



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): May 1, 2024  
Board of County Commissioners (BCC): June 4, 2024

Case No. and Project Name: PZ2023-312, Connolly Property

Applicant: Tara Tedrow Esq.

Owners: Daniel J. and Monica Connolly / Patricia Cohn

Requested Action: Rezone approximately 0.69 +/- acres from Rural Residential District (R-6) and Mixed Residential District (R-7) to Planned Commercial District (CP), amend Planned Commercial District (CP) Ordinance #2000-7 (Attachment "G") to establish a new CP ordinance for approximately 3.11 +/- acres that includes the aforementioned 0.69 +/- acres to facilitate the development of an automotive service station and convenience store.

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

Case Manager: Aaron Pool, Senior Planner  
Janie Barrón, Planning Manager

PZB Recommendation: TBD

### Subject Property Information

Size: 3.11 +/- Acres (no wetlands or floodplain)

Location: North of State Road 40 and east of Sixth Street.

Alternate Key Nos.: 1746159, 3785566, 3781473, 1314984, 1314968 and 1314950

Existing Zoning District: Planned Commercial District (CP), Mixed Residential District (R-7), and Urban Residential District (R-6) (Attachment "A")

Proposed Zoning District: Planned Commercial District (CP) (Attachment "B")

Future Land Use Category: Urban Low Density FLUC (Attachment "C")

Flood Zone: "X"

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva – Ocala Rural Protection Area (RPA)  
Pinecastle Range Complex Military Operations Overlay Area

Commercial Corridor: State Road 40 (Astor) Minor Commercial Corridor

**Property Land Use Table**

<b><u>Direction</u></b>	<b><u>Future Land Use</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Use</u></b>	<b><u>Comments</u></b>
<b><u>North</u></b>	Urban Low	Urban Residential (R-6)	Vacant / Single-Family	
<b><u>South</u></b>	Urban Low	Community Commercial (C-2) Planned Commercial (CP)	Commercial	Funeral Home, Marine
<b><u>East</u></b>	Urban Low	Urban Residential (R-6)	Undeveloped	Undeveloped
<b><u>West</u></b>	Urban Low	Urban Residential (R-6) Mixed Residential (R-7)	Office Building	Single Story office, Post Office

**- Summary of Analysis -**

The subject 3.11 +/- acres are designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; located within the State Road 40 (Astor) minor commercial corridor; and located within the Wekiva - Ocala Rural Protection Area and Pinecastle Range Complex Military Operations Overlay Area. The zoning district for the subject 3.11 +/- acres is identified in Table 1 below.

The application seeks to rezone property identified by Alternate Key #1314968 (0.46-acres) from Rural Residential District and rezone property identified by Alternate Key # 1746159 (0.23-acres) as Mixed Residential District (R-7) to Planned Commercial District (CP), and amend Planned Commercial District (CP) Ordinance #2000-7 to establish a new CP ordinance to include the aforementioned 0.69 +/- acres to facilitate the development of an automotive service station and convenience store. Comparison of the existing and proposed development standards are depicted on Table 1 below.

<b>Table 1. Existing and Proposed Development Standards</b>						
	Zoning District	Development Program	Maximum Dwelling Units	Maximum Impervious Surface Ratio	Maximum Floor Area Ratio	Maximum Building Height
Existing	Rural Residential District (R-6) AK #1314968 0.46 +/- Acres	Six (6) dwelling units per net acre	One	.55	N/A	40
	Mixed Residential District (R-7) AK #1746159 0.23 +/- Acres	Eight (8) dwelling units per net acre	One	.65	N/A	40
	Planned Commercial District (CP) Ordinance #2000-7 2.02 +/- Acres	Use of the site shall be for CP (Planned Commercial) uses for sales and repair services.	N/A	.70	2.0	50
Proposed	Planned Commercial District (CP) 3.1 +/- Acres	Automotive service station and convenience store.	N/A	.70	2.0	50

For background purposes:

On July 10, 1984, the Board of County Commissioners approved Ordinance #34-84 to allow the rezoning of approximately 0.23 +/- acres from Mobile or Mixed Residential District (R-1-5) to Planned Commercial District (CP) to allow the use of the site for a florist and gift shop.

On May 16, 1989, the Board of County Commissioners approved Ordinance #25-89, which was an amendment to CP Ordinance #34-84 to allow the use of the site to limited C-1 and C-2 uses along with conditions approved under CP ordinance 34-8.

On May 2, 1995, the Board of County Commissioners approved Resolution #1995-42 to allow the rezoning of approximately 1.16 +/- acres from Rural or Tourist Commercial District (C-1) to Planned Commercial District (CP) to allow the use of the site for boat sales and services.

On June 2, 1999, the Board of County Commissioners approved Ordinance #1999-71, which was an amendment to CP Resolution #1995-42 to allow boat repair services and four storage buildings not to exceed 12,606 cumulative square feet for keeping and storing of boats and RVs; and the rezoning of approximately 0.86 +/- acres from urban Residential District (R-6) and Mixed Residential District (R-7) to Planned Commercial District (CP).

On January 25, 2000, the Board of County Commissioners approved Ordinance 2000-7, which was an amendment to CP Ordinance #1999-71 on a portion of the subject property.

The Applicant provided a Project Narrative and justification for the rezoning request as shown on Attachment "E".

### **Standards for Review (LDR Section 14.03.03)**

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

The request is consistent with LDR Section 3.01.02 entitled Classification of Uses, and LDR Table 3.01.03 entitled Schedule of Permitted and Conditional Uses, which allows Retail Convenience, including accessory gasoline sales within the CP zoning district with an approved zoning ordinance for a particular property.

The proposed use is consistent with LDR Section 3.01.02(C)(17), which defined Retail Convenience as an establishment serving a limited market area and engaged in the retail sale or rental, from the premises, of frequently or recurrently needed items for household use. Typical uses include drugstores, apparel and cosmetic stores, bookstores, newsstands, flower shops, video tape rental stores, retail bakeries, gift shops, hardware stores, and convenience food stores, including accessory gasoline sales.

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

##### **Consistency:**

The request is consistent with Comprehensive Plan Policy I-1.3.2 entitled *Urban Low Density Future Land Use Category (FLUC)*, which allows commerce uses as allowed pursuant to Policy I-1.3.10 entitled *Commercial Activities within the Urban Future Land Use Series*.

The proposed use is consistent with Comprehensive Plan Policy I-1.3.10 entitled *Commercial Activities within the Urban Future Land Use Series*, which defines "Commercial" as commercial, retail, office, limited light industrial uses and other uses commonly associated with these activities.

The request is consistent with Comprehensive Plan Policy I-1.3.10.6 entitled *Criteria for Commercial Corridors* as the parcel is located within the State Road 40 (Astor) minor commercial corridor.

The proposed development as depicted on Attachment "D" is consistent with Comprehensive Plan Policy I-1.3.10.6, Paragraph 2 which states that the maximum commercial building size shall be 30,000-square feet. The proposed automotive service station and convenience store building size is 5,000-square feet which is well below the maximum established by the Comprehensive Plan.

The request is consistent with Comprehensive Plan Policy I-1.3.10.3 entitled *Commercial Service Areas*, which states commercial corridors shall be planned within utility service as to prevent the overlapping of new utility services areas within existing utility service areas. The proposed development will be serviced by St. Johns River Utilities Inc.

In the Project Narrative (Attachment "E"), the Applicant demonstrated consistency with the Lake County Comprehensive Plan.

The properties are located in an Urban Low Future Land Use designated area, which permits a nonresidential intensity of 0.25 to 0.35. Policy 1-1.3.2 also specifically notes that commercial uses are permitted within this Future Land Use designation. Comprehensive Plan Policy 1-1.3.10 states within the Urban Future Land Use Series, the County shall "allocate sufficient land area to accommodate commercial activities that provide goods and services, with consideration to economic benefits and environmental impacts to the County." Commercial development would benefit this area that is otherwise underserved by commercial businesses. This Policy further defines commercial uses as "commercial, retail, office, limited light industrial uses and other uses commonly associated with these activities". The properties lie on a Minor Commercial Corridor which is defined in the Comprehensive Plan Future Land Use Element generally as a roadway with two or more travel lanes where existing development pattern of intensity of development compatible to the adjoining land uses. Moreover, as required under Policy 1- 1.3.10.3, the properties are being developed in a manner that is compatible with surrounding uses and will be sufficiently buffered, landscaped and have appropriate architectural designs to enhance the aesthetics of the site. The redevelopment of these parcels will serve a larger range of resident demands as well.

