

**CITY OF CLERMONT
COUNCIL MEETING AGENDA
7:00 PM, Tuesday, June 10, 2014**

Welcome to our Council meeting. In the interest of time efficiency and ensuring that everyone who wishes to address the Council is given the opportunity to do so, the following will apply to all comments made by the public. For items listed on the agenda, each speaker will be permitted 5 minutes to address the Council. For non-agenda items, each speaker will be permitted 3 minutes to address the Council. These time limits may be extended by the Mayor. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

Clermont Football Club

Quarterly Budget Update

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

Item No. 1 - Council Meeting Minutes	Consider approval of the Regular Council Meeting Minutes for May 13, 2014 and May 27, 2014.
Item No. 2 - Utility Easement Agreement	Consider approval of the utility easement agreement for existing force main in Harvest Landing subdivision.
Item No. 3 - Surplus Equipment	Consider approval to surplus a Fire Department breathing air compressor.

UNFINISHED BUSINESS

Item No. 4 - Variance Request	Consider approval of variance request to allow the removal of the landscape island.
Item No. 5 - Resolution No. 2014-12	Consider approval of request to allow a gun range in the C-2 General Commercial zoning district located west of US Highway 27, south of Twistee Treat, and north of Desoto Street.
Item No. 6 - Variance Request	Consider approval of variance request to allow a ten foot high retaining wall.
Item No. 7 - Ordinance No. 2014-09; <i>Final</i>	Consider approval of Ordinance for the Clermont Interlocal Service Boundary Agreement (ISBA)

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| Item No. 8 - Ordinance No. 2014-11; <i>Final</i> | Consider approval of Ordinance to close Short Street between Twelfth Street and Carroll Street. |
| Item No. 9 - Ordinance No. 2014-14; <i>Final</i> | Consider approval of Ordinance to amend Sections 118-36, 118-41, and 118-71 of the tree code requirements. |
| Item No. 10 - Ordinance No. 2014-16; <i>Final</i> | Consider approval of Ordinance to revise Code Chapter 46 - Pensions. |

NEW BUSINESS

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| Item No. 11 - Variance Request | Consider approval of variance request to allow for less than one parking space per 100 square feet. |
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ADJOURN

Any person wishing to appeal any decision made by the City Council at this meeting will need a record of the proceedings. For that purpose, such person 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 based. In accordance with the Americans with Disabilities Act (ADA), if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding he/she should contact Clermont, City Clerk's Office, 352-241-7330.

Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the City Clerk for the City's records.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
May 13, 2014

The Clermont City Council met in a regular meeting on Tuesday, May 13, 2014 in the Council Chambers at City Hall. Mayor Turville called the meeting to order at 7:05 pm with the following Council Members present: Council Members Mullins, Bates and VanWagner. Other City officials present were: City Manager Gray, City Attorney Mantzaris and City Clerk Ackroyd.

Absent: Council Member Goodgame

INVOCATION

Council Member Mullins gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS

City Clerk Ackroyd read a proclamation aloud declaring the week of May 4 – 10, 2014 as North American Occupational Safety and Health Week and May 7, 2014 as Occupational Safety and Health Professional Day. Mayor Turville presented the proclamation to Susan Tobin and Charlyn Whiting.

City Clerk Ackroyd read a proclamation proclaiming May 18 – 24, 2014 as Water Reuse Week.

City Clerk Ackroyd read a proclamation proclaiming May 4 – 10, 2014 as Drinking Water Week.

Mayor Turville presented both proclamations to Environmental Services Director Kinzler.

PRESENTATIONS

Environmental Services Director Kinzler announced the City of Clermont East Water System received the 2013 Water Plant Operations Excellence Award from the Florida Department of Environmental Protection. He recognized Operations Manager Duane Land, Chief Water Treatment Plant Operator Steve Berry, and water operations staff Rick Laney, Jay Buttram, and Jesse DelValle for their services.

Environmental Services Administrative Assistant Heather Wooding commented three elementary schools and over 1,600 students participated in the Drop Saver Poster contest. She presented the 2014 Drop Saver Poster Contest Winners. First place winners were Reese Ciccotelli and Aryanna Pabon. Second place winners were Rebecca McAnuff and Elise Dullas. Third place winners were Madison Rojas and Gianna Fortich. Honorable mentions were Ally Woolum, Leah Moseley, Matthew Toledo, and Alison Supples.

Public Information Officer Bloodsworth introduced Star Olson with Cypress Ridge Elementary School and Kelly Ann Goring with Astatula Elementary School. Ms. Olson and Ms. Goring assisted students with the 2014 Quilts to Books project. The students presented the quilt project which will raise funds to purchase books for Briarwood Elementary School in Moore, Oklahoma, which was destroyed by a tornado.

City Manager Gray introduced Linda Smith from New Beginnings, sponsor of the South Lake Dragon Boat Festival held on Saturday, May 3. The Dragon Slayer Champions; consisting of City staff, received the Clermont Champions Cup. The Clermont Police Department won the gold medal in the C Division. The festival will be held each year on the first Saturday in May.

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Finance Director Van Zile stated the Florida Statutes require government to have an annual audit performed by an outside auditing firm. The auditing firm McDirmit/Davis has completed the Fiscal Year 2013 audit. The report is available on the City's website on the Finance Department web page. He introduced Tammy Campbell with McDirmit/Davis.

Tammy Campbell, McDirmit/Davis presented the Fiscal Year 2013 Audit. The City is in compliance with laws, regulations, contracts and grants; and complied with the Florida Statutes regarding the investment of public funds. The City received one comment regarding establishing a minimum fund balance policy. The Government Finance Officers Association's Best Practice for setting the level of Unrestricted Fund Balance suggests no less than two months of regular operating expenditures; which is approximately twenty percent. The City's current fund balance exceeds the suggested criteria. The financial condition assessment did not indicate any deterioration of the City's overall financial condition.

City Manager Gray commented City staff will be addressing the minimum fund balance policy and will return to Council in July.

Mayor Turville commended Finance Director VanZile and expressed appreciation for his outstanding performance.

PUBLIC COMMENTS

Charlene Forth requested the installation of a crosswalk on Highway 50 near Disston Avenue be placed on a future agenda for discussion. Mayor Turville stated the City may not have jurisdiction. City Manager Gray commented the State would have to approve a crosswalk.

Ms. Forth stated the City charges \$109.00 for a shed permit fee and sheds are being installed on the weekends without permits due to the high fee. The sheds are not properly anchored down and may not meet wind load requirements. An example provided was the Montessori School's shed on DeSoto Street. She requested shed permit fees be placed on a future agenda.

Mayor Turville requested City Attorney Mantzaris to check into the wind load issue. City Manager Gray and Planning Director Hollerand will look into the shed permit fees. City Attorney Mantzaris suggested the City's building official attend the Council meeting and address the issue.

Jim Purvis thanked the Council for moving forward on the church property. The recent Jazz band performances were well received and Facility Manager O'Shea and her staff were thanked for their time and efforts.

REPORTS

City Manager Gray reported the ribbon cutting ceremony of the church facility will be held on Friday, June 6 at 9:30am, with tours following until 11am. Tours will also be offered to the public on Saturday, June 7 from 10am to 2pm. He stated the applicant requesting a zoning change to operate a sand mine in the Sector Plan area has officially withdrawn their application.

City Attorney Mantzaris – No report.

Council Member Bates thanked Linda Smith for the Dragon Boat Festival. He commented the event was a great team building experience and would like to see the City do this again in the future.

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Council Member Mullins reported the Sidewalk Chalk Art Festival was successful and several of the art works are on display in the City Hall lobby.

Council Member Van Wagner – No report.

Mayor Turville thanked City Manager Gray for speaking at the annual Clermont High School reunion. He requested the video be placed on the City's website.

CONSENT AGENDA

Mayor Turville advised the next item on the Agenda for consideration was the Consent Agenda and requested anyone wishing to have any item pulled for discussion to please come forward at this time.

Item No. 1 - Council Meeting Minutes

Consider approval of the Regular Council Meeting Minutes for February 25, 2014, March 25, 2014 and April 8, 2014.

Item No. 2 - Surplus equipment

Consider approval to surplus Fire Department confined space training trailer.

Item No. 3 - Contract Approval

Consider approval of the Solid Waste Disposal Agreement with Progressive Waste Solutions (WSI).

Item No. 4 - Bid Award

Consider approval for bid award to McMahan Construction Co., Inc. in the total amount of \$361,000 for the East-West Water Interconnection Project.

Item No. 5 - Resolution 2014-13

Consider approval of Resolution to amend the Personnel Policy, Chapter 1: General, Section 2: Employee Conduct, and Chapter 4: Salary Administration, Section 6: Call-Out Pay

Item No. 6 - Resolution 2014-14

Consider approval of Resolution to revise Section 125 - Cafeteria Plan with Flexible Spending Account Plan Document and Adoption Agreement.

Item No. 7 - Resolution 2014-15

Consider approval of Resolution of rental and usage fees for the municipal facility located at 3700 S. Highway 27.

Item No. 8 - Event Request

Consider approval of the second annual Downtown Music Festival requested by

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the Greater Clermont Cancer Foundation on October 18, 2014 with street closures and live music.

Item No. 9 - Event Request

Consider request from the Clermont Downtown Partnership to move Food Trucks event from its existing location to a temporary location.

Item No. 10 - Event Request

Consider request from the Clermont Downtown Partnership for an open container area for the First Friday Food Trucks on June 6, 2014.

Council Member Mullins requested to pull Item 10 and Council Member Bates pulled Item 7.

Council Member Mullins expressed support for Item 10. He declared a conflict of interest as his business may gain as a result of Council approval.

Council Member Bates requested the City clarify the amenities available in the gymnasium for Item 7. City Manager Gray stated a pamphlet of the fees will include clarification on the gymnasium amenities.

Council Member Mullins moved to accept Items 1-9; seconded by Council Member Bates. The motion passed with all members present voting aye.

Council Member Van Wagner moved to approve Item 10; seconded by Council Member Bates. The motion passed 3 to 0 with Council Member Mullins abstaining as a declared conflict.

Item No. 11 – Closed Session

Mayor Turville read the following statement aloud:

At this time the City Council meeting will be in recess for the Council to conduct a private pending litigation session as requested by the City Attorney and as authorized by section 286.011, Florida Statutes. The session is for the purpose of discussing settlement and expense strategy for pending litigation involving the City and Bee's Auto and Wayne Weatherbee. The City Council, the City Manager, the City Attorney, and the City's litigation legal counsel handling the matter will attend the session. A court reporter will be present at the session and a transcript will be available after the conclusion of the litigation. The meeting will last approximately 20 minutes and the Council meeting will resume.

Mayor Turville recessed the meeting at 8:11pm.

Mayor Turville reconvened the meeting at 8:54pm.

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UNFINISHED BUSINESS

Item No. 12 – Naming Property

Public Information Officer Bloodsworth stated the list of suggested names for the facility was narrowed to Clermont Community Center, Clermont Arts and Recreation Center, and Clermont Complex. Should Council choose Clermont Community Center, a new name would need to be selected for the current Clermont Community Center at 620 W. Montrose Street. At the recent Fitness Palooza, jars with names were presented for the public to select their favorite name and the winner was Clermont Arts and Recreation Center, the second was Clermont Community Center, and the third was Clermont Complex.

City Manager Gray stated the feedback he has received strongly supported the Clermont Community Center name and there was a large response for the Clermont Arts and Recreation Center name.

Mayor Turville commented there would be other uses on the property in addition to arts and recreation.

Council Member Mullins was in agreement.

Mayor Turville opened the public hearing.

Jim Purvis suggested a broader phrase to depict the functions of the property.

Gail Ash suggested Clermont Center or Clermont Community Center.

City Manager Gray commented Council could name the property and name the building Arts and Recreation Center.

Council Member Bates moved to call the property the Clermont Community Complex.

The motion died for lack of a second.

Council discussed suggested names provided by the audience and staff.

Council Member Mullins moved to call the building the Clermont Arts and Recreation Center; seconded by Council Member VanWagner. The motion failed on a 2 to 2 vote with Council Member Mullins and Council Member VanWagner in support; and Mayor Turville and Council Member Bates opposed.

Council moved to the remaining agenda items and returned to address the naming of the property.

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NEW BUSINESS

Item No. 13 – Variance Request

Planning Manager Henschel presented the request for an off-site sign for Clermont Retirement Residence. The sign was approved by the City Council in 2011. The current city code does not allow for any off-site signage. The Clermont Retirement Residences is located within the newly purchased City property and does not have road frontage on South U. S. Highway 27 or on Hammock Ridge Road. In June 2013, the Council approved a variance request to allow an off-site sign with the already existing sign along South U.S. Highway 27 for the church. Staff recommends approval.

Mr. Craig Lewis, Clermont Retirement Residence, requested approval.

Mayor Turville opened the public hearing.

Jim Purvis suggested moving the sign further north and consider selling Clermont Retirement Residence 50 square feet of land.

Gail Ash suggested placing the sign further down on South U. S. Highway 27.

Mayor Turville closed the public hearing.

Mayor Turville expressed concern with placing an off-site sign on South U. S. Highway 27.

City Attorney Mantzaris commented the City Council already approved an off-site sign for the site. Clermont Retirement Residence has the right to be on the sign and when the City bought the property, the purchase was subject to that right. The choices are to include Clermont Retirement Residence on the sign for the City complex or grant a variance to allow a sign.

Jim Purvis suggested one sign with a list of all buildings on the site.

City Attorney Mantzaris stated if the City replaced the existing sign with a shopping center sign the sign could be up to 120 square feet in size.

Council Member Mullins suggested a temporary sign which will be replaced when the new sign is erected.

City Attorney Mantzaris stated a motion was not necessary, Council could provide direction. The variance was to move the sign and the sign will not be moved.

Craig Lewis agreed to have Clermont Retirement Residence on a temporary sign and later added to the permanent sign.

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Item No. 14 – Ordinance No. 2014-09 Introduction

City Clerk Ackroyd read Ordinance 2014-09 aloud by title only.

An Ordinance of the City of Clermont, Florida, adopting an Interlocal Service Boundary Agreement between the City of Clermont and Lake County; providing for severability; conflict and effective date.

Council Member Mullins moved to introduce Ordinance 2014-09; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

Item No. 15 – Ordinance No. 2014-11 Introduction

City Clerk Ackroyd read Ordinance 2014-11 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning the 60 foot right-of-way for Short Street from East Side of Twelfth Street to North Side of Carroll Street; repealing all ordinances in conflict herewith, providing for severability, publication, recording and for an effective date.

Council Member Mullins moved to introduce Ordinance 2014-11; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

Item No. 16 – Ordinance No. 2014-12 Introduction

City Clerk Ackroyd read Ordinance 2014-12 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the Small Scale Comprehensive Plan Amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163 Part II, Florida Statutes; setting forth the authority for adoption of the Small Scale Comprehensive Plan Amendment; setting forth the purpose and intent of the Small Scale Comprehensive Plan Amendment; providing for the adoption of the Small Scale Comprehensive Plan Amendment; establishing the legal status of the Small Scale Comprehensive Plan Amendment; providing a severability clause and providing an effective date.

Council Member Mullins moved to introduce Ordinance 2014-12; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

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Item No. 17 – Ordinance No. 2014-13 Introduction

City Clerk Ackroyd read Ordinance 2014-13 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, amending the Comprehensive Plan of the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes by adopting text changes to the goals, objectives, and policies of the Capital Improvements Element of the Comprehensive Plan; setting forth the authority for adoption of the Comprehensive Plan amendments; setting forth the purpose and intent of the Comprehensive Plan Amendments; establishing the legal status of the Comprehensive Plan Amendments; providing for severability, conflict and an effective date.

Council Member Mullins moved to introduce Ordinance 2014-13; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

Item No. 18 – Ordinance No. 2014-14 Introduction

City Clerk Ackroyd read Ordinance 2014-14 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 118 Vegetation, Section 118-36 Plan Material; Section 118-41 Preferred Tree List; Section 118-71 Minimum Tree Requirements; providing for codification; severability; effective date; and publication.

Council Member Mullins moved to introduce Ordinance 2014-14; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

Item No. 19 – Ordinance No. 2014-15 Introduction

City Clerk Ackroyd read Ordinance 2014-15 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 122 Zoning, Section 122-243 Permitted Uses; Section 122-244 Conditional Uses; providing for codification; severability; effective date; and publication.

Council Member Mullins moved to introduce Ordinance 2014-15; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

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The City Council continued the discussion regarding naming the property.

Mayor Turville suggested Clermont Municipal Complex for the property and Arts and Recreation Center for the building.

Council discussed naming the property Clermont Municipal Complex, Clermont Center Complex, Clermont Amenity Center, Clermont Centre, Clermont Complex, City of Clermont Center, Clermont Public Service Center, The Connection Center, Clermont South Annex, Clermont Arts and Recreation Center, Clermont Civic Campus, Clermont-Plex, Clermont Connection Center, Clermont Recreation Center, Clermont Access Center, Clermont Service Center, Clermont New World Center, Clermont Solution Center, Clermont Corporation Center, Clermont Contribution Center, Clermont City Walk, Clermont Correctional Center, Citizen Center, Clermont Hilltop Complex, Clermont City Center, and Clermont Hammock Ridge Center.

Council Member Mullins moved to name the campus the Clermont City Center and Arts and Recreation for the building.

The motion failed for lack of a second.

Council Member Mullins moved to name the campus the Clermont Municipal Center and the building the Arts and Recreation Building.

The motion failed for lack of a second.

Council Member Mullins moved to name the campus the Clermont Community Center, the building the Arts and Recreation Building, and rename the current Clermont Community Center the Clermont City Center; seconded by Council Member Bates. The motion passed 3 to 1 with Mayor Turville in opposition.

Mayor Turville requested staff inform Council if there is a significant cost to change the name of the current building.

ADJOURN: With no further comments, this meeting was adjourned at 10:13pm.

APPROVED:

Harold S. Turville, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

City of Clermont
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REGULAR COUNCIL MEETING
May 27, 2014

The Clermont City Council met in a regular meeting on Tuesday, May 27, 2014 in the Council Chambers at City Hall. Mayor Pro Tem Goodgame called the meeting to order at 7:00 pm with the following present: Council Members Mullins, Bates and VanWagner. Other City officials present were: City Manager Gray, City Attorney Mantzaris and City Clerk Ackroyd.

Absent: Mayor Turville

INVOCATION

Council Member Van Wagner gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS

Mayor Pro Tem Goodgame read the proclamation aloud honoring Aurelia Cole. Ms. Cole thanked the city for this honor and is most appreciative.

City Clerk Ackroyd read the 2014 Elections Proclamation aloud.

PUBLIC COMMENTS

Bob Perazza expressed concern with receiving a red light violation for a right turn on red. Mayor Pro Tem Goodgame asked Police Chief Broadway to review the violation.

Christopher Barrett and Milton Thompson announced the Caribbean Festival will be held on June 14.

Jim Harrison thanked the city for providing a Water Safety event on May 17 and commended city staff.

Jim Purvis thanked staff for a quick response in regards to the water being turned off at his residence.

Edwin Hensley, 3734 Peaceful Valley Drive, expressed concern with the Police Department. Mayor Pro Tem Goodgame suggested he meet with Police Chief Broadway.

Mayor Pro Tem Goodgame reported on changes to the agenda to include tabled items.

Item No. 4 - Ordinance No. 2014-09; Final Hearing

City Clerk Ackroyd read Ordinance 2014-09 aloud by title only.

An Ordinance of the City of Clermont, Florida, adopting an Interlocal Service Boundary Agreement between the City of Clermont and Lake County; providing for severability; conflict and effective date.

Council Member Mullins moved to table to June 10, 2014; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

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Item No. 5 - Ordinance No. 2014-11; Final Hearing

City Clerk Ackroyd read Ordinance 2014-11 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning the 60 foot right-of-way for Short Street from East Side of Twelfth Street to North Side of Carroll Street; repealing all ordinances in conflict herewith, providing for severability, publication, recording and for an effective date.

Council Member Mullins moved to table to June 10, 2014; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

Item No. 8 – Ordinance No. 2014-14; Final Hearing

City Clerk Ackroyd read Ordinance 2014-14 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 118 Vegetation, Section 118-36 Plan Material; Section 118-41 Preferred Tree List; Section 118-71 Minimum Tree Requirements; providing for codification; severability; effective date; and publication.

Council Member Mullins moved to table to June 10, 2014; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

Item No. 10 – Resolution No. 2014-12

City Clerk Ackroyd read Resolution 2014-12 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, granting a Conditional Use Permit to allow a gun range within the C-2 General Commercial Zoning District.

Council Member Mullins moved to table to June 10, 2014; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

Item No. 11 – Variance Request

Council Member Mullins moved to table to June 10, 2014; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

Item No. 12 – Variance Request

Council Member Mullins moved to table to June 10, 2014; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

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REPORTS

City Manager Gray reported the Arts and Recreation Center ribbon cutting ceremony will be held on Friday, June 6 at 9:30am and tours of the facility will be provided on Saturday, June 7. The Boys and Girls Club have entered into a partnership to run the summer program this summer beginning on Monday, June 9.

Freddy Williams and Michelle Minchoff, on behalf of the Boys and Girls Club, expressed appreciation for the opportunity to work with the city and is looking forward to growing the partnership.

City Attorney Mantzaris – No report.

Council Member Bates commended staff on the Water Safety Day event. He reported the Lake County Commission presented a proclamation declaring May as Water Safety month. City Clerk Ackroyd read the proclamation aloud.

Council Member Mullins noted the Food Trucks will be at City Hall Park on June 6 with a live band performing.

Council Member Van Wagner – No report.

Mayor Pro Tem Goodgame reported on a D-Day celebration at Historic Village on Saturday, June 7 at 11am.

CONSENT AGENDA

Mayor Pro Tem Goodgame advised the next item on the Agenda for consideration was the Consent Agenda and requested anyone wishing to have any item pulled for discussion to please come forward at this time.

Item No. 1 - Contract Approval

Consider approval to piggyback the Lake County contract with Port Consolidated, Inc. to provide fuel products.

