

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
7:00 PM, Tuesday, September 2, 2014
City Hall – 685 W. Montrose Street, Clermont, FL

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

MINUTES

Approval of the August 5, 2014 Planning and Zoning Minutes.

REPORTS

NEW BUSINESS

- | | |
|---|---|
| Item 1 - House of Deliverance Inc./Church
Conditional Use Permit | Request for a conditional use permit to establish a house of worship in the C-2 General Commercial zoning district. |
| Item 2 - River of Glory Church
Conditional Use Permit | Request for a conditional use permit to establish a house of worship in the C-2 zoning district. |
| Item 3 - Ordinance 2014-24
Land Development Code Amendments | Request to amend Chapter 122, Sections 349, 243, and 244 of the Land Development Code. |
| Item 4 - Ordinance 2014-25
Land Development Code Amendments | Request to amend Chapter 94, Section 94-52 and Chapter 122, Section 122-344 of the Land Development Code. |

Discussion of Non-Agenda Items

ADJOURN

Any person wishing to appeal any decision made by the Planning and Zoning Commission 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 as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Planning and Zoning Department at 352-241-7302.

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 Recording Clerk for the City's records.

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The meeting of the Planning & Zoning Commission was called to order Tuesday August 5, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Bernadette Dubuss, Herb Smith, Harry Mason, and Judy Proli. Also in attendance were Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Denise Noak, Deputy City Clerk.

MINUTES of the Planning and Zoning Commission meeting held June 3, 2014 were approved as written.

REPORTS

Commissioner Judy Proli suggested that when hiring anyone to do work around your home, make sure the contractor has insurance as well as a license to do the work.

1. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Lifestyle Community Church

APPLICANT: David Rosa

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting an amendment to include a house of worship and daycare to the existing Clermont Hillside Terrace conditional use permit located at 2400 South Highway 27. The current conditional use permit for Clermont Hillside Terrace includes retails sales, lounges, restaurants, personal services, professional & medical offices, and residential uses on pads E, F, G & H.

The church currently has a congregation of 50 members and plans to meet in the 2,145 square foot space available at Clermont Hillside Terrace. Their plans are to hold service on Sundays, and to hold bible class on Thursday evenings. They also would like to operate a daycare center for children Monday through Friday when the church is not in service.

Staff recommends approval.

David Rosa, 1823 Rachels Ridge Loop, Ocoee, stated that this is a bilingual church that wants to help the community.

Commissioner Harry Mason asked about the qualifications the church had for a daycare operation and playground arrangements.

Pastor Rosa stated that the daycare will be implemented later to help single mothers to work. He stated that the daycare will be for two or three year olds and they will provide an indoor play

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area. He stated that the property owner has agreed to an outdoor playground if that need is required in the future. He stated that he has contacted the State for their regulations.

Commissioner Harry Mason stated that there is a single bathroom that would not meet the requirements for a church and daycare.

Pastor Rosa stated that they would be required to add an additional bathroom.

Commissioner Harry Mason asked Pastor Rosa if he was going to remove the daycare from the application, since it did not meet code.

Pastor Rosa stated that the daycare was not a priority at this time; however, when he decides to open the daycare, the codes and requirements would be met at that time.

City Attorney Dan Mantzaris stated that the daycare could not operate without state approval.

Commissioner Harry Mason moved to recommend approval of the conditional use permit with denial of daycare; seconded by Commissioner Judy Proli.

Commissioner Judy Proli stated that on prior request for that location, there was a charter school that wanted to go in the plaza and the surrounding businesses did not want a daycare or playground.

Pastor Rosa stated that he could do an indoor playground and would like to have that option available so that he can help young single mothers.

Commissioner Herb Smith stated that he sees the business owner has signed the application, but there is a liability issue on the property owner as it is a three story building.

Chairman Nick Jones asked if the surrounding property owners were notified.

Planning Manager Curt Henschel stated that the property owners have been notified and there were no concerns brought forward by any of them.

Commissioner Harry Mason called the vote to recommend approval of the conditional use permit with denial of daycare; seconded by Commissioner Judy Proli. The vote was 3-2 to recommend approval for the conditional use permit without the daycare to City Council, with Commissioner Dubuss and Chairman Jones opposing.

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2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Clermont Central Church

APPLICANT: Arthur Eaton

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting a Conditional Use Permit for a house of worship at 1 Westgate Plaza.

The church currently has a congregation of 50 members and plans to meet in the upper level of the building with approximately 2,300 square feet of available space. Their plans are to hold service on Sundays and Wednesday evenings.

Staff recommends approval.

Arthur Eaton, 12037 Cypress Lane, stated that this would be a standard house of worship and it has plenty of parking.

Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Woodwinds

APPLICANT: Steve Smith

Senior Planner John Kruse presented the staff report as follows:

The Woodwinds Apartments project is a proposed multi-family development consisting of 108 apartments with onsite amenities that include a community center. The apartment project will consist of four 3 story buildings with parking located in front of the units and around the access drive. Each building will house from 24 apartments up to 36 apartments each. A mix of 1, 2, and 3 bedroom apartments will be offered in each building. The proposal consists of 24 – 1 bedroom units, 72 – 2 bedroom units, and 12 – 3 bedroom units. Based upon the ratio of apartment bedroom mix and the 259 parking stalls provided, the average is 2.40 parking stalls per unit, with a surplus of 49 parking stalls over the required 210 for the project.

The total land area of the project is 10.12 acres. With the proposed 108 apartments on the 10.12 acres, this provides for a total density of 10.67 units per acre. The proposed density is below the allowable density of 12 dwelling units per acre in the high density residential future land use

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category in the R-3 zoning district. The conditional use permit request for a planned unit development is based upon the development proposal consisting of multi-family developments having 12 or more units in the R-3 zoning district and the project consisting of 10 acres or more.

This subject parcel has had multiple resolutions granted by the City of Clermont regarding development proposals. A similar conditional use permit request was previously approved on August 22, 2006 (Res. No. 1475); September 23, 2008 (Res. No. 1592); October 26, 2010 (Res. No. 2010-23) and January 22, 2013 (Res. No. 2013-01) for a 108 unit condominium development. Because of market conditions, the owner has not started construction within the required two years and a subsequent conditional use permit was sought to retain the development rights for the project. The owner is requesting to convert the 108 condominiums to 108 apartment units with the latest proposal. In addition, the owner is seeking variances for: (1) retaining walls greater than six feet high, up to a height of 12 feet in height, (2) cut/fill of more than 15 feet with a maximum of 24 feet, and (3) building height to exceed 45 feet, up to 60 feet.

Staff feels this use is consistent with the uses in the area and the conversion from condominiums to apartments with no increase in density is very similar to the previously approved development proposals. Therefore, staff recommends approval of the proposed conditional use permit request for a planned unit development with 108 apartments.

Steve Smith, 1323 Briarhaven Lane, stated that there is a need for affordable apartments in the Clermont area for the working class family. He stated that these will be designed for people who make less than \$12 per hour. He stated that these would be low density with one, two, and three bedroom units.

Ed Freeman, 226 Pleasant Hill Dr., stated that he is against the project and so are the neighbors. He stated that they already have a problem with crime in the area and this will add to the problem. He stated that with condos that are owned by the tenants they would take better care of the property and would be paying taxes in the city. He stated that there are a lot of trees and wildlife in that area that will be taken out due to the apartments.

