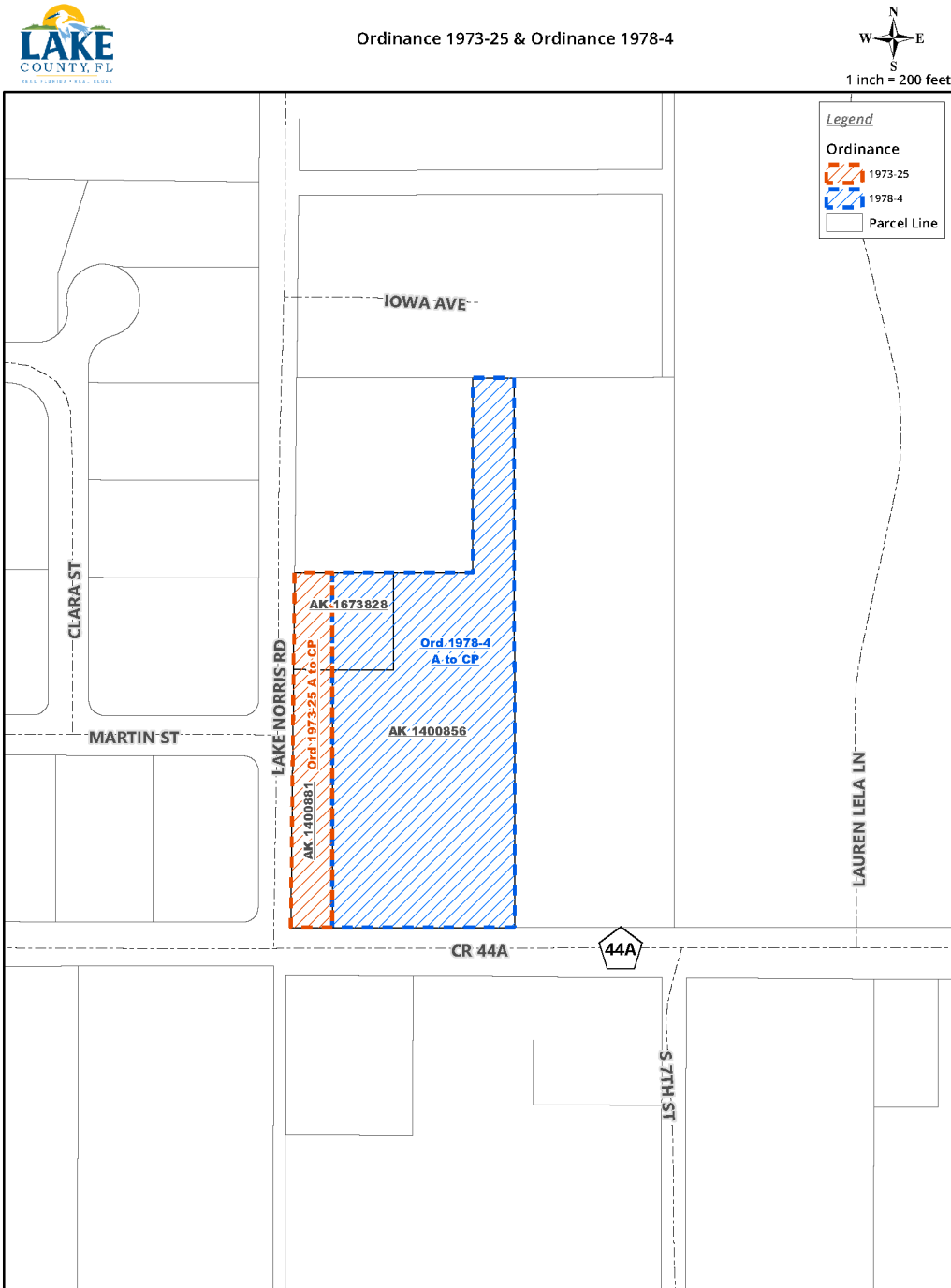
NOV 20 1973 as the same appears on record in County Commissioners Minute Book 24, Page \_\_\_\_\_.