Item No. 2 - Contract Approval

Consider approval to piggyback the Town of Longboat Key contract with LMK Pipe Renewal, LLC. to provide trenchless lateral reconstruction.

Item No. 3 - Re-appointment

Consider approval of Council Member Mullins re-appointment to the Lake County Arts and Cultural Alliance.

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Council Member Mullins moved to accept the consent agenda; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 6 - Ordinance No. 2014-12; Final Hearing

City Clerk Ackroyd read Ordinance 2014-12 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the Small Scale Comprehensive Plan Amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163 Part II, Florida Statutes; setting forth the authority for adoption of the Small Scale Comprehensive Plan Amendment; setting forth the purpose and intent of the Small Scale Comprehensive Plan Amendment; providing for the adoption of the Small Scale Comprehensive Plan Amendment; establishing the legal status of the Small Scale Comprehensive Plan Amendment; providing a severability clause and providing an effective date.

Senior Planner Kruse reported on the ordinance. It is an administrative small scale comprehensive plan amendment for the properties located southeast of 4th Street and State Road 50. This amendment to the Future Land Use map of the City's comprehensive plan assigns a City future land use of Commercial. The City inadvertently changed the future land use of the property to Office when it rewrote its Comprehensive Plan in 2009. These properties were previously approved for a future land use change from Residential/Professional to Commercial in 2001 under Ordinance No. 427-M. If approved, the small scale comprehensive plan amendment will be submitted to the Florida Department of Economic Opportunity but will not be reviewed. The Planning and Zoning Board unanimously recommended approval and staff recommended approval.

Mayor Pro Tem Goodgame opened the public hearing. There were no comments.

Council Member Mullins inquired if this would allow a tattoo parlor. Senior Planner Kruse noted that would require a Conditional Use Permit.

Council Member Mullins moved to adopt Ordinance 2014-12; seconded by Council Member Van Wagner. The motion passed 4 to 0 on a roll call vote.

Item No. 7 - Ordinance No. 2014-13; Final Hearing

City Clerk Ackroyd read Ordinance 2014-13 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, amending the Comprehensive Plan of the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes by adopting text changes to the goals, objectives, and policies of the Capital Improvements Element of the Comprehensive Plan; setting forth the authority for adoption of the Comprehensive Plan amendments; setting forth the purpose and intent of the Comprehensive Plan Amendments; establishing the legal status of the Comprehensive Plan Amendments; providing for severability, conflict and an effective date.

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Senior Planner Kruse reported on the ordinance. Florida Statutes require annual updates to local governments Capital Improvements Elements of their comprehensive plans. Staff recommended approval. The Planning and Zoning Board unanimously recommended approval.

Council Member Goodgame opened the public hearing. There were no public comments.

Council Member Mullins moved to adopt Ordinance 2014-13; seconded by Council Member Van Wagner. The motion passed 4 to 0 on a roll call vote.

Item No. 9 - Ordinance No. 2014-15; Final Hearing

City Clerk Ackroyd read Ordinance 2014-15 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 122 Zoning, Section 122-243 Permitted Uses; Section 122-244 Conditional Uses; providing for codification; severability; effective date; and publication.

Planning Manager Henschel reported on the ordinance and reviewed the proposed amendments to the Central Business District (CBD) to allow restaurants that are 4,000 square feet or smaller to be a permitted use within the CBD zoning district.

The City Council expressed concern and discussed tabling the item.

Staff withdrew the ordinance and will return to Council at a later date.

NEW BUSINESS

Item No. 13 – Ordinance No. 2014-16; Introduction

City Clerk Ackroyd read Ordinance 2014-16 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida relating to Pension and Retirement Benefits for General, Police and Fire Employees of the City of Clermont; amending Chapter 46, by deleting Article I, In General; deleting Article II, Clermont Pension Plan for Police Officers and Firefighters and defined benefits General Employee Plan, Division 1, Generally, Division 2, Administration, Division 3, Retirement and Retirement Benefits; Renumbering Article III, Social Security; deleting Article IV, Defined Contributions for General Employees; deleting Article V, Clermont Pension Plans, Division 1, Retirement Plan and Trust for the Police Officers of the City of Clermont, Division 2, Retirement Plan and Trust for the Firefighters of the City of Clermont; deleting Article VI, Florida Municipal Pension Trust Fund 401(A) Defined Contribution Plan; Adopting New Article I, Pension and Retirement Plans adopted and providing for severability, conflict, codification and an effective date.

Council Member Mullins moved to introduce Ordinance 2014-16; seconded by Council Member Van Wagner. The motion passed with all members present voting aye.

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ADJOURN: With no further comments, this meeting was adjourned at 7:51pm.

APPROVED:

Harold S. Turville, Mayor

ATTEST:

Tracy Ackroyd, City Clerk



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AGENDA ITEM

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Tuesday, June 10, 2014			
Agenda Item Name			
Utility Easement Agreement			
Requested Action			
Motion to approve the utility easement agreement for existing force main in Harvest Landing subdivision.			
Staff Report			
A utility easement is required for the existing force main that runs through an abandoned right-of-way at Harvest Landing subdivision. The right-of-way was abandoned in 2007 without City knowledge.			
Legal Impact			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Memo to City	graybeezerhomeseasememo.pdf	
2.	Easement Agreement	Harvest Landing Force Main Easement.docx	

DE BEAUBIEN, KNIGHT, SIMMONS, MANTZARIS & NEAL, LLP

ATTORNEYS AND COUNSELORS AT LAW

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

Post Office Box 87

332 North Magnolia Avenue

Orlando, Florida 32802-0087

(407) 422-2454

Telefax (407) 992-3541

Writer's e-Mail: dfm14@dbksmn.com

MEMORANDUM

TO : Darren Gray, City Manager
FROM : Daniel F. Mantzaris, City Attorney
DATE : May 29, 2014
RE : Utility Easement from Beazer Homes to City
Project: Harvest Landing

As you are aware, Beazer Homes has obtained all necessary approvals from the City to begin construction of the above-referenced project. During the planning and design process, it was discovered that a City force main was located on the Beazer Homes property. Apparently, the force main was constructed by the City as part of the utility service for the area in the early nineties. The force main was constructed entirely within platted public right-of-way. As best as we can determine, several years after the force main was constructed, Lake County approved a petition to abandon the subject the right-of-way. The petition was filed by a prior owner of the property and, unfortunately, at the time it was approved, the County did not condition the approval upon the owner granting to the City a utility easement for the force main.

As a result of the foregoing, although the force main was legally constructed on public access property, due to the subsequent right-of-way abandonment by the County, the City does not have a perpetual right to access the force main as needed to maintain the system. After discussions with Beazer Homes' attorney, we have negotiated an easement to be granted by Beazer to the City so that the City will have perpetual rights to maintain the force main. The easement has certain obligations by the City, essentially the City agrees to repair Beazer's property to the extent that any of its property is damaged due to the City's use or work on the force main. Therefore, it is necessary that the City Council accept the easement because it included this future commitment by the City. Other than the possible cost associated with the future maintenance of the force main, there is no cost to the City by accepting the easement.

If you have any questions, please do not hesitate to contact me.

cc: Barbara Hollerland
James Kinzler

After recording return to:

City of Clermont
Office of the City Clerk
685 W. Montrose Street
Clermont, FL 34711

UTILITY EASEMENT AGREEMENT
HARVEST LANDING

THIS UTILITY EASEMENT (the “Agreement”), effective as of the date of execution (the “Effective Date”), is made by **BEAZER HOMES CORP.**, a Tennessee corporation (“Owner”), whose mailing address is 2600 Maitland Center Parkway, Suite 262, Maitland, FL 32751, to the **CITY OF CLERMONT**, a municipal corporation (“City”), whose mailing address is Post Office Box 120219, Clermont, FL 34712-0219.

WITNESSETH:

WHEREAS, Owner is the owner of fee simple title to certain real property identified as **Exhibit “A”** (the “Property”); and

WHEREAS, Owner is developing the Property as a residential subdivision (the “Project”); and

WHEREAS, as part of Owner’s development of the Project, Owner intends to construct a retention area in the location generally depicted on **Exhibit “B”** attached hereto and made a part hereof (the “Retention Area”); and

WHEREAS, certain City-owned utilities are located within the Retention Area (the “Force Main”); and

WHEREAS, the Force Main was constructed on property which at the time was dedicated to the public as right-of-way and

WHEREAS, subsequent to the construction of the Force Main, the above-referenced right-of-way was abandoned and the Force Main is now located in the proposed Retention Area without the benefit of an easement; and

WHEREAS, the parties desire that the proposed retention Area be constructed as planned and to avoid the expense of relocating the Force Main; and

WHEREAS, subject to the terms and conditions set forth herein, Owner desires to grant to City a non-exclusive easement on, over, under, across and through that portion of the Retention Area described on **Exhibit “C”** attached hereto and made a part hereof (the “Easement Area”), for the use, maintenance and repair of the Force Main.

NOW, THEREFORE, for and in consideration of the foregoing premises, the sum of Ten and no/100 Dollars (\$10.00) paid by Owner to City, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner does hereby create, grant, and convey the following easement, and by its acceptance hereof City agrees as follows:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Grant of Utility Easement. Owner hereby creates, grants and conveys a non-exclusive, perpetual easement (the “Utility Easement”) on, over, under, across and through the Easement Area. The Utility Easement shall be for the use, maintenance and repair of the Force Main. The Utility Easement shall include the right, in favor of City, through City’s authorized agents, employees, or contractors, to enter upon the Easement Area in order to use, maintain and repair the Force Main, all at City’s sole cost and expense.

Section 3. Limitation on Use of Utility Easement. Notwithstanding anything contained herein to the contrary, the use by City of the Easement Area shall not (i) increase or expand beyond such use already in place as of the Effective Date or (ii) interfere with the functionality of the Retention Area.

Section 4 Maintenance and Restoration. City shall be responsible for the repair, maintenance and replacement, if necessary, of the Force Main, and shall keep the same in good condition and working order. In the event that City disturbs or damages any improvements located on the Property, City shall promptly repair, replace or restore such improvements to the same or better condition as existed prior to such disturbance or damage. Except in the case of emergency repairs, City shall give Owner at least ten (10) days prior written notice of City’s intention to enter onto the Easement Area for purposes of exercising the easement rights granted herein, and shall thereafter perform all work within the Easement Area at such times so as to not unreasonably interfere with the use and enjoyment of the Property by Owner or the residents of the Project. City shall, at City’s sole cost and expense, be responsible for obtaining any and all permits, approvals, and inspections required in connection with any maintenance performed or to be performed from time to time by City.

Section 5. Reservation of Rights. Owner hereby reserves and retains all other property rights in and to the Easement Area, including, without limitation, the right to use the Easement Area for any purpose, so long as such use does not unreasonably interfere with City’s rights hereunder. It is expressly agreed by the parties hereto that Owner’s construction and use of retention facilities within the Retention Area shall not be deemed to unreasonably interfere with City’s rights hereunder.

Section 6. Construction Liens. No rights created herein to enter upon or use the Property shall permit or empower City to encumber the Property with any liens. In this regard, City shall not suffer nor permit any construction lien to be placed upon or recorded against the Property (“Construction Lien”) and, in the case of any such Construction Lien, shall immediately pay and remove same.

Section 7. Indemnification. To the extent permitted by law, and without waiving any sovereign immunity City may enjoy, City shall indemnify, defend and hold harmless Owner from and against any and all claims, demands, losses, damages, costs and expenses of any nature (including, without limitation, court costs and reasonable attorneys’ fees) resulting from or relating to the use of the Easement Area by City, its agents, employees, or any other person acting under City’s direction or control.

Section 8. Attorneys’ Fees. If either party hereto brings an action in law or equity to enforce or interpret this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party reasonable attorneys’ fees and costs, in addition to any damages otherwise due.

Section 9. Covenant Running with the Land. This Agreement runs with the Property and shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

[Signatures follow]

IN WITNESS WHEREOF, the Owner has caused this Agreement to be duly executed by its authorized representatives on the date set forth below.

“OWNER”

BEAZER HOMES CORP.,
a Tennessee corporation

Print Name: _____

By: _____
Name: _____
Title: _____

Print Name: _____

Executed on: _____

STATE OF FLORIDA)
) ss:
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, _____ of BEAZER HOMES CORP., a Tennessee corporation, on behalf of said corporation. He/she is:

- ☐ personally known to me; or
- ☐ produced a driver’s license issued by the _____ Department of Highway Safety and Motor Vehicles as identification; or
- ☐ produced the following identification: _____

NOTARY PUBLIC, STATE OF FLORIDA

(Print, Type or Stamp Commissioned Name of Notary Public)

Approved and accepted by the City Council of the City of Clermont at its June 10, 2014 regular meeting.

Attest:

Tracy Ackroyd, City Clerk

Harold S. Turville, Jr., Mayor

EXHIBIT "A"

**PROPERTY
(See Attached)**

EXHIBIT "B"

**RETENTION AREA
(See Attached)**

EXHIBIT "C"

**EASEMENT AREA
(See Attached)**



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date					
Tuesday, June 10, 2014					
Agenda Item Name					
Surplus Equipment					
Requested Action					
Approve surplus equipment.					
Staff Report					
The Fire Department is requesting the City Council to declare surplus a breathing air compressor (serial #540541200) purchased in 2000. The unit has been replaced with a higher capacity model. The intent is to sell the compressor on the City's on line auction.					
Legal Impact					
Additional Analysis					
Fiscal Impact Summary					
The estimated value of the surplus unit is approximately \$5,000.					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					



CITY OF CLERMONT

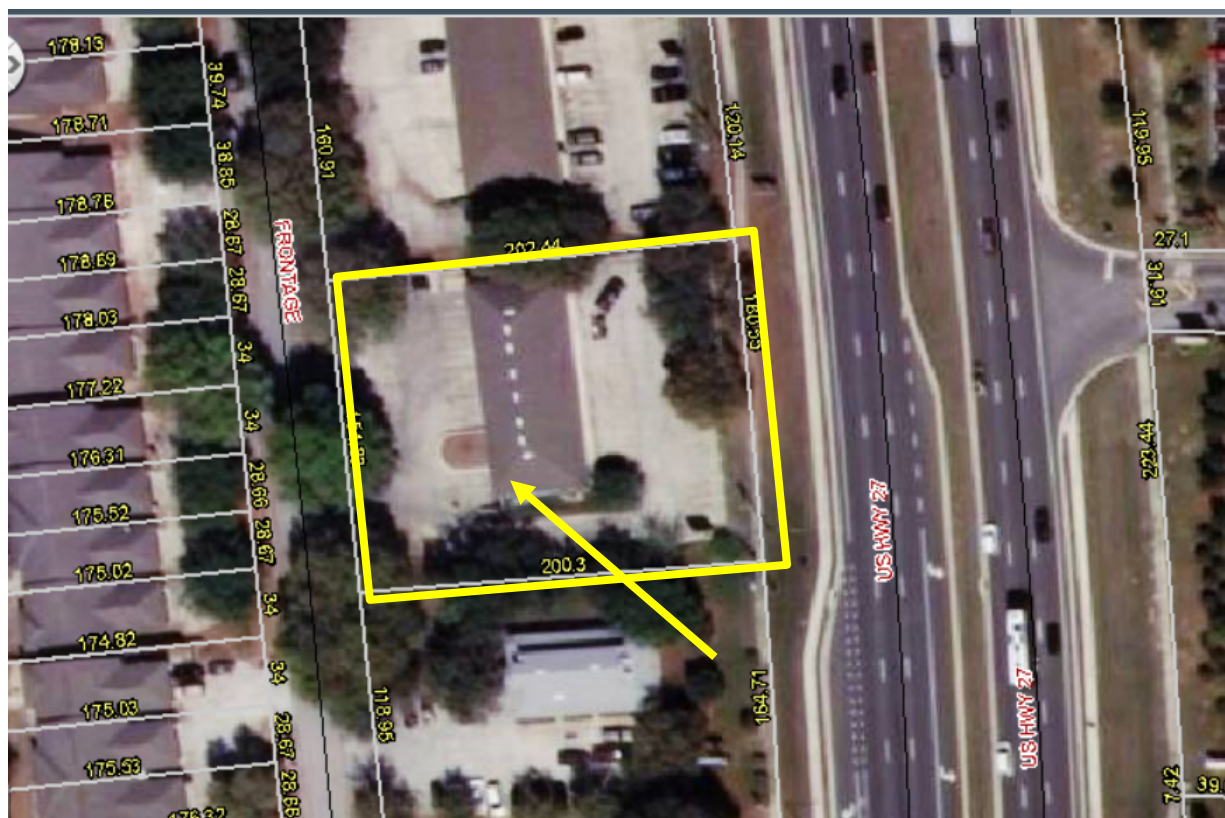
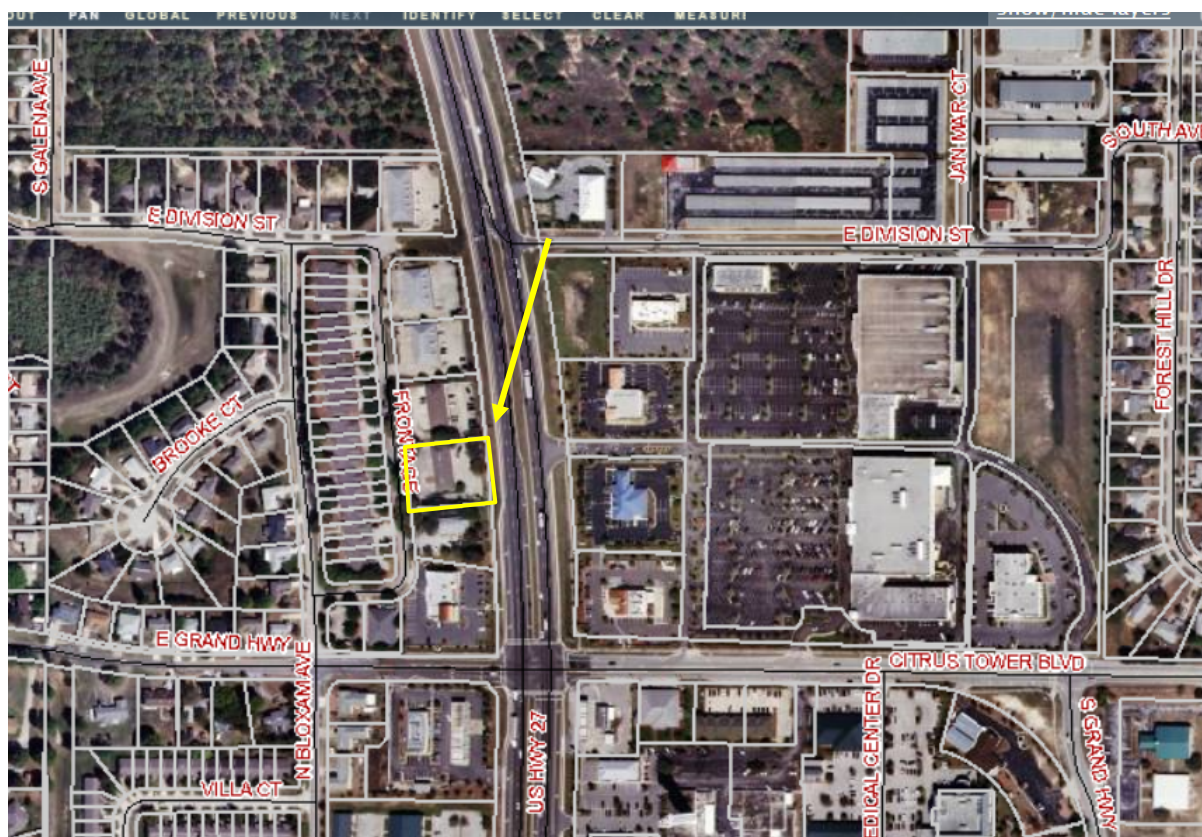
AGENDA ITEM

Page 1 of 1

Council Meeting Date					
Tuesday, June 10, 2014					
Agenda Item Name					
Variance Request					
Requested Action					
Move to deny the variance request					
Staff Report					
The applicant, L & Jim Properties LLC, is requesting to remove an existing landscape island at 221 N. Highway 27 in order to allow for additional parking for customers and tenants. City code does not allow for more than ten parking spaces in a row without a 300 square foot landscape island. The existing landscape island was installed during construction of the building and was framed around an existing mature oak tree, which is no longer on the site.					
Legal Impact					
Additional Analysis					
Fiscal Impact Summary					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					
1.	Exhibit	L & Jim Exhibit.doc			
2.	Application	VAR application.pdf			
3.	Legal ad	VAR legal ad 5-27-2014.doc			

Exhibit

Location Map:



Exhibit



Exhibit
The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

There are eight items that the applicant is required to respond to. Staffs comments are based on the eight requirements for a positive finding as they relate to this request are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Applicant response: *Similar buildings to the north do not have same landscape bed.*

Staff comments: *Special conditions do not exist nor demonstrated.*

Negative finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

Applicant response: *N/A*

Staff comments: *The proposed variance is being requested by the owner in this case.*

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Applicant response: *We need to fill our units and keep them full. Leasing is our business.*

Staff comments: *Variances of this type are not common in the area, and a hardship has not been presented.*

Negative finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

Applicant response: *N/A*

Staff comments: *No evidence of decreased costs due to the variance impact.*

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: *Yes*

Staff comments: *Staff feels the existing parking is adequate and a variance is not required*

Negative finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: *Yes*

Staff comments: *Special privileges would be conferred since other similar variances are not present.*

Negative finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

Applicant response: Yes

Staff comments: The property value will not diminish in value or alter the essential character of the area.

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Applicant response: Yes

Staff comments: While the request is not in harmony with the intent of the land development code, the request will not be injurious or detrimental to the public.

Positive finding

STAFF RECOMMENDATION for the Variance:

Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that there five that does not meet these findings. Therefore, staff recommends denial of this variance request to allow more than 10 parking spaces in a row without a landscape island break.