Kerry Harris, 202 Pleasant Hill Dr., stated that they are looking to lessen the buffer. He stated that they have children that cut through their yards already. He stated that the police can't keep up with the amount of people who are moving into Clermont.

Mr. Freeman stated that they have Southridge Apartments down the road, and they already listen to loud music and parties. He asked if these will become low income units funded by the federal government.

Steve Smith stated that these apartments will not be federally funded. He stated that he has checked with Clermont Police Department, and they said there is no difference with apartments

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and crime verses subdivisions and crime. He stated that the tenants will be people who work here in Clermont. He stated that the apartment complex pays the taxes rather than the tenants.

Commissioner Bernadette Dubuss stated that she has worked previously with lower income facilities and the crime was not any higher. She stated that she believes there is a need for these types of apartments in Clermont.

Commissioner Judy Proli asked how much the rent will be for the apartments.

Steve Smith stated that it will be \$550 for the one bedroom, \$650 for the two bedrooms, and \$750 for the three bedroom apartments. He stated that it is governed by the county.

Commissioner Judy Proli stated that she would like for them to come to an agreement with the nearby residents.

Commissioner Harry Mason asked if this is low income housing.

Steve Smith said medium to low income housing.

Commissioner Harry Mason asked if this was part of New Beginnings.

Steve Smith stated that this is completely separate from New Beginnings.

Commissioner Harry Mason asked what kind of background checks will be done on the tenants.

Steve Smith stated that there will be credit, police, and drug background checks and they would be required to be employed.

Chairman Nick Jones stated that there are no zoning issues for this project.

Senior Planner John Kruse stated that this is correct.

Commissioner Herb Smith asked what the prior zoning was.

Planning Manager Curt Henschel stated that it has always been R-3.

Commissioner Herb Smith stated that he has never heard of a tax deal on rental homes. He asked if this was in writing or speculation.

City Attorney Dan Mantzaris stated that there is a program in place called workforce housing and there are certain financing arrangements that are available for projects like this.

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Commissioner Herb Smith asked if this will be built out or built in phases.

Steve Smith stated that this will be built out.

Commissioner Bernadette Dubuss moved to recommend approval of the conditional use permit; Chairman passed the gavel; seconded by Chairman Nick Jones. The vote failed with a 2-3 to recommend approval for the conditional use permit; with Commissioners Smith, Mason, and Proli opposing.

Commissioner Harry Mason moved to recommend denial of the conditional use permit; seconded by Commissioner Herb Smith. The vote passed with a 3-2 to recommend denial for the conditional use permit; with Chairman Jones and Commissioner Dubuss opposing.

4. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant and owner, RM Plus, LLC, is requesting a future land use amendment to change from Lake County Urban Medium Density to the City's Medium Density Land Use Category. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south, with the east property across Jacks Lake in the City. The City of Clermont's Future Land Use Map, Map 1.2, has the High Density Residential Land Use abutting the property to the west and south, and the Low Density Residential across the lake. A few properties in this area are still in Lake County and it appears this area is an enclave surrounded by the City. All the properties in the enclave have Lake County's Urban Medium Density Residential Future Land Use.

This future land use application is being submitted along with requests for annexation, rezoning to the R-3 Residential/Professional zoning classification, a conditional use permit to allow a townhome community in the R-3 zoning classification, and a variance request.

The proposed medium density future land use fits the character of the surrounding community and is compatible with the area. The proposed townhome project would provide a transition from the commercial to the south to the single family residences to the north. The project would resemble the existing multifamily projects in the immediate area, including the apartment community to the west and the condominiums to the northwest. This project would remove a portion of the existing property in the enclave since it would be served by City utilities and

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would provide an opportunity for infill. The City of Clermont's comprehensive plan policies support this request.

Staff recommends approval of the future land use map amendment from Lake County Urban Medium Density Residential to City of Clermont's Medium Density Future Land Use Category.

Jonathon Huels, 215 N. Eola Dr., Orlando, gave short presentation. He stated that they are requesting to annex into the City of Clermont. He stated that they are looking to have a three level residence that will be 1600 to 1900 square feet in size, with a two car garage. He stated that due to the elevation, all the units will be partially subterranean. He stated that there will be a homeowner's association for this project. He stated that the project will be compatible with the surrounding properties.

Judy Granucci, 14236 South Grand Highway, stated that she has enjoyed the environmental aspects and wildlife in the area. She stated that she walks around the lake. She stated that there are not many places left in Clermont for the wildlife. She asked if any environmental assessment has been done.

Mr. Kruse stated that environmental aspects are assessed during site review.

Mr. Huels stated that they have attained an environmental consultant and they have stated that there are no wetlands plans and they will have to comply with St. John's River Water Management District.

Commissioner Harry Mason asked if they found any environmental issues.

Mr. Huels stated that they have not found any environmental issues and over 50% will be kept natural and green space.

Commissioner Judy Proli asked if the building height will interfere with the view of the lake from the surrounding properties.

Mr. Huels stated that due to slope and building orientation, the view will stay the same.

Commissioner Judy Proli asked if there is a homeowner's association.

Mr. Huels stated that there is a homeowner's association that will maintain the pool, roads, sidewalks, pedestrian trail, and dock.

Commissioner Herb Smith said he thinks this is a great idea and very low density for apartments.

Commissioner Bernadette Dubuss asked about the floodplain and setback variances.

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Mr. Huels stated that there will be no pervious structures in the 100 year flood plain. He stated that the retention will encroach in the 100 year flood plain. He stated that they are seeking to reduce front yard setback requirements.

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

5. REQUEST FOR REZONING

DEVELOPMENT NAME: Lakeview Village Townhomes

APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The applicant and owner, RM Plus, LLC, is requesting a rezoning change from Lake County Agricultural to the City's R-3 Residential/Professional District. The subject parcel, when annexed into the City, comes in with the default city zoning of Urban Estate Low Density Residential. From there, the zoning request will be to change it from the City's Urban Estate to the City's R-3. The 7.95-acre parcel is located along the east side of Grand Highway, halfway between SR 50 to the south and Pitt Street to the north. The subject parcel fronts Jacks Lake on the eastern boundary. The subject property is contiguous to the City limits on the west and south. The City of Clermont's zoning map, Map 2, has R-2 Medium Density Residential District abutting the property to the south and C-2 General Commercial to the west.

The proposed project of 28 townhomes on 7.95 acres equates to a density of 3.52 units per acre.

The R-3 zoning designation allows for more than 12 townhomes within a project with the granting of a conditional use permit. The proposed future land use designation of medium density residential allows a maximum density of 8 dwelling units per acre. The proposed R-3 Residential/Professional District fits the character of the surrounding community and is compatible with the area. Section 122- 81 of the Land Development Code outlines the intent of the R-3 Residential/Professional District. It indicates that the purpose of the R-3 district is to provide medium density townhomes and multiple-family housing in an urban area where needed, and where urban conveniences and facilities can be provided. Central water and sewer services are available and the future land use map of this area does indicate this to be an urban area.

Staff recommends approval of the rezoning to the City of Clermont's R-3 Residential/Professional District.

Commissioner Bernadette Dubuss moved to recommend approval of the rezoning; seconded by Commissioner Judy Proli. The vote was unanimous to recommend approval for the rezoning.

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6. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Lakeview Village Townhomes
APPLICANT: RM Plus, LLC

Senior Planner John Kruse presented the staff report as follows:

The Lakeview Village Townhome project is a proposed multi-family development consisting of 28 townhomes with onsite amenities that include a clubhouse and pool. The townhome project will consist of seven multi-story buildings with garages incorporated into the structure. Each building will have 4 units each. Each unit will have a 2 car garage with parking available in front of the garage.