***Inconsistency:***

The request is inconsistent with Comprehensive Plan Policy 1-5.2.2, *Land Use in the Wekiva-Ocala Rural Protection Area*, as this Policy states that the land uses within the Wekiva – Ocala RPA are limited to the Rural Future Land Use Category, Conservation Future Land Use Category and Public Benefit Future Land Use Series. However, the Urban Low Density Future Land Use Category was assigned to the subject parcels on September 22, 2011, and included the Future Land Use Series Exhibit #1. Since both the Urban Low Future Land Use Category, the Future Land Use Exhibit #1, and the Wekiva-Ocala RPA were adopted at the same time, there is an internal inconsistency with the Lake County Comprehensive Plan. Further, since the property subject to the rezoning application is included within the Astor Minor Commercial Corridor, the overall intent of the Comprehensive Plan weighs in favor of the application being deemed consistent with the Comprehensive Plan.

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

The proposed rezoning is consistent with existing and proposed land uses. In the Project Narrative (Attachment "E"), the Applicant demonstrated consistency with existing land uses.

*"Existing R-7 zoning provides for single family and multifamily housing within the Urban Future Land Use category and provides for urban conveniences and facilities. The parcels zoned CP were rezoned under Ordinance 2000-7 for a specific business, Astor Marine. Parcels to the west include single story office buildings, including the U.S. Post Office. Further, property located to the west at 24401 State Road 40 was rezoned under Ordinance 2008-81 for Planned Commercial with Neighborhood Commercial (C-1) uses and self-service storage. Parcels to the east are undeveloped forest land. Parcels to the south include a funeral home, marine sales and service, and vacant commercial property. Finally, parcels to the north include a vacant single family manufactured home and undeveloped forest land. A modern building with upgraded access, landscaping, site circulation, sidewalks, and stormwater retention will be developed. As commercial uses are already permitted today, there will not be a change in character or expectations of neighboring property owners."*

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

In the Project Narrative (Attachment "E"), the Applicant indicated the changed conditions that justify a rezoning.

*"The owners of the CP zoned properties have closed the existing business and are currently leasing it on a month to month basis. This leaves the property underutilized, a potential eyesore and no longer an economic asset to the surrounding community. The proposed development of the property would bring needed quality commercial goods and services to the area and improve visual appearance to this minor collector corridor."*

**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 Applicant provided (Attachment "E") – Narrative and Justification Statement to support the Rezoning and Future Land Use (Project Narrative).

**Water and Sewer**

St. Johns River Utility Inc. provided a letter stating that they currently provide utilities to the site and have sufficient capacity to service the proposed development. (Attachment "H")

**Schools**

The request is not anticipated to adversely impact school capacities or levels of service.

**Parks**

The request is not anticipated to adversely impact park capacity or levels of service.

**Solid Waste**

The request is not anticipated to adversely impact solid waste capacities or levels of service.

**Public Safety**

Lake County Fire Rescue Station (LCFR Station #10) is located at 23023 SR 40, Astor and less than 2 miles from the subject property. This facility will provide advanced life support should an emergency on the property demand this service. Fire protection water supply and emergency access will be addressed during the development review process, at such time that any future improvements are proposed.

**Transportation**

All access management shall be in accordance with the Florida Department of Transportation, Comprehensive Plan and LDR, as amended.

The Project Narrative, provided by the applicant, (Attachment "E") indicates that the requested rezoning will not create additional demand on public facilities and services within the adopted levels of service.

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

Should the rezoning be approved, all sensitive resources will be addressed through the development application review and approval process. New development will be required to meet all criteria specified by the Comprehensive Plan and LDR, as amended, for natural resource protection and mitigation. The required Environmental Assessment (EA) must identify the presence of natural resources and specify protection and necessary mitigation of any endangered or threatened wildlife, flora and/or fauna, to include those that are species of special concern. The Project Narrative (Attachment "E") indicates that the requested rezoning will not result in significant adverse impacts on the natural environment.

To further mitigate any adverse impacts on neighboring properties, should the rezoning be approved a noise assessment in accordance with LDR Section 9.09.00 will be required at the time of development application review.

*"The property currently has buildings and a paved and unpaved parking lot. The proposed development plan would demolish the existing unused buildings to construct a commercial building to current commercial design standards with proper site design, drainage and aesthetics to County standards."*

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

There is no information demonstrating impacts on property values.

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

The Project Narrative (Attachment "E") details how the requested rezoning will result in an orderly and logical development pattern.

The proposed change would upgrade ingress and egress off of State Road 40 into the property, create an orderly traffic circulation, enhance pedestrian safety with the addition of sidewalks and provide a needed service to the community. This would also provide commercial services along SR 40, which is the logical location based on proper planning principles for such use.

**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**

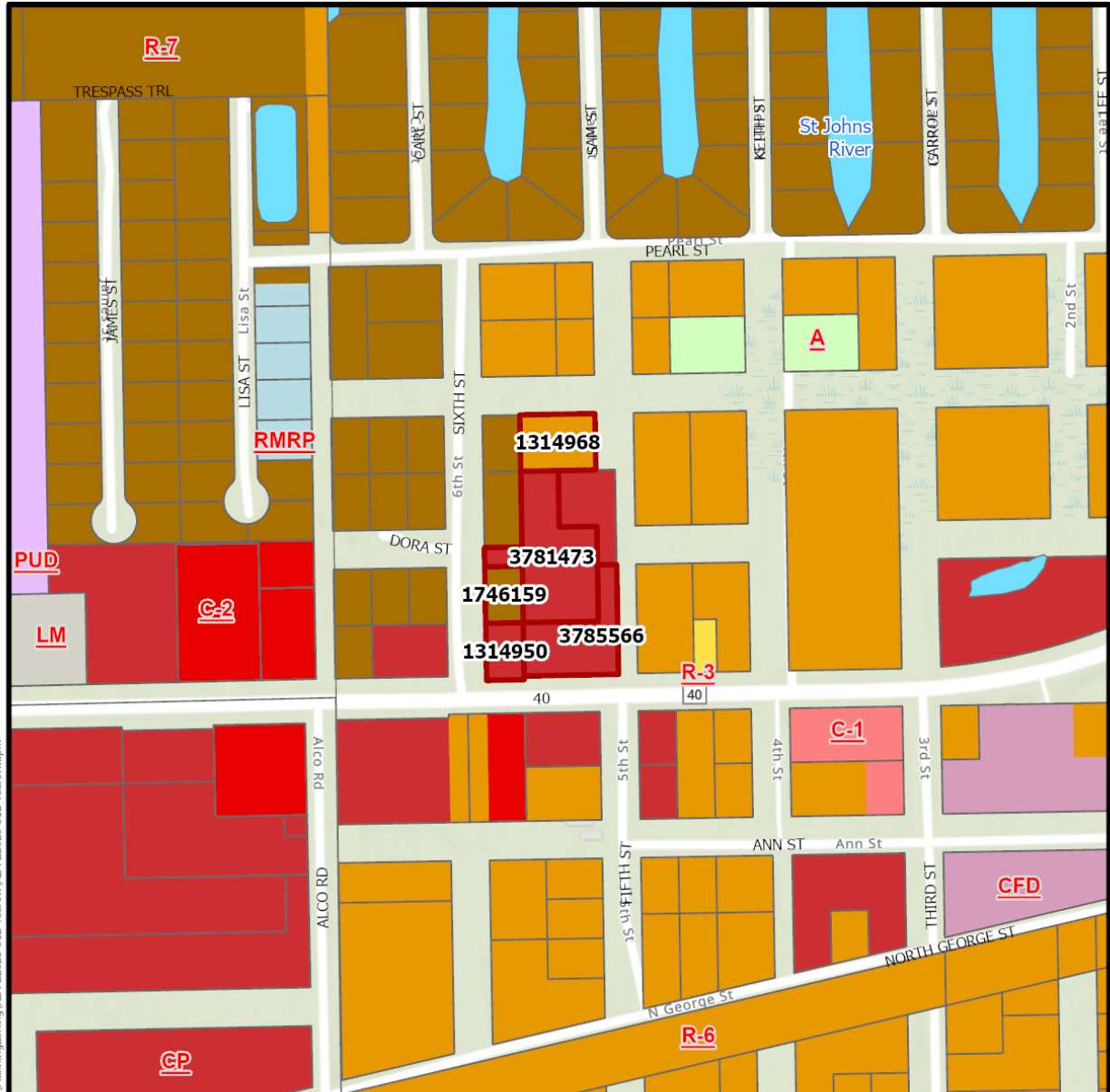
The request is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