\\cityhall\shares\Planning and Zoning\Developments\L & Jim Properties.doc



CITY OF CLERMONT
VARIANCE
Application

DATE: 3-28-14

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): 221 North Highway 27

APPLICANT: L & Jim Properties LLC / Luis Jimenez

CONTACT PERSON: Richard Lemley

Address: 221 Suite B Suite B

City: Clermont State: Florida Zip: 34711

Phone: 352-242-9528 Fax: 352-242-5356

E-Mail: Ljim properties @ Live . com

OWNER: L & Jim Properties LLC

Address: P.O. Box 725

City: Minneola State: Florida Zip: 34755

Phone: 352-242-9528 Fax: 352-242-5356

Address of Subject Property: 221 North Highway 27 Clermont FL.

General Location: Near intersection of Highway 27
and Grand Highway.

Legal Description (include copy of survey): Lot 46 Edgewood Lake
according to the plat thereof as recorded in Plat Book
34 Page 97 Public Records of Lake County Florida

Land Use (City verification required): Commercial

Zoning (City verification required): _____

CITY OF CLERMONT
VARIANCE
Application
Page 2

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief: _____

What are you proposing to do that would require a variance and why?

Remove a landscaping bed and create two parking spaces.

How does the Code create a hardship?

Tenants need more parking spaces. We are having problems with parking spaces for tenants and customers.

******* The following justifications must be completed *******
for any variance requested:

Variance requested – subject and code section: _____

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Similar Buildings to the north do not have Same Landscape Bed

(2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

N/A

CITY OF CLERMONT
VARIANCE
Application
Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

We need to fill our units and keep them full.
Leasing is our business

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

N/A

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Yes

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Yes

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

Yes

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Yes

CITY OF CLERMONT
VARIANCE
Application
Page 4

Richard Lemley
Applicant Name (print)

x RAL
Applicant Name (signature)

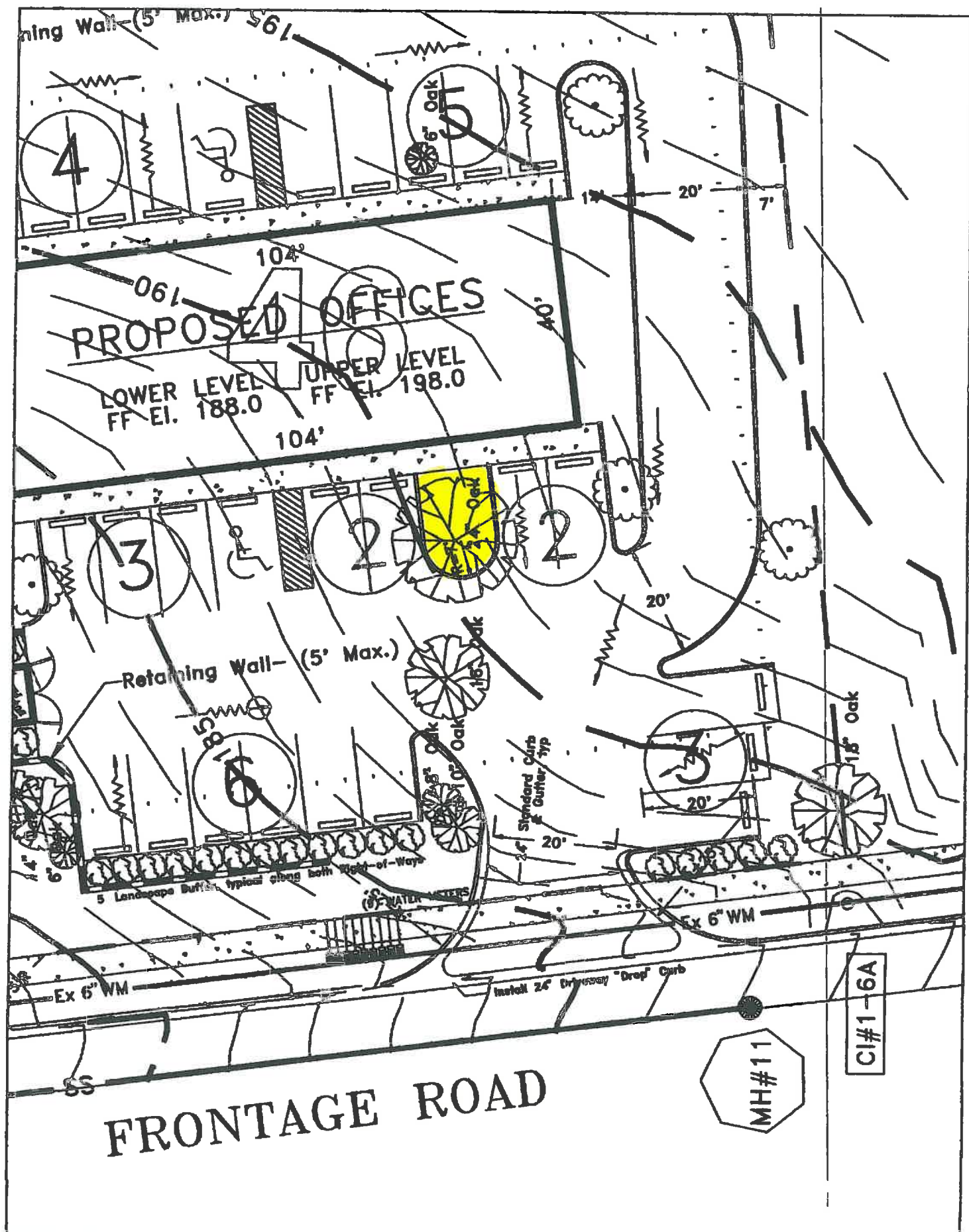
Luis Jimenez / L+Jim Properties LLC
Owner Name (print)

x Luis Jimenez
Owner Name (signature)

***** NOTICE *****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

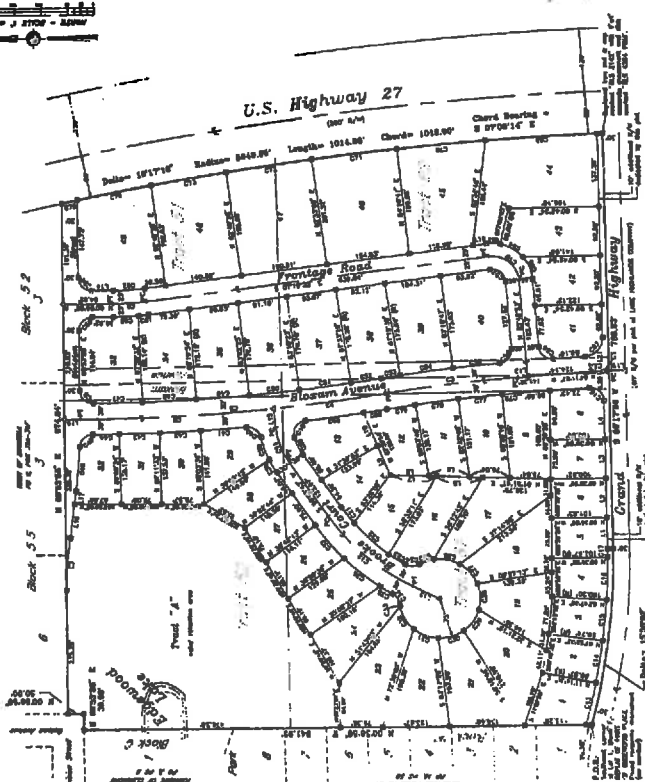
City of Clermont Planning & Zoning Department. 685 W. Montrose St. P.O. Box 120219 Clermont, FL. 34712-0219 (352) 394-4083 Fax: (352) 394-3542
--



Section 18, Township 22 South, Range 26 East
A. Replat of a Portion of Tracts 51, 52, 61 and 62, LAKE HIGHLANDS COMPANY,
as recorded in Plat Book 3, Page 28, Public Records of Lake County, Florida.
City of Clermont, Lake County, Florida

Section 18. Township 22 South, Range 26 East

A Replat of a Portion of Tracts 51, 52, 61 and 62, LAKE HIGHLANDS COMPANY, as recorded in Plat Book 3, Page 28, Public Records of Lake County, Florida.
City of Clermont, Lake County, Florida

[illegible]

Florida Genetic Dyeing, Inc.
719 West Avenue, P.O. Box 121443
Orlando, Florida 32812-4432

2014

[illegible]

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Alternate Key:	3597796	Parcel:	18-22-26-021000004600
Owner Name:	L & JIM PROPERTIES LLC	Millage:	000C (Clermont) : 17.5789
Owner Address:	15901 VISTA VERDE DR MONTVERDE, FL 34756	Property Location:	221 NORTH US HIGHWAY 27 CLERMONT FL 34711
Legal Description:	CLERMONT, EDGEWOOD LAKE SUB LOT 46 PB 34 PGS 97-98 ORB 4392 PG 1458		

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Just Value
1	OFFICE 1 STORY (1700)	0	0		31600	SF	\$0.00	\$126,400.00

Building 1

Commercial

Summary

Year Built: 1996

Total Square Footage: 8320

Full Bathrooms: 0

Half Bathrooms: 0

Elevators: 0

Elevator Landings: 0

Escalators: 0

Residential Units: 0

Kitchens: 0

Fireplaces: 0

Structure Type: Concrete Block or Masonry Walls

Exterior Walls: Concrete Block Stucco : 100.00 %

Building Value: \$436,872.00

Section(s)

Section No.	Section Type	Wall Height	No. Stories	Ground Floor Area	Basement	Basement Finished	Map Color
1	FINISHED LIVING AREA (FLA)	10	2	4160	0%	0%	
Interior Finish				Percent	Sprinkler		A/C
(17C)				100.00 %	No		Yes

print drawing

view fullscreen

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following Variance: To allow for more than ten parking spaces in a row without a landscape island break - as required by the Land Development Code, Section 118-38, at the following location:

LOCATION

221North Highway 27

A complete legal description may be obtained in the Planning & Zoning Department located at 685 West Montrose Street, Clermont, FL 34711.

This request will be heard by the City Council at a public hearing to be held on Tuesday, May 27, 2014 at 7:00 P.M. in the Clermont City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
May 20, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date	
Tuesday, June 10, 2014	
Agenda Item Name	
Resolution No. 2014-12	
Requested Action	
Move to approve Resolution No. 2014-12	
Staff Report	
TD Weaponry Gun Store and Range CUP The applicant, Aaron Collins, is requesting to renew an expired CUP for an indoor gun range in the C-2 General Commercial zoning district. The gun range consists of 12 shooting stations and will also have a retail gun store. The gun range is not listed in the LDC as a permitted use and therefore would require a Conditional Use Permit. The gun store is considered retail and would not require a Conditional Use Permit. The overall square footage will be approximately 7,000 square feet. This project was previously approved by the City Council under Resolution No. 2010-26 (October 26, 2010) and amended by Resolution No. 2012-01 (January 10, 2012). The previous applicant, David Heck, did not start construction on the project within the two (2) year time frame, as indicated in item 10 under General Conditions of Resolution No. 2012-01. This resulted in the CUP becoming null and void. The two (2) year time frame expired on January 10, 2014. Mr. Heck passed away prior to starting the project, and the property has finally cleared probate. The new applicant is proposing no changes to the previously approved Conditional Use Permit. He is simply seeking a resetting of the two year time frame to complete the project. Staff has reviewed the application and has not observed any changes from the originally approved Conditional Use Permit and Conceptual Site Plan. Based upon this, staff recommends approval. <i>Planning & Zoning Commissioner Harry Mason moved to recommend approval of the conditional use permit subject to approval from St. Johns River Water Management District and Florida Department of Transportation; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the conditional use permit to City Council.</i>	
Legal Impact	
Additional Analysis	
Fiscal Impact Summary	

Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution with Conditions	CUP RES 2014-12.doc	
2. Legal ad	2014-CUP legal ad P&Z5-6-14,CC5-27-14.doc	
3. CUP site plan	2014 CUP plans.pdf	
4. CUP Conceptual site plan	2014 CUP Conceptual Site Plan.pdf	
5. Site Map	TD Weaponry 2014 Map.pdf	
6. Application	2014 CUP Application.pdf	
7. Minutes	TD Weaponry Minutes.pdf	

**CITY OF CLERMONT
RESOLUTION NO. 2014-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW A GUN RANGE WITHIN
THE C-2 GENERAL COMMERCIAL ZONING DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held May 6, 2014 recommended for approval of this Conditional Use Permit to allow a gun range within the C-2 General Commercial Zoning District; at the following location:

LOCATION:

West of Highway 27, south of Twistee Treat and north of DeSoto Street
(Alternate Key 1620881)

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that:

This application for a Conditional Use Permit to allow a gun range within the C-2 General Commercial Zoning District, be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
5. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

CITY OF CLERMONT
RESOLUTION NO. 2014-12

6. The Conditional Use Permit must be executed and filed in the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
7. This Conditional Use Permit shall be recorded by the City into the Public Records.
8. The applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
9. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Planning and Zoning Department.
10. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
11. The owner shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees.
12. A slab survey shall be submitted after the form boards have been installed and before the concrete has been poured. This is to ensure the setbacks and location of the building will conform to the Land Development Regulations.
13. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
14. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.

Section 2 – Land Use

1. The property is approved for C-2 General Commercial Zoning District permitted uses and may include a gun range as provided by the Conditional Use Permit conditions.
2. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to require additional sound attenuated measures be installed. Any range noise must be inaudible from the adjacent properties.

CITY OF CLERMONT
RESOLUTION NO. 2014-12

3. The property shall be developed in substantial accordance with the conceptual site plan as prepared by G L Summitt Engineering, Inc. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual Conditional Use Permit site plans submitted with the Conditional Use Permit application are not the approved construction plans.
4. Should this use cease operation for more than 180 days, a new Conditional Use Permit shall be required for the same or similar operation.
5. In the event that the gun range ceases operation, the range portion may only be used as storage/warehouse space for a permitted business unless a parking variance is applied for and granted. This is due to the actual range area not being calculated for parking.
6. Definitions for the type of firearms and uses at the gun range:
 - a. *Autoloader* shall be defined as: Any firearm that loads another bullet or cartridge from a magazine without the need to operate a bolt or other loading mechanism.
 - b. *Semi-automatic* firearm shall be defined as: Any autoloader firearm that fires only one shot at each pull of the trigger. Single fire and Semi-automatic weapons may be discharged on the gun range.
 - c. *Fully automatic* firearm shall be defined as: Any autoloader firearm that fires continual (two or more) shots when the trigger is pulled once. **No fully-automatic weapons shall be discharged, sold or housed at this facility at anytime.**

Section 3 - Transportation Improvements

1. DeSoto Street shall be constructed by the applicant in accordance with City codes to connect to the existing street and U.S. Highway 27 prior to issuance of the Certificate of Occupancy.
2. Sidewalks shall be required along all public road frontages in accordance with Florida Department of Transportation regulations and City Code.
3. A traffic study shall be required to address any connection to U.S. Highway 27 as needed per Code or policy. Florida Department of Transportation and City of Clermont shall determine if any deceleration turning lane off U.S. Highway 27 would be required for access to DeSoto Street. Installation shall be at the developer's cost.

CITY OF CLERMONT
RESOLUTION NO. 2014-12

Section 4 - Architectural Design Standards

All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont. In addition, the following shall be allowed:

1. All fencing within public view shall be ornamental metal or brick, as approved by the City's Site Review Committee.
2. A security plan for the building must be submitted to the City for approval by the Police Department and staff, and may include items such as; but not limited to, security lighting or cameras.

CITY OF CLERMONT
RESOLUTION NO. 2014-12

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 10th day of June, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow a gun range in the C-2 General Commercial Zoning District at the following location:

LOCATION

West of US 27, south of Twistee Treat and North of Desoto Street

A complete legal description may be obtained in the Planning & Zoning Department located at 685 W. Montrose Street, Clermont, FL 34711.

This request will be considered by the Planning & Zoning Commission on Tuesday, May 6, 2014 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, May 27, 2014 at 7:00pm.

All meetings will be held in City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Lake Sentinel
April 29, 2014 and May 20, 2014



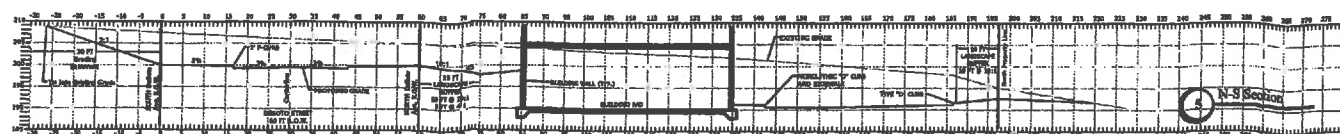
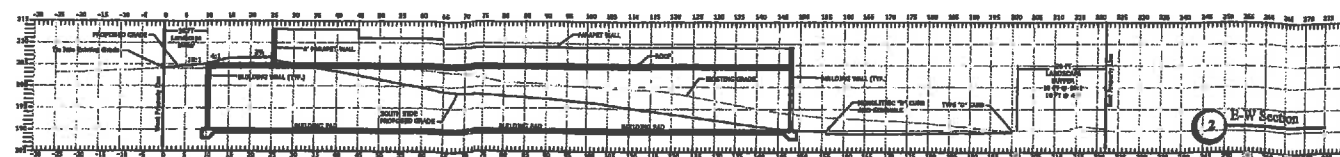
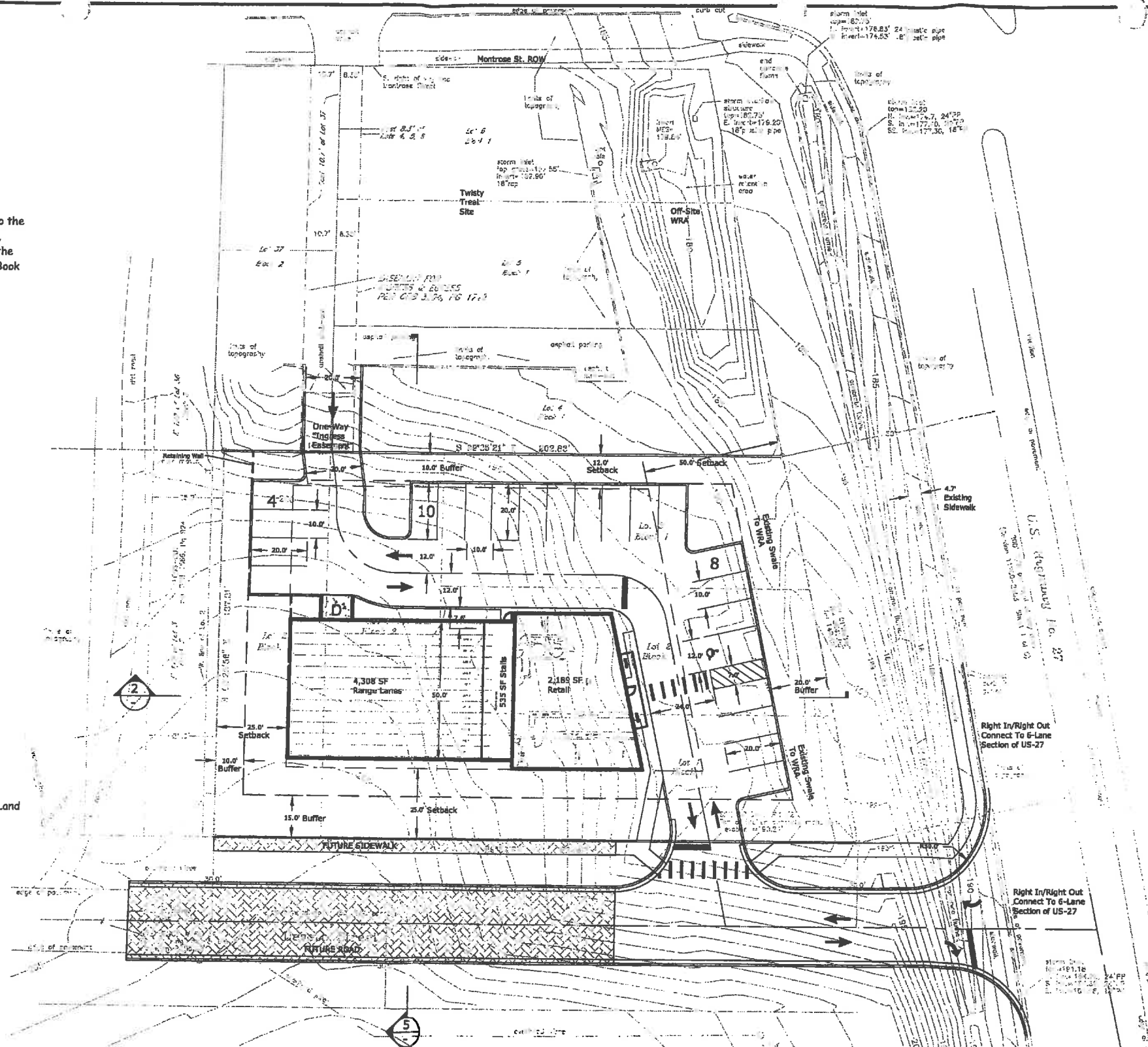
SITE DATA:

- PIN = 19-22-26-030000100100
- Alternate Key #1620881
- Site is located in Section 19, Township 22 South, Range 26 East, Lake County Florida
- Legal Description - Lot 1, 2, and 3, Block 1 and Lots 1 and 2, Block 2, Homedale, according to the map or plat thereof as recorded in Plat Book 11, Page(s) 26, Public Records of Lake County, Florida, LESS AND EXCEPT the from the above described lands that portion conveyed to the City of Clermont as described in the Quit Claim Deed recorded December 4, 1997 in O.R. Book 1566, Page 924, Public Records of Lake County, Florida.
- Owner: HECK DAVID J, 13206 VIA ROMA CIR
- CLERMONT, FL 34711
- Municipality = City of Clermont
- Total Area = 0.69 AC
- Upland Area = 0.69 AC
- Wetlands - there are no wetlands on site.
- Construction within 100 yr. flood plain is not proposed.
- Existing Future Land Use: Commercial
- Proposed Future Land Use: No Change Proposed
- Proposed Use: Gun Range & Retail
- Current Site Zoning: C-2 General Commercial District
- Proposed Site Zoning: No Change Proposed
- Max Impervious Area = 80%
- Maximum Building Height = 55'
- Building Setbacks:

Front yard:	50' (East from US-27)
Side St. (Existing):	25' (South from E DeSoto St)
Side Yard Interior:	12' (North)
Rear Yard (Existing):	25' (West)
- Landscape Buffers:

Front:	20' (East from US-27, Collector Road)
Side St.:	15' (South from E DeSoto St)
Side Yard Interior:	10' (North)
Rear Yard:	10' (West)
- Parking
 - Regular Spaces = 10 FT wide x 20 FT deep.
 - Compact Spaces = 9 FT wide x 17 FT deep.
 - Compact Spaces allowed = 0, since less than 25 spaces total.
 - Parking Required = 1 per 200 SF Retail Space x 2,728 SF = 14 Spaces
 - Parking Provided = 22 spaces.
- Building Type = 1 story
- Storm Water Facilities = existing off-site storm water pond at NE corner.
- Solid waste disposal services will be provided by City of Clermont.
- Water and Sewer will be provided by City of Clermont.
- Blue reflectors to be installed in streets adjacent to all fire hydrant as per City of Clermont Land Development Regulations
- All traffic markings shall be in accordance with City of Clermont and FDOT roadway specifications

Vicinity Map
1" = 1,000'



Denham Summitt Engineering, LLC
Clermont: 352-243-2575
Lake Mary: 407-323-0705
Brian.Denham@DenhamSummitt.com
Geo@DenhamSummitt.com

TD Weaponry
16129 SR50 #106
Clermont, FL 34711
Ph: (407) 656-8855
Fx:

TD Weaponry Gun Range
Clermont, FL

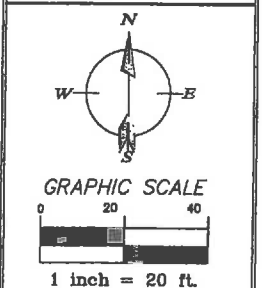
C.U.P. Plans

Dimension Plan

Revisions		
NO.	DATE	DESCRIPTION
1	03-19-09	Initial Issue
2	03-25-09	Client Submitted for Pre-App
3	03-27-09	No ROW Header
4	04-09-09	Building Reduction
5	04-20-09	SH Expanded-Horizon Request
6	05-09-09	Rev per Pre-CUP meeting
7		
8		

Plans not valid unless Signed, Dated and Sealed below.

