



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
7:00 PM, Tuesday, September 23, 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

Life Safety Achievement Award

PROCLAMATION

Fire Prevention Week

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

- | | |
|---|--|
| Item No. 1 - Acceptance of Election Results | Consider approval of Primary Election Results for Seat 5. |
| Item No. 2 - Council Meeting Minutes | Consider approval of the Regular Council Meeting Minutes of July 22, 2014. |
| Item No. 3 - Resolution No. 2014-33 | Consider approval of Resolution designating the roadway as "Specialist Alexander Miller Memorial Highway" |
| Item No. 4 - Resolution No. 2014-34 | Consider approval of Resolution to appoint Council Member Goodgame to the Tourism Development Council Committee. |
| Item No. 5 - Alcohol Waiver Request | Consider approval for the Taste of South Lake to have an open container area for their event. |
| Item No. 6 - Contract Approval | Consider request to piggyback Sumter County contract with PDCS, LLC. to provide Building Inspection Services. |

**CITY OF CLERMONT
COUNCIL MEETING AGENDA
7:00 PM, Tuesday, September 23, 2014**

Item No. 7 - Request For Proposal Award

Consider bid award to Jordan Brothers Construction, LLC. to design-build a splash park at the Waterfront Park to not exceed \$400,000.

UNFINISHED BUSINESS

Item No. 8 - Ordinance No. 2014-24 Final Hearing

Request to approve Ordinance to amend Chapter 122, Sections 349, 243, and 244 of the Land Development Code.

Item No. 9 - Ordinance No. 2014-25 Final Hearing

Request to approve Ordinance to amend Chapter 94, Section 94-52 and Chapter 122, Section 122-344 of the Land Development Code.

Item No. 10 - Ordinance No. 2014-26 Final Hearing

Request to approve Ordinance to vacate Lake Shore Drive right-of-way

NEW BUSINESS

Item No. 11 - Resolution No. 2014-29
House of Deliverance Inc./Church

Consider approval of Resolution request for a conditional use permit to establish a house of worship in the C-2 General Commercial zoning district.

Item No. 12 - Resolution No. 2014-30
River of Glory Church

Consider approval of Resolution request for a conditional use permit to establish a house of worship in the C-2 zoning district.

Item No. 13 - Variance Request

Consider request to approve variance to allow for a 22.5 foot rear yard setback.

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

AGENDA ITEM

Page 1 of 1

Council Meeting Date			
Tuesday, September 23, 2014			
Agenda Item Name			
Life Safety Achievement Award			
Requested Action			
Staff Report			
The Clermont Fire Department Fire Prevention team has been awarded the 2013 Life Safety Achievement Award from Grinnell Mutual Reinsurance Company and the National Association of State Fire Marshals Fire Research & Education Foundation. "Since 1994, the Life Safety Achievement Award has recognized fire departments for recording outstanding fire safety statistics and implementing effective prevention programs during the preceding calendar year. In recognition of your proactive efforts to improve your community's fire and life safety behaviors, we are pleased to present you with the 2013 Life Safety Achievement Award.			
Legal Impact			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			

City of Clermont
Proclamation

WHEREAS, the City of Clermont is committed to ensuring the safety and security of all those living in and visiting our City; and

WHEREAS, fire is a serious public safety concern both locally and nationally and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,300 people in the United States in 2012, according to the National Fire Protection Association, and fire departments in the United States responded to 365,000 home fires; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, Clermont's residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Clermont's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2014 Fire Prevention Week theme "Working Smoke Alarms Save Lives: Test Yours Every Month!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely,

NOW, THEREFORE, I, Harold S. Turville, Jr., Mayor of the City of Clermont do hereby proclaim the week of October 5 through October 11 as

FIRE PREVENTION WEEK 2014

and urge all the people of Clermont to test their smoke alarms at least monthly and to support the many public safety activities and efforts of the Clermont Fire Department during Fire Prevention Week 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Clermont to be affixed this twenty-third day of September, two thousand and fourteen.