**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

# Attachment "A" – Current Zoning

## CURRENT ZONING

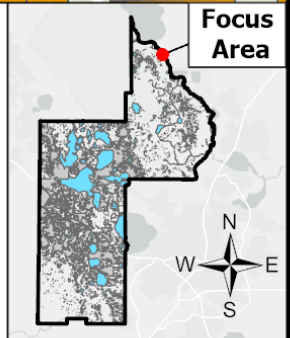


### Zoning Legend

A	R-6	RMRP	C-2	LM	PUD
R-3	R-7	C-1	CP	CF	CFD

NAME: **CONNOLLY PROPERTY**  
 CASE NUMBER: **RZ-PZ2023-312**  
 LOCATION (S-T-R): **37-15-27**  
 REQUEST: **REZONE FROM CP, R-7 & R-6 TO CP**

DISTRICT: **4**

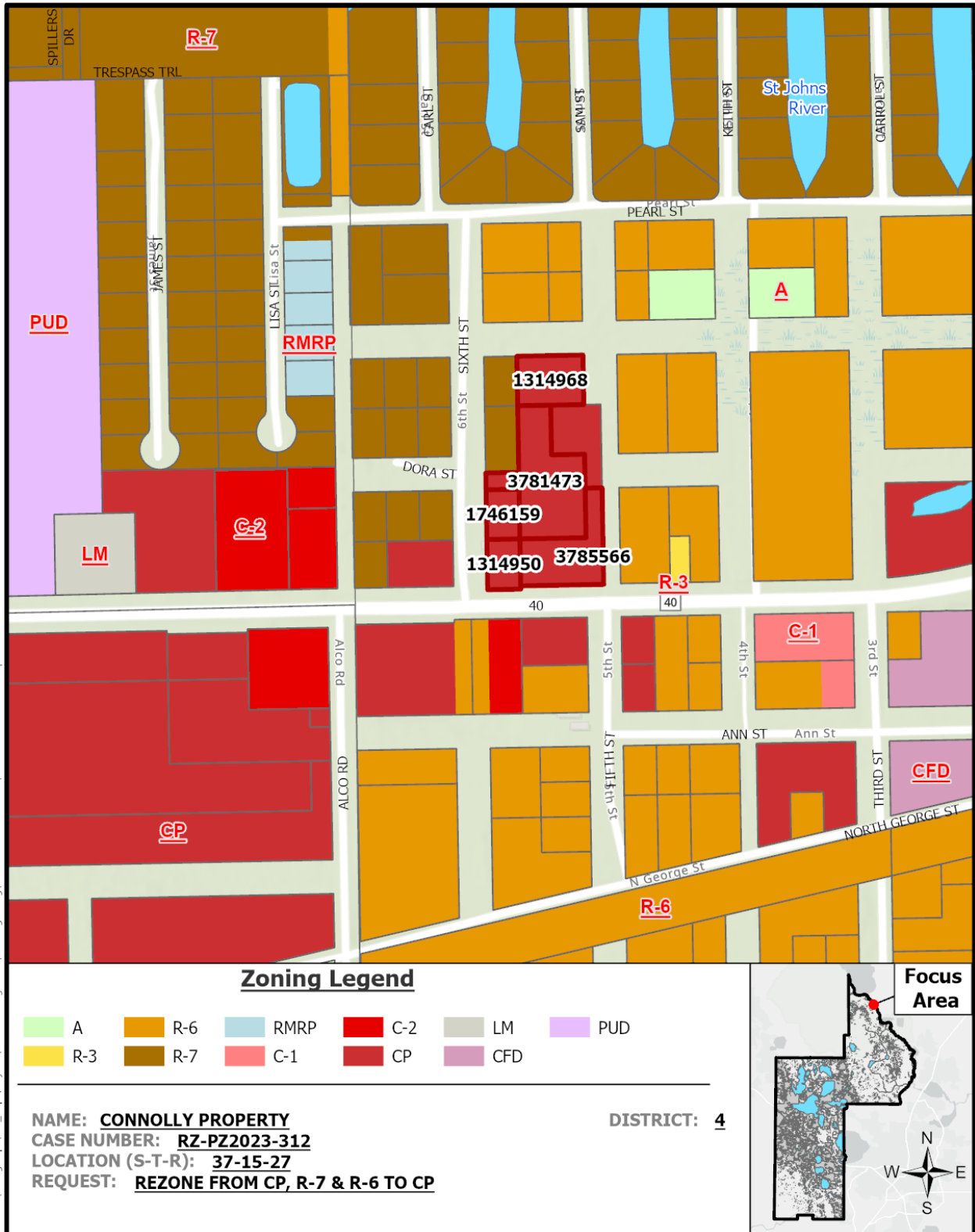


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2/5/2024

# Attachment "B" – Proposed Zoning

## PROPOSED ZONING

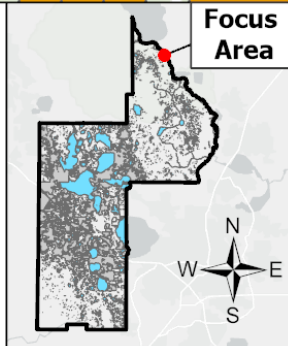


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Zoning Legend					
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<span style="background-color: #FFFF00; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3	<span style="background-color: #8B4513; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-7	<span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> C-1	<span style="background-color: #DC143C; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> CP	<span style="background-color: #C0C0C0; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> CFD	

**NAME: CONNOLLY PROPERTY**  
**CASE NUMBER: RZ-PZ2023-312**  
**LOCATION (S-T-R): 37-15-27**  
**REQUEST: REZONE FROM CP, R-7 & R-6 TO CP**