The total land area of the project is 7.95 acres. With the proposed 28 townhomes on the 7.95 acres, this provides for a total density of 3.52 units per acre, well under the allowable density of 8 dwelling units per acre in the R-3 zoning district. The conditional use permit request is based upon the development proposal consisting of multi-family developments having 12 or more units in the R-3 zoning district. Sec. 122-184 (a)(7) of the Land Development Code requires a conditional use permit for these uses in the R-3 zoning district.

The applicant has indicated that the proposed development fits the character of the surrounding community and is compatible with the adjacent parcels, which include a shopping center (south), apartment complex (west), single family residential (north), and Jacks Lake (east). As infill development, the project will serve as a buffer between the intensive commercial uses established along SR 50 and the residential uses located further north along Grand Highway. The multi-family project and appropriate buffering would provide for a step down of intensities. The site has city utilities adjoining the property. The major challenge in developing the site is the existing 100-year floodplain. The applicant proposes to overcome this challenge by seeking variances for a reduction in front yard and rear yard setbacks and a reduction in roadway width.

In addition, the applicant is proposing development activity partially within a flood hazard area that is subject to St. Johns River Water Management District permitting and permissible under Sec. 94-50 of the Land Development Code. Upon approval of this conditional use permit, the floodplain permit would be approved for the construction of a stormwater retention area.

Staff feels this use is consistent with the uses in the area and would provide an opportunity for infill and buffering of the existing uses. Therefore, staff recommends approval of the proposed conditional use permit request.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Bernadette Dubuss. The vote was unanimous to recommend approval for the conditional use permit.

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7. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Intergovernmental Coordination Element
APPLICANT: Staff

Senior Planner John Kruse presented the staff report as follows:

The Intergovernmental Coordination Element of the City of Clermont's Comprehensive Plan is being amended to include the recent adoption of the Interlocal Service Boundary Agreement (ISBA) between the City and Lake County. The ISBA addresses lands that may be annexed, water and sewer service delivery, maintenance of right-of-way, land development regulations, solid waste, sharing of equipment and resources, and fire and rescue services. The ISBA was first introduced to the Council on May 13, 2014 with approval on June 10, 2014. The ISBA was sent to Lake County for approval and was approved by the Lake County Board of County Commissioners on July 8, 2014 with changes. The changes were incorporated into the revised ISBA document that was introduced to the Council on July 22, 2014. Since the ISBA is an intergovernmental agreement between the City and Lake County, it must be referenced in the City's Comprehensive Plan. This proposed amendment is to incorporate the ISBA into the Intergovernmental Coordination Element.

Transmittal to the Florida Department of Economic Opportunity (formally Department of Community Affairs) for review will be done to satisfy the requirements to add this amendment to the Comprehensive Plan. A request for Council adoption of the ordinance will follow in the fall of 2014.

Commissioner Judy Proli moved to recommend approval of the transmittal of the Intergovernmental Coordination Element; seconded by Commissioner Bernadette Dubuss. The vote was unanimous to recommend approval of the transmittal.

There being no further business, the meeting was adjourned at 8:25 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Administrative Assistant



CITY OF CLERMONT

AGENDA ITEM

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Council Meeting Date											
Tuesday, September 2, 2014											
Agenda Item Name											
House of Deliverance Inc./Church Conditional Use Permit											
Requested Action											
Move to recommend approval to the City Council											
Staff Report											
The applicant is requesting a conditional use permit to operate a house of worship in the C-2 zoning district and to allow monthly outdoor fund raising events. The applicant/ church originally obtained a Conditional Use Permit in July 2012 to be located in Sunnyside Plaza. They are now seeking to relocate to 1203 Highway 50 within the Emerald Lakes Shopping Plaza (Unit F, 1,300 square feet). The church has a congregation of 25 for Sunday service, and holds a Tuesday evening bible study at 7 p.m. The applicant would also like to continue the fundraising events approved in 2013 for the previous location. These events are held one day per month on Saturday or Sunday and are centered around food sales during lunch hours (10 am to 3 pm). A small area with a tent and portable grill will be set up within the parking lot for this event.											
Legal Impact											
Additional Analysis											
Fiscal Impact Summary											
Fiscal Impact	Fund Number and Description	Available Budget Amount									
Exhibits Attached (copies of original agreements)											
<table><tr><td>1.</td><td>Resolution</td><td>CUP RES 2014-29.docx</td></tr><tr><td>2.</td><td>CUP Conditions</td><td>Exhibit 2 Conditions.doc</td></tr><tr><td>3.</td><td>Application</td><td>Application 9-2014.pdf</td></tr></table>			1.	Resolution	CUP RES 2014-29.docx	2.	CUP Conditions	Exhibit 2 Conditions.doc	3.	Application	Application 9-2014.pdf
1.	Resolution	CUP RES 2014-29.docx									
2.	CUP Conditions	Exhibit 2 Conditions.doc									
3.	Application	Application 9-2014.pdf									

**CITY OF CLERMONT
RESOLUTION NO. 2014-29**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ESTABLISH A HOUSE OF WORSHIP
IN 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 September 2, 2014 recommended approval of this Conditional Use Permit to establish a house of worship in the C-2 General Commercial zoning district; at the following location:

LOCATION:

1203 West Highway 50, Unit F (Alternate Key 1303761)

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 establish a house of worship in 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 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 structure shall be inspected by the Fire Inspector for life safety requirements, all requirements must be met prior to any certificate of occupancy being issued.
5. The structure shall be inspected by the Building Inspector and all building code violations must be corrected prior to a certificate of occupancy being issued.

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RESOLUTION NO. 2014-29

6. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
7. 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.
8. 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.
9. 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.
10. The church may hold a special event within the parking lot as demonstrated for one day per month.
11. If, at a future date, parking at this site proves inadequate the applicant understands and agrees that the City may require additional parking or rescind this Conditional Use Permit.
12. Should the church use and its outdoor fundraising events become an infringement upon the other business within the development, the city reserves the right to reopen the Conditional Use Permit for additional review and conditions.
13. Should any business (existing or future) that sells alcoholic beverages for on or off site consumption wish to locate within 500 feet of the Church, the Church would not contest such use.
14. Should the church use cease operations for a period greater than 180 days, a new Conditional Use Permit shall be required.

Section 2 – Land Use

1. 1203 Unit F Highway 50 may be used as a church facility in addition to any permitted C-2 uses.