J. Brian Denham, P.E.
Date: _____
FL Registration #58008
Certificate of Authorization #27223



Sheet Number
1 of 1

SITE DATA:

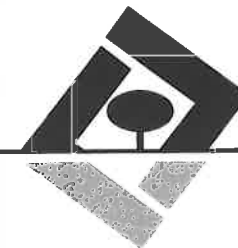
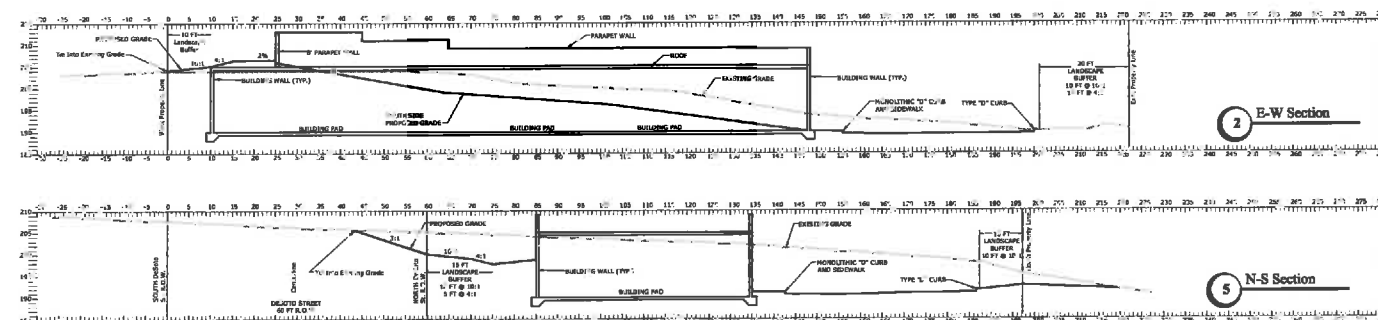
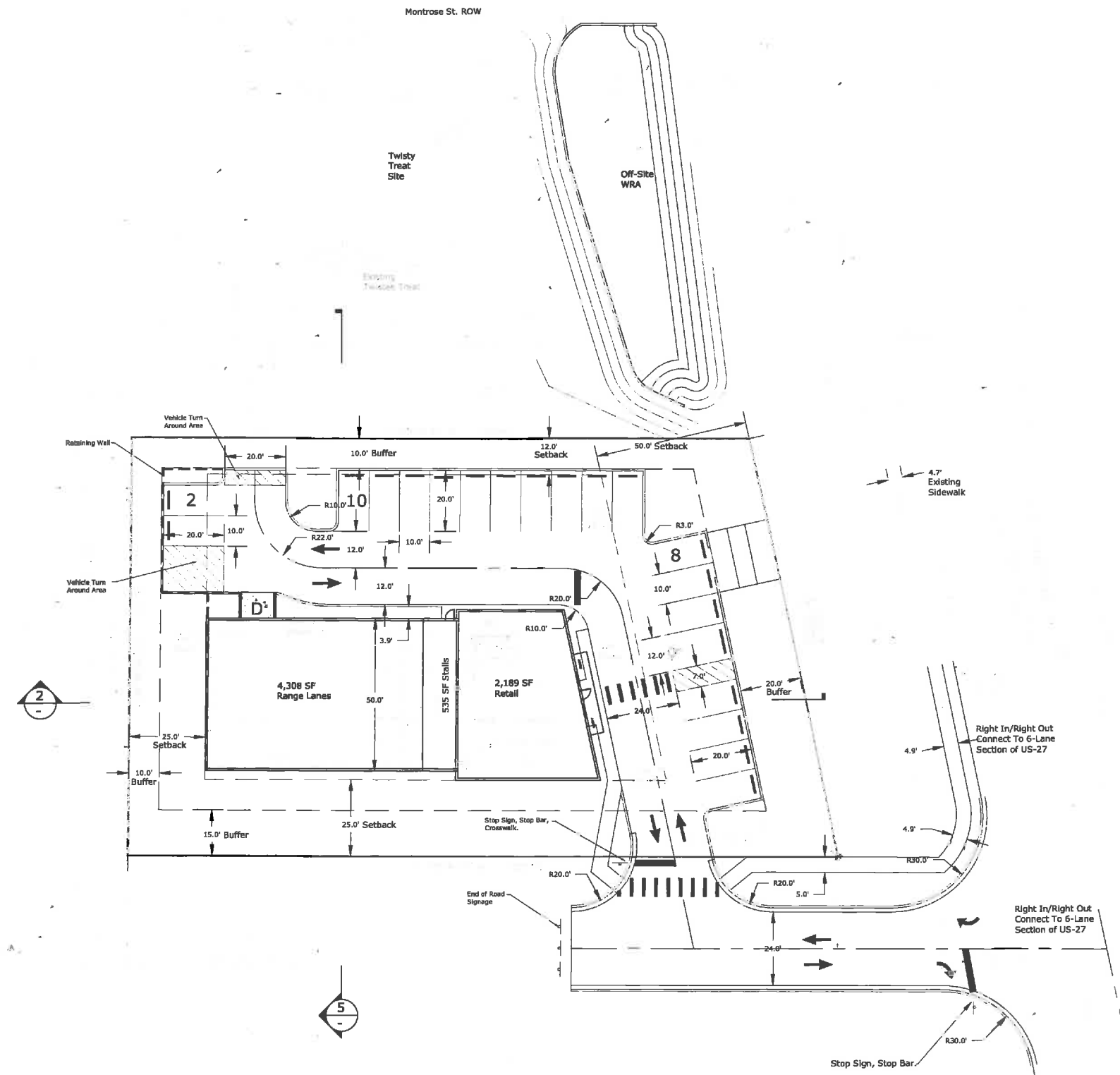
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- Max Impervious Area = 80%
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- Landscape Buffers:
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 - c. Compact Spaces allowed = 0, since less than 25 spaces total.
 - d. Parking Required = 1 per 200 SF Retail Space x 2,724 SF = 14 Spaces
 - e. Parking Provided = 20 spaces.
- Building Type = 1 story
- Storm Water Facilities = existing off-site storm water pond at NE corner.
- Solid waste disposal services will be provided by City of Clermont.
- Water and Sewer will be provided by City of Clermont.
- Blue reflectors to be installed in streets adjacent to all fire hydrant as per City of Clermont Land Development Regulations
- All traffic markings shall be in accordance with City of Clermont and FDOT roadway specifications

East Side

West Side

Building Section
Looking South

Vicinity Map
1" = 300'



G L SUMMITT
ENGINEERING INC
Office: Lake Mary
3667 Simonton Place
Lake Mary, Florida 32746
phone: 407-323-0705
fax: 407-992-8650
www.GLSeng.com

Black Label Shooting Sports, LLC
16215 S.R. 50
Suite 105
Clermont, FL 34711
(352) 409-2131

TD Weaponry
Gun Store & Range
City of Clermont, Florida

Conditional Use

Conceptual Site
Plan

Please not valid unless Signed,
Dated and Sealed below.

GEORGEY L. SUMMITT, P.E.
Date: FL Registration #58775
Certificate of Authorization #29665

Revisions

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET NUMBER

10F 1

Exhibit – Map





CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

DATE: April FEE: \$350.00

PROJECT NAME (if applicable): T.D. Weaponry Gun Range

APPLICANT: Aaron Collins

CONTACT PERSON: Aaron Collins

Address: 16215 STATE ROAD 50, STE 105

City: CLERMONT State: FL Zip: 34711

Phone: 352-978-2918 Fax: 888-881-0140

E-Mail: clermontcomputers@cfllr.com

OWNER: Mary Joann Farina

Address: 8906 Courtyard Lane

City: Groveland State: FL Zip: 34736

Phone: 228-297-5500 Fax: 888-881-0140

Address of Subject Property: no official address shown on Lake Co Property
Appraiser

General Location: 1 block south of the SW corner of W. Montrose
St. 44527

Legal Description (include copy of survey): Lot 1, 2 and 3, Block 1 and Lots 1 and 2, Block 2,
Homedale, according to the map or plat thereof as recorded in Plat Book 11,
Page(s) 26, Public Records of Lake County, Florida, LESS AND EXCEPT the described
in the Quit Claim Deed recorded December 4, 1997 in O.R. Book 1566 Page 924
Public Records of Lake County, Florida

Land Use (City verification required): Commercial

Zoning (City verification required): C-2 General Commercial

CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION
Page 2

Detailed Description of request (What are you proposing to do and why is it appropriate for this location? Attach additional page is necessary.

The CUP is for a request to allow a gun range and gun store use within the C-2 General Commercial zoning district per: SEC. 122-224. Conditional uses
b) in case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval of the city council, are not more obnoxious to district than the uses provided in this section. All conditional uses must be provided per Chapter 86, article III, division 3.
We are requesting re-approval for this CUP due to the hardship of the previous owner's death and us recently acquiring the property.

Aaron Collins
Applicant Name (print)

x an @
Applicant Name (signature)

Mary Joann Farina
Owner Name (print)

x Mary Joann Farina
Owner Name (signature)

******* NOTICE *******

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY ON PROCESSING AND WILL NOT BE SCHEDULED UNTIL CORRECTIONS ARE MADE.

City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL 34712-0219
(352) 394-4083 Fax: (352) 394-3542

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
MAY 6, 2014**

Page 1

The meeting of the Planning & Zoning Commission was called to order Tuesday May 6, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Harry Mason, Bernadette Dubuss, and Thomas Spencer. Also in attendance were Barbara Hollerand, Planning and Zoning Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held March 4, 2014 were approved as written.

REPORTS

Chairman Nick Jones stated that a Jazz Festival will be held at the Celebration Center. He stated that it will be held on Friday, May 9, 2014 with a cost of \$15. He stated that the proceeds will support the three high school band programs and the Florida Lakes Symphony Orchestra.

1. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: TD Weaponry

APPLICANT: Aaron Collins

Senior Planner John Kruse presented the staff report as follows:

The applicant, Aaron Collins, is requesting to renew an expired Conditional Use Permit for an indoor gun range in the C-2 General Commercial zoning district. The gun range consists of 12 shooting stations and will also have a retail gun store. The gun range is not listed in the Land Development Code as a permitted use and therefore would require a Conditional Use Permit. The gun store is considered retail and would not require a Conditional Use Permit. The overall square footage will be approximately 7,000 square feet. This project was previously approved by the City Council under Resolution No. 2010-26 (October 26, 2010) and amended by Resolution No. 2012-01 (January 10, 2012). The previous applicant, David Heck, did not start construction on the project within the two (2) year time frame, as indicated in item 10 under General Conditions of Resolution No. 2012-01. This resulted in the Conditional Use Permit becoming null and void. The two (2) year time frame expired on January 10, 2014. Mr. Heck passed away prior to starting the project, and the property has finally cleared probate. The new applicant is proposing no changes to the previously approved Conditional Use Permit. He is simply seeking to reset the two year time frame to complete the project.

Staff has reviewed the Conditional Use Permit application and has not observed any changes from the originally approved Conditional Use Permit and Conceptual Site Plan. Based upon this, staff recommends approval.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
MAY 6, 2014**

Page 2

Aaron Collins, 552 Nicole Marie St., Apopka, stated that he owns Clermont Computers in Clermont and opened a gun shop next door. He stated that he wants to complete this project as presented before. He stated that he is prepared to pull permits and begin work immediately.

Tim Murry, 574 E. Desoto St., stated that he was opposed to this project before and he opposes it now. He stated that in the community within fifty feet from this property are homes, playgrounds, and schools. He stated that he has spent a lot of time getting the guns out of this area. He stated that he is not opposed to a gun range coming in to Clermont, however, this is not a good location.

John Hill, 14515 Rain Dance Court, he stated that he understands the concerns, however, this is an indoor range and they would not allow anyone to have a gun in his facility that he did not feel comfortable with even if they passed the background checks. He stated that he feels this would be an excellent location for the gun range.

Al Hoffman stated that he oversees the Twistee Treat. He stated that the retention area that is being shown as their off-site retention area belongs to Twistee Treat. He stated that he contacted St. Johns River Water Management District and was told that their retention pond is the required size for their lot and TD Weaponry would need to provide their own retention area. He stated that since the property is higher than the Twistee Treat property, they do not want any run-off coming from the TD Weaponry property and creating erosion on their property.

Mr. Kruse stated that TD Weaponry would have the ability to do an underground filtration. He stated that there was a note that referenced the water running off-site which is the same note that was on the site plan presented two years ago. He stated that the applicant has the ability to put a retention pond on their own property. He stated that the city does not regulate the retention ponds; this is done through St. Johns River Water Management District.

Commissioner Carlos Solis asked if they approve this conditional use permit, are they approving the site plan presented.

Mr. Kruse stated that conceptually they will be approving the site plan, but it can be clarified with the applicant.

Chairman Nick Jones stated that the applicant will not get approval unless they satisfy the regulations by the St. Johns River Water Management District.

Commissioner Herb Smith asked if there was enough room on the property to build a retention pond.

Geoff Summitt, 3667 Simonton Place, Lake Mary, stated that when he was working on this property two years ago, Mr. Heck was looking to do a joint-use retention facility. He stated that

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
MAY 6, 2014**

Page 3

they proposed to extend the existing retention pond to accommodate both the Twistee Treat and the TD Weaponry property. He stated that they not only have to receive approval from St. Johns River Water Management District, they also have to get approval from Florida Department of Transportation. He stated that they do not plan to allow the water to dump into the Twistee Treat retention pond without approval.

Gladys Carthon, 791 E. Montrose St., stated that she does not agree with a gun range in Clermont. She stated that she has children, and she would rather see something else besides a gun range at this location.

Kathleen Krauss, 3607 Limestone St., stated that she is new in the area and wasn't sure where the location was.

Chairman Nick Jones explained the location.

Commissioner Harry Mason moved to recommend approval of the conditional use permit subject to approval from St. Johns Water River Management District and Florida Department of Transportation; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the conditional use permit to City Council.

2. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Robbins

APPLICANT: Staff

Senior Planner John Kruse presented the staff report as follows:

Staff recommends approval of Ordinance No. 2014-12, an administrative small-scale comprehensive plan amendment for the properties located southeast of 4th Street and SR 50. This amendment to the Future Land Use map of the City's comprehensive plan assigns a City future land use of Commercial. The City inadvertently changed the future land use of the property to Office when it rewrote its Comprehensive Plan in 2009. These properties, Alternate Key 1612349 & 1612365, were previously approved for a future land use change from Residential/Professional to Commercial in 2001 under Ordinance No. 427-M. If approved by the City Council, the small-scale comprehensive plan amendment will be submitted to the Florida Department of Economic Opportunity but will not be reviewed.

Commissioner Bernadette Dubuss moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval for the small-scale comprehensive plan amendment to City Council.

**AGENDA ITEM**

Council Meeting Date		
Tuesday, June 10, 2014		
Agenda Item Name		
Variance Request		
Requested Action		
Move to approve the variance request		
Staff Report		
TD Weaponry Gun Store and Range – Variance		
This variance request was previously heard by the City Council on October 26, 2010. The variance was for a 10 foot high retaining wall to aid in the construction of the proposed gun range. The City Council unanimously approved the variance. The applicant is not proposing anything different than what was previously approved. He is simply resetting the clock to allow construction of the project. The applicant is proposing to construct a gun range and retail store that will be constructed partially underground. In order to accomplish this, the applicant is requesting to construct a retaining wall that will exceed the code maximum height of 6 feet. The wall will max out at 10 feet in height and taper down to about 2 feet. The proposed wall will be an interior facing wall adjacent to the parking stalls. This wall will allow the building to be constructed partially underground, and allow the parking to be placed at the same elevation as the building floor. Without the wall, the unique design of the building will be altered, thus raising the building out of the ground, and defeating the purpose of its design.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Exhibit 1 - Site Location	TD Weaponry 2014 Map.pdf	
2. Exhibit 2 – Sec. 86-174 Review Criteria and	TD Weaponry Sec 86-174 Review Findings	

	Findings	Variance.docx
3.	Application	2014 VAR Application.pdf
4.	Legal ad	2014 VAR legal ad 5-27-2014.doc

Exhibit – Map



Exhibit 3

The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

There are eight items that the applicant is required to respond to. Staff’s comments, based on the eight requirements for a positive finding as they relate to this request, are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Applicant response: *Unique elevation challenges caused by US 27 being cut into grade and the area west of the site which had been developed at a significantly higher grade. The code limits roadway slopes for the purpose of safe parking and functionality and those slopes can only be obtained by allowing for additional wall height.*

Staff comments: *The unique elevation change of the site and the design of the building being constructed pose special conditions that the applicant is dealing with.*

Positive finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

Applicant response: *The elevation issue was not created by the applicant or land owner and was caused when US 27 was constructed. The issue was caused by the State.*

Staff comments: *The construction of US 27 may have resulted in cutting of fill from the front portion of the site. The applicant or land owner has not contributed to the existing conditions of the unique elevation change.*

Positive finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Applicant response: *Without this variance, the site could not be developed with the same level of intensity or configuration commonly found on parcels with the same zoning designation. The develop-ability would be diminished if forced to maintain the limited wall height which could cause a reduction in buildable area.*

Staff comments: *The City Council has granted a variance request for this site for the particular circumstance in the past.*

Positive finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

Applicant response: *The increased wall height will actually increase the cost of site development. The request is simple so that the site can be developed and still meet the other aspects of the Land Development Code.*

Staff comments: *Staff agrees that if the variance is approved, the increased wall height would not reduce the cost of developing the site and actually increase the cost in designing and developing the site.*

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: *At this point in the process, this is the minimum that can be comfortable stated will not be exceeded. At final design, if the wall height can be minimized further, it will be as cost is a motivating factor.*

Staff comments: *Granting the variance allows construction of the building to be placed partially underground and provides parking at the same level. The City Council has granted a variance request for this site for the particular circumstance in the past.*

Positive finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: *This variance will not allow for development of the site above any other commercial site. The variance request simply allows the owner to develop on the same level of standards as other commercial sites.*

Staff comments: *The City Council has granted a variance request for this site for the particular circumstance in the past.*

Positive finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of the area surrounding the site; and

Applicant response: *The variance request does not reduce setbacks, increase impervious area, or building coverage above those levels allowed for the zoning district and will not be visible from the area to the west.*

Staff comments: *Staff does not feel that granting the variance for the 10 foot retaining wall will diminish any property value or change the essential character of the surrounding area. The retaining wall will primarily be viewed from the interior of the site.*

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Applicant response: *The variance will not grant to the owner any additional rights not normally found within the zoning district. The request will not be visible from the western side of the property. Nothing in this request will affect adjacent property values or cause reduction in public facilities.*

Staff comments: *Staff feels the variance will be in harmony with the general intent and purpose of the land development code, and will not be injurious to surrounding properties. The City Council has granted a variance request for this site for the particular circumstance in the past.*

Positive finding

STAFF RECOMMENDATION:

Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that there are none of the eight that do not meet these findings. Therefore, staff recommends approval of this variance request to allow a maximum 10 foot high retaining wall.



CITY OF CLERMONT
VARIANCE
Application

DATE: _____

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): T D Weaponry

APPLICANT: Black Label Shooting Sports, LLC.

CONTACT PERSON: Aaron Collins

Address: 16215 S.R. 50 STE 165

City: Clermont State: FL Zip: 34711

Phone: 352-364-0054 Fax: _____

E-Mail: blshootingsports@gmail.com

OWNER: Mary Joann Farina

Address: 8906 Courtyard Ln

City: Groveland State: FL Zip: 34736

Phone: 228-297-5500 Fax: 888-881-0140

Address of Subject Property: Not Listed

General Location: 1 Block South of the SW corner of W Montrose St. & U.S. 27

Legal Description (include copy of survey): Lot 1, 2 and 3, Block 1 and Lots 1 and 2, Block 2, Homedale, according to the map or plat thereof as recorded in Plat Book 11, Page(s) 26, Public Records of Lake County, Florida, LESS AND EXCEPT from the above described lands that portion conveyed to the City of Clermont as described in Quit Claim Deed recorded December 4, 1997 in O.R. Book 1566, Page 924, Public Records of Lake C

Land Use (City verification required): Commercial

Zoning (City verification required): C-2 General Commercial

CITY OF CLERMONT
VARIANCE
Application
Page 2

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief: Sec. 122-343(c)(2) "Fences & Walls in ...commercial... districts shall be no higher than six (6) feet."

