

ORDINANCE #2007-
Denton's Shade House
CUP#

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

This Conditional Use Permit is granted by the Board of County Commissioners of Lake County, Florida, this 28th day of August, 2007, to the Wayne Denton ("Permittee") for the purpose, terms, and conditions as set forth herein pursuant to authority contained in Chapter XIV of the Lake County Land Development Regulations, Ordinance #2007-, as amended.

Background: The Permittee is requesting a Conditional Use Permit on property in the Agricultural Residential Zoning District to allow a conditional use permit for a shade tent as part of a plant nursery.

Section 1. Permission

Permission is hereby granted to Wayne Denton to utilize such property for the purposes requested in and on real property in Lake County. The property is located on the south side of County Road 48 between County Road 561 and Ranch Road in the general vicinity of Astatula (Section 33-Township 20S-Range 26E) (Alternate Key Number 1098530). The property is more particularly described as follows:

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

Section 2. Terms

This Conditional Use Permit shall mean and include those uses as outlined herein. The County Manager or designee shall amend the Lake County Zoning Maps to reflect a CUP in the Agricultural Residential Zoning District in accordance with this Permit.

- A. Land Uses: A Conditional Use Permit for the operation of a shade tent for the growing of plants, as provided for in the Land Development Regulations (Plant Nursery). Those uses normally associated therewith 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. License: The owners shall secure all applicable required state and local licenses.
- C. Setbacks: Residential structures and residential-related accessory structures shall meet the setbacks as defined under LDR Table 3.02.05 for the Agricultural Residential Zoning District, 25 feet from all property lines.
- D. Inspections:
 - 1. The Code Enforcement Division shall perform inspections for compliance with the Conditional Use Permit on an annual basis. An annual inspection fee shall be paid

yearly on the anniversary date of the adoption of the Permit. The County inspectors shall attempt to notify the Permittee prior to the inspections.

2. Inspections may be conducted following complaints by the public regarding the facility, and its operational practices. If an inspection is necessary during nonworking hours, an emergency inspection fee shall be assessed.

- G. Development Orders: The site plan shall meet all submittal requirements and comply with this Permit, and all County Codes and Ordinances, as amended. The Permittee shall submit complete building plans, site development plans and operational plans and have them approved by the County Manager or designee prior to the issuance of building permits for any construction authorized by this Permit.

- H. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this Permit to the Florida Statutes, Florida Administrative Code, Comprehensive Plan, and Land Development Regulations include any future amendments to the Statutes, Code, Plan, and/or Regulations.

- I. After establishment of the Plant Nursery, as provided herein, the aforementioned property shall only be used for the purposes named in this Permit, unless a proposed use meets every requirement of the zoning district in which the property is located. Any other proposed use must be specifically authorized by the Board of County Commissioners.

Section 3. Conditions

Conditions of this permit shall mean:

- A. In the event of failure of the Permittee to fulfill development in substantial accordance with the plans as submitted to the Board of County Commissioners, comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon, or comply with any of the terms of this Permit, the Permit may be revoked after due public hearing before the Board of County Commissioners.

- B. This Permit shall inure to the benefit of, and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding upon any successor and his interest hereto.

- C. In addition to any other remedy by law, any breach in any of the terms or conditions of this Permit or any default in the part of the Permittee, owner, or their successor shall be deemed a material breach hereof, and this Permit may be cancelled or revoked. Cancellation or revocation of this Permit may be instituted by the County or Zoning Board, or may be revoked upon annexation within a municipal jurisdiction. The County Manager or designee shall set this matter for public hearing before the Zoning Board giving the same notice as provided in Chapter XIV of the Lake County Land Development Regulations, as amended.

- D. Construction and/or operation shall have begun within twelve (12) months; otherwise this

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(Tracking #) (CUP #) (Wayne Denton, Owner)

Permit shall be null and void; and the Permittee shall reapply for public hearing before the Zoning Board and the Board of County Commissioners. Provided the operation has begun within the period specified, this Permit shall be inspected by the Code Enforcement Division at the end of the twelve (12) month period to ensure compliance with the conditions of this Permit.

Section 4. Effective Date

This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2007.

FILED with the Secretary of State _____, 2007

EFFECTIVE _____, 2007

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

EXHIBIT "A"

LOT 4, BLOCK 1 OF ASTATULA, A SUBDIVISION IN LAKE COUNTY, FL, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 12, PUBLIC RECORDS OF LAKE COUNTY, FL. ALSO THE EAST ½ OF THE UNNAMED STREET LYING WEST OF SAID LOT 4; THE WEST ½ OF THE UNNAMED STREET LYING EAST OF SAID LOT 4; AND THE NORTH ½ OF MASSACHUSSETTS AVENUE LYING SOUTH OF SAID LOT 4.

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