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DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of September, 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

Exhibit 2

DEVELOPMENT NAME: House of Deliverance
APPLICANT: Samuel D. Arthur, Sr.
GENERAL LOCATION: 1203 Hwy. 50 (Emerald Lakes Plaza)

EXISTING ZONING: C-2 Commercial
EXISTING LAND USE: Church / Shopping Plaza
FUTURE LAND USE: Commercial

SURROUNDING CONDITIONS:

	<u>FUTURE LAND USE</u>	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	Commercial	C-2 Commercial	Commercial
SOUTH:	Residential	R-3 Residential	Residential
EAST:	Commercial	C-2 Commercial	Commercial
WEST:	Commercial	C-2 Commercial	Commercial

Road Classification: Highway 50 – Collector
Utility Area: City of Clermont Water / Sewer
Site Utilities: City of Clermont Water / Sewer
Site Visit: 8-19-14
Signs Posted: By applicant

DEVELOPMENT NAME: House of Deliverance

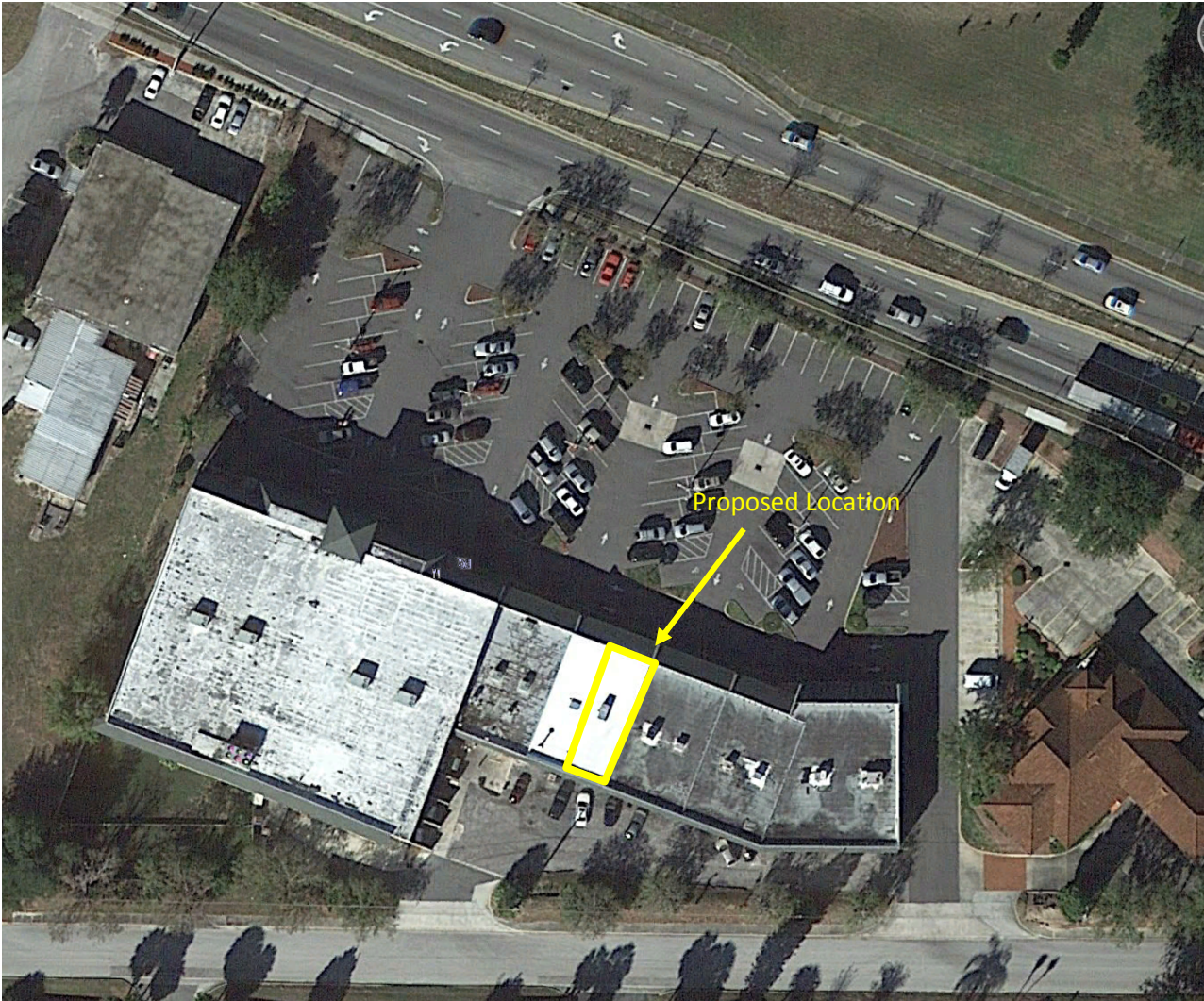


Exhibit 3

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 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 structure shall be inspected by the Fire Inspector for life safety requirements, all requirements must be met prior to any certificate of occupancy being issued.
5. The structure shall be inspected by the Building Inspector and all building code violations must be corrected prior to a certificate of occupancy being issued.
6. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
7. 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.
8. 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.
9. 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.
10. The church may hold a special event within the parking lot as demonstrated for one day per month.
11. If, at a future date, parking at this site proves inadequate the applicant understands and agrees that the City may require additional parking or rescind this Conditional Use Permit.
12. Should the church use and its outdoor fundraising events become an infringement upon the other business within the development, the city reserves the right to reopen the Conditional Use Permit for additional review and conditions.
13. Should any business (existing or future) that sells alcoholic beverages for on or off site consumption wish to locate within 500 feet of the Church, the Church would not contest such use.
14. Should the church use cease operations for a period greater than 180 days, a new Conditional Use Permit shall be required.

Section 2 – Land Use

1. 1203 Unit F Highway 50 may be used as a church facility in addition to any permitted C-2 uses.



CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

DATE: August 5, 2014

FEE: _____

PROJECT NAME (if applicable): HOUSE OF DELIVERANCE, INC. / CHURCH

APPLICANT: SAMUEL D. ARTHUR, SR.

CONTACT PERSON: SAMUEL D. ARTHUR, SR

Address: 5747 BIBLE CAMP ROAD

City: GROVELAND State: FLORIDA Zip: 34736

Phone: (352) 429-0949 Fax: (352) 429-8540

E-Mail: houseofdeliverance@gmail.com

OWNER: OCEANFRONT PROPERTIES, INC

Address: PO BOX 85277

City: HALLANDALE State: FLORIDA Zip: 33008

Phone: (646) 765-9054 Fax: (877) 501-5771

Address of Subject Property: 1203 HIGHWAY 50 CLERMONT, FLORIDA. 34711

General Location: EMERALD LAKES PLAZA 1203 HIGHWAY 50 UNIT - F CLERMONT, FL.

Legal Description (include copy of survey): _____

Land Use (City verification required): COMMERCIAL

Zoning (City verification required): C-2

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.
Our proposal is to continue with weekly Church services. Sunday's 9:30am, 11:15am, Tuesday's 7:00pm. We wish to relocate and resume to the weekly schedule of services. The area and the location is suitable. To our understanding the said unit has been established as a Church facility. We are also asking permission to use the parking area directly across from the unit to have Fund Raising Events when necessary.

PASTOR SAM ARTHUR
Applicant Name (print)

OCEANFRONT PROPERTIES INC
Owner Name (print)

x PASTOR Sam Arthur
Applicant Name (signature)
x Arnaldo Ordoz
Owner Name (signature)
ARNALDO ORDOZ