What are you proposing to do that would require a variance and why?
Provide for reasonable use of the property by: Constructing retaining walls up to 10 feet in height around the site in order to mitigate for excessive elevation differences across the site, which are due to the change in elevation from U.S. 27 on the east and the western boundary of the parcel ranging from 186' at 27 to 205 along the western boundary. The site has been designed with a finished grade between the two extremes so as to minimize the required variance amount. If possible at final design the wall height will be further minimized.

How does the Code create a hardship?
The code creates a hardship due to the site being situated between U.S. 27 and the existing roadway along the western boundary. U.S. 27 was cut in and a severe slope was created from the U.S. 27 pavement to the property line. In order to provide ADA accessibility, roadway slopes that don't exceed Code allowance and usable area for construction retaining walls are needed that are in excess of what the code allows.

*** * * * ***
The following justifications must be completed
for any variance requested:
*** * * * ***

Variance requested – subject and code section:Variance to allow for a maximum retaining wall height of 10' in lieu of 6' as established in Sec. 122-343(c)(2) of the City of Clermont Land Development Code

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Unique elevation challenges caused by U.S. 27 being cut into grade and the area west of the site which has been developed at a significantly higher grade. The code limits roadway slopes for the purpose of safe parking and functionality and those slopes can only be obtained by allowing for additional wall height.

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

The elevation issue was not created by the applicant or land owner and was caused when U.S. 27 was constructed. The issue was caused by the state.

CITY OF CLERMONT

VARIANCE

Application

Page 3

3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Without this variance the site could not be developed with the same level of intensity or configuration commonly found on parcels with the same zoning designation. The develop-ability would be diminished if forced to maintain the limited wall height which would cause a reduction in buildable area.

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

The increased wall height will actually increase the cost of site development. The request is simple so that the site can be developed and still meet the other aspects of the Land Development Code.

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

At this point in the process this is the minimum that can be comfortably stated will not be exceeded. At final design if the wall height can be minimized further it will be as cost is a motivating factor.

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

This variance will not allow for development of the site above any other commercial site. The variance request simply allows the owner to develop on the same level of standards as other commercial sites.

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

The variance request does not reduce setbacks increase impervious area or building coverage above those levels allowed for the zoning district and will not be visible from the area to the west.

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

This variance will not grant to the owner any additional rights not normally found within the zoning district. The request will not be visible from the western side of the property. Nothing in this request will affect adjacent property values or cause reduction in public facilities.

Application
Page 4

Applicant Name (print)

Applicant Name (*signature*)

Owner Name (print)

Owner Name (signature)

******* NOTICE *******

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

(352) 394-4083 Fax: (352) 394-3542

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following Variance: To allow for a ten foot high retaining wall, rather than the maximum six foot wall - as required by the Land Development Code, Section 122-343 (c)(2), at the following location:

LOCATION

West of US 27, south of Twistee Treat and North of Desoto Street

A complete legal description may be obtained in the Planning & Zoning Department located at 685 West Montrose Street, Clermont, FL 34711.

This request will be heard by the City Council at a public hearing to be held on Tuesday, May 27, 2014 at 7:00 P.M. in the Clermont City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
May 20, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date					
Tuesday, June 10, 2014					
Agenda Item Name					
Ordinance No. 2014-09; <i>Final</i>					
Requested Action					
Approve Ordinance No. 2014-09 for the Clermont ISBA					
Staff Report					
The Interlocal Service Boundary Agreement is being proposed for the area depicted in Exhibit A of the Agreement. This Agreement addresses the following key provisions: * Annexations - enclaves; properties currently receiving utilities from the City subject to an approved Utility Services Agreement; Annexation of right-of-way; Maintenance of right-of-way; * Land Development Regulations. * Solid Waste * Fire Hydrants * Sharing of Equipment & Resources * E 911 System; and Addressing * Fire and Rescue Services In accordance with Florida Statutes, the City has invited the adjacent cities to approve this Agreement as shown in the mapped area.					
Legal Impact					
Additional Analysis					
Fiscal Impact Summary					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					
1. Ordinance #2014-09 Clermont ISBA		Ord 2014-09 Clermont ISBA.pdf			
2. Clermont ISBA		Clermont ISBA 6-10-14 adopt.pdf			
3. Ad - ISBA Ordinance 2014-09		Ad - ISBA ORD 2014-09.doc			

CITY OF CLERMONT
ORDINANCE No. 2014-09

**AN ORDINANCE OF THE CITY OF CLERMONT, FLORIDA, ADOPTING
AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN
THE CITY OF CLERMONT AND LAKE COUNTY; PROVIDING FOR
SEVERABILITY, CONFLICT, AND EFFECTIVE DATE.**

WHEREAS, the City of Clermont and Lake County are entering into an Interlocal Service Boundary Agreement ("ISBA") pursuant to §171.203, Florida Statutes; and

WHEREAS, Florida municipalities possess Municipal Home Rule Powers pursuant to Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes; and

WHEREAS, the City Council of the City of Clermont finds that the benefits of intergovernmental communications and coordination will accrue to all parties of the ISBA; and

WHEREAS, elected officials and appointed staff of the parties to the ISBA have met and negotiated in good faith to resolve issues relating to provisions for annexation and maintenance of right-of-way; Development applications, regulations and Comprehensive Plan; Solid Waste; Fire Hydrants Sharing of Equipment and Resources; the E 911 System and County to City addressing; and, Fire and Rescue Services, and have reduced their agreement to writing as set forth in the ISBA attached hereto; and

WHEREAS, the City Council of the City of Clermont has determined that the best interests of its citizens would be served by adopting the ISBA; and

WHEREAS, the City may enter into the ISBA pursuant to the authority of Article VIII of the Florida Constitution and Chapters 163.3177, 166.021 and 171.203, Florida Statutes (2009).

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

SECTION 1. Recitals.

The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this Ordinance.

SECTION 2. Adoption of ISBA.

The City Council hereby adopts, and the Mayor is authorized to and shall execute the Interlocal Service Boundary Agreement with Lake County, attached hereto and incorporated herein as **Exhibit "A"** which shall be kept on file in the office of the City Clerk.

CITY OF CLERMONT
ORDINANCE No. 2014-09

SECTION 3. Severability.

It is declared to be the intent of the City Council that if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. Conflict.

Any portion of the Code of Ordinances, City of Clermont, Florida or any ordinance or part thereof in conflict with this ordinance is hereby repealed to the extent of such conflict.

SECTION 5. Effective Date.

This ordinance shall be published as provided by law and shall take effect immediately upon its Second Reading and Final Passage.

CITY OF CLERMONT
ORDINANCE No. 2014-09

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 10th day of June, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

Attest:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

**INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN
The City of Clermont and Lake County, Florida**

June 10, 2014

**INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN
THE CITY OF CLERMONT AND LAKE COUNTY, FLORIDA**

This Interlocal Service Boundary Agreement (the “Agreement”) is made by and between the City of Clermont, a Florida municipality (“CLERMONT”) and Lake County, a political subdivision of the State of Florida (the “COUNTY”).

WITNESSETH

WHEREAS, Florida municipalities possess Municipal Home Rule Powers pursuant to Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, *Florida Statutes*; and

WHEREAS, the COUNTY possesses Home Rule powers pursuant to Article VIII, Section 1(b), of the Florida Constitution and Section 125.01, *Florida Statutes*; and

WHEREAS, the stated purpose of the Florida Interlocal Cooperation Act of 1969, Section 163.01, *Florida Statutes*, is to “permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities”; and

WHEREAS, the principal goal of the Interlocal Service Boundary Agreement Act Section 171.20, *Florida Statutes* is to “encourage local governments to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community.” It is also intended to provide “a more flexible process for adjusting municipal boundaries and to address a wider range of the effects of annexation” . . . “to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments and to reduce intergovernmental conflicts and litigation between local governments” . . . “to promote sensible boundaries that reduce the costs of local governments, avoid duplicating local services, and increase political transparency and accountability” . . . and “to prevent inefficient service delivery and an insufficient tax base to support the delivery of those services”; and

WHEREAS, the Parties desire to identify lands that are logical for future annexations into the CLERMONT; and

WHEREAS, the Parties find that the benefits of intergovernmental communications and coordination will accrue to all Parties; and

WHEREAS, the elected officials of the Parties have met and negotiated in good faith to resolve issues relating to annexation, joint planning and provision of infrastructure and wish to reduce their agreement to writing as set forth in this Agreement; and

WHEREAS, this Agreement is entered into pursuant to the authority of Article VIII of the Florida Constitution and Chapters 125.01, 163.3177, 166.021 and 171.203, 190.011 *Florida Statutes* (2012); and

NOW THEREFORE, in consideration of the mutual covenants set forth in the Agreement, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **RECITALS.** The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this Agreement.

2. **INTERLOCAL SERVICE AGREEMENT BOUNDARY.** The map attached hereto as Exhibit A, incorporated herein by reference, outlines the Interlocal Service Boundary Area and as shown on such map the boundary areas for CLERMONT as well as unincorporated areas.

3. **ANNEXATIONS.** The following agreement shall govern any annexations that occur within the Interlocal Service Agreement Boundary as displayed on Exhibit A:

a. **ANNEXATION OF PROPERTIES.**

- i. **Part I Chapter 171, Florida Statutes.** CLERMONT shall be entitled to annex any property in a manner which is consistent with Part I, Chapter 171, *Florida Statutes*.
 - ii. **Enclaves.** Pursuant to §171.046, *Florida Statutes*, COUNTY hereby consents to the annexation of any enclave or the creation of any enclave which is the result of an annexation, so long as CLERMONT agrees to provide services to such enclave, and CLERMONT holds a public hearing prior to such annexation where the owners of all properties within the enclave are given written, first class mail notice, and an opportunity to comment publicly at such meeting.
 - iii. **Annexation of Properties Which Do Not Meet Part I, Chapter 171, Florida Statutes; Specific Properties.** COUNTY hereby consents to the annexation of any non-contiguous real property in the unincorporated area within the Interlocal Service Boundary Area by CLERMONT as depicted in "Exhibit A" provided that subject properties are
 1. presently served by CLERMONT or other public central water and/or sewer utility; or
 2. where subject property owner/developer has entered into a concurrent Water and Sewer Utility Agreement at the time of annexation to extend utility infrastructure to the subject property, and provided further the CLERMONT shall not approve any development, or issue a final development order in such annexed area unless central water and wastewater shall serve the development.
- b. CLERMONT shall not annex any areas not contained within the Clermont ISBA without the approval of the COUNTY.
- c. **ANNEXATION OF RIGHT OF WAY.** COUNTY agrees that it will not oppose the annexation of right of way located in the Interlocal Service Boundary Agreement area of CLERMONT, so long as at least one side of the road will be bounded by property located within CLERMONT after the annexation, or which meets any of the other annexation requirements of this Agreement. CLERMONT agrees that at the time that it annexes any property which abuts a roadway, that, to the extent possible, it will also annex the adjacent road right of way to avoid the creation of roadway enclaves. Annexing the right of way pursuant to this sub-paragraph does not require CLERMONT to accept maintenance responsibility for such road.
- d. **MAINTENANCE OF ROW.** From the Effective Date of this agreement, upon annexation of a sum greater than fifty percent (50%) of the existing frontage of properties abutting any subject road right-of-way, other than a State of Florida operated and maintained right-of-way, located between two nearest collector streets (or streets with a higher classification)

intersecting right-of-ways (i.e. cross streets) or County four-lane or greater roadway,, CLERMONT shall assume maintenance responsibility for such road right-of-way segment and associated drainage facilities not terminating at any right-of-way centerline, but between and extending to and including the above mentioned local cross street intersections, or as may be mutually designated. All such transfers of maintenance responsibility related to an annexation shall include the entire width of the right-of-way adjacent to annexed properties. However, nothing in this agreement shall require CLERMONT to assume maintenance for any roadway and associated drainage facilities that does not meet City standards other than right of way width, nor shall CLERMONT have any responsibility to widen any such road.

4. **DEVELOPMENT APPLICATIONS, LAND DEVELOPMENT REGULATIONS, COMPREHENSIVE PLAN PROVISIONS.** Persons owning or developing land within the Interlocal Service Boundary Area will be faced with difficulty determining which local jurisdiction has control over permitting decisions. This difficulty will be exacerbated in areas where one jurisdiction may have permitting authority, but another jurisdiction may be providing utilities. In order to minimize such difficulties, CLERMONT and the COUNTY agree as follows:
- a. **Development Applications.** For any application for development which is received by COUNTY for land within the CLERMONT ISBA, designated area on **Exhibit A**, or any application for development received by CLERMONT for land within CLERMONT limits and within five hundred feet (500') of land that is located in the unincorporated area, CLERMONT or COUNTY, as the case may be, will immediately provide a copy of the development application to the other. CLERMONT and COUNTY shall work together to minimize any conflicts in regulations and to make the permitting process as efficient as can be.
 - b. **Land Development Regulations.** CLERMONT and the COUNTY shall work together to compare their respective Land Development Regulations, and where there are inconsistent regulations; work towards eliminating such inconsistency, to the extent possible. When regulations are inconsistent, CLERMONT and the COUNTY shall strive to jointly amend the regulations with a goal to eliminate unnecessary conflict. CLERMONT and the COUNTY recognize there may be regulations that a party cannot amend for purposes of consistency due to factors beyond the party's control, for example, consumptive use permit requirements. It is estimated that this process shall take up to thirty-six (36) months, at which time elected representatives from CLERMONT and the COUNTY shall meet to review the progress that has been made.
 - c. **Comprehensive Plans.** CLERMONT and the COUNTY acknowledge that CLERMONT's Comprehensive Plans will have to be updated as annexations occur, and that the COUNTY Comprehensive Plan may need to be amended to accommodate future growth plans of CLERMONT within their designated areas. CLERMONT and the COUNTY agree to work together to jointly plan the designated areas to avoid incompatibility between uses in CLERMONT and COUNTY.

5. **SOLID WASTE.** The COUNTY and CLERMONT agree that through July 2014, CLERMONT shall deliver all solid waste under its control to COUNTY for disposal, so long as the rates charged by COUNTY remain competitive with rates charged in the Central Florida area, and so long as the cost to CLERMONT in doing so is less than CLERMONT's cost in using a different solid waste facility. The term "cost" as used in this Section 5 shall include but not be limited to transfer (fuel) costs and tipping fees. COUNTY agrees that any contract that it enters for the collection of waste will be able to be utilized by CLERMONT at their option, and will coordinate and communicate with CLERMONT on solid waste disposal opportunities which may exist after 2014.
6. **FIRE HYDRANTS.** CLERMONT agrees that any time a potable water line is extended into or through unincorporated areas, that fire hydrants or hydrant stub outs will be installed at recommended distances, based on CLERMONT's standards and approval, for fire hydrant spacing at COUNTY's expense. CLERMONT agrees that COUNTY shall have the right to have fire hydrants installed on any City water line located in the unincorporated area at COUNTY expense and as approved by CLERMONT. CLERMONT agrees that the COUNTY Fire Department shall have the right to use any City fire hydrant for official fire purposes, at no cost; COUNTY shall, however, notify CLERMONT anytime such a hydrant is used along with an estimate of how much water was used. Notification shall be in writing to the City Manager and provided within seven (7) calendar days of the COUNTY's use.
7. **SHARING OF EQUIPMENT AND RESOURCES.** CLERMONT and the COUNTY each own and operate equipment and resources that might be of use to the other. The goal of this paragraph is to minimize duplication of resources by allowing one party to this agreement to utilize the resources of another party in an effort to avoid duplication. CLERMONT and the COUNTY agree to allow the other party to utilize resources and equipment owned by the other so long as such equipment and resource is available and so long as the using party pays all costs involved with such use. It is recognized that in order to utilize some types of equipment, staffing from the donating agency will also be required, and in such a case, the agency using such resource or equipment shall also be responsible to pay any staff costs.
8. **E 911 SYSTEM; COUNTY ADDRESSING SYSTEM.** COUNTY maintains the E 911 addressing system. Such system is in use in the unincorporated area of Lake County and in some municipal areas. Due to cost and harm to citizens, it is not feasible to readdress existing addresses which are not in compliance with the COUNTY numbering system. However, universal use of the COUNTY addressing system will enhance emergency response for all citizens of Lake County. CLERMONT and the COUNTY agree that any new address issued by CLERMONT or COUNTY (including any readdressing that may occur) will be issued in accordance with the County E 911 addressing system and rules. CLERMONT agrees that from the Effective Date of this agreement, all new addresses issued to their residents, shall meet the COUNTY's addressing standards. CLERMONT shall utilize the process set forth in Exhibit B, attached hereto and incorporated herein by reference.

9. **FIRE AND RESCUE SERVICES.**

- a. COUNTY and CLERMONT agree to automatically respond to assist the other for all types of emergencies including fire, medical emergencies, rescue, hazardous material, extrication, and natural and accidental disasters within the ISBA area, as well as in adjacent areas pursuant to Section (d) below. The provisions of this agreement do not apply to non-emergency calls, as defined in vii. below.
 - i. The parties agree to provide such assistance on an automatic aid basis utilizing the available units nearest to the incident.
 - ii. This agreement is not intended and shall not be construed to in any way deprive COUNTY or CLERMONT of any jurisdictional powers that such entity may have, nor is it the intention of the parties to combine their individual departments into a single department or district providing the services encompassed by this agreement.
 - iii. For purpose of this agreement, automatic aid shall be defined as the immediate response of emergency personnel closest to the scene, regardless of whether such personnel are from the jurisdiction where the incident is located. The automatic aid shall be based on a predefined process agreed to pursuant to vii. below that results in the immediate response of emergency personnel to the scene of an emergency. COUNTY and CLERMONT shall mutually agree on the level of response that different types of incidents will require, and units will be dispatched accordingly. All units of COUNTY and CLERMONT shall be available to be dispatched, unless involved in another call, if such response is required based on the necessary level of response that is required.
 - iv. During the term of this agreement, COUNTY and CLERMONT agree that they will continue to utilize Lake Emergency Medical Services, Inc. (hereinafter "LEMS") (or any successor entity approved both by COUNTY and CLERMONT) for dispatching of fire and emergency medical services.
 - v. During the term of this agreement, COUNTY and CLERMONT agree that they will install and maintain Automatic Vehicular Locator Systems (hereinafter "AVL") on all emergency response vehicles in their fleets that are located in or near the ISBA area; such Automatic Vehicular Locator Systems shall be compatible with computer and radio systems maintained by LEMS. COUNTY agrees to utilize County Fire Impact Fees for the initial purchase of an AVL for any CLERMONT response vehicle that does not currently have one; CLERMONT will be responsible to purchase such units for vehicles placed in service after the effective date. CLERMONT and COUNTY will be responsible for maintenance and operating charges for AVL's on their own vehicles.
 - vi. While providing automatic response, an entity that is responding outside its jurisdiction shall be subject to the orders and directions of the officer in charge of the operations. If an officer for the jurisdiction in which the incident is located is

not available at the scene, the highest-ranking officer from the responding party will control the scene until its termination or an officer from the jurisdiction in which the incident has occurred arrives and scene control is properly transferred. COUNTY and CLERMONT shall utilize National Fire Protection Standards and National Incident Management System (NIMS) standards to ensure that the Incident Command System, the Personnel Accountability System and other standards are adhered to.

- vii. The Chiefs of the fire departments and the Executive Director of LEMS or their designees, will meet and draft, and may thereafter revise, a written plan for the procedures and operations necessary to effectively implement this agreement. The written plan shall include a definition of non-emergency calls and shall include the process described in iii., above. Should a disagreement arise between such Chiefs and/or Executive Director, the matter shall be referred to the Managers for COUNTY and CLERMONT for resolution. Any dispute or disagreement that cannot be resolved at this level shall be resolved utilizing the dispute resolution process of this ISBA Agreement.
 - viii. Nothing in this agreement shall prohibit COUNTY or CLERMONT from sending additional resources to an incident located within their respective jurisdiction, even if such resources are not required by the plan for procedures and operations approved by the fire chiefs of COUNTY and CLERMONT.
 - ix. COUNTY and CLERMONT agree that they will not locate or establish a new fire station that is located in the jurisdiction of the other or close a fire station within the ISBA area without the written permission of the other party. The relocation of the existing COUNTY fire station on SR 50 to the Lake County Sheriff Substation, also on SR 50 shall not be subject to this requirement.
 - x. Nothing in this agreement shall affect any other mutual aid agreements that are or may be in existence between COUNTY and CLERMONT or any other governmental unit for areas not included within this agreement.
- b. It is the intent of this agreement to allocate the costs of an agency responding to an event in the other's jurisdiction through a method whereby compensation is set based upon the type of call. At the end of each quarter, the number of calls that COUNTY and CLERMONT respond to in the other's jurisdiction shall be reviewed, calculated and compensation shall be paid as follows:
- i. At the end of each quarter, calls responded to in the other agency's jurisdiction shall be determined, utilizing call data maintained by the dispatch agency. Only calls where the dispatcher dispatched a unit based on the predefined process described above shall be counted. As indicated earlier, COUNTY or CLERMONT have the right to send units to a call without being dispatched; however, in such a case, such call shall not be calculated for purposes of compensation. For purposes of this provision, "self-dispatched" calls shall be

defined, based on dispatch records, as calls wherein the dispatcher did not call the unit to the scene.

ii. Determination of compensable calls. The following rules shall be used to determine how to determine the number of compensable calls:

1. For purposes of medical calls, each vehicle that is dispatched shall be considered a separate call.
2. For purposes of fire calls, each call for service to an incident shall be considered one call, regardless of the number of vehicles that are dispatched.
3. Calls that are dispatched for non-emergency purposes shall not be counted as a response by COUNTY or CLERMONT for purposes of this agreement and neither agency shall be required to respond to such non-emergency call, although they may respond if they wish.
4. Calls that are self-dispatched meaning responses that are to an incident where the dispatcher did not call that unit shall not be counted as a response for purposes of this agreement.
5. Calls that are dispatched due to an automobile accident shall be counted as a medical call incident.
6. Additional rules and compensation amounts regarding specific types of calls may be applied if approved in writing by the City Manager of CLERMONT and County Manager of COUNTY.

iii. At the end of each quarter, the number of calls for the prior quarter shall be reviewed to determine if either COUNTY or CLERMONT responded to more calls outside their jurisdiction than were responded to inside their jurisdiction. For this purpose, separate calculations shall be made for emergency medical response and fire response. A call which is made by the dispatcher, but subsequently cancelled shall be calculated as half ($\frac{1}{2}$) of a call. For each category of calls, the number of calls that one party responded to that exceeds the number of calls the other party responded to shall be the "net number of calls". Only the net number of calls shall be compensable. By way of illustration, in a quarter if CLERMONT were to answer fifty (50) calls in COUNTY's jurisdiction, and COUNTY were to answer forty-five (45) calls in CLERMONT's jurisdiction, the net five (5) calls would be compensable from COUNTY to CLERMONT.

iv. Net calls shall be compensated in the following amounts:

1. Medical Call: \$100 per call.
2. Fire Call: \$500 per call.

c. General Provisions relating to Fire and Medical Services Response:

- i. Neither COUNTY nor CLERMONT shall assume any liability for the acts, omissions, or negligence of the other. Each shall be solely responsible for their

own negligence and the negligence if their employees and agents. Nothing in this agreement is intended to act as a waiver of sovereign immunity.

ii. Effective date and Redetermination of reimbursement.