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, MMC
City Clerk

AGENDA ITEM

Page 1 of 1

Council Meeting Date					
Tuesday, September 23, 2014					
Agenda Item Name					
Acceptance of Election Results					
Requested Action					
Move to accept the Primary Election results					
Staff Report					
The Primary Election was held on Tuesday, August 26, 2014 for Seat No. 5.					
Tim Murry 988 – 33.30%					
Thomas Spencer 663 – 22.35%					
Diane Travis 1,316 – 44.35%					
Tim Murry and Diane Travis received the highest number of votes cast and will be on the November 4, 2014 General Election ballot along with the candidates for Seat No. 3.					
Legal Impact					
Additional Analysis					
Fiscal Impact Summary					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					
1. Seat 5 Primary Election Results			Seat 5 Primary Election Results.pdf		

"Official"
CANVASSING BOARD CERTIFICATE

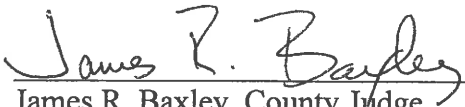
STATE OF FLORIDA

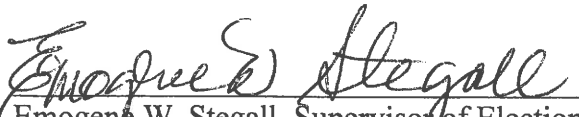
LAKE COUNTY

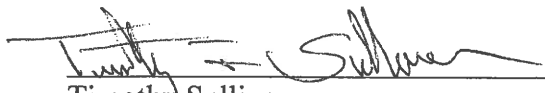
We, the undersigned, James R. Baxley, County Judge, Timothy Sullivan, Member of the Board of County Commissioners and Emogene W. Stegall, Supervisor of Elections, do hereby certify that we met on the **28th day of August A.D., 2014** to canvass the results for the City of Clermont Primary, as shown on the returns on file at the Lake County Supervisor of Elections' Office. We do hereby certify said returns:

**Clermont City Council Seat 5
(Vote for One)**

Tim Murry	988	33.30 %
Thomas Spencer	663	22.35 %
Diane Travis	1,316	44.35 %


James R. Baxley, County Judge


Emogene W. Stegall, Supervisor of Elections


Timothy Sullivan
Member Board County Commissioners

PRIMARY ELECTION

RUN DATE:08/28/14 05:29 PM

OFFICIAL PRIMARY ELECTION
LAKE COUNTY, FLORIDA
AUGUST 26, 2014
NONPARTISAN

OFFICIAL RESULTS

	TOTAL VOTES	%	Absentee	EV Paper	EV TS	ED Paper	ED TS	ProEDPapr	ProEDTS	ProEVPapr	ProEvTS
CLERMONT CITY COUNCIL SEAT 5											
(Vote for no more than) 1											
Tim Murry	988	33.30	296	183	0	509	0	0	0	0	0
Thomas Spencer	663	22.35	149	108	0	404	0	2	0	0	0
Diane Travis	1,316	44.35	430	235	0	651	0	0	0	0	0
Over Votes	1		0	0	0	1	0	0	0	0	0
Under Votes	241		85	36	0	120	0	0	0	0	0

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 22, 2014

The Clermont City Council met in a regular meeting on Tuesday, July 22, 2014 in the Council Chambers at City Hall. Mayor Turville called the meeting to order at 7:00 pm with the following Council Members present: Council Members Goodgame, Mullins, Bates and VanWagner. Other City officials present were: City Manager Gray, City Attorney Mantzaris and City Clerk Ackroyd.

INVOCATION

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

PRESENTATIONS

Police Chief Broadway highlighted recent accomplishments of the Clermont Police Department. He introduced newly hired Police Officers Satcher and Harper. The Traffic Division Unit was recognized for receiving an award from the Florida Law Enforcement Liaison Program, sponsored by the Florida Department of Transportation and the National Highway Safety Administration.