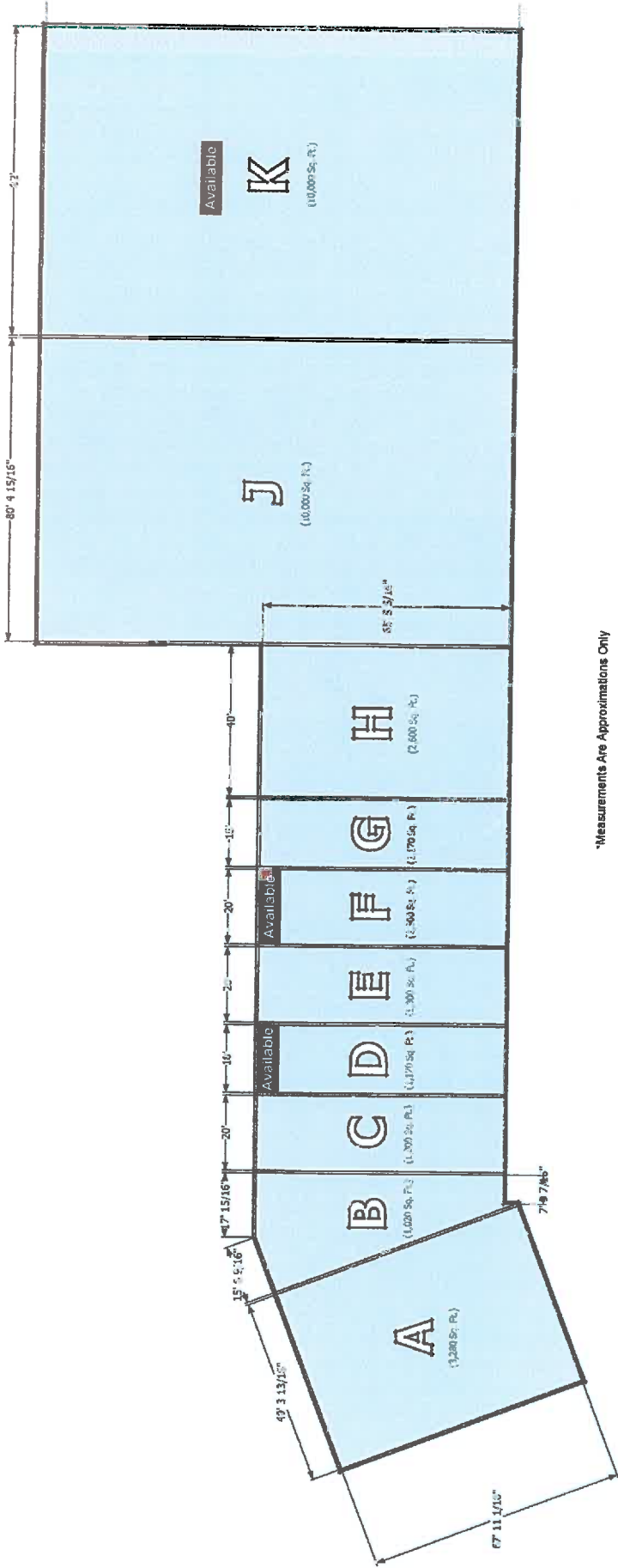
***** NOTICE *****

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

Emerald Lakes Plaza*

1203 W Highway 50 Clermont, FL 34711



*Measurements Are Approximations Only

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow a house of worship in the C-2 General Commercial zoning district, at the following location:

LOCATION

1203 West Highway 50, Unit F
AK 1303761

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, September 2, 2014 at 7:00 P.M.

A public meeting to consider the request will be held before the City Council on Tuesday, September 23, 2014 at 7:00 P.M.

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
City Clerk

Daily Commercial
August 26, 2014 and September 16, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 2, 2014		
Agenda Item Name		
River of Glory Church Conditional Use Permit		
Requested Action		
Recommend MOTION TO APPROVE: Resolution No. 2014-30 to the City Council		
Staff Report		
The applicant is requesting a Conditional Use Permit to establish a house of worship in the C-2 zoning district. The church proposes to occupy a 1,000 square foot office space available at 341 North Hwy 27. The church has a congregation of approximately 45 people and plans to have meetings on Friday evening, Saturday evening and on Sundays.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution	CUP RES 2014-30.docx	
2. Map of Location	River of Glory Map and Photo.pdf	
3. Surrounding Conditions	Surrounding Conditions.docx	
4. CUP Conditions	River of Glory CUP Conditions.docx	
5. Application	Application.pdf	
6. Legal ad	River of Glory Legal Ad.docx	

CITY OF CLERMONT
RESOLUTION NO. 2014-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH A HOUSE OF WORSHIP IN 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 September 2, 2014 recommended approval of this Conditional Use Permit to establish a house of worship in the C-2 General Commercial zoning district; at the following location:

LOCATION:

341 North Highway 27 (Alternate Key 3598270)

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 establish a house of worship in 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 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 structure shall be inspected by the Fire Inspector for life safety requirements, all requirements must be met prior to occupancy of the church.
5. No business can occupy any portion of the building(s) after construction unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Clermont Development Services Department.

CITY OF CLERMONT
RESOLUTION NO. 2014-30

6. 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.
7. 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.
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. In the event that parking at this site proves inadequate the City reserves the right to open the Conditional Use Permit for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.
10. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the Conditional Use Permit for further review and additional conditions.
11. Should a new business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of the church, the church would not contest said use within 500 feet of the church.
12. Should the church use cease operations for a period greater than 1 year, a new Conditional Use Permit shall be required.

Section 2 – Land Use

1. 341 North Hwy 27 may be used as a church facility in addition to any permitted C-2 uses.

CITY OF CLERMONT
RESOLUTION NO. 2014-30

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of September, 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

River of Glory Church



341 Hwy 27



341 Hwy 27 – 1,000 square foot office space

Surrounding Conditions

DEVELOPMENT NAME: River of Glory Church
APPLICANT: David Young
GENERAL LOCATION: 341 North Hwy 27

EXISTING ZONING: C-2 General Commercial
EXISTING LAND USE: Office Building
FUTURE LAND USE: Commercial

SURROUNDING CONDITIONS:

	<u>FUTURE LAND USE</u>	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	Commercial	C-2 General Commercial	Commercial
SOUTH:	Commercial	C-2 General Commercial	Commercial
EAST:	Commercial	C-2 General Commercial	Commercial
WEST:	Commercial	C-2 General Commercial	Multi-family

Road Classification: Frontage Road – Local Road
Utility Area: City of Clermont Water / Sewer
Site Utilities: City of Clermont Water / Sewer
Site Visit: 8-21-14
Signs Posted: By applicant

Exhibit

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 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 structure shall be inspected by the Fire Inspector for life safety requirements, all requirements must be met prior to occupancy of the church.
5. No business can occupy any portion of the building(s) after construction unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Clermont Development Services Department.
6. 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.
7. 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.
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. In the event that parking at this site proves inadequate the City reserves the right to open the CUP for further review and additional conditions which may include additional parking requirements or revocation of the Conditional Use Permit.
10. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the CUP for further review and additional conditions.
11. Should a new business that sells alcoholic beverages for onsite consumption wish to locate within 500 feet of the church, the church would not contest said use within 500 feet of the church.
12. Should the church use cease operations for a period greater than 1 year, a new Conditional Use Permit shall be required.

Section 2 – Land Use

1. 341 North Hwy 27 may be used as a church facility in addition to any permitted C-2 uses.



**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: 7/31/14

FEE: _____

PROJECT NAME (if applicable):

APPLICANT: RIVER OF GLORY CHURCH

CONTACT PERSON: DAVID YOUNG OT

Address: 701 WHEAT ROAD

City: OCLOEE State: FL Zip: _____

Phone: 407-656-5578 Fax: _____

E-Mail: DTY43C@AOL.COM

OWNER: ERC PROPERTIES

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Address of Subject Property: 341 HWY 27 CLERMONT, FLORIDA

General Location: EXISTING STOREFRONT LOCATED NEAR THE
CORNER OF DIVISION AND HWY 27 WITH MAIN ENTRANCE
OF FRONTAGE ROAD

Legal Description (include copy of survey): _____

Land Use (City verification required): _____

Zoning (City verification required): _____

**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION**

Page 2

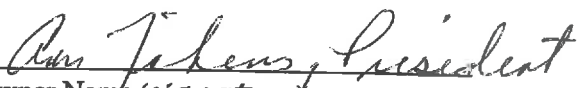
Detailed Description of request (What are you proposing to do and why is it appropriate for this location? Attach additional page is necessary).