1. The effective date for the automatic aid portion of this agreement shall be July 1, 2014 and this agreement shall continue in force and effect unless the Interlocal Service Boundary Agreement is modified or terminated as provided in other parts of this agreement.
 2. The compensation amounts in (b)(ii) above are estimates that have been agreed to by COUNTY and CLERMONT. It is also possible that during the term of this agreement costs may change. Within ninety (90) days after May 31, 2016, and every three (3) years thereafter on the same date, should either party believe that such amounts shall be adjusted, they shall notify the other in writing. Upon such notification, COUNTY and CLERMONT shall meet to renegotiate such rates. Should a disagreement arise which cannot be resolved, the matter shall be referred to the Managers for COUNTY and CLERMONT for resolution. Any dispute or disagreement that cannot be resolved at this level shall be resolved utilizing the dispute resolution process of this ISBA Agreement.
- d. Additional Parties: There are other governmental units that provide fire and emergency medical response in areas adjacent to the Clermont ISBA area. These include Minneola, Groveland, Mascotte, and Montverde. It is possible that agreements between COUNTY and one or more of those entities may be negotiated and entered into. In such a case, it may be of benefit to CLERMONT and COUNTY to incorporate those additional areas into this agreement by amendment in order to provide a seamless emergency response system. The parties agree that such an amendment may be made only if agreed to in writing by CLERMONT and COUNTY.
- e. In making the determination of amounts due under this agreement, data from LEMS's dispatch shall be used as the basis to determine the number of calls which are to be counted as interagency calls. Within thirty (30) days after the end of each quarter, LEMS will prepare a report and send it to CLERMONT and COUNTY. CLERMONT and COUNTY shall have fifteen (15) days to review such report, and to object. Should either party object to the report or the data contained therein, the County Manager and City Manager shall meet within fifteen (15) days to attempt to resolve such objection. Should the managers be unable to resolve such objection, payment shall be made for the portion of the report that is not in dispute, and the parties shall select a Certified Professional Accounting Firm which shall conduct a review and render a decision on the dispute. The decision of the Certified Public Accounting Firm shall be final and binding on all parties to this agreement. The costs of the Certified Accounting Firm shall be borne equally by COUNTY and CLERMONT.
- f. Any payments that are due to another party to this agreement shall be made within twenty-five (25) days after the delivery of the report described in Section (e) above,

unless an objection is filed. In such a case, the undisputed portions of the report shall be paid and the balance shall be due within fifteen (15) days after resolution of the dispute.

10. **TERM OF AGREEMENT.** The Initial Term of this Agreement shall be twenty (20) years from the effective date of this Agreement. This Agreement shall be effective upon final adoption of an Ordinance adopting this Agreement enacted by CLERMONT and COUNTY. The Effective Date shall be the date of final adoption by the last party.
11. **RENEWAL OF AGREEMENT.** Pursuant to Chapter 171.203(12), *Florida Statutes*, the Parties shall initiate negotiations for the renewal or extension of this Agreement beyond the twenty (20) year term no later than eighteen months prior to the termination of the Initial Term.
12. **PERIODIC REVIEW.** Pursuant to Chapter 171.203(12), *Florida Statutes*, (2009) this Agreement shall be periodically reviewed by the Parties every five (5) years for a maximum term of twenty (20) years. Should the parties decide to renegotiate, renegotiations must begin at least eighteen (18) months prior to the termination date.
13. **TERMINATION OF AGREEMENT.** This Agreement may not be terminated by any Party without cause, prior to its expiration, unless an amendment to the Agreement is approved by all Parties in writing.
14. **DISPUTE RESOLUTION.** In the event of any dispute related to this Agreement, the Parties agree to resolve the dispute consistent with the conflict resolution procedures established in Chapter 164, *Florida Statutes*. If there is a failure to resolve the conflict, no later than 30 days following the conclusion of the procedures established in chapter 164, a party may file an action in circuit court.
15. **NOTICE.** All notices, consents, approvals, waivers, and elections that any Party requests or gives under this Agreement must be in writing and shall be given only by hand delivery for which a receipt is obtained, or certified mail, prepaid with confirmation of delivery requested. Notices shall be delivered or mailed to the addresses and parties set forth below or as any Party may otherwise designate in writing.

City of Clermont:

Darren Gray, City Manager
Post Office Box 120219
Clermont, Florida 34712

cc: Dan Mantzaris, City Attorney
Post Office Box 120219
Clermont, Florida 34712

Lake County:

David Heath, County Manager
P. O. Box 7800
Tavares, Florida 32778

cc: Sanford A. Minkoff, County Attorney
P.O. Box 7800
Tavares, Florida 32778

16. **SOLE BENEFIT.** This Agreement is solely for the benefit of the Parties hereto, and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party. Nothing in this Agreement, either expressed or implied, is intended or shall be construed to confer upon or give any person, corporation or governmental entity other than the Parties any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof, and all the provisions, representations, covenants, and conditions herein contained shall insure to the sole benefit of and shall be binding upon the Parties, and their respective representatives, successors and assigns.
17. **AUTHORITY.** The Parties each represent and warrant to the other its respective authority to enter into this Agreement, acknowledge the validity and enforceability of this Agreement. The Parties hereby represent, warrant and covenant this Agreement constitutes a legal, valid and binding contract enforceable by the Parties in accordance with its terms and conditions, and that the enforceability is not subject to any impairment by the applicability of any public policy or police powers.
18. **ENTIRE AGREEMENT.** This Agreement constitutes the entire understanding of the Parties with respect to the subject matters addressed herein, and all prior agreements, understandings, representations and statements, oral or written, are superseded by this Agreement.
19. **GOVERNING LAW, VENUE AND JURISDICTION.** The laws of the State of Florida shall govern this Agreement, and venue shall be in Lake County, Florida. Jurisdiction shall only be in the Circuit Court of Lake County, Florida.
20. **SEVERABILITY.** If any portion of this Agreement is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this Agreement, the portion deemed invalid or unenforceable shall be severed here from and the remainder of this Agreement shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.
21. **AMENDMENT OF COMPREHENSIVE PLANS.** Consistent with §171.203(9), *Florida Statutes*, the Parties shall no later than 6 months from the Effective Date make a good faith effort to amend their respective intergovernmental coordination elements of their comprehensive plan as described in §163.3177(6)(h)(1), *Florida Statutes*, to establish consistency and compliance with this Agreement as well as to address areas of economic development, which may include employment centers, industrial, commercial, and multi-family uses. Consistent with §171.203(11), *Florida Statutes*, and within the time frame established above, CLERMONT shall make a good faith effort to adopt a municipal service area as an amendment to its comprehensive plan to address future possible municipal annexation
- COMPLIANCE WITH CHAPTER 171, PART II, FLORIDA STATUTES.** The parties agree that this Agreement meets the requirements of Chapter 171, Part II, Florida Statutes (2012).
22. **ADOPTION BY MUNICIPALITY.** Pursuant to §171.203(14), *Florida Statutes*, CLERMONT shall adopt this Agreement by ordinance in accordance with §166.041, *Florida Statutes*.
23. **ADOPTION BY COUNTY.** Pursuant to §171.203(14), *Florida Statutes*, COUNTY shall adopt this Agreement by ordinance in accordance with §125.66, *Florida Statutes*.

24. **RECORDING.** Pursuant to F.S. 163.01(11), this Agreement shall be recorded with the Clerk of the Circuit Court of Lake County, Florida, within thirty (30) days of final execution.

Interlocal Service Boundary Agreement Between the City of Clermont and Lake County.

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

Jimmy Conner, Chairman

This _____ day of _____, 2014.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Approved as to form and legality:

Sanford A. Minkoff
County Attorney

Interlocal Service Boundary Agreement Between the City of Clermont and Lake County.

CITY OF CLERMONT, FLORIDA

Harold Turville, Jr., Mayor

This ____ day of _____, 2014.

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

EXHIBITS

Exhibit A: Interlocal Service Boundary Area Map

Exhibit B: Addressing Standards

EXHIBIT A: INTERLOCAL SERVICE AREA BOUNDARY

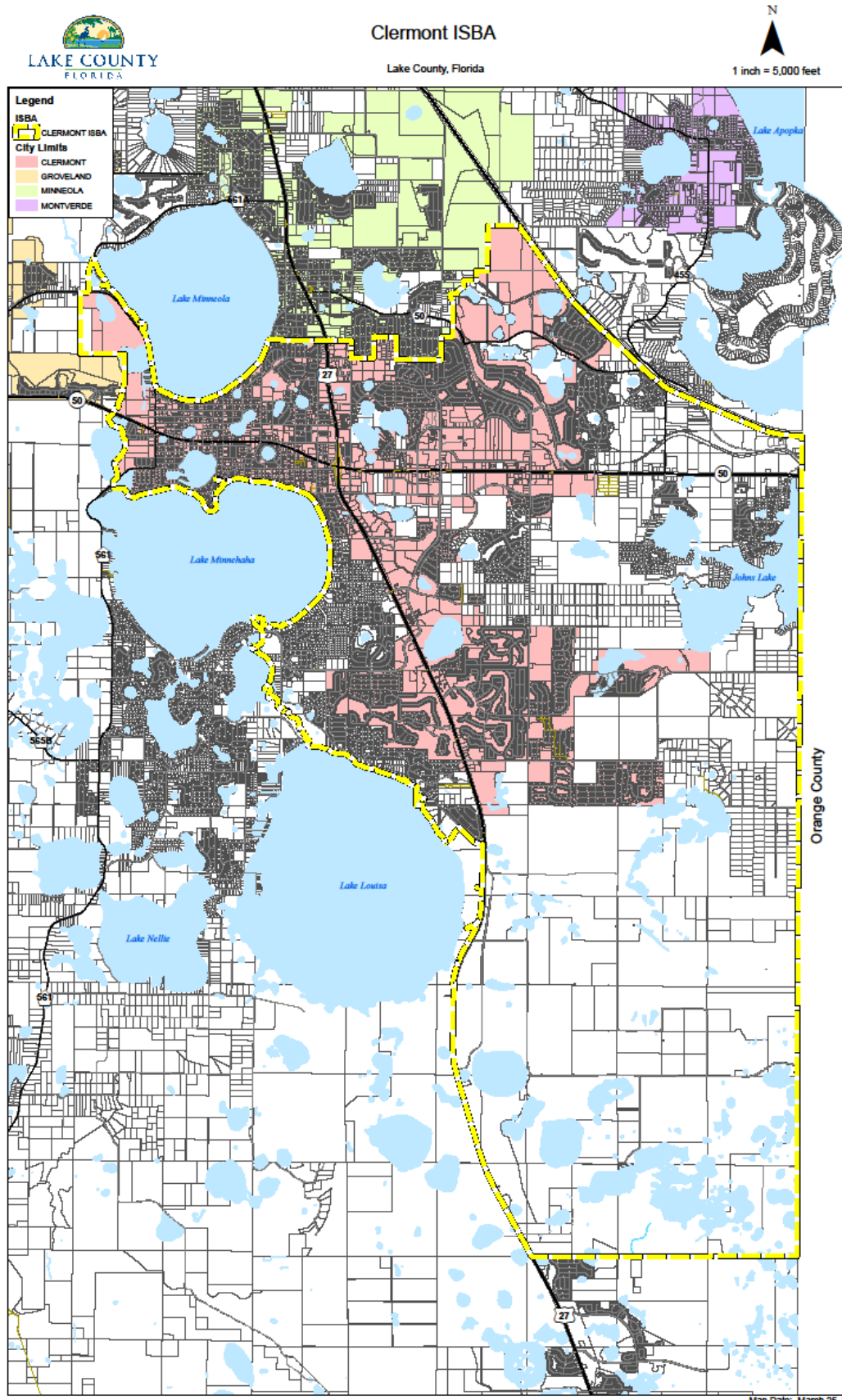


EXHIBIT B: ADDRESSING STANDARDS
(Page 1 of 2)

Clermont Addressing Obligations

A. Adopt and use the Lake County assigned addresses produced and included in the system in its own records and dealings.

B. Appoint a person within its organization to serve as a liaison with Lake County Addressing personnel for purposes of receiving and disseminating information within the Participant's jurisdiction and reporting needs, complaints or other information to the Lake County Addressing personnel, particularly to notify the Lake County Addressing personnel of new structures, subdivisions or other properties within Participant's boundaries which may require addressing and of any new or realigned routes (streets, highways, roads, etc. by whatever designation) and cooperate in identifying the same for geocoding by the County. The reporting and accuracy of this information is the sole responsibility of Clermont, and Clermont will assume full liability as it relates to City address reporting and verification.

The above reporting requirement may be changed by County Manager or designee by giving fifteen (15) days written notification to City.

C. Provide Lake County Addressing a digital copy of Clermont addressing grid, or if unavailable any documents or knowledge that would assist in recreating this grid digitally to be used to address for the cities but to do so with the cities current addressing grid. Lake County will not be using the Lake County grid (accept where appropriate and agreed upon).

D. Consult with the Lake County Addressing personnel in the assignment of street names, ranges, and addresses in order to avoid unnecessary changes and to make the addresses standard consistent, unique and unambiguous.

E. Propagate the system to its residents and promote adoption of the system by its residents, particularly notifying residents to change address numbers on signs and buildings within its boundaries to conform with the System (that will use NENA addressing naming standards i.e. AVE instead of AV) within 30 days from the date of this Memorandum of Understanding.

EXHIBIT B: ADDRESSING STANDARDS

(Page 2 of 2)

County Addressing Obligations

- A. Consult with Participants in the initial establishment of the System, pursuant to the proposed Ordinance;
- B. Operate and maintain the said System in accordance with said Ordinance as it may be enacted by Lake County;
- C. Furnish computing equipment, software and personnel required to maintain the databases at the Lake County Department of Information Technology, GIS Division; and
- D. Convey all relevant additions and changes to the database to all Participants by email and or letter as soon as they are incorporated in the system.
- E. County properties annexing into Clermont may be subject to an address change if it is determined by service providers that existing addresses of the surrounding area would create a confusing addressing system. Inconsistencies in addressing patterns may result in inefficiencies and/or a potentially life threatening situation with regard to providing services, including police, fire, mail, etc.

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-09

AN ORDINANCE OF THE CITY OF CLERMONT, FLORIDA, ADOPTING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF CLERMONT AND LAKE COUNTY; PROVIDING FOR SEVERABILITY, CONFLICT, AND EFFECTIVE DATE.

A meeting to consider the Ordinance will be held before the City Council on Tuesday, May 27, 2014 at 7:00pm for final enactment.

All meetings will be held in Clermont City Hall located at 685 West Montrose Street, Clermont, FL 34711.

This ordinance is available for public inspection in the office of the City Clerk, 685 West Montrose Street, Monday through Friday between the hours of 8:00am and 5:00pm.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
May 13, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date			
Tuesday, June 10, 2014			
Agenda Item Name			
Ordinance No. 2014-11; <i>Final</i>			
Requested Action			
Move to deny Ordinance No. 2014-11			
Staff Report			
Short Street ROW Closing			
The described right-of-way is 60 feet wide and consisting of a paved road named Short Street. The street has four parcels with street frontage (see Short Street Exhibit Location). Two of the parcels are controlled by the petitioner, Mr. Hess. Notices were sent to the remaining two property owners, Mr. Klaas and Mr. Bishop, seeking written consent to this request. Both of these property owners have made contact with staff to discuss the situation. As of May 13, 2014, neither Mr. Klaas nor Mr. Bishop has consented in writing to the closing of this right-of-way. The closing of this ROW may affect the current ingress and egress of these property owners. Due to all of the impacted property owners adjoining the road vacation request not consenting with the closing of this right-of-way, staff recommends denial of the road vacation request.			
Legal Impact			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Ordinance	ROW ORD 2014-011.doc	
2.	Legal ad	ROW legal ad CC4-8 CC4-22-2014.doc	
3.	Short Street Exhibit Location	Short Street Exhibit Location.pdf	
4.	Location map - Plat	ROW location map.pdf	
5.	Application	ROW Application.pdf	
6.	ROW Form	ROW form.pdf	

CITY OF CLERMONT
ORDINANCE No. 2014-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CLOSING AND PERMANENTLY ABANDONING THE 60 FOOT RIGHT-OF-WAY FOR SHORT STREET FROM EAST SIDE OF TWELFTH STREET TO NORTH SIDE OF CARROLL STREET; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, PUBLICATION, RECORDING, AND FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the City Council of the City of Clermont, Lake County, Florida that:

Section 1.

That any and all portions, closing and permanently abandoning a 60 foot right-of-way bounded on the west by the easterly side of a 66 foot right-of-way for Twelfth Street per Johnsons replat Plat Book 8, Page 71; running easterly and southerly and being bound on the south by the easterly extension of the south line of Lot 2 Block 118, Johnsons replat Plat Book 8, Page 71, located within the City of Clermont, Lake County, Florida is hereby closed and permanently abandoned.

Section 2.

The closing is done pursuant to the authority of the Charter of the City of Clermont, Lake County, Florida and the general laws of the State of Florida.

Section 3.

If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of the remainder would clearly and without doubt contradict or frustrate the intent of the Ordinance as a whole.

Section 4.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 5.

This Ordinance shall be published as provided by law and it shall become law and shall take effect immediately upon its Second Reading and Final Passage.

CITY OF CLERMONT
ORDINANCE No. 2014-11

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 10th day of June, 2014.

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday May 27, 2014 at 7:00 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-11

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning the 60 foot right-of-way for Short Street from east side of Twelfth Street to north side of Carroll Street; repealing all ordinance in conflict herewith, providing for severability, publication, recording, and for an effective date.

This ordinance is available for public inspection in the Planning and Zoning Department, 685 W. Montrose Street, Clermont, Florida, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

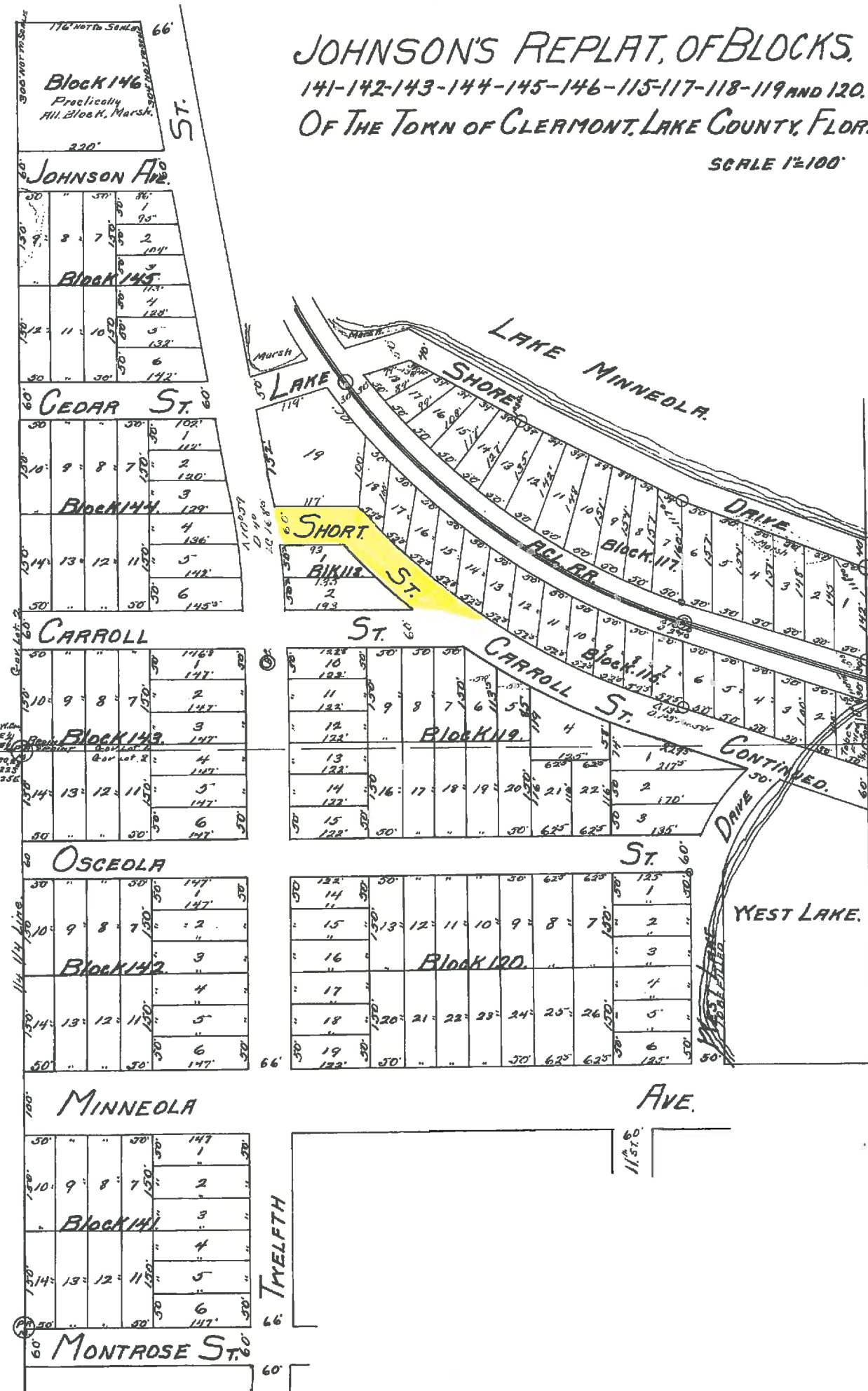
Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC

City Clerk
Daily Commercial
May 13, 2014

Short Street Exhibit – Location







CITY OF CLERMONT
STREET RIGHT-OF-WAY / EASEMENT CLOSING
PETITION

DATE: _____

FEE: \$25.00

PETITIONER'S NAME: Brian K. Hess

Address: 1166 Short Street

City: Clermont State: Florida Zip: 34711

Phone: 614-540-7233 Fax: _____

Legal Description of Petitioner's property abutting Street ROW/easement to be closed (Attach survey if available): Alt. Key #'s 1622590 (1166 Short St. - Tattletale) and 1622697 (1177 Short St. - vacant SF lot)

If named - name of street to be closed: Short Street

Plot plan & legal description of Street ROW/Easement portion to be closed (From-To):
Vacate Short St. from 12th Street on the west to Carroll St. on the east.