Police Chief Broadway announced the Clermont Police Department received reaccreditation.

PUBLIC COMMENTS

There were no public comments.

REPORTS

City Manager Gray reported he announced the new brand and logo at the Lake County Commission meeting.

City Attorney Mantzaris stated the Legislature passed a new law which requires elected officials to attend ethics training beginning January 1, 2015. Elected officials are required to complete four hours of ethics training annually and report the training on their annual Financial Disclosure report. His office is working on a process to provide the required training over the course of a year.

Council Member Bates – No report.

Council Member Goodgame reported the Board of County Commissioners held their budget hearing and voted to increase the Trim Notice millage rate.

Council Member Mullins reported August 1 is the first Friday of the month with Food Trucks and a band at City Hall Park. The Food Trucks will open at 5:30pm and the band begins at 6pm.

Council Member VanWagner – No report.

Mayor Turville – No report.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 22, 2014

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 of June 10, 2014. |
| Item No. 2 - Resolution No. 2014-22 | Consider approval of Community Development Block Grant (CDBG) Affirmative Action Plan Resolution. |
| Item No. 3 - Resolution No. 2014-23 | Consider approval of Resolution to comply with the requirements of the Community Development Block Grant programs. |
| Item No. 4 - Lake Apopka Natural Gas Utility Easement | Consider granting a Non-exclusive Utility Easement to obtain natural gas service from Lake Apopka Natural Gas. |
| Item No. 5 - Contract Approval | Consider contract with Covanta as an emergency backup disposal site for solid waste. |

Council Member Mullins pulled Items 2 and 3 of the Consent Agenda.

Council Member Goodgame noted Item 4 is to bring a gas line into the area at the Arts and Recreation Center.

Environmental Services Director Kinzler addressed Item 2, stating the Resolution adjusts the City's policy to include small, women and minority businesses. The language was added to apply for the Community Development Block Grant funds.

Environmental Services Director Kinzler addressed Item 3, stating the Resolution adopts minor adjustments to the Handicap Accessibility and Transition Plan. It formally adopts the plans to comply with the Community Development Block Grant conditions. City Attorney Mantzaris stated Fred Fox with Fox Enterprises has been involved in the process.

Ginger Martin asked if the City was obligated to make the buildings at the Historic Village handicap accessible.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 22, 2014

City Manager Mantzaris stated the Transition Plan obligates that City buildings meet the Americans with Disabilities Act requirements. The Historic Village will have to be part of the transition plan; however there are different requirements for compliance with the law.

Mayor Turville requested staff provide Ms. Martin with the details.

Council Member Mullins moved to approve the Consent Agenda as written; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

UNFINISHED BUSINESS

Item No. 6 - Lakeshore Drive

Economic Development Director Hitt provided a summary and recommendations relating to Lakeshore Drive. For the past several years there have been complaints about the excessive speed on Lakeshore Drive. The Council instructed staff to conduct a traffic study which was completed to validate the concern. City staff and adjacent residents had a workshop to discuss concerns and possible options. Staff researched the options suggested. Staff recommends installing three stop signs at Hooks Street, East Avenue and Lake Avenue; “T” off the intersection of Hooks Street and Lakeshore Drive; install curve signs; install two speed tables east and west side of Lake Winona Bridge; dropping the speed limit from 30 miles per hour to 25 miles per hour west of Lake Avenue; and installing six new LED lights at the primary intersections of Hooks Street, East Avenue, Lake Avenue, Lake Winona Bridge and 12th Street.

Mayor Turville asked about signalizing the Hooks Street intersection. Economic Development Director Hitt stated Hooks Street did not meet the traffic flow to warrant signalizing.

Mayor Turville opened the public hearing.