WITNESS my hand and official seal this 14 day of Jan. A.D., 1974

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

BY: Mrs. M. H. Owens  
Deputy Clerk

# Attachment "E" – Ordinance #4-78 and Rezoning Resolution #25-73 Legal Descriptions GIS Parcels Comparison



## Attachment “F” – Owner Consent for AK 1400856 (Eld Property)

**From:** [Meghan Eld](#)  
**To:** [Gonzalez, Bernice](#)  
**Subject:** Re: Eld Property - AK 1400856  
**Date:** Friday, February 17, 2023 4:41:17 PM

**CAUTION:** This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

You have my consent, please can we make this quick and seamless. As I've already been arguing with this office since October and interest are continuing to increase. I'd hate to have to contact a lawyer for compensation.

Bernice, I appreciate your efforts.

Meghan Eld  
407-417-1127

On Feb 17, 2023, at 4:25 PM, Gonzalez, Bernice  
<[bernice.gonzalez@lakecountyfl.gov](mailto:bernice.gonzalez@lakecountyfl.gov)> wrote:

Good afternoon, Mrs. Meghan

Following our phone conversation earlier today, we thank you for allowing staff to look into the best way to help you move forward in your desire to develop your property. As I mentioned during our call, staff has identified that a staff initiated Comprehensive Plan amendment and rezoning to permit the house and accessory structures as a path forward. A fee waiver request for the Comprehensive Plan amendment and rezoning fees will be prepared and submitted to the County Attorney's Office and the County Manager for approval. You will only cover the notice, legal ad and ordinance registration fees. Please respond to this email indicating your consent to these changes. Much appreciated. Thank you.

Do not hesitate to contact our Office if you have questions or need help.

Regards

Bernice



⋮

## Attachment "G" – Owner Consent for AK 1673828 (Roach Property)

**From:** [Eric Roach](#)  
**To:** [Gonzalez, Bernice](#)  
**Subject:** Fwd: Zoning and land use for 36330 Lake Norris Rd Eustis  
**Date:** Wednesday, June 14, 2023 10:37:41 AM

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----- Forwarded message -----

From: **Eric Roach** <[egroach39@gmail.com](mailto:egroach39@gmail.com)>  
Date: Fri, May 26, 2023 at 11:23 AM  
Subject: Zoning and land use for 36330 Lake Norris Rd Eustis  
To: <[bernice.gonzalez@lakecountyfl.gov](mailto:bernice.gonzalez@lakecountyfl.gov)>

Good morning,

I have spoken with Bernice about the change in zoning and use for my property and I am in agreement to the change.

Thank you,  
Eric Roach

## Attachment “H” – Owner Consent for AK 1400881 (Azad Property)

**From:** [Mohammad Azad](#)  
**To:** [Gonzalez, Bernice](#)  
**Subject:** REQUEST FOR EXPEDITED REVIEW | Comprehensive Plan Land Use Map Amendment - Eld, Roach & Azad Properties (Project 2023060007; AR 5305)  
**Date:** Wednesday, June 28, 2023 10:40:53 PM