**DISTRICT: 4**

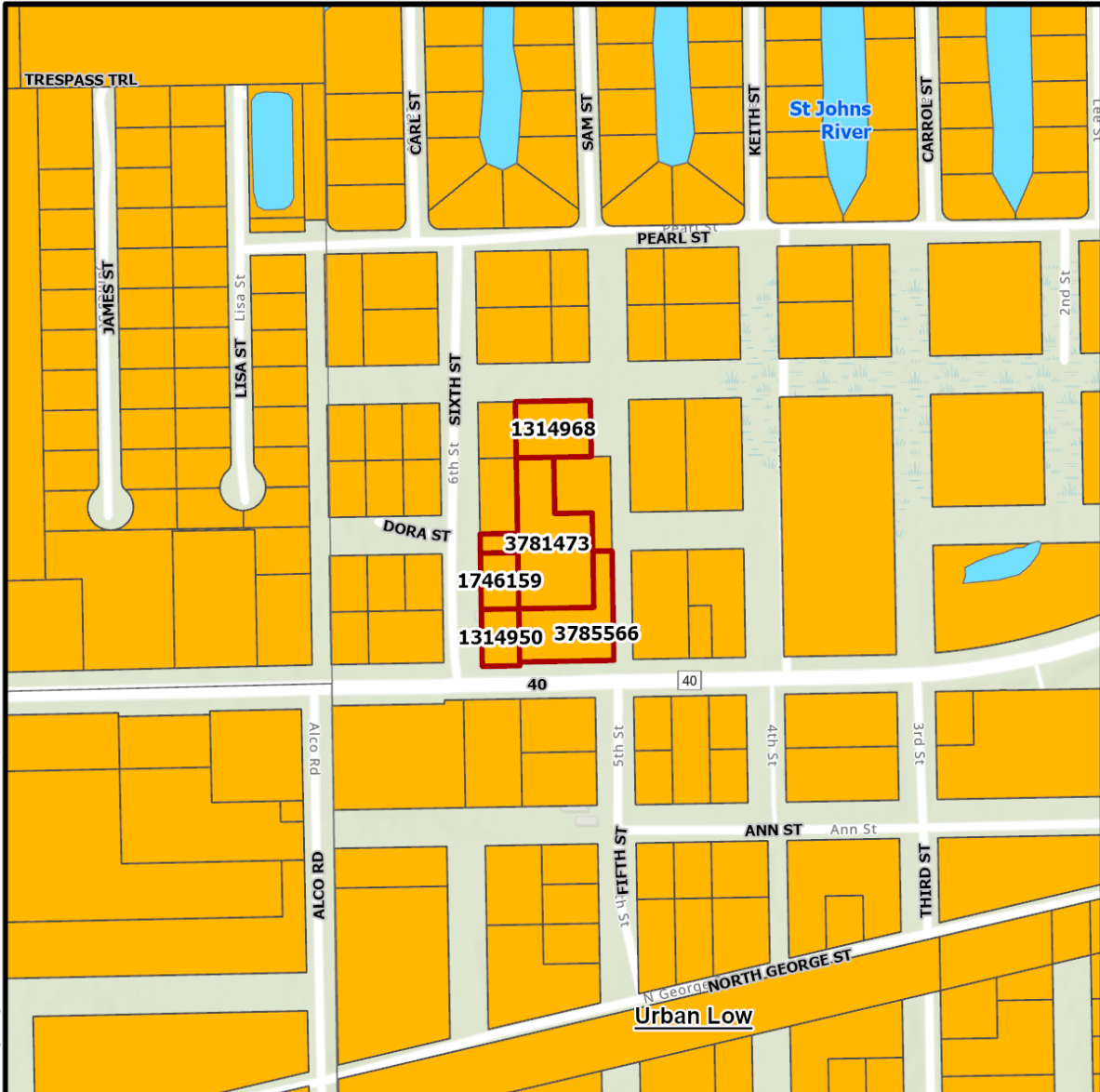


2/5/2024



# Attachment "C" – Future Land Use

## CURRENT FUTURE LAND USE

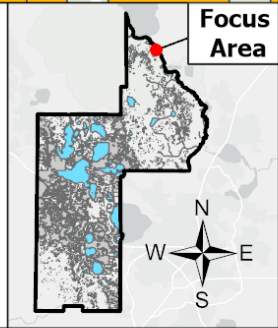


### Future Land Use

Urban Low

**NAME:** CONNOLLY PROPERTY  
**CASE NUMBER:** RZ-PZ2023-312  
**LOCATION (S-T-R):** 37-15-27  
**REQUEST:** REZONE FROM CP, R-7 & R-6 TO CP

**DISTRICT:** 4



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2/5/2024



# Attachment “E” – Project Narrative

## (Page 1 of 5)

### LAKE COUNTY REZONING JUSTIFICATION STATEMENT Land Development Code Section 14.03.00

#### 1. General Description

The subject property consists of six (6) parcels comprising +/-3.11 acres located on the northern side of State Route 40 and eastern side of Sixth Street. The properties are currently zoned Planned Commercial (CP) and Mixed Residential (R-7) and Urban Residential (R-6), all with a Future Land Use designation of Urban Low. The parcel identified as 55440 Sixth Street (Altkey #1746159) consists of a single family manufactured home. Parcel identified as 24535 State Road 40 (Altkey #3785566) consists of a single story free-standing commercial store building. Parcels with unassigned addresses on Sixth Street include Altkey #3781473 which has commercial buildings and a paved parking lot and Altkey #1314984 which is vacant. Altkey #1314968 is a vacant residential treed lot. The parcel with an unassigned address on State Road 40 and identified as Altkey #1314950 is a commercial parking lot for the adjacent commercial properties.

A map of the current parcels and their zoning and future land uses, respectively, are shown below.





# Attachment "E" – Project Narrative

## (Page 2 of 5)



**FUTURE LAND USE MAP**



# Attachment "E" – Project Narrative

## (Page 3 of 5)

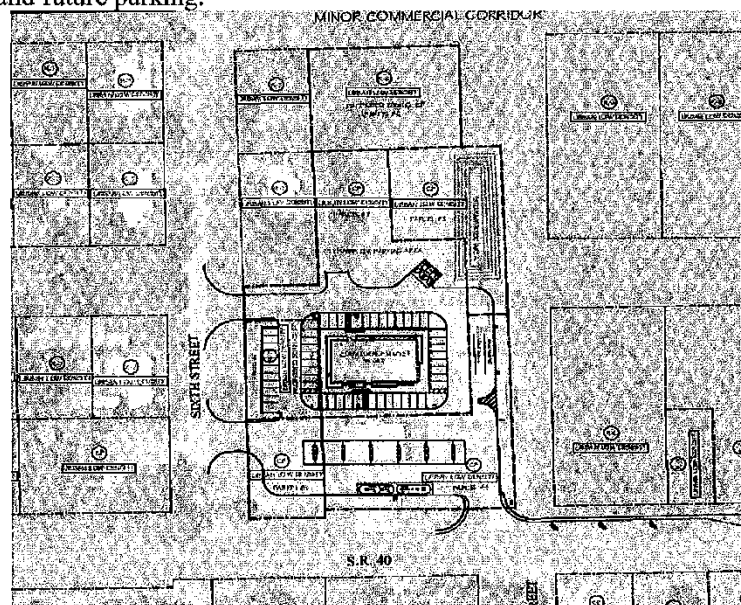
unpaved parking lot.

### 3. Statement describing any changed conditions that would justify the rezoning.

The owners of the CP zoned properties have closed the existing business and are currently leasing it on a month to month basis. This leaves the property underutilized, a potential eyesore and no longer an economic asset to the surrounding community. The proposed development of the property would bring needed quality commercial goods and services to the area and improve visual appearance to this minor collector corridor.

### 4. Statement describing the need for the proposed rezoning.

The proposed rezoning will bring the collective parcels under one consistent zoning designation to permit a well-planned commercial development. Altkey #1314968 is zoned R-6, AltKey #1746159 is zoned R-7 and the remainder parcels are zoned Planned Commercial (CP) under Ordinance 2000-7 with a specific use for a commercial marine sales and service business. R-7 zoning provides for uses that expand urban conveniences and facilities and R-6 permits urban single and multifamily housing. The concept plan submitted as part of the CP rezoning request was thoughtfully designed to have the commercial uses on the portion of the parcels fronting SR 40 and 6<sup>th</sup> Street, with the northern rear portion of the property closest to other R-6 and R-7 urban residential zoned properties left undeveloped and utilized for the dumpster enclosure, stormwater, open space and future parking.



# Attachment “E” – Project Narrative

## (Page 4 of 5)

Development of an automotive service station/convenience store (with ancillary outdoor storage of propane tanks, Redbox movie rentals, and other similar services for the convenience store), with the flexibility to permit the existing Ordinance 2000-7 permitted uses, in addition to C-1 zoning commercial/retail uses in the event such intended automotive service station/convenience store does not ultimately get developed, would promote economic benefits such as services and conveniences to the surrounding community and improve property values. Moreover, in the event the automotive service station/convenience store is not built, this CP rezoning with flexibility for C-1 uses would allow the existing homeowner in the manufactured home to continue living on site with the existing R-7 zoning and would permit the remaining portions of the property to get redeveloped under C-1 uses, which would require an administrative approval of a new site plan if such course of action were pursued.

**5. Statement describing the proposed development will be consistent with and furthers the goals, objectives and policies of the comprehensive plan.**

The properties are located in an Urban Low Future Land Use designated area, which permits a nonresidential intensity of 0.25 to 0.35. Policy I-1.3.2 also specifically notes that commercial uses are permitted within this Future Land Use designation.

**Table FLUE 2 - Future Land Use Categories Table**

FUTURE LAND USE CATEGORY	DENSITY (1)	P.A.R. (INTENSITY)	I.S.R	OPEN SPACE	BUILDING HEIGHT (2)(5)
Urban Low Density	4 dw./1 acre	0.25 to 0.35	0.60	25%	Note (3)

Comprehensive Plan Policy I-1.3.10 states within the Urban Future Land Use Series, the county shall “allocate sufficient land area to accommodate commercial activities that provide goods and services, with consideration to economic benefits and environmental impacts to the County.” Commercial development would benefit this area that is otherwise underserved by commercial businesses. This Policy further defines commercial uses as “commercial, retail, office, limited light industrial uses and other uses commonly associated with these activities”. The properties lie on a Minor Commercial Corridor which is defined in the Comprehensive Plan Future Land Use Element generally as a roadway with two or more travel lanes where existing development pattern of intensity of development compatible to the adjoining land uses. Moreover, as required under Policy I-1.3.10.3, the properties are being developed in a manner that is compatible with surrounding uses and will be sufficiently buffered, landscaped and have appropriate architectural designs to enhance the aesthetics of the site. The redevelopment of these parcels will serve a larger range of resident demands as well.

**6. Compatibility with existing land uses.**

Existing R-7 zoning provides for single family and multifamily housing within the Urban Future Land Use category and provides for urban conveniences and facilities. The parcels zoned CP were rezoned under Ordinance 2000-7 for a specific business, Astor Marine. Parcels to the west include single story office buildings, including the U.S. Post Office. Further, property located to the west at 24401 State Road 40 was rezoned under Ordinance 2008-81 for Planned Commercial with Neighborhood Commercial (C-1) uses and self-service storage. Parcels to the east are undeveloped forest land. Parcels to the south include

# Attachment “E” – Project Narrative

## (Page 5 of 5)

a funeral home, marine sales and service, and vacant commercial property. Finally, parcels to the north include a vacant single family manufactured home and undeveloped forest land. A modern building with upgraded access, landscaping, site circulation, sidewalks, and stormwater retention will be developed. As commercial uses are already permitted today, there will not be a change in character or expectations of neighboring property owners.