Hope Lamb agreed with the options to “T” off the intersection of Hooks Street and adding stop signs. She was opposed to the speed tables and lowering the speed limit.

Don Tracy commented the road is narrow and would like the road widened or a bike path added. He was not opposed to the speed tables.

Tammy Heslin stated she was in favor of reducing the speed limit.

Raul Salabarria spoke in support of a stop sign at 4th Street and suggested no-turn signs during certain hours.

Carmen Arnold expressed concern on crossing the road and supported lowering the speed limit and installing three to five stop signs.

Mayor Turville closed the public hearing.

Economic Director Hitt commented staff looked at the minimal solutions to effectively address the issue. The problem with installing more stop signs is once a stop sign is installed you cannot remove it.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 22, 2014

Council Member Goodgame stated the speed limit from Hooks Street to 12th Street should be 25 miles per hour, a stop sign is needed at Brogden and Lakeshore, and the center lines on 12th Street north and south of County Road 561 should be aligned.

Council Member Mullins suggested lowering the speed limit to 25 miles per hour, adding the three stop signs and the LED lights.

Mayor Turville asked City Attorney Mantzaris to explain why stop signs are irrevocable. City Attorney Mantzaris stated when a traffic control device is put in place and then removed, it increases the liability risk of the entity which placed the traffic control device should an accident subsequently occur.

Council Member Bates asked staff if there would be an issue with LED lights shining through windows. City Manager Gray stated the lights would be used to increase the lighting at the intersections where the stop signs are installed. Council Member Bates suggested not using the lights. City Manager Gray commented the City could install reflective strips and regular street lighting.

Mayor Turville was opposed to lowering the speed limit.

Council Members Goodgame and Mullins were in favor of lowering the speed limit.

Sharon Johnson expressed concern on not lowering the speed limit.

Council Member Goodgame moved to follow staff recommendation to remove the LED lights other than at the bridge, do not include the speed tables, and make the speed limit 25 miles per hour, add stop signs at Brogden, add the three recommended stop signs; seconded by Council Member Mullins.

Council Member Mullins inquired how long it would take for Lake County to do the “T” intersection. City Manager Gray stated staff would work with Lake County to expedite the process.

Mayor Turville expressed concern with the lights.

Council Member Goodgame would like the reflective strips placed on the stop signs.

Council Member Goodgame moved to withdraw the motion; seconded by Council Member Mullins.

Council Member Goodgame moved to reduce the speed limit from 30 miles per hour to 25 miles per hour from 12th Street to Hooks Street; place stop signs with reflector strips at Hooks Street, East Avenue, Lake Street, and Brogden; no speed tables, no lights, a “T” intersection at Hooks and Lakeshore Drive, and acceptance of the staff report; seconded by Council Member Mullins. The motion passed with all members present voting aye.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 22, 2014

NEW BUSINESS

Item No. 7 - Highland Ranch Variance

Planning Manager Henschel presented the variance request for two subdivision signs to exceed 32 square feet and for one to be located away from the principal street entrance. The request is to allow the main subdivision sign to be 60 square feet and the second subdivision sign to be 200 square feet. The 200 square foot sign is proposed to be located near the intersection of North Hancock Road and Old Highway 50. The 60 square foot sign is proposed to be located on Black Still Lake Road. Staff recommended denial of the variance request.

Applicant Todd Clements; Court Street Partners Landscape Architect, requested approval of the variance request.

Mayor Turville opened the public hearing.

Walter Martin expressed concern with the sign lighting.

Lisa Garber commented Black Still Lake Road is a narrow road and expressed concern regarding safety.

Mayor Turville closed the public hearing.

Chris Tyree, Taylor Morrison Homes, commented Black Still Lake Road would be improved from Old Highway 50 to the entrance.

Council Member Goodgame expressed concern of the sign lighting affecting nearby residences.

Chris Tyree stated the elevation and the landscaping would reduce the effect on nearby residences and would only be visible from the intersection as the signs would be back-lit.