**CAUTION:** This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

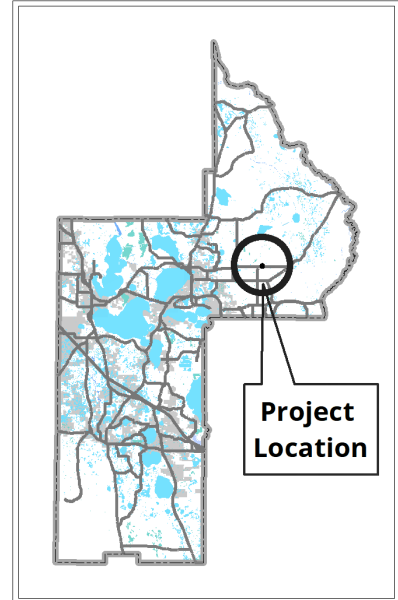
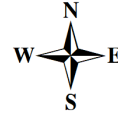
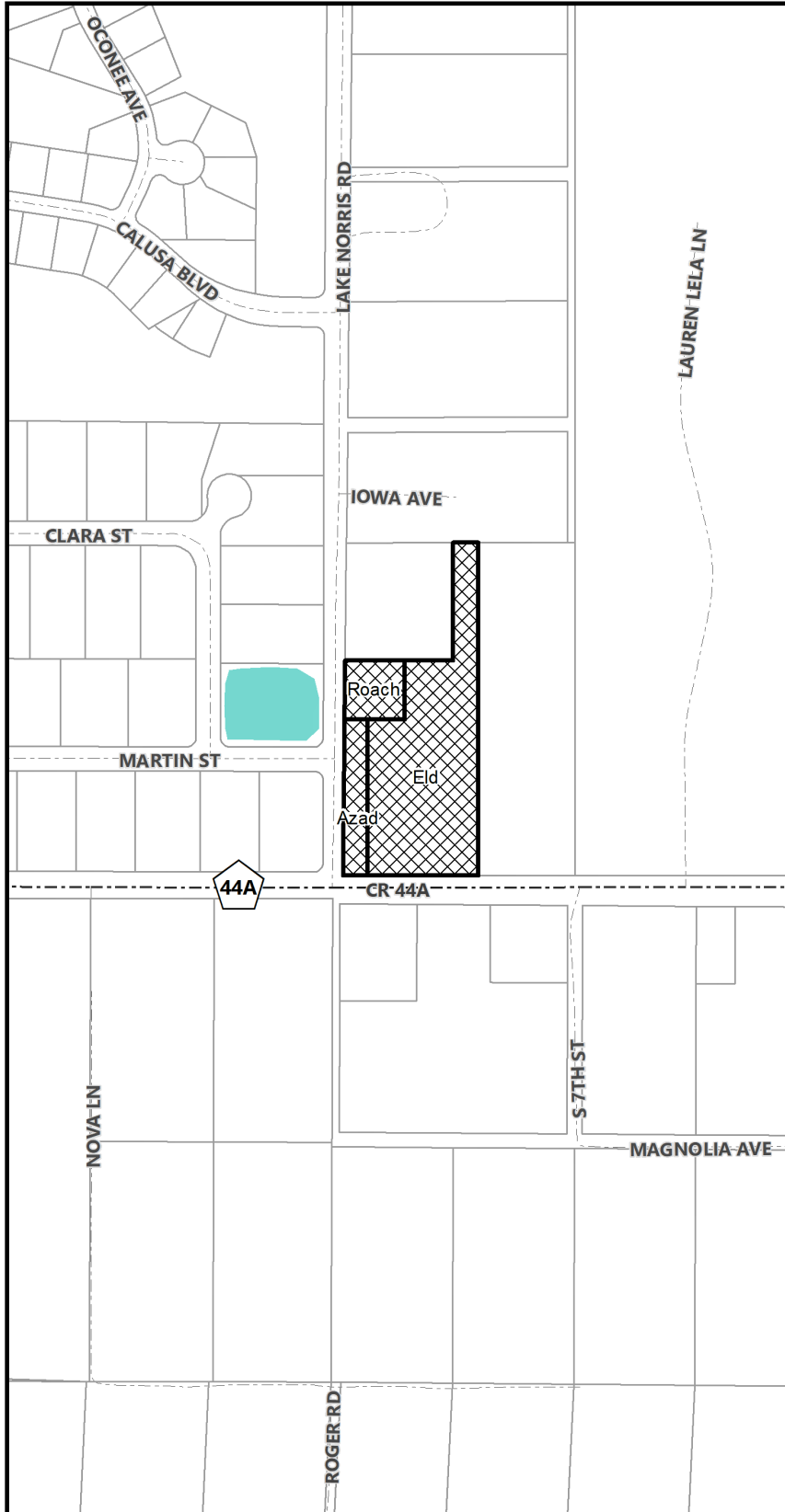
I, Mohammad Azad as principal for Azad Enterprises of 25003 CR 44a, Eustis, Florida approved the proposed amendment as presented below :

- **Project Type:** Comprehensive Plan Land Use Map Amendment (AR 5305 – FLU-23-35-4).
- **Project Name:** Eld, Roach & Azad Properties.
- **Description:** Comprehensive Plan Land Use Map Amendment to change FLUC from A-1-20 Receiving Area to PUD.
- **Alternate Keys:** [1400856](#), [1400881](#), and [1673829](#).
- **Current Future Land Use Category:** A-1-20 Receiving Area.
- **Proposed Future Land Use Category:**Planned Unit Development (PUD).
- **Zoning:** CP (Ordinance #1973-25 & Ordinance #1978-4). **NOTE: A concurrent Rezoning (AR 5304 – RZ-23-32-4/Rezoning from CP to PUD) application is being submitted in conjunction with this Comprehensive Plan Land Use Map Amendment application.**
- **Case Manager:** Bernice Gonzalez.