WE ARE TRYING TO GET THIS STOREFRONT ZONED FOR A SMALL
CHURCH. 343 HWY 27 (STOREFRONT NEXT DOOR) WAS ZONED FOR A
CHURCH WITH THIS STOREFRONT (341) BEING USED BY THEM AS WELL.
HOWEVER, 343 WAS NEVER GIVEN A CONDITIONAL USE PERMIT FOR A CHURCH.
WE ARE REQUESTING FOR IT TO BE GRANTED CONDITIONAL USE
FOR A CHURCH OF NO MORE THAN 40-45 PEOPLE AT THIS TIME.

DAVID YOUNG
Applicant Name (print)

X 
Applicant Name (signature)

ERC PROPERTIES, INC.
Owner Name (print)
ANN NICKENS, PRESIDENT

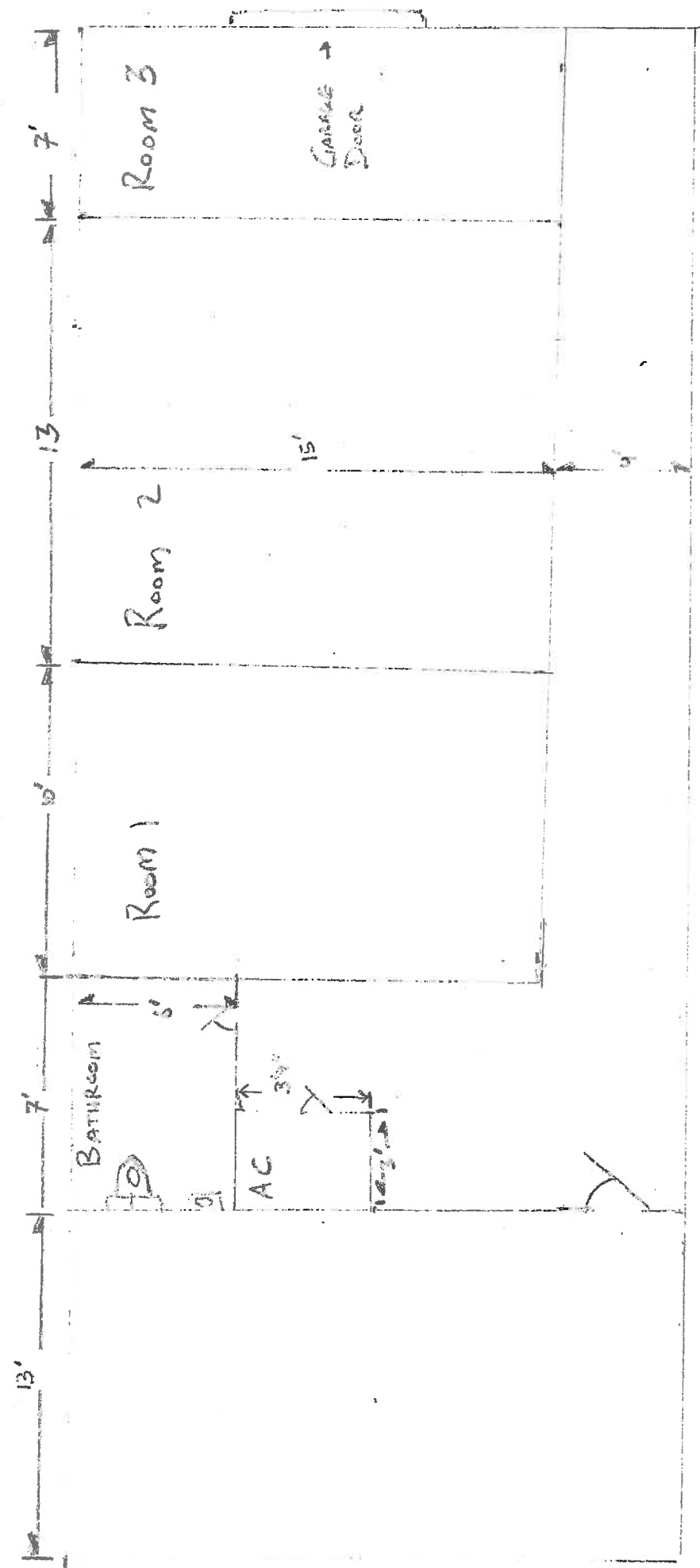
X 
Owner Name (signature)

***** 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.

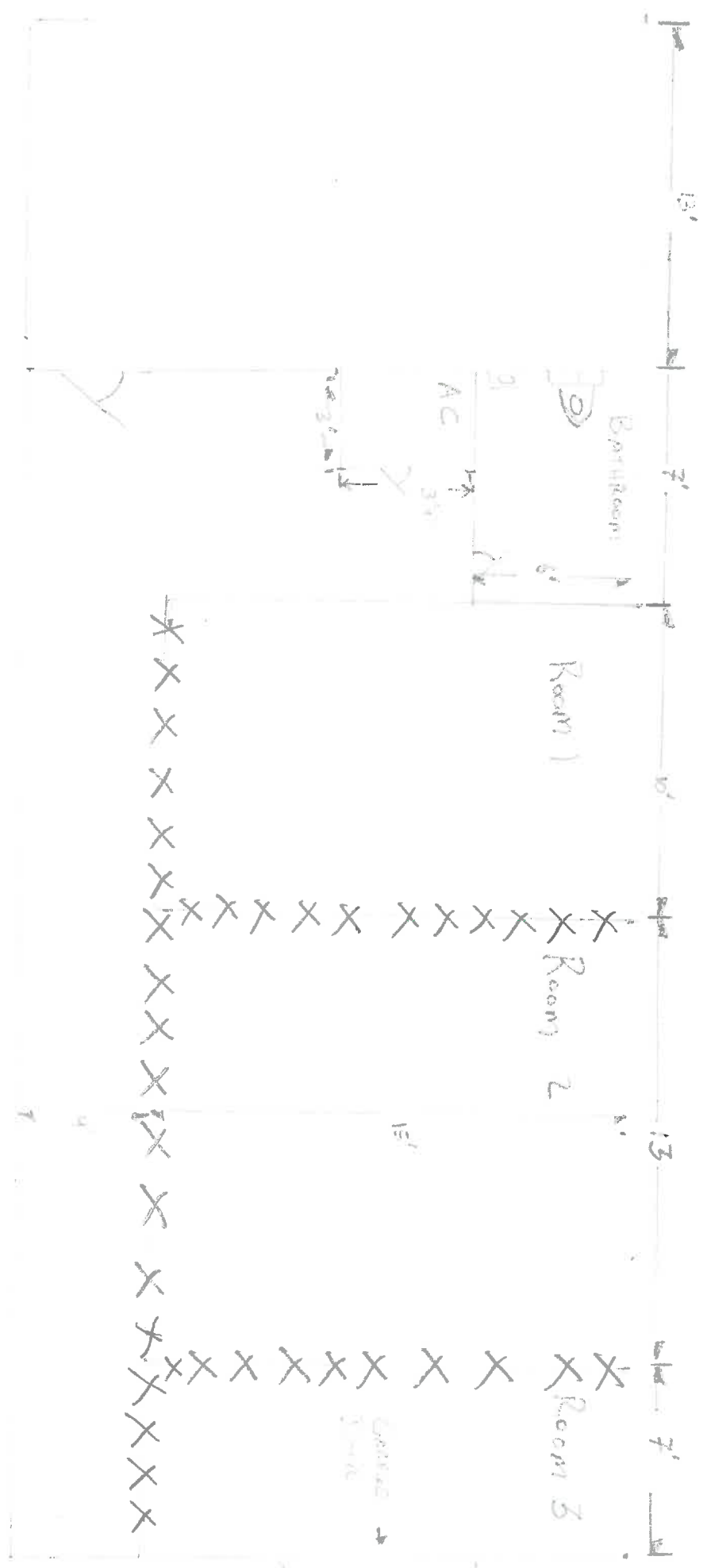
City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL 34712-0219
(352) 394-4083 Fax: (352) 394-3542