**7. Would not adversely affect capacities of public facilities and services.**

The general area has low density development or commercial and residential components and is served by existing police and fire services, Lake County stormwater and County utility companies, including St. Johns River Utility, Inc. and Lake County Water Authority. The proposed CP rezoning will not adversely affect capacities of public facilities and services.

**8. Would not adversely affect the natural environment.**

The property currently has buildings and a paved and unpaved parking lot. The proposed development plan would demolish the existing unused buildings to construct a commercial building to current commercial design standards with proper site design, drainage and aesthetics to County standards.

**9. Would result in a logical and orderly development pattern.**

The proposed change would upgrade ingress and egress off of State Road 40 into the property, create an orderly traffic circulation, enhance pedestrian safety with the addition of sidewalks and provide a needed service to the community. This would also provide commercial services along SR 40, which is the logical location based on proper planning principles for such use.

# Attachment "F" – Ordinance 1999-71 (Page 1 of 8)

Book 1739 Page 1042

Doc# 99063865  
Book: 1739  
Pages: 1042 - 1049  
Filed & Recorded  
08/03/99 08:19:17 AM  
JAMES C. WATKINS  
CLERK OF CIRCUIT COURT  
LAKE COUNTY  
RECORDING \$ 33.00  
TRUST FUND \$ 4.50

ORDINANCE #1999 - 71  
Tracking No. #29-99-CP  
PH#14-99-4  
Daniel and Monica Connolly

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

**WHEREAS**, the Lake County Planning and Zoning Commission did, on the 22 day of June, 1999, review petition #14-99-4, a request for an amendment to CP Resolution #1999-06 and a rezoning from R-6 (Urban Residential) and R-7 (Mixed Residential) to CP (Planned Commercial) on property generally located in the Astor area - From the intersection of SR 40 (Butler Street) and 5th Street; Property lying N of SR 40 on the W side of 5th Street. (Sec. 37 Twp. 15S Rge. 28E) (2.02 +/-acres)

**LEGAL DESCRIPTION:** [EXHIBIT "A-1 AND A-2" - ATTACHED]

**AND**, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said would be presented to the Board of County Commissioners of Lake County, Florida, on the 22 day of June, and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, 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 and conditions pertaining to the development of the above described property have been duly approved,

*R- Board Support*

FILED  
JUL 28 AM 10:57  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA



# Attachment “F” – Ordinance 1999-71

## (Page 2 of 8)

Book 1739 Page 1043

ORDINANCE NO. #1999 - 71  
(Tracking No. #29-99-CP) (PH#14-99-4)(Daniel and Monica Connolly)

**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 above tract of land subject to the following terms and conditions:

1. Terms: The amendment to CP Resolution #1995-42 shall include those uses as outlined herein, including the addition of land:
  - A. Land Uses:
    1. **Land Uses For Properties Described in Exhibit A-1:**

Use of the site shall be for CP (Planned Commercial) uses for boat sales and **repair** services. Normal accessory structures related thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment by the Board of County Commissioners.
    2. **Land Uses For Properties Described in Exhibit A-2:**

Four (4) storage buildings not to exceed 12,606 cumulative square feet for the keeping and storing of boats and RV's and accessory uses. Accessory uses related thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment by the Board of County Commissioners.
  - B. Setbacks: The applicant shall maintain setbacks of fifty (50') feet from all roads and rights-of-way and property lines adjacent to residential neighborhoods.

# Attachment “F” – Ordinance 1999-71

## (Page 3 of 8)

Book 1739 Page 1044

ORDINANCE NO. #1999 - *Z/*  
(Tracking No. #29-99-CP) (PH#14-99-4)(Daniel and Monica Connolly)

- C. Lighting: All lighting shall be designed and arranged so as not to interfere with the neighboring properties, and shall be adjusted to fall only on the subject property where such light source is located.
- D. Landscape and Buffering:
  - 1. A landscaped buffer shall be provided between all commercial and residential land uses and sign controls to enhance community aesthetics, maintain neighborhood visibility, reduce incompatibility and adjacent land uses and reduce glare and noise.
  - 2. New construction on Parcel A-2 is required to meet the landscape and buffer requirements for commercial and residential interface as provided for in the Land Development Regulations, as amended. New construction on Parcel A-1 is subject to Sections 9.02.08, 11.04.00 and 11.05.00 in the Land Development Regulations, as amended.
- E. Concurrency Management Review: Prior to requesting approval of new construction, the applicant must undergo Lake County Concurrency Management Review or sign an affidavit of deferral, deferring concurrency management review.
- F. Transportation Improvements: Pursuant to the Lake County Land Development Regulations, as amended, the applicant shall comply with the Access Management Ordinance.
- G. Tree Removal/Landscaping: If any trees are to be removed, the applicant shall be required to comply with the Lake County tree removal requirements.

# Attachment “F” – Ordinance 1999-71

## (Page 4 of 8)

Book 1739 Page 1045

ORDINANCE NO. #1999 - ~~Z/~~  
(Tracking No. #29-99-CP) (PH#14-99-4)(Daniel and Monica Connolly)

- H. Impervious Surface: The impervious surface ratio on Parcel A-2 cannot exceed forty (40%) percent.
  - I. Development Review and Approval: Prior to the issuance of any permits, the applicant shall be required to submit a formal site plan for review and approval by the County Manager or designee. The site plans shall meet all submittal requirements and comply with all County codes and ordinances, as amended.
  - J. Future Development Orders: Any requested development order must comply with the Lake County Land Development Regulations, as amended, and Lake County Comprehensive Plan, as amended.
  - K. Future Amendments to Statutes, Code, Plan and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations, include any future amendments to the Statutes, Code, Plan, and/or Regulations.
2. Conditions as altered and amended which pertain to the above tract of land shall mean:
- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.

# Attachment “F” – Ordinance 1999-71

## (Page 5 of 8)

Book 1739 Page 1046

ORDINANCE NO. #1999 - 71  
(Tracking No. #29-99-CP) (PH#14-99-4)(Daniel and Monica Connolly)

- B. Other than normal maintenance or repair; 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 Chapter XIV of the Land County Land Development Regulations, and obtaining approval from the County Manager or designee upon obtaining the permits required from the other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Lake County Land Development Regulations (LDRs), as amended.

# Attachment "F" – Ordinance 1999-71 (Page 6 of 8)

Book 1739 Page 1047

ORDINANCE NO. #1999 - 71  
(Tracking No. #29-99-CP) (PH#14-99-4)(Daniel and Monica Connolly)

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

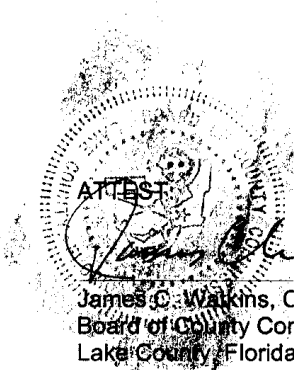

ENACTED this 22nd day of June, 19 99.

FILED with the Secretary of State July 28, 19 99.

EFFECTIVE July 28, 19 99.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

  
WELTON G. CADWELL, CHAIRMAN

  
ATTEST  
  
James C. Watkins, Clerk of the  
Board of County Commissioners  
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:

  
SANFORD A. MINKOFF, County Attorney

# Attachment "F" – Ordinance 1999-71 (Page 7 of 8)

**Book 1739 Page 1048**

**EXHIBIT A-1**

**Lots 1, 2, 4 and 5, Block 26 of said Map of Astor as recorded in Plat Book 1, Page 24,  
and Plat Book 2, Page 12, Public Records of Lake County, Florida,**

# Attachment "F" – Ordinance 1999-71

## (Page 8 of 8)

Book 1739 Page 1049

### **EXHIBIT A-2**

**Lots 4 and 5, Block 27, of said Map of Astor, as recorded in Plat Book 1, Page 24, and Plat Book 2, Page 12, Public Records of Lake County, Florida.**

**Together with that vacated portion of the West one-half (1/2) of 5th Street lying north of Highway 40 and lying adjacent and contiguous to Lots 1 and 4, Block 26, as previously vacated by Vacation Petition # 333, and recorded in Official Record Book 795, Page 1009, Public Records of Lake County, Florida, LESS AND EXCEPT the South 8 feet of Lot 4 for road right of way and the South 8 feet of Lot 5 for road right of way.**