Mayor Turville was not supportive of the request.

Council Member Mullins commented the signs and landscape features would be attractive.

Council Member Bates expressed concern with the lighting.

Council Member Mullins moved to approve this item; seconded by Council Member VanWagner. The motion passed 3 to 2, with Council Member Bates and Mayor Turville opposed.

Item No. 8 - Splash Pad Park

City Manager Gray commented Council and staff discussed the Splash Pad Park location at the budget workshop last week. The Council sited the location for Waterfront Park. There have been recent suggestions to place it at the Arts and Recreation Center.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 22, 2014

Parks and Recreation Director Teske presented two potential locations for the Splash Pad Park; at Waterfront Park or the Arts and Recreation Center. The Waterfront location would be completed and available for public use in March 2015, the Arts and Recreation Center location would delay the availability for public use until July 2015.

Council Member Mullins asked if the Splash Pad Park would be available during triathlon events. Parks and Recreation Director Teske stated there would be access issues until mid-morning during triathlon events.

Mayor Turville opened the public hearing.

Jerry Emeral, Diane Travis, Melinda Gill, Toni Elder, Brooke Madawi, Rebecca Fazio, Deborah Anderson, and Ann Dupee supported the Waterfront Park location.

Ginger Martin, Mrs. Goulstone, and Ariana Ascolese supported a splash pad located in the downtown area.

Diane Travis stated she would like the splash pad at Waterfront Park with a smaller one in the downtown area.

Raul Salabarría and Vincent Ascolese preferred the downtown area or Waterfront Park.

Wally Herda expressed concerns about parking if the splash pad is located next to City Hall.

Council Member Mullins was in favor of building the interactive splash pad at Waterfront Park and explore installing a flat splash pad in the downtown area, to include additional parking and restrooms.

Council Member VanWagner stated he is in favor of the Waterfront Park location and fast-tracking a downtown location with restrooms. He suggested working with the Methodist Church on a parking agreement.

Council was in agreement to build the Splash Pad Park at the Waterfront Park location.

Item No. 9 - Proposed Ad Valorem Millage Rate

Finance Director VanZile provided information on the proposed ad valorem millage rate for Fiscal Year 2015. The current millage rate represents an increase of 3.76 percent over the roll-back rate of 3.5938. According to the Lake County Property Appraisers office, taxable property values are estimated to increase by 7.49 percent. Based on the current millage rate and property values increase, the increase in the Ad Valorem taxes revenues for Fiscal Year 2015 is \$474,771. The City is experiencing an operating deficit primarily from the Arts and Recreation Center and the Red Light Camera Program. Should the millage rate not increase this year, the operating deficit will continue and an increase will need to be considered next year. An increase of .423 would cover the Arts and Recreation Center deficit, setting the millage rate at 4.152.

Mayor Turville opened the public hearing. There were no comments. Mayor Turville closed the public hearing.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
July 22, 2014

Council Member Goodgame recommended advertising a millage rate of 4.152 in the Trim Notice and possibly consider adjusting the millage rate at the September 11th First Budget Public hearing if necessary.

Mayor Turville, Council Members Mullins, Bates and VanWagner did not support increasing the millage rate.

Mayor Turville suggested approving the rolled back rate.

Council Member Mullins moved to adopt the proposed millage rate of 3.729 for Fiscal Year 2015; seconded by Council Member Bates. The motion passed 3 to 2 with Mayor Turville and Council Member Goodgame opposed.

Item No. 10 - Ordinance No. 2014-18; Introduction

Mayor Turville read Ordinance 2014-18 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; repealing City of Clermont Ordinance 2014-09; providing for severability, conflict, and effective date.

Council Member Mullins moved to introduce Ordinance 2014-18; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Wayne Weatherbee stated he missed public comments at the beginning of the meeting and distributed a document to the City Council.