EXISTING PLAN



EXISTING FLOOR PLAN

Demo Plan



LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow a church facility in the C-2 General Commercial zoning district, at the following location:

LOCATION

341 North Highway 27
AK 3598270

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, September 2, 2014 at 7:00 P.M.

A public meeting to consider the request will be held before the City Council on Tuesday, September 23, 2014 at 7:00 P.M.

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
City Clerk

Daily Commercial
August 26, 2014 and September 16, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 2, 2014		
Agenda Item Name		
Ordinance 2014-24 Land Development Code Amendments		
Requested Action		
Recommend MOTION TO APPROVE: Ordinance No. 2014-24		
Staff Report		
Staff recommends approval of Ordinance No. 2014-24, which includes updates to the Land Development Code dealing with Home Occupations and Restaurants within the Central Business District. Under Section 122-349, Home Occupations, a request has been made to <u>delete</u> Real Estate Sales and Brokerage under the prohibited home occupation use listed under Sec. 122-349 (C)(7). With the advance in technology and the use of smart phones and the Internet, real estate agents can conduct business at home for consultation with their clients. The actual transactions by real estate professionals will still need to be done in a general office setting through the licensed broker's commercial office. This change would also provide consistency with Lake County's Land Development Regulations, Chapter 10.01.05(A) 1), that permits Real Estate Sales and Brokerage as a permitted home occupation for telephone use only. Under Section 122-243, Permitted Uses in the CBD District, the addition of restaurants and lounges less than 3,000 square feet would be a permitted use without the need of obtaining a conditional use permit. This requested change is proposed to assist restaurants and lounges in locating in the CBD District.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Legal ad LDC amendments -Home Occ 9-2014.doc 2. Ordinance 2014-24 Home Occ-Restaurants LDC 9-2014.docx		

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. 2014-24

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 122-349 Home Occupations, Section 122-243 Permitted Uses, and Section 122-244 Conditional Uses; Providing for codification, severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, September 2, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 23, 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

Daily Commercial
August 26 & September 9, 2014

CITY OF CLERMONT
ORDINANCE No. 2014-24

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 122-349 HOME OCCUPATIONS; SECTION 122-243 PERMITTED USES, AND SECTION 122-244 CONDITIONAL USES; 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 September 2, 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 122 Zoning, Section 122-349 Home Occupations; Section 122-243 Permitted Uses; and Section 122-244 Conditional Uses; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, 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 122 ZONING

Section 122-349 Home Occupations

- (a) *Intent.* The purpose of this section is to accomplish the following:
- (1) Permit residents of the city a broad choice in the use of their homes as a place of livelihood and for the production or supplementing of personal and family income.
 - (2) Protect residential areas from adverse impacts of activities associated with home occupations.
 - (3) Establish criteria and development standards for home occupations conducted in residential uses.

CITY OF CLERMONT
ORDINANCE No. 2014-24

- (b) *Permitted home occupations.* Permitted home occupations are as follows:
- (1) Office uses such as professional and business office activities that do not involve clients, customers or employees visiting the premises (telephone use only).
 - (2) Off-site sales of customary hobby crafts produced at hobbyist volumes in the home by family members.
 - (3) Off-site provision of services to other homeowners that does not involve the use of tools or machinery in size or numbers beyond that customarily found in a residence.
- (c) *Prohibited home occupations.* The following are prohibited:
- (1) Motor vehicle and boat repair.
 - (2) Beauty shops and barbershops.
 - (3) Child care centers or nursery schools.
 - (4) Amplified musical instrument instruction.
 - (5) Dance and nonamplified musical instrument instruction, except private tutoring of no more than one student per session.
 - (6) Photography studios.
 - ~~(7) — Real estate sales and brokerage.~~
 - (7) Retail and wholesale sales.
 - (8) Painting or detailing of vehicles, trailers or boats.
 - (9) Upholstering.
 - (10) Welding.
 - (11) Taxidermy.
 - (12) Dentists' and doctors' offices.
 - (13) Lawyers offices.
 - (14) Kennels and pet grooming shops.
 - (15) Any use found by the city manager to not comply with the general nature, intent and requirements of this section and other provisions of the land development code.
- (d) *Restrictions.* Home occupations are permitted accessory uses in all residential zones, subject to the following restrictions:
- (1) No persons other than members of the family residing on the premises shall be engaged in the home occupation.

CITY OF CLERMONT
ORDINANCE No. 2014-24

- (2) No use of material or mechanical equipment which creates any unreasonably loud, disturbing and unnecessary sound, electrical interference, vibration, odor or effect which can be heard, felt or otherwise sensed upon adjoining property or other public right-of-way shall be allowed.
- (3) No commodities shall be advertised, stored or kept outside, or sold on the premises.
- (4) No signs or structures shall be allowed other than those normally permitted in the zone.
- (5) The use shall not generate pedestrian or vehicular traffic beyond that normal to the zone in which it is located.
- (6) No outdoor storage of materials, supplies or commercial vehicles visible from the public street or adjacent property shall be allowed in connection with the home occupation beyond that normal to the residential character of the zone.
- (7) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the operation of the home occupation. The appearance of the structure shall not be altered, nor shall the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use.
- (8) No home occupation shall cause an increase in the use of any one or more public utilities, water, sewer and garbage collection, so that the combined total use for dwelling and home occupation purposes exceeds the customary average for similar type residences within the city.
- (9) A local business tax receipt granted for a home occupation shall not be transferred, assigned or used by any person other than the one for which the receipt is granted.

Section 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.

CITY OF CLERMONT
ORDINANCE No. 2014-24

- (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 less than 3,000 square feet

- (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 only. Compact outside display areas may also be utilized provided the display has a maximum width of 25 percent of a retail store width or ten feet in width, whichever is less, four feet in depth, and six feet in height. Businesses which utilize this type of sidewalk use shall maintain at least a four foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the American with Disabilities Act. Where such four-foot open space is not available, table and chairs or displays shall not be allowed. All such uses shall be approved by the city manager or his designee.

Section 122-244 Conditional Uses

- (a) Conditional uses in the CBD district are as follows:
 - (1) Retail businesses, personal service establishments and professional offices occupying 3,000 square feet of total floor area or more; provided, however, that no retail establishment may occupy more than 100,000 square feet.