Regards  
Mohammed Azad

Sent from my iPhone

# Map of Subject Properties



# Aerial Map of Subject Properties



RZ-23-32-4 Staff Initiated  
Azad, Roach & Eld Property



Staff Initiated  
Planned Unit  
Development (PUD)



**ORDINANCE #2023-\_\_\_\_\_**  
**Eld, Roach and Azad Properties**  
**RZ-23-32-4**

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

**WHEREAS**, Lake County Board of County Commissioners (the “Applicant”) requested a rezoning application on behalf of Mr. Arthur Eld IV & Mrs. Meghan Eld, Mohammad A Azad on behalf of Azad Enterprise Inc., and Eric G Roach (“the Owner”) to rezone approximately 5.38 +/- acres from Planned Commercial (CP) District to Planned Unit Development (PUD) District to allow the existing residential and commercial uses; and

**WHEREAS**, the subject property consists of approximately 5.38 +/- acres located at CR 44A and Lake Norris Road within Eustis area of unincorporated Lake County, in Section 30, Township 21, Range 26, identified by Alternate Key Numbers 1400856, 1400881, and 1673828, more particularly described as:

**LEGAL DESCRIPTIONS: [EXHIBIT "A" -ATTACHED]**

**WHEREAS**, the property subject to the request is located within the Planned Unit Development Future Land Use Category (FLUC) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

**WHEREAS**, on November 20, 1973, Ordinance #1973-25 was approved by the Board of County Commissioners to allow a service station and grocery store; and

**WHEREAS**, on March 7, 1978, Planned Commercial District (CP) Ordinance #1978-4 was approved by the Board of County Commissioners to allow a used car lot to include major mechanical repairs; and

**WHEREAS**, the Lake County Planning and Zoning Board did review Petition RZ-23-32-4 on the 2nd day of August 2023, after giving notice of the hearing on the petition for change in zoning, including notice that the petition would be presented to Board of County Commissioners of Lake County, Florida, on the 5th day of September 2023; and

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

**WHEREAS**, upon review, certain terms pertaining to the development of the above-described property has been duly approved.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the property described herein, subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to show the Planned Unit Development (PUD) District in accordance with this Ordinance. The uses of the property will be limited to those uses specified in this Ordinance as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM), as amended. The following land uses are permitted:

1. **Residential:** The parcels identified as AK Number 1400856, owned by Arthur Eld IV & Meghan Eld, and AK Number 1673828, owned by Eric G. Roach shall be permitted the following residential uses:
  - a. Existing single-family residence.
  - b. Accessory structures and uses directly associated with the above use may be approved by the County Manager or designee.
2. **Commercial:** The parcel identified as AK 1400881, owned by Azad Enterprise Inc. shall be permitted the following commercial uses:
  - a. Existing grocery store and service station.
  - b. Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Any other use of the site shall require an amendment to this Ordinance as approved by

1 the Board of County Commissioners.

2 **Section 2. Conditions.**

- 3 1. After establishment of the facilities as provided herein, the property may only be used for the purposes identified in  
4 this Ordinance. Any other proposed use must be specifically authorized by the Lake County Board of County  
5 Commissioners.
- 6 2. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or  
7 demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above-  
8 described land without first obtaining the necessary approvals, including site plan, in accordance with the Lake  
9 County Code, as amended and obtaining the permits required from the other appropriate governmental agencies.
- 10 3. This Ordinance will inure to the benefit of and will constitute a covenant running with the land and the terms,  
11 conditions and provisions of this Ordinance will be binding upon the present Owners and any successor and will be  
12 subject to each condition set out in this Ordinance.
- 13 4. Construction and operation of the proposed use shall always comply with the regulations of this and other  
14 governmental permitting agencies.
- 15 5. The transfer of ownership or lease of any or all the property described in this Ordinance must include in the transfer  
16 or lease agreement, a provision that the purchaser or lessee is made aware of the conditions established by this  
17 Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the  
18 existing plans and conditions by following the procedures contained in the LDR, as amended.
- 19 6. The Lake County Code Enforcement Special Master will have authority to enforce the terms and conditions set forth  
20 in this Ordinance and to recommend that the ordinance be revoked.