**AND**

**That portion of Dora Street as shown on the Map of Astor, as recorded in Plat Book 1, Page 24, and also shown on the Map of Astor, as recorded in Plat Book 2, Page 12, Public Records of Lake County, Florida, described as follows:**

**Bounded on the North by the South line of Lots 4 and 5, Block 27, bounded on the South by the North line of Lots 1, 2 and 3, Block 26, bounded on the East by the West right of way line of 5th Street, and bounded on the West by the Southerly extension of the West line of Lot 5, Block 27, and the Northwest corner of Lot 3, Block 26, including that vacated portion of the South one-half (1/2) of Dora Street, lying north and contiguous to Lot 3, Block 26, also referenced by that certain Vacation Petition #859 and recorded in Official Records Book 1596, Page 1526, Public Records of Lake County, Florida.**

# Attachment "G" – Ordinance 2000-7 (Page 1 of 5)

Book 1793 Page 723

Doc# 2000010899  
 Book: 1793  
 Pages: 723 - 727  
 Filed & Recorded  
 02/09/00 03:40:48 PM  
 JAMES C. WATKINS  
 CLERK OF CIRCUIT COURT  
 LAKE COUNTY  
 RECORDING \$ 21.00  
 TRUST FUND \$ 3.00

**ORDINANCE #2000-7**  
**Tracking No. #9-00-CP/AV**  
**PH#3-00-4**  
**Daniel & Monica Connolly**

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

**WHEREAS**, the Lake County Planning and Zoning Commission did, on the 5th day of January, 2000, review petition #3-00-4, a request for an amendment to CP Ordinance #1999-71 on property generally located in the Astor area – From the intersection of SR 40 (Butler Street) and 5th Street; Property lying N of SR 40 on the W side of 5th Street. (Sec. 37 Twp. 15S Rge. 28E) (2.02 +/-acres)

~~LEGAL DESCRIPTIONS, EXHIBITS, MAP AND ATTACHED:~~

**AND**, after giving Notice of Hearing on petition for the proposed amendment, including a notice that said the proposed amendment would be presented to the Board of County Commissioners of Lake County, Florida, on the 25<sup>th</sup> day of January, and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, 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 and conditions pertaining to the development of the above described property have been duly approved, and

**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 above tract of land subject to the following terms and conditions:

1. Terms: The amendment to CP Ordinance #1999-71 shall include those uses as outlined herein. The zoning district of the site shall be amended, as outlined in the Lake County Land Development Regulations, as amended. The County Manager or designee shall amend the Zoning Map in accordance with this ordinance.

*R-Board Support*

DEPARTMENT OF STATE  
 TALLAHASSEE, FLORIDA  
 2000 FEB -4 AM 9:29  
**FILED**



# Attachment “G” – Ordinance 2000-7

## (Page 2 of 5)

Book 1793 Page 724

ORDINANCE NO. #2000 - 7  
(Tracking No. #9-00-CP/AMD) (PH#3-00-4) (Daniel & Monica Connolly)

A. Land Uses:

1. Land Uses For Properties Described in Exhibit A-1:

Use of the site shall be for CP (Planned Commercial) uses for boat sales and repair services. Accessory uses related thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment by the Board of County Commissioners.

Land Uses For Properties Described in Exhibit A-2:

- (a) Four storage buildings not to exceed 12,606 cumulative square feet for the keeping and storing of boats and RV's and accessory uses. Accessory uses related thereto may be approved by the County Manager or designee. Any other use shall require approval of an amendment by the Board of County Commissioners.

B. Setbacks: The applicant shall main setbacks of fifteen (15') feet from all roads and rights-of-way and property lines adjacent to residential neighborhoods.

C.

D. Lighting: All lighting shall be designed and arranged so as not to interfere with the neighboring properties, and shall be adjusted to fall only on the subject property where such light source is located.

E. Landscape and Buffering:

1. A landscaped buffer shall be provided between all commercial and residential land uses and sign controls to enhance community aesthetics, maintain neighborhood visibility, reduce incompatibility and reduce glare and noise.
2. Any construction on Parcel A-2 is required to meet the landscape and buffer requirements for commercial and residential interface as provided for in the Land Development Regulations, as amended. All construction on Parcel A-1 is subject to Sections 9.02.08, 11.04.00 and 11.05.00 in the Lake Development Regulations, as amended.

E. Concurrency Management Review: Prior to requesting approval of new construction, the applicant must undergo Lake County Concurrency Management Review or sign an affidavit of deferral, deferring concurrency management review.

# Attachment “G” – Ordinance 2000-7

## (Page 3 of 5)

Book 1793 Page 725

ORDINANCE NO. #2000 - 7  
(Tracking No. #9-00-CP/AMD) (PH#3-00-4) (Daniel & Monica Connolly)

- F. Transportation Improvements: Pursuant to the Lake County Land Development Regulations, as amended, the applicant shall comply with the Access Management Ordinance.
  - G. Tree Removal / Landscaping: If any trees are to be removed, the applicant shall be required to comply with the Lake County tree removal requirements.
  - H. Impervious Surface: The impervious surface ration on Parcel A-2 cannot exceed forty (40%) percent.
  - I. Development Review and Approval: Prior to the issuance of any permits, the applicant shall be required to submit a formal site plan for review and approval by the County Manager or designee. The site plans shall meet all submittal requirements and comply with all County codes and ordinances, as amended.
  - J. Future Development Orders: Any requested development order must comply with the Lake County Land Development Regulations, as amended, and Lake County Comprehensive Plan, as amended.
  - K. Future Amendments to Statutes, Code, Plan and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations, include any future amendments to the Statutes, Code, Plan, and/or Regulations.
2. Conditions as altered and amended which pertain to the above tract of land shall mean:
- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.
  - B. Other than normal maintenance or repair; 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 Chapter XIV of the Lake County Land Development Regulations, and obtaining approval from the County Manager or designee upon obtaining the permits required from the other appropriate governmental agencies.
  - C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

# Attachment "G" – Ordinance 2000-7 (Page 4 of 5)

Book 1793 Page 726

ORDINANCE NO. #2000-7  
(Tracking No. #9-00-CP/AMD) (PH#3-00-4) (Daniel & Monica Connolly)

- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Lake County Land Development Regulations (LDRs), as amended.

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

ENACTED this 25th day of January, 2000.

FILED with the Secretary of State February 4, 2000.


EFFECTIVE February 4, 2000.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA



\_\_\_\_\_  
WELTON G. CADWELL, CHAIRMAN

ATTEST:



\_\_\_\_\_  
James C. Watkins, Clerk of the  
Board of County Commissioners  
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:



\_\_\_\_\_  
SANFORD A. MINKOFF, County Attorney

# Attachment "G" – Ordinance 2000-7

## (Page 5 of 5)

Book 1793 Page 727

**ORDINANCE NO. #2000-7**  
**EXHIBIT "A" – LEGAL DESCRIPTION**  
**Daniel & Monica Connolly**  
**Cecelia Bonifay, Esq.**  
**Tracking No. #9-00-CP/AMD**  
**PH#3-00-4**

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

**LEGAL DESCRIPTION:** A – 1: Lots 1, 2 4 and 5 – Block 26 of said Map of Astor as recorded in Plat Book 1, Page 24 and Plat Book 2, Page 12, Public Records of Lake County, Florida; A-2: Lots 4 and 5, Block 27, of said Map of Astor, as recorded in Plat Book 1, Page 24 and Plat Book 2, Page 12, Public Records of Lake County, Florida; Together with that vacated portion of the W 1/2 of 5th Street lying N of Hwy 40 and lying adjacent and contiguous to Lots 1 and 4, Block 26, as previously vacated by Vacation Petition #333, and recorded in Official Record Book 795, Page 1009, Public Records of Lake County, Florida, LESS AND EXCEPT the S 8 ft of Lot 4 for road right of way and the S 8 feet of Lot 5 for road right of way AND That portion of Dora Street as shown on the Map of Astor, as recorded in Plat Book 1, Page 24, and also shown on the Map of Astor, as recorded in Plat Book, 2 Page 12, Public Records of Lake County, Florida, described as follows: Bounded on the N by the South line of Lots 4 and 5, Blk 27, bounded on the S by the N line of Lots 1, 2 and 3, Block 26, bounded on the E by the W r/w line of 5th Street, and bounded on the W by the S'ly extension of the W line of Lot 5, Blk 27, and the NW cor of Lot 3, Blk 26, including that vacated portion of the S 1/ 2 of Dora Street, lying N and contiguous to Lot 3, Block 26, also referenced by that certain Vacation Petition #859 and recorded in Official Records Book 1596, Page 1526, Public Records of Lake County, Florida.