CITY OF CLERMONT
ORDINANCE No. 2014-24

- (2) Public or semipublic facilities or structures not maintained or operated by the city and not listed under permitted uses (i.e., operated by any other governmental unit).
- (3) Utility facilities (i.e., electrical transformers, gas regulator stations, etc.).
- (4) Hospitals, clinics, adult congregate living facilities and nursing homes that provide treatment of human ailments or personal care operations.
- (5) Nursery schools, kindergartens or child care centers, provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.
- (6) Private schools.
- (7) Funeral homes.
- (8) Convenience stores and gas stations provided on-site parking requirements are met.
- (9) Laundries.
- (10) Automotive service stations provided on-site parking requirements are met.
- (11) Restaurants and lounges **over 3,000 square feet**
- (12) Bed and breakfast inns as provided in article V of this chapter.
- (13) Theaters, cinemas and auditoriums.
- (14) Churches.
- (15) Planned unit developments.

CITY OF CLERMONT
ORDINANCE No. 2014-24

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of September, 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



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date								
Tuesday, September 2, 2014								
Agenda Item Name								
Ordinance 2014-25 Land Development Code Amendments								
Requested Action								
Move to recommend approval to the City Council								
Staff Report								
Staff recommends approval of Ordinance 2014-25, which is an update to the Land Development Code dealing with property maintenance. Changes to Chapter 122 Zoning include maintenance details to unimproved property that is left natural or is planted with agricultural crops. The existing City code does not provide direction on maintaining the aesthetics of these types of unimproved parcels. This administrative request was advertised as including changes to both Chapter 94 (Section 94-52) and to Chapter 122 (Section 122-344); however, only changes to Chapter 122-344 are being brought forward at this time.								
Legal Impact								
Additional Analysis								
Fiscal Impact Summary								
Fiscal Impact	Fund Number and Description	Available Budget Amount						
Exhibits Attached (copies of original agreements)								
<table><tr><td>1.</td><td>Legal ad</td><td>LDC amendments -Sheds 9-2014.doc</td></tr><tr><td>2.</td><td>Ordinance</td><td>2014-25 Perimeter mowing LDC 9-2014.doc</td></tr></table>			1.	Legal ad	LDC amendments -Sheds 9-2014.doc	2.	Ordinance	2014-25 Perimeter mowing LDC 9-2014.doc
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2.	Ordinance	2014-25 Perimeter mowing LDC 9-2014.doc						

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. 2014-25

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 94 Environmental Protection, Section 94-52 Buildings, structures and facilities exempt from the Florida Building Code, and Chapter 122, Zoning, Section 122-344 General Development Conditions; Providing for codification, severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, September 2, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, September 23, 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

Daily Commercial
August 26 & September 9, 2014

CITY OF CLERMONT
ORDINANCE No. 2014-25

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 122-344 GENERAL DEVELOPMENT CONDITIONS; 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 September 2, 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 Section 122-344 General Development Conditions; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, 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 94 ENVIRONMENTAL PROTECTION

Section 122-344 General Development Conditions

Sec. 122-344. General development conditions.

- (a) *Building permit required.* It shall be unlawful for any person to initiate new uses of any land within the corporate boundaries of the city or to erect or construct any new structures or to move, add to, repair or modify in any way any existing structures, except by authority of permit issued by the building inspector or planning and zoning department of the city acting as administrative officer of the regulations contained in this land development code. The words "planning and zoning department," as used in this land development code, shall also mean the planning official or the designated representative thereof. All development, as defined in this land development code, shall

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ORDINANCE No. 2014-25

be required to obtain development approval (i.e., a development permit/development order) prior to initiating development activity.

- (b) *Public access to lots.* No building shall be erected on a lot which does not have unrestricted access to an open public street accepted by the city.
- (a) *Number of principal buildings.* Only one principal residential building, except as provided by this land development code for two-family, multifamily buildings and planned unit developments, may hereafter be erected on any lot.
- (b) *Lot requirements.* No parcel, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of the ordinance from which this land development code is derived, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirements of this land development code are not maintained. This subsection shall not apply when a portion of a lot is acquired for public purpose. Flag-shaped lots are prohibited.
- (e) *Yard setbacks.*
 - (1) Setbacks shall be measured on a perpendicular line from the property line to the nearest support for the roof of the structure.
 - (2) On irregular lots the side yards shall be measured from the building line nearest the narrow portion of the lot.
 - (3) Roof projections (eaves) shall not extend more than 36 inches into minimum yard requirements.
 - (4) Properties located within the CBD central business district may have roof projections (eaves) over the public right-of-way. Such roof projections shall not be less than eight feet above ground and shall not extend more than eight feet over the public right-of-way, or two feet back from the curb, whichever is less. Nothing in this policy shall be construed to allow roof projections over public streets, alleys or parking areas which would inhibit the free flow of traffic.
 - (5) No part of a yard, other open space, or off-street parking or loading space required for any building shall be included as a part of the yard or off-street parking or loading space required for another building for the purpose of complying with the provisions of this land development code.
- (f) *Height limits.* Unless otherwise described in this chapter, the maximum permitted height for any structure shall be as outlined in article III of this chapter. The height limitations of this land development code also apply to church spires, belfries, cupolas and domes, whether intended or not intended for human occupancy, as well as to monuments, transmission towers, chimneys, smokestacks, derricks, conveyors, silos or storage bins, flagpoles and radio or television transmission towers or aerials, unless otherwise

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approved by the city council through the conditional use procedure. Facilities owned by the city are exempt from the height regulations.

- (g) *Access to utility easements.* No person shall enclose or fence any utility easement unless he has provided adequate access thereto for the purpose of constructing, repairing and maintaining such utilities therein or thereon located, such access to be provided in such a way that no such fence will have to be cut or any wall removed. No dedicated right-of-way shall be fenced.
- (h) *Unsightly occupancies.* Unsightly occupancies, such as but not limited to junkyards, repair yards and outdoor storage, shall be entirely surrounded by a substantial continuous masonry fence or similarly permanent construction approved by the planning and zoning department. Such fence or wall shall be constructed and maintained at a height of six feet to screen the unsightly occupancy. It shall be of similar composition, construction and color throughout and shall be constructed without openings except for entrances and exits, such entrances and exits to be equipped with unpierced gates, except that additional openings may be authorized to provide access for fire protection. Such gates shall be closed and securely locked at all times, except during business hours. Plans for such fence or wall shall be submitted to the planning and zoning department, which shall determine whether the proposed fence will meet the requirements of this section. No building permit shall be issued for the construction of such fence or wall until the approval of the planning and zoning department has been secured. Such fence or wall shall be maintained in good order and shall not be allowed to deteriorate.
- (i) *Property maintenance.* It is the duty and obligation of the owner and occupant of all real property in the city to help preserve and protect the public health and general welfare of all residents and their property by keeping their respective lots, parcels or tracts of land, adjacent sidewalks and parkways free from all filth, trash, weeds, dirt, leaves, grass and rubbish and to keep down by mowing, cutting or removal such vegetation and detrital materials.
 - (1) Any contiguous unimproved parcel of land greater than 1 acre is exempt from mowing under the following conditions:
 - (a) A buffer of 30 feet shall be required to be maintained from any right-of-way. All grass or weeds within that buffer will be maintained below 18 inches.
 - (b) Abutting unimproved parcels will not be required to have a buffer between them.

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- (2) Parcels of land used exclusively for tree farming or other agricultural purposes shall be required to maintain a 30 foot buffer from adjacent road right-of way and a 10 foot buffer from adjacent property lines. All grass and weeds within this buffer must be maintained below 18" at all times.
- (3) The requirement to mow parcels with extreme topographic conditions that make mowing extremely difficult or impossible may be waived at the discretion of the Administrative Official or designee.

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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of September, 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