21 **Section 3. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall submit  
22 applications for and receive necessary final development order approvals as provided in the Lake County  
23 Comprehensive Plan and Land Development Regulations. The applications for final development orders must meet all  
24 submittal requirements and comply with all County codes and ordinances, as amended.

25 **Section 4. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
26 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining  
27 portions of this Ordinance.

28 **Section 5. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of this  
29 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

30 **Section 6. Effective Date. This Ordinance will become effective as provided by law.**

31

1 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
2 FILED with the Secretary of State \_\_\_\_\_, 2023.  
3 EFFECTIVE \_\_\_\_\_, 2023.

4  
5 BOARD OF COUNTY COMMISSIONERS  
6 LAKE COUNTY, FLORIDA  
7

8 \_\_\_\_\_  
9 KIRBY SMITH, CHAIRMAN

10  
11 ATTEST:

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15 GARY J. COONEY, CLERK OF THE  
16 BOARD OF COUNTY COMMISSIONERS  
17 LAKE COUNTY, FLORIDA  
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20 APPROVED AS TO FORM AND LEGALITY:

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24 MELANIE MARSH, COUNTY ATTORNEY  
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**Exhibit "A" – Legal Descriptions**

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ALTERNATE KEY #1400856

BEGINNING AT A POINT ON THE SOUTH LINE 560 FT. WEST OF THE SE CORNER OF LOT 41 OF PHILIPSBURG, A SUBDIVISION IN LAKE COUNTY, FLORIDA ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK A, PAGE 9, ORANGE COUNTY, FLORIDA, SAID SUBDIVISION NOW LYING AND BEING IN LAKE COUNTY, FLORIDA, RUN NORTH 660 FT. TO THE SOUTH LINE OF LOT 40 IN ABOVE NAMED SUBDIVISION THENCE EAST ALONG LOT LINE 230 FT. THENCE NORTH 330 FT. THENCE EAST 88 FT. THENCE SOUTH 990 FT. TO THE SOUTH LINE OF LOT 41, THENCE WEST 318 FT. TO THE POINT OF BEGINNING.

LESS RIGHT OF WAY ON SOUTH SIDE FOR ROAD.

LESS AND EXCEPT:

BEGINNING AT A POINT ON THE SOUTH LINE 560 FEET WEST OF THE SOUTHEAST CORNER OF LOT 41 OF PHILIPSBURG, A SUBDIVISION IN ORANGE COUNTY, FLORIDA, SAID SUBDIVISION NOW LYING AND BEING IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PUT THEREOF RECORDED IN PUT BOOK A, PAGE 9, LAKE COUNTY, FLORIDA, THENCE NORTH 460 FEET TO THE PRINCIPAL PUCE OF BEGINNING, THENCE EAST 100 FEET TO A POINT, THENCE NORTH 200 FEET TO THE SOUTH LOT LINE OF LOT 40 IN THE AFOREMENTIONED SUBDIVISION, THENCE WEST 100 FEET ALONG SAID SOUTH LINE OF LOT 40, THENCE SOUTH 200 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

ALTERNATE KEY #1673828

THE WEST 180 FEET OF LOT 41 IN PHILLIPSBURG, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO PLAT THEREOF, WHICH WAS RECORDED IN PLAT BOOK A, PAGE 9, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH 460 FEET THEREOF, ALL BEING IN SECTION 32, TOWNSHIP 18 SOUTH, RANGE 28, LAKE COUNTY, FLORIDA.

ALTERNATE KEY #1400881

THE SOUTH 460 FEET OF THE WEST 80 FEET OF LOT 41, PHILLIPSBURG, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK A, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID LAND NOW LYING AND BEING IN LAKE COUNTY, FLORIDA. BEING THE SAME PROPERTY DEEDED TO ALCANTARA FAMILY ONE, LLC, A DISSOLVED FLORIDA LIMITED LIABILITY COMPANY, DATED JULY I, 2008, RECORDED IN RECORDS BOOK 0659, PAGE 0639 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.