# Attachment "H" – Utility Letter

*St Johns River Utility, Inc.*

P.O. Box 77  
Astor, Florida 32102  
Ph: 352-759-2260

April 19, 2024

Mr. Herb Green, P.E.  
Cadjazz Engineering  
117 East Monument Avenue  
Kissimmee, Florida 34741

Re: 7 Eleven in Astor  
24525 SR 40

Dear Mr. Green:

This is to verify we currently provide water and sewer service to the above property which is the proposed location for a future 7 Eleven.

Currently, there are two water meters, with one meter for irrigation purposes. There is one grinder pump station on site to provide wastewater service. We have sufficient capacity in both water and wastewater to provide service to the proposed 7 Eleven project.

Please contact me or Randy Meyers if you have additional questions.

Sincerely,



Lu Ann G. Van Hoose  
Office Manager

ORDINANCE 2024-\_\_

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; REZONING APPROXIMATELY 0.69 +/- ACRES FROM RURAL RESIDENTIAL DISTRICT (R-6) AND MIXED RESIDENTIAL DISTRICT (R-7) TO PLANNED COMMERCIAL DISTRICT (CP), AMENDING PLANNED COMMERCIAL DISTRICT (CP) ORDINANCE #2000-7 TO ESTABLISH A NEW CP ORDINANCE FOR APPROXIMATELY 3.1 +/- ACRES THAT INCLUDES THE AFOREMENTIONED 0.69 +/- ACRES TO FACILITATE THE DEVELOPMENT OF AN AUTOMOTIVE SERVICE STATION AND CONVENIENCE STORE FOR PROPERTY LOCATED ON STATE ROAD 40, IN THE ASTOR AREA OF UNINCOPROATED LAKE COUNTY, IDENTIFIED AS ALTERNATE KEY NUMBERS 1746159, 3785566, 3781473, 1314984, 1314968 and 1314950; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Tara L. Tedrow, Esq. (the "Applicant") submitted a rezoning application on behalf of Daniel J. and Monica Connolly and Patricia Cohn (collectively, the "Owner"), to rezone property from Rural Residential District (R-6) and Mixed Residential District (R-7) to Planned Commercial District (CP), and to amend Planned Commercial District (CP) Ordinance #2000-7 to facilitate the development of an automotive service station and convenience store; and

**WHEREAS**, the subject property consists of approximately 3.11 +/- acres, located on SR 40 and Sixth Street in the unincorporated Astor area in Section 30, Township 15 South, Range 28 East, known as Alternate Key Numbers 1746159, 3785566, 3781473, 1314984, 1314968 and 1314950 and more particularly described in Exhibit "A" – Legal Description; and

**WHEREAS**, the property is located within the Urban Low Density Future Land Use Category; and

**WHEREAS**, on July 10, 1984, the Board of County Commissioners approved Ordinance #34-84 to allow the rezoning of approximately 0.23 +/- acres from Mobile or Mixed Residential District (R-1-5) to Planned Commercial District (CP) to allow the use of the site for a florist and gift shop; and

**WHEREAS**, on May 16, 1989, the Board of County Commissioners approved Ordinance #25-89, which was an amendment to CP Ordinance #34-84 to allow the use of the site to limited C-1 and C-2 uses along with conditions approved under CP ordinance 34-84; and

**WHEREAS**, on May 2, 1995, the Board of County Commissioners approved Resolution #1995-42 to allow the rezoning of approximately 1.16 +/- acres from Rural or Tourist Commercial District (C-1) to Planned Commercial District (CP) to allow the use of the site for boat sales and services; and

**WHEREAS**, on June 2, 1999, the Board of County Commissioners approved Ordinance #1999-71, which was an amendment to CP Resolution #1995-42 to allow boat repair services and four storage buildings not to exceed 12,606 cumulative square feet for keeping and storing of boats and RVs; and the rezoning of approximately 0.86 +/- acres from urban Residential District (R-6) and Mixed Residential District (R-7) to Planned Commercial District (CP); and

**WHEREAS**, on January 25, 2000, the Board of County Commissioners approved Ordinance 2000-7, which was an amendment to CP Ordinance #1999-71 on a portion of the subject property; and

1           **WHEREAS**, the Lake County Planning and Zoning Board did on the 1st day of May 2024, review  
2           Petition PZ2023-312; after giving Notice of Hearing on petition to amend the CP zoning of the subject  
3           property, including notice that the Ordinance would be presented to the Board of County Commissioners of  
4           Lake County, Florida, on the XXth day of June 2024; and

5           **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the  
6           Lake County Planning and Zoning Board, and any comments, favorable or unfavorable, from the public and  
7           surrounding property owners at a Public Hearing duly advertised; and

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

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

12           **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to  
13           Planned Commercial District (CP) for the property described in Exhibit "A". The uses of the property will be  
14           limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached  
15           as Exhibit "B". To the extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance will  
16           take precedence. The adoption of this Ordinance shall revoke and replace Ordinance #34-84, Ordinance  
17           #25-89, Resolution #1995-42, Ordinance #1999-71 and Ordinance #2000-7.

18           **A. Permitted Land Uses.**

- 19                           1. Development of an automotive service station (gas station)/convenience store (with  
20                           ancillary outdoor storage of propane tanks, Redbox movie rentals, and other similar  
21                           services for the convenience store), boat sales and repair services including  
22                           accessory uses related thereto, storage buildings for the storing and keeping of  
23                           boats and RV's and related accessory uses; and C-1 zoning commercial/retail uses.  
24  
25                           2. The following uses are permitted on the property described in Exhibit A until the  
26                           property is redeveloped as allowed under Section 1.A.1 above:  
27  
28                           a. Alternate Key 1746159: Single Family Home and Accessory Uses  
29                           b. Alternate Key 3781473: Boat Sales and Repair Services, Four Storage  
30                           Buildings not to exceed 12, 606 cumulative square feet for the keeping and  
31                           storing of boats and RV's and Accessory Uses.  
32                           c. Alternate Key 3785566: Free Standing Store.  
33                           d. Alternate Key 1314968: Single Family Home and Accessory Uses (currently  
34                           vacant property).  
35                           e. Alternate Key 1314950: Limited C-1 and C-2 uses similar in nature and  
36                           intensity to uses currently permitted on site.  
37  
38                           3. Accessory uses directly associated with the above uses may be approved by the  
39                           County Manager or designee.

1                                   4. Any other use of the site not specified above will require approval of an amendment  
 2                                   to this Ordinance by the Board of County Commissioners.  
 3

4                                   **B. Open Space, Impervious Surface Ratio, and Building Height.** Open space,  
 5                                   impervious surface ratio, and building height shall be in accordance with the  
 6                                   Comprehensive Plan and LDR, as amended.

7                                   **C. Setbacks.** The setbacks for existing uses identified under Section 1.A.2 above shall be  
 8                                   as set forth in the LDR for similar uses. The following setbacks are applicable when the  
 9                                   property is redeveloped under Section 1.A.1 above:

Development Type	Front	Secondary Front	Side	Rear
Commercial Uses	50-feet	50-feet	5-feet * 15' adjacent to residential	5-feet 15' adjacent to residential
Accessory Structures	50-feet	25-feet	5-feet	5-feet

10                                   \*Side interior setbacks shall be 5 feet

- 11                                   1. All setbacks must be measured from the property line.  
 12                                   2. The minimum wetland setback is 50-feet from jurisdictional wetland line.  
 13                                   3. Any setback not specified must be in accordance with the LDR, as amended.  
 14                                   4. All areas of the Planned Commercial District (CP) shall maintain a grass height of  
 15                                   12-inches or less until such time as the CD fully develops.

16                                   **D. Bear Management.**

- 17                                   1. Owner or developer shall be required to use County approved, bear-resistant  
 18                                   garbage carts, if available. If bear resistant garbage carts are not available, regular  
 19                                   carts shall be modified to be bear or keeping cans in a secured location.  
 20                                   2. Owner or developer shall be placed on notice that they are purchasing a property  
 21                                   within an area known for Florida Black Bear habitat. New homeowners shall be  
 22                                   given information published by the Florida Fish and Wildlife Conservation  
 23                                   Commission regarding living among the Florida Black Bear and ways to reduce  
 24                                   encounters.



