



**CITY OF UMATILLA  
AGENDA ITEM STAFF REPORT**

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**DATE:** November 24, 2015

**MEETING DATE:** December 1, 2015

**SUBJECT:** Ordinance 2015 – D, Randall, Second Reading

**ISSUE:** Application for Conditional Use Permit

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**BACKGROUND SUMMARY:** The applicant is requesting approval of a Conditional Use Permit to operate a group home within the Residential Professional Zoning district. The Ruth House has been operating without incident in the city for approximately five (5) years.

Approximately 5 years ago, the applicant came to City Hall when setting up the endeavor and inquired about the zoning and allowed uses. At that time she was given incorrect information by a former employee who indicated the use was allowed. Recently a city resident raised a question regarding the property's zoning. While not having an issue with the current use, the resident wanted to insure the property was properly zoned. City staff met with the applicant who upon understanding requirements, made application for CUP.

The city's Land Development Regulations (LDRs) define land uses but do not address this specific type of use. Application has been made for a Conditional Use Permit (CUP) in order to address the non-conforming use. CUPs run with the business/owner and cannot be transferred to another party.

**STAFF RECOMMENDATIONS:** Approval of Ordinance 2015-D, Randall Conditional Use Permit.

**FISCAL IMPACTS:** N/A

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**PLANNING & ZONING BOARD ACTION:** MOTION by Hawkins; SECOND by Cadwell; to recommend approval of Ordinance 2015-D CUP. Motion carried.

**CITY COUNCIL ACTION 11/17/2015:** MOTION by Wright; SECOND by Purvis; to approve Ordinance 2015-D, Conditional Use Permit Randall.

**AYES:** Adams, Purvis, Wright, Olson

**NOs:**

Motion carried.

**COUNCIL ACTION:**

Reviewed by City Attorney	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Reviewed by City Engineer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A

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**ORDINANCE 2015 - D**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, APPROVING A CONDITIONAL USE PERMIT TO AUTHORIZE A GROUP HOME, LOCATED IN THE RP ZONING DISTRICT FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF UMATILLA, FLORIDA; OWNED BY EMERY AND REBECCA RANDALL AND LOCATED AT 311 S. CENTRAL AVENUE, UMATILLA, LAKE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an application has been received from Emery and Rebecca Randall requesting a Conditional Use Permit pursuant to Chapter 7 of the City Land Development Regulations to allow the property located at 311 N. Central Avenue Umatilla, Florida (the "Property"), to be used for the location of a group home within the RP zoning district; and

**WHEREAS**, public notice has been provided as required by the Land Development Regulations of the City of Umatilla; and

**WHEREAS**, the Planning and Zoning Board of the City of Umatilla considered the conditional use permit request on November 10, 2015 and has made a recommendation to the City Council.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Umatilla, Florida, as follows:

**Section 1: Purpose and Intent.**

That the Property in the zoning district of Residential Professional, RP, being situated in the City of Umatilla, Florida, shall hereafter be granted a Conditional Use Permit to allow operation of a group home for women in crisis.

**LEGAL DESCRIPTION:**

That part of Lot 2 in Block "E" in J. A. Mitchener's Addition to the City of Umatilla, Florida, according to the plat thereof recorded in Plat Book 1, page 56, Public Records of Lake County, Florida, bounded and described as follows: From the most Westerly corner of the said Lot 2, run Northeasterly along the Westerly line of the said Lot 2, a distance of 150 feet for a point of beginning. From said point of beginning turn to the right at an angle of 90 deg. and run Southeasterly 201 feet; thence run Northeasterly and parallel with the Easterly line of Lot 3 in said Block "E" 146 feet; thence run Northwesterly and parallel with the Southwesterly line of said Lots 2 and 3 a distance of 201 feet to the Westerly line of said Lot 2; thence run Southwesterly along the Westerly line of the said Lot 2 a distance of 146 feet to the point of beginning.