Purpose or reason for closing: The 60-foot wide Short Street is no longer needed for access to the properties which can be served by Carroll St. and 12th St. access locations and private driveways. Utilities are served by other locations.

Attach a map and list of: Names and addresses of all property owners abutting the portion of the street requested to be closed and abandoned. ☒ yes ☐ no

This petition is in accordance with the Clermont Land Development Code, Chapter 54, Division 2. Closing. Any person requesting a Street right-of-way or Easement Closing shall file a complete application submitted to the Planning Director in the Planning & Zoning Department, at least 45 days prior to the final hearing date of the City Council. A Street right-of-way or Easement Closing requires two readings of an ordinance by the City Council. The City Council meetings are held on the second and fourth Tuesdays of every month.

All applications must be complete, including applicable site plans and or pertinent descriptive materials in order to be processed. **The applicant must supply 35 copies of the application and supplemental materials. Include the original signed application.**

A plot plan (schematic drawing of the property involved) showing the location of that portion of the street requested to be closed and permanently abandoned, and including a survey of the property and street involved if deemed necessary by the city council or the city attorney.

Brian K. Hess

Petitioner Name (print)

X

Petitioner Name (signature)

***** NOTICE *****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE.

City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

Short Street vacate request



Short Street – vacate/Closing request





CITY OF CLERMONT
CONSENT/DO NOT CONSENT ROW CLOSING FORM

I, Richard J. Klaas, as an adjacent property owner to a request for a
Street Right-of-Way/Easement Closing Petition submitted by Brian Hess for the vacation of:

Short Street, between Twelfth Street and Carroll Street - Ordinance No. 2014-11,

Consent _____ or Do NOT Consent X with the petitioner's request. * *Addendum*

I understand if I need additional information or clarification prior to completing this form, I can contact
the City of Clermont, Planning and Zoning Department, at 352-394-4083 to view the application.

Richard J. Klaas
Signature

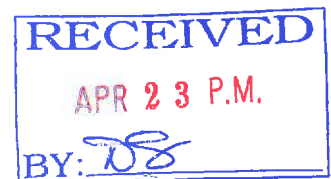
4/23/14
Date

Please complete and mail form back within 7 days of receipt to:
City of Clermont, PO Box 120219, Attn: Planning and Zoning Department, Clermont, FL 34712-0219.

Adjoining Property Owners:

AK: 1622689
Richard J. Klaas
505 7th St.
Clermont, FL 34711

AK: 1622603
Darryl & Christine Bishop, Trustees
14743 Green Valley Blvd
Clermont, FL 34711



* *Addendum*

Subject to a request from Richard J. Klaas
within the next 7 business days for additional legal
and zoning information from the City of Clermont
to perform legal due diligence as to the effect of
the request for the Short Street Right of Way/Easement
Closing on the property I own at 347-12th St.
Clermont, FL 34711

R. Klaas



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date					
Tuesday, June 10, 2014					
Agenda Item Name					
Ordinance No. 2014-14; <i>Final</i>					
Requested Action					
Move to approve Ordinance No. 2014-14					
Staff Report					
This is a Land Development Code amendment for Sections 118-36, 118-41, and 118-71 for tree requirements. <i>Planning & Zoning Commissioner Harry Mason moved to recommend approval of the Land Development Code amendment; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the Land Development Code amendment to City Council.</i>					
Legal Impact					
Additional Analysis					
Fiscal Impact Summary					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					
1.	Exhibit 1 - Ordinance	2014-14 ORD Tree LDC.doc			
2.	Exhibit	Tree Amendment 2014 final.doc			
3.	Legal ad	2014 LDC tree amendment legal ad- P&Z5-6-2014, CC5-27-14doc.doc			
4.	Minutes	Tree Ordinance Minutes.pdf			

CITY OF CLERMONT
ORDINANCE No. 2014-14

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 118 VEGETATION, SECTION 118-36 PLANT MATERIAL; SECTION 118-41 PREFERRED TREE LIST; SECTION 118-71 MINIMUM TREE REQUIREMENTS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on May 6, 2014 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to amend Chapter 118 Vegetation, Section 118-36 Plant Material; Section 118-41 Preferred Tree List; and Section 118-71 Minimum Tree Requirements; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Lake County, Florida as follows:

SECTION 1.

The City Council of the City of Clermont has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes.

SECTION 2.

The Land Development Code of the City of Clermont Code of Ordinances is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

CHAPTER 118 VEGETATION

Section 118-36 Plant Material

- (a) *Quality.* Plant materials used in conformance with provisions of this Article shall meet specifications of Florida Number 1 grade or better, according to the current edition of Grades and Standards for Nursery Plants of the State Department of Agriculture.
- (b) *Trees.*
 - (1) Trees shall be species having an average mature spread of crown of greater than fifteen feet and having trunks which can be maintained in clean condition over five feet of clear wood. Trees having an average mature spread of crown less than fifteen feet may be substituted by grouping the trees so as to create the equivalent of fifteen feet of crown spread.

CITY OF CLERMONT
ORDINANCE No. 2014-14

- (2) Canopy tree species shall be container grown in a minimum 65-gallon container. Canopy trees shall be a minimum of three inches in caliper, have a minimum six-foot spread, and be a minimum of twelve feet in overall height immediately after planting. Canopy trees shall meet the standards as specified in Section 118-2. The location of trees of any species known to have a root system capable of causing damage to roadways or utilities shall require staff approval.
- (3) Upon planting, palm trees must have six feet clear trunk height as measured from the ground to the base of the heart leaf.
- (4) (3) Understory tree species shall be a minimum of eight feet in overall height immediately after planting with a four-foot spread, and shall meet the standards as specified in section 118-2
- (5) (4) Sixty percent of required canopy trees in parking lots shall be live oak trees.

Section 118-41 Preferred Tree List

PREFERRED CANOPY TREE LIST

a	b	c		
X		md	American Elm	Ulmus americana
	XX	wd	Bald Cypress	Taxodium distichum
		m	Basswood	Tilia americana
XX	XX	dm	Live Oak	Quercus virginiana
XX		md	Pignut Hickory	Carya glabra
			Ironwood	Carpinus caroliniana
XX		wm	Pond Cypress	Taxodium ascendens
	XX	md	Red Bay	Persea borbonia

CITY OF CLERMONT
ORDINANCE No. 2014-14

XX		wd	Red Maple	Acer rubrum
XX		d	Sand Live Oak	Quercus geminata
XX		d	Scrub Hickory	Carya floridana
XX		md	Southern Magnolia	Magnolia grandiflora
XX	X	m	Sugarberry	Celtis laevigata
XX	X	mwd	Sweet Gum	Liquidambar styraciflua
		m	Sycamore	Platanus occidentalis
		m	Tulip Tree	Liriodendron tulipifera
XX		dm	Turkey Oak	Quercus myrtifolia
XX	XX	mw	Winged Elm, Cork Elm	Ulmus alata
	XX	md	Shumard Oak	
			<u>Slash Pine</u>	<u>Pinus elliottii</u>
			<u>Long Leaf Pine</u>	<u>Pinus palustris</u>
			<u>Little Gem Magnolia</u>	<u>Magnolia grandiflora 'Little Gem'</u>

CITY OF CLERMONT
ORDINANCE No. 2014-14

- a - Unidentified drought tolerance scale used in our land development regs.
- b - Landscaping to promote water conservation using the principles of Xeriscape.

This is a drought tolerance index provided by SJRWMD.

X = Moderate drought tolerance

XX = High drought tolerance

- c - Drought Tolerant Plant Guide for Lake County. Lake County Water Authority.

d = dry

m = moist

w = wet

Section 118-71 Minimum Tree Requirements

No Certificate of Occupancy shall be issued by the City on the following types of construction unless the underlying parcel has not less than the indicated minimum number of approved trees. All required landscaping is to be maintained in perpetuity.

- (1) General requirements for the number of trees on residential and nonresidential development shall be as follows:
 - a. ~~Any new single-family or duplex dwelling unit on a single lot shall not have less than three trees.~~ Any new single-family or duplex dwelling unit on a single lot shall have at least the following minimum number of approved trees. Trees shall be from the preferred canopy and understory tree list.
 - 1. Lots with less than 2,500 square feet of landscape space:
Two understory trees;
 - 2. Lots between 2500-4000 square feet of landscape space:
One canopy tree required and either one understory tree or two palm trees
 - 3. Lots with 4000 square feet or more of landscape space:
Two canopy trees required and either one understory tree or two palm trees
 - b. No required canopy tree may be planted within six feet of the primary structure, driveway, sidewalk, street, or the property line on a single-family lot.
 - c. For existing properties that have three canopy trees but may qualify for a reduction in the number of required trees, the criteria in paragraph a. above will apply. A tree removal permit must be obtained prior to removal of any canopy trees.
 - d. For single family and duplex lots, two palm trees may be substituted for one required understory trees.

CITY OF CLERMONT
ORDINANCE No. 2014-14

- ~~d-e.~~ Any new multifamily development shall have not less than one tree per unit.
- ~~e-f.~~ Any single commercial, industrial or other structure requiring site plan approval under the zoning regulations, Chapter 122, or the subdivision regulations, Chapter 110, shall provide not less than four trees per acre, with a minimum of four trees. Trees required under Article II of this Chapter, other than buffer or perimeter trees, may be counted to meet this requirement.

CITY OF CLERMONT
ORDINANCE No. 2014-14

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 10th day of June, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Section 118-36

Plant Material

(a) *Quality.* Plant materials used in conformance with provisions of this article shall meet specifications of Florida No. 1 grade or better, according to the current edition of Grades and Standards for Nursery Plants of the state department of agriculture.

(b) *Trees.*

(1) Trees shall be species having an average mature spread of crown of greater than 15 feet and having trunks which can be maintained in clean condition over five feet of clear wood. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of 15 feet of crown spread.

(2) Canopy tree species shall be container grown in a minimum 65-gallon container. Canopy trees shall be a minimum of three inches in caliper, have a minimum six-foot spread, and be a minimum of 12 feet in overall height immediately after planting. Canopy trees shall meet the standards as specified in section 118-2. The location of trees of any species known to have a root system capable of causing damage to roadways or utilities shall require staff approval.

(3) Upon planting, palm trees must have 6 feet clear trunk height as measured from the ground to the base of the heart leaf.

(4) ~~(3)~~ Understory tree species shall be a minimum of eight feet in overall height immediately after planting with a four foot spread, and shall meet the standards as specified in section 118-2

(5) ~~(4)~~ Sixty percent of required canopy trees in parking lots shall be live oak trees.

Section 118-71

Minimum Tree Requirements

No certificate of occupancy shall be issued by the city on the following types of construction unless the underlying parcel has not less than the indicated minimum number of approved trees. All required landscaping is to be maintained in perpetuity.

(1) General requirements for the number of trees on residential and nonresidential development shall be as follows:

~~a. Any new single-family or duplex dwelling unit on a single lot shall not have less than three trees. Any new single-family or duplex dwelling unit on a single lot shall have at least the following minimum number of approved trees. Trees shall be from the preferred canopy and understory tree list.~~

~~1. Lots with less than 2500 square feet of landscape space:~~

~~2 understory trees:~~

~~2. Lots between 2500-4000 square feet of landscape space:~~

~~1 canopy tree required and either 1 understory tree or 2 palm trees~~

~~3. Lots with 4000 square feet or more of landscape space:~~

~~Two canopy trees required and either one understory tree or two palm trees~~

~~b. No required canopy tree may be planted within 6 feet of the primary structure, driveway, sidewalk, street, or the property line on a single-family lot.~~

~~c. For existing properties that have 3 canopy trees but may qualify for a reduction in the number of required trees, the criteria in paragraph a. above will apply. A tree removal permit must be obtained prior to removal of any canopy trees.~~

~~d. For single family and duplex lots, 2 palm trees may be substituted for 1 required understory trees.~~

~~e.~~ Any new multifamily development shall have not less than one tree per unit.

~~e-f.~~ Any single commercial, industrial or other structure requiring site plan approval under the zoning regulations, chapter 122, or the subdivision regulations, chapter 110, shall provide not less than four trees per acre, with a minimum of four trees. Trees required under article II of this chapter, other than buffer or perimeter trees, may be counted to meet this requirement.

Sec. 118-41. Preferred tree list.

PREFERRED CANOPY TREE LIST

a	b	c		
X		md	American Elm	Ulmus americana
	XX	wd	Bald Cypress	Taxodium distichum
		m	Basswood	Tilia americana
XX	XX	dm	Live Oak	Quercus virginiana
XX		md	Pignut Hickory	Carya glabra
			Ironwood	Carpinus caroliniana
XX		wm	Pond Cypress	Taxodium ascendens
	XX	md	Red Bay	Persea borbonia
XX		wd	Red Maple	Acer rubrum
XX		d	Sand Live Oak	Quercus geminata
XX		d	Scrub Hickory	Carya floridana
XX		md	Southern Magnolia	Magnolia grandiflora
XX	X	m	Sugarberry	Celtis laevigata

XX	X	mwd	Sweet Gum	Liquidambar styraciflua
		m	Sycamore	Platanus occidentalis
		m	Tulip Tree	Liriodendron tulipifera
XX		dm	Turkey Oak	Quercus myrtifolia
XX	XX	mw	Winged Elm, Cork Elm	Ulmus alata
	XX	md	Shumard Oak	
			<u>Slash Pine</u>	<u>Pinus elliottii</u>
			<u>Long Leaf Pine</u>	<u>Pinus palustris</u>
			<u>Little Gem Magnolia</u>	<u>Magnolia grandiflora 'Little Gem'</u>

a - Unidentified drought tolerance scale used in our land development regs.

b - Landscaping to promote water conservation using the principles of Xeriscape.

This is a drought tolerance index provided by SJRWMD.

X = Moderate drought tolerance

XX = High drought tolerance

c - Drought Tolerant Plant Guide for Lake County. Lake County Water Authority.

d = dry

m = moist

w = wet

Sec. 118-71. Minimum tree requirements.

- (1) ~~Kings Ridge residential lot tree requirements: Residential lots located within the Kings Ridge development located east of U.S. Highway 27, west of Hancock Road, north of Hartwood Marsh Road, and south of Sunburst Lane, shall include the provisions as follows, unless covered elsewhere in the land development code:~~
- a. ~~Front yard trees. A minimum of one canopy tree shall be located in the front yard of each residence in accordance with section 118-36. Said tree shall be approved by the Kings Ridge Community Association (a.k.a. Master HOA) or their appointed representative(s).~~
 - 1. ~~Where front yard space is reduced due to development of the lots within a cul-de-sac, pie-shaped lots, or lots with reduced widths, canopy trees may be substituted with understory trees in order to permit proper growth. Understory trees shall be in accordance with section 118-36, and approved by the Kings Ridge Community Association (a.k.a. Master HOA) or their appointed representative(s).~~
 - b. ~~Rear yard trees. A minimum of one understory or fruit tree shall be located in the rear or side yard of each residence. Due to the plantings on adjacent lots or tracts, the species, location and size of each of these trees shall be approved by the Kings Ridge Community Association (a.k.a. Master HOA) or their appointed representative(s).~~
 - c. ~~Permitting and tree removal. The Kings Ridge Community Association (a.k.a. Master HOA) or their appointed representative(s) shall provide written approval to the homeowner for authorized removal and/or replacement of any residential lot canopy trees. Said approval letter shall be submitted to the city planning and zoning department to apply for a tree removal permit. Payment for a tree removal permit is required in accordance with this Code. No trees shall be removed until such permitting is completed.~~

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-14

An ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Chapter 118 Vegetation, Section 118-36 Plant Material; Section 118-41 Preferred Tree List; Section 118-71 Minimum Tree Requirements; Providing for codification; severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, May 6, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, May 27, 2014 at 7:00 p.m. for final enactment.

All meetings will be held in City Hall, located at 685 West Montrose Street.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Lake Sentinel
April 29, 2014 & May 13, 2014

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
MAY 6, 2014**

Page 4

3. REQUEST FOR CAPITAL IMPROVEMENTS ELEMENT AMENDMENT

DEVELOPMENT NAME: Capital Improvement Element
APPLICANT: Staff

Senior Planner John Kruse presented the staff report as follows:

Florida Statutes require annual updates to local governments' Capital Improvements Elements of their comprehensive plans. Enclosed is the supporting documentation for Ordinance No. 2014-13, adopting changes to the Capital Improvements Element of the comprehensive plan. Staff recommends approval of this request.

Commissioner Harry Mason moved to recommend approval of the Capital Improvement Element; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the Capital Improvements Element to City Council.

4. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

DEVELOPMENT NAME: Tree Ordinance
APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

Section 118-36 Plant Material

(a) *Quality.* Plant materials used in conformance with provisions of this article shall meet specifications of Florida No. 1 grade or better, according to the current edition of Grades and Standards for Nursery Plants of the state department of agriculture.

(b) *Trees.*

(1) Trees shall be species having an average mature spread of crown of greater than 15 feet and having trunks which can be maintained in clean condition over five feet of clear wood. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of 15 feet of crown spread.

(2) Canopy tree species shall be container grown in a minimum 65-gallon container. Canopy trees shall be a minimum of three inches in caliper, have a minimum six-foot spread, and be a minimum of 12 feet in overall height immediately after planting. Canopy trees shall meet the standards as specified in section 118-2. The location of trees of any species known to have a root system capable of causing damage to roadways or utilities shall require staff approval.

(3) Upon planting, palm trees must have 6 feet clear trunk height as measured from the ground to the base of the heart leaf.

(4) (3) Understory tree species shall be a minimum of eight feet in overall height immediately after planting with a four foot spread, and shall meet the standards as specified in section 118-2

(5) (4) Sixty percent of required canopy trees in parking lots shall be live oak trees.

**City of Clermont
MINUTES
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MAY 6, 2014**

Page 5

Section 118-71 Minimum Tree Requirements

No certificate of occupancy shall be issued by the city on the following types of construction unless the underlying parcel has not less than the indicated minimum number of approved trees. All required landscaping is to be maintained in perpetuity.

(1) General requirements for the number of trees on residential and nonresidential development shall be as follows:

a. Any new single-family or duplex dwelling unit on a single lot shall not have less than three trees. Any new single-family or duplex dwelling unit on a single lot shall have at least the following minimum number of approved trees. Trees shall be from the preferred canopy and understory tree list.

1. Lots with less than 2500 square feet of landscape space: 2 understory trees

2. Lots between 2500-4000 square feet of landscape space: 1 canopy tree required and either 1 understory tree or 2 palm trees

3. Lots with 4000 square feet or more of landscape space: Two canopy trees required and either one understory tree or two palm trees

b. No required canopy tree may be planted within 6 feet of the primary structure, driveway, sidewalk, street, or the property line on a single-family lot.

c. For existing properties that have 3 canopy trees but may qualify for a reduction in the number of required trees, the criteria in paragraph a. above will apply. A tree removal permit must be obtained prior to removal of any canopy trees.

d. For single family and duplex lots, 2 palm trees may be substituted for 1 required understory trees.

e. Any new multifamily development shall have not less than one tree per unit.

f. Any single commercial, industrial or other structure requiring site plan approval under the zoning regulations, chapter 122, or the subdivision regulations, chapter 110, shall provide not less than four trees per acre, with a minimum of four trees. Trees required under article II of this chapter, other than buffer or perimeter trees, may be counted to meet this requirement.

Darryl Murray, 3341 Saloman Lane, asked for clarification on the setbacks for the landscape.

Mr. Henschel stated that the trees will have a six foot setback from the property line.

Roger Krauss, 3607 Limestone St., asked the difference between a canopy tree and an understory tree.

Mr. Henschel explained the difference between the two.

Len Terrell, 2215 Elverson Ave., asked what is considered landscape space.

Chairman Nick Jones stated that anything that is not hard surface would be considered landscape space.

**City of Clermont
MINUTES
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MAY 6, 2014**

Page 6

Ernest Raia, 3616 Matira Ct., stated that he is concerned with the setback lines being included in the landscape space. He feels that by including the landscape setback area into the equation will make someone have to plant a tree where there is not room for trees.

Commissioner Harry Mason moved to recommend approval of the Land Development Code amendment; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval for the Land Development Code amendment to City Council.

5. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

DEVELOPMENT NAME: CDB

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

Sec. 122-243. Permitted uses.

(a) *Generally.* Permitted uses in the central business district are as follows:

(1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.

(2) Personal service establishments, such as but not limited to beauty shops or barbershops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use (with a business tax receipt, and with medical supervision) within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.