1                   **E. Landscaping, Buffering, and Screening.**

- 2                   1. Perimeter buffers shall consist of canopy and understory trees and plants utilizing  
3                   100% Florida native plant materials from the IFAS list. Exotic/invasive species shall  
4                   be removed. Existing vegetation located along the perimeter of the PUD may be  
5                   used to count towards the minimum perimeter landscaping requirement.
- 6                   2. Best Management Practices for native landscaping and “right plant-right place”  
7                   landscaping techniques shall be utilized in the design and installation of invasive  
8                   exotic plant species in all landscape plantings is prohibited.
- 9                   3. The property owner(s) shall manage buffer areas in accordance with a management  
10                  plan that protects native habitats and limits the proliferation of nuisance/exotic  
11                  vegetative species. A copy of the management plan will be provided to the County.
- 12                 4. Smart Irrigation Best Management Practices shall be utilized for all landscape  
13                 irrigation and shall incorporate soil moisture and rain sensors into the irrigation  
14                 design.
- 15                 5. Landscaping and screening shall be in accordance with the Comprehensive Plan  
16                 and LDR, as amended.

17                  **F. Environmental Requirements.** An environmental assessment dated will be required  
18                  when the property is redeveloped as set forth in Section 1.A.1 above. The  
19                  environmental assessment must be done within six (6) months of the date the site plan  
20                  is submitted. The environmental assessment must demonstrate the presence of  
21                  vegetation, soils, threatened and endangered species that may exist on the site.

22                  **G. Noise.** All existing and future uses on the property must be in compliance with the  
23                  provisions contained in the LDR, as amended.

24                  **H. Transportation.**

- 25                 1. Sidewalks will be required per Commercial Design Standards set forth in the LDR,  
26                 as amended.
- 27                 2. When redevelopment occurs, the Owner or developer, as applicable, shall improve  
28                 Sixth Street to meet 24-ft in width from SR 40 to the northern side of the  
29                 development’s access. The improvements for the widening shall meet county paved  
30                 road standards.
- 31                 3. When redevelopment occurs, access and improvements along SR 40 shall be  
32                 permitted through the Florida Department of Transportation.
- 33                 4. All access management shall be in accordance with the Comprehensive Plan and  
34                 LDRS, as amended.

- 1                   **I. Stormwater Management.**
- 2                   1. The stormwater management system shall be designed in accordance with all
- 3                   applicable Lake County and St. Johns River Water Management District (SJRWMD)
- 4                   requirements, as amended.
- 5                   2. The Owner or developer as applicable shall be responsible for any flood studies
- 6                   required for redeveloping the property and comply with the Federal Emergency
- 7                   Management Agency (FEMA), Comprehensive Plan and LDRs , as amended. Any
- 8                   development within the floodplain as identified on the FEMA maps will require
- 9                   compensating storage.
- 10                  **J. Utilities.** The development will be serviced by central water and sewer systems, in
- 11                  accordance with the Comprehensive Plan and LDR, as amended.
- 12                  **K. Annexation.** Owner agrees not to enter into any covenant with a municipality to annex
- 13                  which alters the prerequisites of a voluntary annexation under Section 171.044, Florida
- 14                  Statutes.
- 15                  **L. Lighting.** All development will adhere to the dark sky principles set forth in Section
- 16                  3.09.00, LDR, as amended. These same provisions shall apply to individual lot owners
- 17                  as well as the common area.
- 18                  **M. Signage.** All signage must be in accordance with the LDR, as amended.
- 19                  **N. Schools.** School Concurrency, if required, shall be met before final plat approval in
- 20                  accordance with the Comprehensive Plan and LDR, as amended.
- 21                  **O. Concurrency Management Requirements.** Any development must comply with the
- 22                  Lake County Concurrency Management System, as amended.
- 23                  **P. Development Review and Approval.** Prior to the issuance of any permits, the Owner
- 24                  or developer as applicable shall submit a site plan generally consistent with the
- 25                  Conceptual Plan attached as Exhibit "B" for review and approval in accordance with the
- 26                  Comprehensive Plan and LDR, as amended.
- 27
- 28                  **Q. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific
- 29                  references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
- 30                  County Comprehensive Plan, and Lake County Land Development Regulations shall
- 31                  include any future amendments to the Statutes, Code, Plans, and/or Regulations.

32 **Section 2. Conditions.**

- 33                  **A.** After redeveloped as provided in this Ordinance, the property identified in this Ordinance
- 34                  may only be used for the purposes identified in this Ordinance. Any other proposed use
- 35                  must be specifically authorized by the Board of County Commissioners.
- 36                  **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove,
- 37                  improve, move, convert, or demolish any building structure, add other uses, or alter the

1 land in any manner within the boundaries of the above-described land without first  
2 obtaining the necessary approvals in accordance with the Lake County Code, as  
3 amended, and obtaining the permits required from the other appropriate governmental  
4 agencies.

5 **C.** This Ordinance will inure to the benefit of and will constitute a covenant running with the  
6 land and the terms, conditions, and provisions of this Ordinance, and will be binding  
7 upon the present Owner and any successor and will be subject to each condition in this  
8 Ordinance.

9 **D.** The transfer of ownership or lease of any or all the property described in this Ordinance  
10 must include in the transfer or lease agreement, a provision that the purchaser or lessee  
11 is made good and aware of the conditions established by this Ordinance and agrees to  
12 be bound by these conditions. The purchaser or lessee may request a change from the  
13 existing plans and conditions by following procedures contained in the LDR, as  
14 amended.

15 **E.** The Lake County Code Enforcement Special Master will have authority to enforce the  
16 terms and conditions set forth in this ordinance and to recommend that the ordinance  
17 be revoked.

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

21 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this  
22 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,  
23 Florida Statutes.  
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**Section 5. Effective Date.** This Ordinance shall become effective upon recordation in the public records of Lake County, Florida. The Applicant shall be responsible for all recording fees.

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**FILED** with the Secretary of State \_\_\_\_\_, 2024.

**EFFECTIVE** \_\_\_\_\_, 2024.

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

\_\_\_\_\_  
**KIRBY SMITH, CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**GARY J. COONEY, CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
**MELANIE MARSH, COUNTY ATTORNEY**

## Exhibit "A" – Legal Description

### LEGAL DESCRIPTION

**Parcel IDs:** 30-15-28-0100-027-00400, 30-15-28-0100-027-00100,  
38-15-28-0001-000-00200, 30-15-28-0100-026-00400, 30-15-28-0100-026-00600

**Alternate Key Numbers:** 1314984, 1314968, 3781473, 3785566, 1314950

Lots 1, 2, 4 and 5, Block 26 of said Map of Astor as recorded in Plat Book 1, Page 24, and Plat Book 2, Page 12, Public Records of Lake County, Florida, together with that vacated portion of the West one-half (1/2) of 5th street lying North of Highway 40 and lying adjacent and contiguous to Lots 1 and 4, Block 26, as previously vacated by Vacation petition #333, and recorded in Official Record Book 795, Page 1009, Public Records of Lake County, Florida, LESS AND EXCEPT the South 8 feet of Lot 4 for road right of way and the South 8 feet of Lot 5 for road right of way.

AND

Lots 4 and 5, Block 27, of said Map of Astor, as recorded in Plat Book 1, Page 24, and Plat Book 2, Page 12, Public Records of Lake County, Florida.

AND

That portion of Dora street as shown on the Map of Astor, as recorded in Plat Book 1, Page 24 and also shown on the Map of Astor, as recorded in Plat Book 2, Page 12, Public Records of Lake County, Florida, described as follows: Bounded on the North by the South line of Lots 4 and 5, Block 27, bounded on the South by the North line of Lots 1 and 2, Block 26, bounded on the East by the West right of way line of 5th Street and bounded on the West by the Southerly extension of the West line of Lot 5, Block 27, also referenced by that certain vacation Petition #859, and recorded in Official Record Book 1596, page 1526, Public Records of Lake county, Florida.

AND

Lot 6, Block 26, according to the plat of Astor, recorded in Plat Book 2, Page 12, Public Records of Lake County, Florida.

AND

The vacated West 1/2 of 5<sup>th</sup> Street bounded on the North by the Easterly extension of the North line of Lot 4, Block 27 and on the South by the Easterly extension of the North line of Block 26 and on the West by the East line and Southerly extension of Lot 4, Block 27, Map of Astor, according to the map or plat thereof as recorded in Plat Book 2, Page 12, Public Records of Lake County, Florida.

### LEGAL DESCRIPTION

Parcel ID: 30-15-28-0100-026-00300

Alternate Key Number: 1746159

Lot 3, Block 26, the town of Astor, Florida, according to the map or plat thereof, as recorded in Plat Book 2, page(s) 12, of the Public Records of Lake County, Florida.

# Exhibit "B" – Conceptual Plan