46 The part of Lots 2 and 3, Block "E" in J.A. Mitchener's Addition to the City of Umatilla,  
47 Florida, according to the Plat thereof recorded in Plat book 1, page 56, Public Records of Lake  
48 County, Florida, bounded and described as follows: From the most Westerly corner of the said  
49 Lot 2, run Northeasterly along the Westerly line of the said Lot 2 a distance of 150 feet, thence  
50 turn to the right at an angle of 90 deg. and run Southeasterly 201 feet for Point of Beginning;  
51 thence continue Southeasterly 201 feet, thence run Northeasterly and parallel with the Easterly  
52 line of said Lot 3 a distance of 146 feet, thence run Northwesterly and parallel with the  
53 southwesterly line of said Lots 2 and 3 a distance of 201 feet, thence run Southwesterly parallel  
54 with the Westerly line of said Lot 2 a distance of 146 feet to the Point of Beginning.

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56 Alternate Key # 1129249

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58 **Section 2: Zoning Classification.**

59 That the Property shall be granted a Conditional Use Permit to allow operation of a group home  
60 known as "Ruth House" located in the RP zoning district in accordance with Chapter 7, Section  
61 1 of the Land Development Regulations of the City of Umatilla, Florida.

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63 **Section 3: Severability.**

64 If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to  
65 be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this  
66 Ordinance shall remain in full force and effect.

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68 **Section 4: Effective Date.**

69 This Ordinance shall become effective upon passage.

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71 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake  
72 County, Florida, this 1st day of December, 2015.

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77 Brian Butler, Mayor  
78 **City of Umatilla, Florida**

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80 ATTEST: Approved as to Form:

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85 **Karen Howard, CMC**  
86 **City Clerk**

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88 **Kevin Stone**  
89 **City Attorney**

87 Passed First Reading: November 17, 2015  
88 Passed Second Reading: December 1, 2015

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91 [Seal]

**CITY OF UMATILLA**  
**STAFF REPORT**  
**Aaron D. Mercer, AICP, Director of Public Works**

**CONDITIONAL USE PERMIT**

**Applicant:** Emery and Rebecca Randall

**Owner:** Emery and Rebecca Randall

**General Location:** 311 S. Central Avenue

**Number of Acres:** .50± acres

**Existing Zoning:** Residential Professional (RP)

**Existing Future Land Use:** General Commercial (GC)

**Description of Project**

Applicant is requesting a Conditional Use Permit to authorize a group home within the Residential Professional Zoning District. The current property is subject to a Code Enforcement violation for operating a group home without the proper zoning approval. The Randall’s operate “Ruth House”, a transitional shelter for women in crisis and has operated at the current address for approximately 5-years without issue. A recent fire inspection was conducted and no violations were found, thus Ruth House is operating safely, albeit, non-conforming. This type of use is not specifically defined in the City’s land development regulations, however, it is not expressly prohibited either, therefore, the applicant has requested a CUP. Conditional use permits run with the owner and not the property; therefore, ownership of a conditional use cannot be transferred to another party pursuant to Chapter 7, Section 1)e).

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	<b><u>(RP) Residential Professional</u></b>	<b><u>(CGENRL) Commercial General</u></b>
<b>South</b>	<b><u>(RP) Residential Professional</u></b>	<b><u>(CGENRL) Commercial General</u></b>
<b>East</b>	<b><u>(R15) Single Family Residential</u></b>	<b><u>(MF) Multi-Family</u></b>
<b>West</b>	<b><u>(RP) Residential Professional</u></b>	<b><u>(MF) Multi-Family</u></b>

## **Assessment**

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The Ruth House has been in existence at this location for approximately 5 years. To date, the City has received no complaints from parking, noise or any other general concern. This particular use is a compatible use with no detrimental effects on surrounding properties.