(3) Professional offices, doctors' offices, banks and loan companies (excluding drive-through facilities except with a conditional use permit), insurance and real estate offices and similar businesses.

(4) Dwelling units, single-family and two-family, permitted in the R-2 district, and other residential uses as permitted in the R-3 district, provided that lot size and coverage regulations of the respective district can be accommodated and the lot width of this district is met.

(5) Buildings, structures and uses maintained or operated by the city.

(6) Lodges and clubs.

(7) Restaurants and lounges 4,000 square feet and under.

(b) *Floor space.* Any business establishment or structure proposing to occupy 3,000 square feet of total floor space or more shall require application for a conditional use permit.

(c) *Uses to be enclosed; outdoor storage.* All uses must be within a completely enclosed building, except for outdoor storage, which must receive site plan approval and be screened from public streets and adjacent property.

(d) *Sidewalk use.* Business establishments may utilize outside private or public sidewalk area for patron use to include non-fastened small tables and chairs, or benches during business hours



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date					
Tuesday, June 10, 2014					
Agenda Item Name					
Ordinance No. 2014-16; Final					
Requested Action					
Approve Ordinance No. 2014-16					
Staff Report					
Currently, Chapter 46 - Pensions of the City Code contains the detailed language of all of the city's pension plans. Ordinance No. 2014-16 is proposed in order to eliminate the detailed language from the code and to reference separate pension plan documents which will be maintained on file in the City Clerk's Office. It is noted the ordinance does not change any current plan benefits and that any future pension benefit changes will have to be approved by ordinance.					
Legal Impact					
Additional Analysis					
Fiscal Impact Summary					
No fiscal impact.					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					
1. Ordinance No. 2014-16		Ordinance No. 2014-16.doc			
2. Ad-Ord 2014-16, Pension		2014-16 Ordinance Pension Plan Amendments.doc			

CITY OF CLERMONT
ORDINANCE NO. 2014-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA RELATING TO PENSION AND RETIREMENT BENEFITS FOR GENERAL, POLICE AND FIRE EMPLOYEES OF THE CITY OF CLERMONT; AMENDING CHAPTER 46, BY DELETING ARTICLE I, IN GENERAL; DELETING ARTICLE II, CLERMONT PENSION PLAN FOR POLICE OFFICERS AND FIREFIGHTERS AND DEFINED BENEFITS GENERAL EMPLOYEE PLAN, DIVISION 1, GENERALLY, DIVISION 2, ADMINISTRATION, DIVISION 3, RETIREMENT AND RETIREMENT BENEFITS; RENUMBERING ARTICLE III, SOCIAL SECURITY; DELETING ARTICLE IV, DEFINED CONTRIBUTIONS FOR GENERAL EMPLOYEES; DELETING ARTICLE V, CLERMONT PENSION PLANS, DIVISION 1, RETIREMENT PLAN AND TRUST FOR THE POLICE OFFICERS OF THE CITY OF CLERMONT, DIVISION 2, RETIREMENT PLAN AND TRUST FOR THE FIREFIGHTERS OF THE CITY OF CLERMONT; DELETING ARTICLE VI, FLORIDA MUNICIPAL PENSION TRUST FUND 401(A) DEFINED CONTRIBUTION PLAN; ADOPTING NEW ARTICLE I, PENSION AND RETIREMENT PLANS ADOPTED AND PROVIDING FOR SEVERABILITY, CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Lake County, Florida, as follows:

SECTION 1.

Chapter 46, Pensions and Retirement, Article I, In General; Article II, Clermont Pension Plan for Police Officers and Firefighters and Defined Benefits General Employees Plan; Article III, "Social Security"; Article IV, Defined Contribution Plan for General Employees; Article V Clermont Pension Plans; and Article VI, Florida Municipal Pension Trust Fund 401(A) Defined Contribution Plan is hereby amended and replaced in its entirety to read as follows:

Article I. PENSION AND RETIREMENT PLANS ADOPTED.

Section 46-21. Clermont Pension Plan for Police and Firefighters and Defined Benefits General Employees Plan.

The City Council confirms and adopts the Clermont Pension Plan for Police Officers, Firefighters and Defined Benefits General Employees Plan as amended and restated (effective date November 1, 1960) as it is set forth in full and on file in the City Clerk's office. The plan and trust shall be known as and may be referred to as the Clermont Pension Plan for Police and Fire Fighters and Defined Benefits Plan General Employees Plan (November 1, 1960).

Section 46-22. Defined Contribution Plan for General Employees.

CITY OF CLERMONT
ORDINANCE NO. 2014-16

be The City Council confirms and adopts the Defined Contribution Plan for General Employees as amended and restated (effective date October 1, 1985) as it is set forth in full and on file in the City Clerk's office. The plan and trust shall be known as and may referred to as the Defined Contribution Plan for General Employees (October 1, 1985).

Section 46-23. Retirement Plan and Trust for the Police Officers of the City of Clermont.

The City Council confirms and adopts the Retirement Plan and Trust for the Police Officers of the City of Clermont and the adoption agreement adopted by City of Clermont Ordinance No. 304-C (February 2001) as amended and as it is set forth in full and on file in the City Clerk's office. The plan and trust shall be known as and may be referred to as the Retirement Plan and Trust for the Police Officers of the City of Clermont (February 2001).

Section 46-24. Retirement Plan and Trust for the Firefighters of the City of Clermont.

The City Council confirms and adopts the Retirement Plan and Trust for the Firefighters of the City of Clermont and the adoption agreement adopted by City of Clermont Ordinance No. 305-C (February 2001) as amended and as it is set forth in full and on file in the City Clerk's office. The plan and trust shall be known as and may be referred to as the Retirement Plan and Trust for Firefighters of the City of Clermont (February 2001).

Section 46-25. Florida Municipal Pension Trust Fund 401(A) Defined Contribution Plan.

City The City Council confirms and adopts the Florida Municipal Pension Trust Fund 401(A) Defined Contribution Plan (November 2001) as it is set forth in full and on file in the Clerk's office. The plan and trust shall be known as and may be referred to as the Florida Municipal Pension Trust Fund 401(A) Defined Contribution Plan (November 2001).

Section 46-26. Copies on File; Public Inspection.

The City Manager is authorized and directed to maintain on file in the Office of the City Clerk copies of the pension and retirement plans adopted in this Article for public inspection at all times.

Section 46-27 – 46-30. Reserved.

Article II. SOCIAL SECURITY.

CITY OF CLERMONT
ORDINANCE NO. 2014-16

Section 46-31. Adoption of Coverage.

It is hereby declared to be the policy and purpose of the City to extend; effective as of October 1, 1954, to the employees and officials thereof not excluded by law or excepted in this article, and whether employed in connection with a governmental or proprietary function, the benefits of the system of old-age and survivors insurance as authorized by the federal Social Security Act and amendments thereto, including Public Law 734 of 81st Congress, and by Florida Statute Chapter 650, and to cover by such plan all services which constitute employment, as defined in Florida Statute § 650.02, performed in the employment of the City by employees thereof.

Section 46-32. Execution of Agreements with State Agency.

the Mayor, or other chief executive officer of the City, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the state agency, for purpose of extending the benefits provided by the system of old-age and survivors insurance to the employees and officials of this City as provided in Section 46-31, which agreement shall provide for such methods of administration of the plan by the City as are found by the state agency to be necessary for the proper and efficient administration thereof, and shall be effective with respect to services in employment covered by such agreement performed after September 30, 1954.

Section 46-33. Employee Contributions.

Withholding from salaries, wages or other compensation of employees and officials for the purpose provided in Section 46-3 is hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state agency designated by such laws or regulations to receive such amounts.

Section 46-34. Employer Contributions; Appropriations.

There shall be appropriated from available funds, derived from the general funds of the City, such amounts, at such times, as may be required to pay promptly the contributions and assessments required of the City as employer by applicable state or federal laws or regulations under this Article, which shall be paid over to the lawfully designated state agency at the times and in the manner provided by law and regulation.

Section 46-35. Records and Reports.

CITY OF CLERMONT
ORDINANCE NO. 2014-16

The City shall keep such records and make such reports under this Article as may be required by applicable state or federal laws or regulations, and shall adhere to the regulations of the state agency.

Section 46-36. Adoption of Terms of Social Security Act.

The City does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges and other conditions thereunto appertaining of Title II of the Social Security Act, as amended, for and on behalf of all the officers and employees thereof and of its departments and agencies now covered or authorized to be covered by any retirement system provided by law, excepting any official or employee who occupies any position, office or employment not authorized to be covered by applicable state or federal laws or regulations.

Section 46-37. Duties of City Finance Director.

The City Finance Director is hereby designated the custodian of all sums withheld from the compensation of officers and employees under this Article and of the appropriated funds for the contribution of the City, and the City Finance Director is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purposes of this Article.

SECTION 2. Severability.

It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. Conflict.

Any portion of the Clermont City Code or any ordinance or part thereof in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 4. Codification.

The text of Section 1 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

SECTION 5. Effective Date.

CITY OF CLERMONT
ORDINANCE NO. 2014-16

This Ordinance shall be published as provided by law and shall take effect immediately upon its Second Reading and Final Passage.

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 10th day of June, 2014.

CITY OF CLERMONT
ORDINANCE NO. 2014-16

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

Attest:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA RELATING TO PENSION AND RETIREMENT BENEFITS FOR GENERAL, POLICE AND FIRE EMPLOYEES OF THE CITY OF CLERMONT; AMENDING CHAPTER 46, BY DELETING ARTICLE I, IN GENERAL; DELETING ARTICLE II, CLERMONT PENSION PLAN FOR POLICE OFFICERS AND FIREFIGHTERS AND DEFINED BENEFITS GENERAL EMPLOYEE PLAN, DIVISION 1, GENERALLY, DIVISION 2, ADMINISTRATION, DIVISION 3, RETIREMENT AND RETIREMENT BENEFITS; RENUMBERING ARTICLE III, SOCIAL SECURITY; DELETING ARTICLE IV, DEFINED CONTRIBUTIONS FOR GENERAL EMPLOYEES; DELETING ARTICLE V, CLERMONT PENSION PLANS, DIVISION 1, RETIREMENT PLAN AND TRUST FOR THE POLICE OFFICERS OF THE CITY OF CLERMONT, DIVISION 2, RETIREMENT PLAN AND TRUST FOR THE FIREFIGHTERS OF THE CITY OF CLERMONT; DELETING ARTICLE VI, FLORIDA MUNICIPAL PENSION TRUST FUND 401(A) DEFINED CONTRIBUTION PLAN; ADOPTING NEW ARTICLE I, PENSION AND RETIREMENT PLANS ADOPTED AND PROVIDING FOR SEVERABILITY, CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

A public meeting to introduce will be held before the City Council on Tuesday, May 27, 2014 at 7:00pm.

A meeting to consider the Ordinance will be held before the City Council on Tuesday, June 10, 2014 at 7:00pm for final enactment.

All meetings will be held in Clermont City Hall located at 685 West Montrose Street, Clermont, FL 34711.

This ordinance is available for public inspection in the office of the City Clerk, 685 West Montrose Street, Monday through Friday between the hours of 8:00am and 5:00pm.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
May 27, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

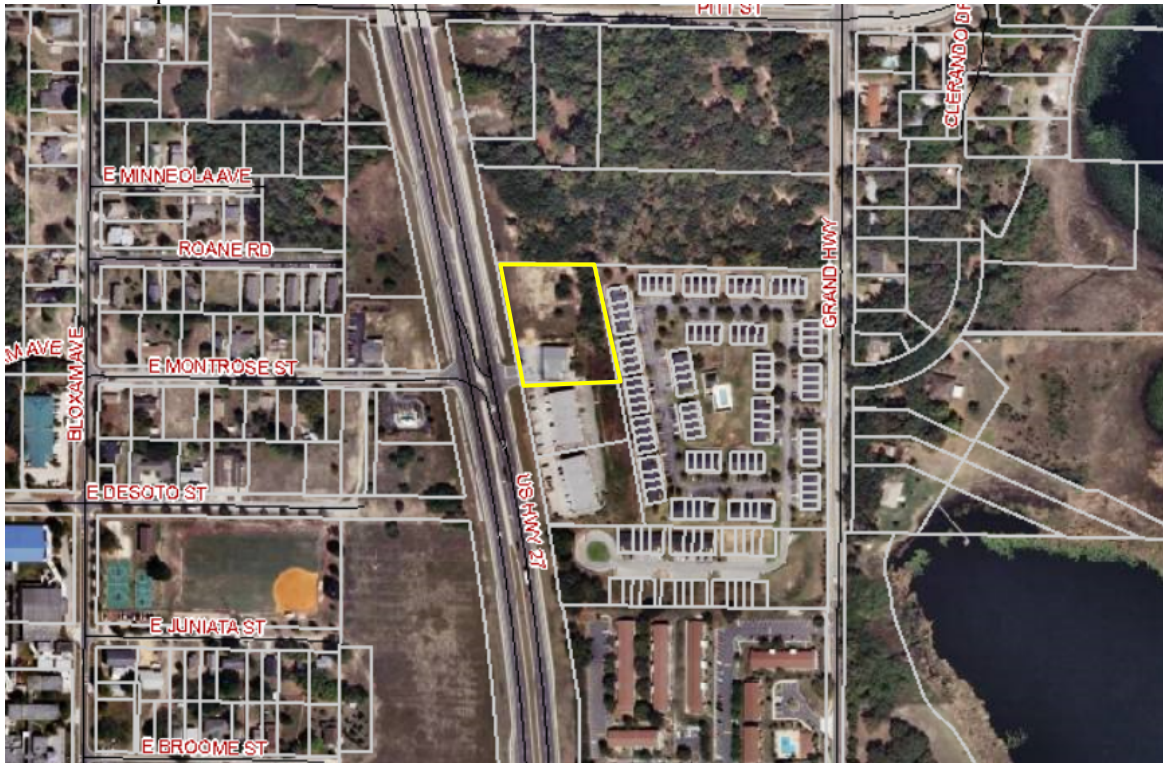
Council Meeting Date					
Tuesday, June 10, 2014					
Agenda Item Name					
Variance Request					
Requested Action					
Move to deny the variance request					
Staff Report					
The applicant proposes to expand an existing banquet facility located at 699 North Highway 27. The expansion will consist of a 3,200 square-foot open deck on the back of the building extending out over a water retention area. When the banquet facility was under review by staff, it was given a required parking ratio of 1 parking space per 100 square feet of building area. With a building area of 6,600 square feet, this would have required 66 parking spaces. The owner installed 70 parking spaces, giving a surplus of 4 parking stalls. The proposed 3,200 square foot deck would fall under the same parking ratio of one parking space per 100 square feet requiring a total of 32 parking stalls. With an original surplus of 4 parking stalls, this would leave a deficit of 28 parking stalls. The applicant feels the 3,200 square foot deck addition is not adding to the total capacity of the building, but is only allowing additional uses for potential clients.					
Legal Impact					
Additional Analysis					
Fiscal Impact Summary					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					
1. Exhibits			Gabbys Exhibit.doc		

2.	Application	Application.pdf
3.	Site Plan	Site plan.pdf
4.	Legal ad	VAR Legal AD.docx

Exhibit

DEVELOPMENT NAME: Gabby's Banquet Hall

Location Map:



Proposed 3,200 s.f. Open Deck



Exhibit

The requirements for a variance are as follows:

“Sec. 86-174, Review Criteria and Finding. When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

There are eight items that the applicant is required to respond to. Staff’s comments, based on the eight requirements for a positive finding as they relate to this request, are as follows:

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Applicant response: Addition of the deck to the existing banquet hall building will not increase overall capacity of patrons. The owner of the building in question owns the commercial center in the adjacent lot with retail stores with plenty of parking spaces that could be utilized to accommodate the additional spaces required for an event.

Staff comments: Special conditions are not demonstrated.

Negative finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

Applicant response: this addition has been requested of/by previous and potential customers.

Staff comments: The applicant is proposing the expansion that cannot meet parking requirements.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Applicant response: Being held to original calculations (1/100) will not permit full usage of the site. Under current parking standards (1/200) there is ample parking available.

Staff comments: Based on individual circumstances, parking stall reductions have been approved by city council in the past.

Positive finding

- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

Applicant response: No, it is not based solely on economic reasons, but rather with the intent to provide a service desired by residences, previous and potential customers.

Staff comments: The parking stall reduction does not appear to reduce the cost of overall development.

Positive finding

- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Applicant response: This is a true and accurate statement, as stated before we are requesting this on behalf of the current client recommendations and requests to improve our building and business within the City of Clermont.

Staff comments: Staff feels this variance request would be the minimum necessary.

Positive finding

- (6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Applicant response: Approval of the variance with respect to the parking will allow the owner to utilize all his available parking and will not be a special privilege.

Staff comments: Based on individual circumstances... parking stall reductions have been approved by city council in the past.

Positive finding

- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

Applicant response: No, this project will not have any negative impact on the area or surrounding businesses. This will indeed bring more business to the area and local economy increase by offering an added benefit for the patron to use when utilizing the property.

Staff comments: Staff does not feel the parking stall reduction will diminish any property values in the area.

Positive finding

- (8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Applicant response: Granting of this variance will be in harmony with the general purpose of the land development code due to the fact that the site will continue to function as permitted under the code with no negative impacts to users or neighbors.

Staff comments: *Staff feels the reduction of 28 parking stalls could be detrimental to surrounding properties.*

Negative finding

STAFF RECOMMENDATION for the Variance:

City council has approved similar variance requests in the past, however, Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that there are three that do not meet these findings. Therefore, staff must recommend denial of this variance request for reduced parking.



CITY OF CLERMONT
VARIANCE
Application

DATE: April 29, 2014

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): Gabby's Banquet Hall

APPLICANT: EPI

CONTACT PERSON: Michael Wojtuniak

Address: 311 S. Woodland Blvd. STE A

City: DeLand State: FL Zip: 32720

Phone: 386-734-0830 Fax: 386-734-8226

E-Mail: mwojtuniak@epieng.net

OWNER: Ramlakhhan Singh

Address: 18124 Coral Wood Ln

City: Groveland State: FL Zip: 34736

Phone: _____ Fax: _____

Address of Subject Property: 699 North US Highway 27 Clermont, FL 34714

General Location: N. US Highway 27 approximately a half mile North of Highway 50

Legal Description (include copy of survey): A PORTION OF TRACT 34, ACCORDING TO THE PLAT OF LAKE HIGHLANDS COMPANY, RECORDED IN PLAT BOOK 2, PAGE 38, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

Land Use (City verification required): STORES 1 STORY

Zoning (City verification required): C-2 General Commercial

CITY OF CLERMONT
VARIANCE
Application
Page 2

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief: Sec. 98-14

What are you proposing to do that would require a variance and why?

We are desiring to add a deck to the existing building for the enjoyment of our guests to utilize at their leisure during an event. The deck is not being added to accommodate more people than the said number of maximum occupancy for the building. Our patrons have requested multiple times the ability to have an outside area to congregate on to enjoy the outside elements during events.

How does the Code create a hardship?

The deck is being considered an additional usable building space. The square footage is being calculated per staff at a rate at 1 additional parking space per 200 sq. ft of deck. The additional space does not create the need for increased parking lot spaces due to the fact that it we are not increasing our occupancy load for the building.

*** * * * *** The following justifications must be completed *** * * * ***
for any variance requested:

Variance requested – subject and code section: Sec. 98-14

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Addition of the deck to the existing banquet hall building will not increase overall capacity of patrons. The owner of the building in question owns the commercial center in the adjacent lot with retail stores with plenty of parking spaces that could be utilized to accommodate the additional spaces required for an event.

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;

This addition has been requested of/by previous and potential customers.

CITY OF CLERMONT
VARIANCE

Application

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3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;

Being held to original parking calculations (1/100) will not permit full usage of the site. Under current parking standards (1/200) there is ample parking available.

(4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;

No, it is not based solely on economic reasons, but rather with the intent to provide a service desired by residents, previous and potential customers.

(5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

This is a true and accurate statement, as stated before we are requesting this on behalf of the current client recommendations and requests to improve our building and business within the City of Clermont

(6) Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;

Approval of the variance with respect to the parking will allow the owner to utilize all his available parking and will not be a special privilege.

(7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and

No, this project will not have any negative impact on the area or surrounding businesses. This will indeed bring more business to the area and local economy increase by offering an added benefit for the patron to use when utilizing the property.

(8) The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

Granting of this variance will be in harmony with the general purpose of the land development code due to the fact that the site will continue to function as permitted under the code with no negative impacts to users or neighbors.

**CITY OF CLERMONT
VARIANCE**

Application
Page 4

Michael J Wojtuniak, P.E.

Applicant Name (print)

X

Applicant Name (signature)

Ramlakhhan Singh

Owner Name (print)

X

Owner Name (signature)

***** NOTICE *****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

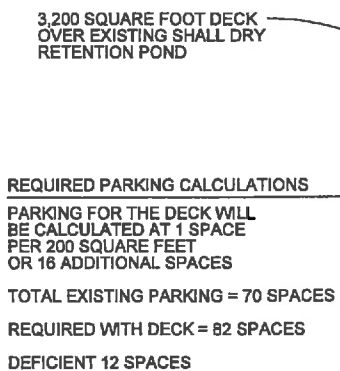
City of Clermont

Planning & Zoning Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-0219
(352) 394-4083 Fax: (352) 394-3542

Location Map

Project Location: Gabby's Banquet Hall
699 North US Highway 27
Clermont, FL 34714





RAM PLAZA
TO BE USED FOR OVERFLOW PARKING

[illegible]

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following Variance: To allow for less than one parking space per 100 square feet for a specific use as a banquet facility – as required by the Land Development Code, Section 98-14, at the following location:

LOCATION

699 North Highway 27

A complete legal description may be obtained in the Planning & Zoning Department located at 685 West Montrose Street, Clermont, FL 34711.

This request will be heard by the City Council at a public hearing to be held on Tuesday, June 10, 2014 at 7:00 P.M. in the Clermont City Hall located at 685 West Montrose Street.

All interested parties will be given an opportunity to express their views on this matter.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made.

Tracy Ackroyd
City Clerk

Daily Commercial
June 3, 2014