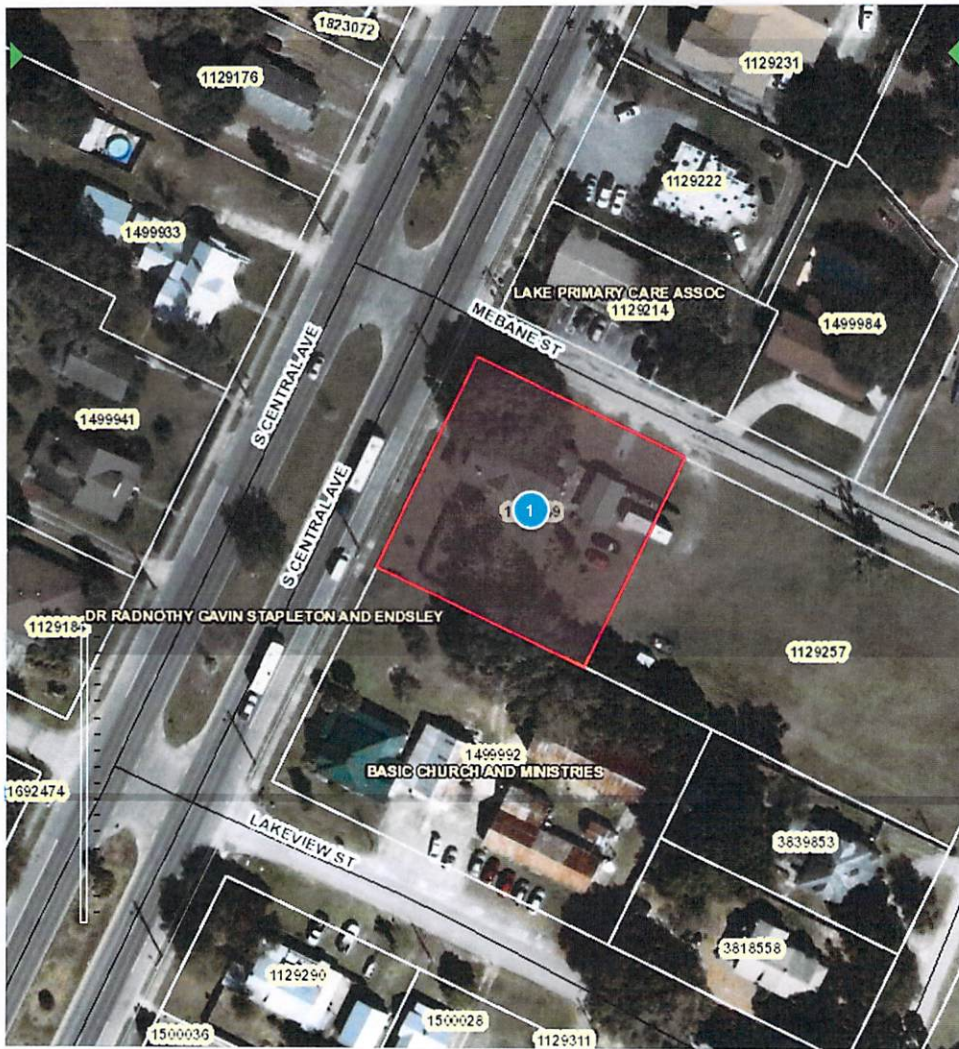
The City's LDRs allow for Conditional Uses which, because of their uniqueness, are not specifically identified as permitted uses or as special exception uses. Group Homes are generally considered a residential use. Pursuant to the City's LDRs a residential uses are allowed within the Residential-Professional Zoning District.

## **Recommendation**

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Staff recommends approval of the Conditional Use Permit.



Layers

Lake County

- Points of Interest
- Base Features
- Public Safety
- Elections & Voting
- Planning & Zoning
- Environmental
- Public Works

Contours

Terrain

2014 Aerials

2011 Aerials

2008 Aerials

# NOTICE OF CONDITIONAL USE PERMIT

## CITY OF UMATILLA

The City of Umatilla proposes to consider the following Ordinance:

### NOTICE OF PUBLIC HEARING FOR CONDITIONAL USE PERMIT

The proposed Ordinance will be considered at the following public meetings:  
Umatilla Planning & Zoning meeting on November 10, 2015 at 7:00 p.m.  
Umatilla City Council meeting on November 17, 2015 at 7:00 p.m.  
Umatilla City Council meeting on December 1, 2015 at 7:00 p.m.

All meetings will be held at the Council Chambers, 1 South Central Avenue, Umatilla, Florida.

### ORDINANCE 2015 - D

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Ordinance 2015-D, the City of Umatilla Land Development Regulations, Comprehensive Plan, and the legal description of the property are available for inspection at the City Hall, during normal working hours 8:00 a.m. to 5:00 p.m. Persons with disabilities needing assistance to participate in any of these proceedings should contact Karen Howard, City Clerk, at (352) 669-3125 at least 48 hours before the date for the scheduled hearing.

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Umatilla is an equal opportunity provider and employer.