ADJOURN: With no further comments, this meeting was adjourned at 10:24pm.

APPROVED:

Harold S. Turville, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

**AGENDA ITEM**

Council Meeting Date	
Tuesday, July 22, 2014	
Agenda Item Name	
Lakeshore Drive	
Requested Action	
Approve the traffic calming and safety options for Lakeshore Drive as presented.	
Staff Report	
On January 28, 2014 the City Council discussed a few issues that have occurred on Lakeshore Drive. Many of these issues are a result of the construction of the new interchange at SR 50 and US 27. Local traffic had diverted to Lakeshore Drive as an option to avoid the construction and seemed to remain using the road after construction was completed. The results include not just an increase in traffic, but speed and safety for neighboring residents also became an issue. Staff was instructed to attain a few cost estimates for possible options. Staff held a workshop for the neighborhood residents on April 2, 2014 at which many issues were discussed and the attendees provided recommended options. City staff reviewed the options and attained cost estimates, all of which are provided in the accompanying Power Point presentation.	
Legal Impact	
Additional Analysis	
Staff is recommending the following options: 1. "T" off intersection of Hooks Street and Lakeshore Drive 2. Install three STOP sign intersections: Hooks Street, East Ave. and Lake Ave. 3. Install "curve" signs 4. Install two Speed Tables - east and west side of Lake Winona Bridge. 5. Drop speed limit from 30 mph to 25 mph west of Lake Ave. 6. Install 6 new LED lights at primary intersections: Hooks St., East Ave., Lake Ave., Lake Winona Bridge & 12th Street The effectiveness of these options will be reviewed at a future date.	
Fiscal Impact Summary	



CITY OF CLERMONT

AGENDA ITEM

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Council Meeting Date		
Tuesday, September 23, 2014		
Agenda Item Name		
Resolution No. 2014-33		
Requested Action		
Move to approve Resolution 2014-33		
Staff Report		
During the 2014 Legislative Session Senate Bill 820 was passed. Section 41 created the Specialist Alexander Miller Memorial Highway which covers the portion of State Road 50 between U.S. Highway 27/State Road 25 and Hancock Road. Part of the process of the Florida Department of Transportation's placing signage is for the City to pass a resolution designating the roadway as "Specialist Alexander Miller Memorial Highway".		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution 2014-33 2014-33 Spec Miller Designation.pdf		
2. Senate Bill 820 Spec Miller.pdf		

CITY OF CLERMONT
RESOLUTION NO. 2014-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, APPROVING THE STATE ROAD CO-DESIGNATION OF STATE ROAD 50 BETWEEN U.S. HIGHWAY 27/STATE ROAD 25 AND HANCOCK ROAD AS “SPECIALIST ALEXANDER MILLER MEMORIAL HIGHWAY”; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 2014 regular session, the Florida Legislature passed Chapter 2014-228, Laws of Florida (SB 820), which among other codesignations, codesignated State Road 50 between US 27/S.R. 25 and Hancock Road “Specialist Alexander Miller Memorial Highway”; and

WHEREAS, Army Specialist Alexander Miller was a Clermont resident born on December 30, 1987. He attended East Ridge High School. He died at the age of 21 on July 31, 2009, in Nuristan Province, Afghanistan, from wounds suffered when insurgents attacked his unit with rocket-propelled grenades and small-arms fire. He was assigned to the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, New York; and

WHEREAS, Specialist Alexander Miller was well respected by his peers, teachers and community; and loved eternally by his close friends and family; and

WHEREAS, Specialist Alexander Miller gave his young life in the service of his country and is buried in Arlington National Cemetery; and

WHEREAS, for all the above mentioned reasons the Florida Legislature, designated a portion of State Road 50 as “Specialist Alexander Miller Memorial Highway”; and

WHEREAS, Section 334.071, Florida Statutes, provides that the installation of state road designation signs shall be contingent on the applicable city council passing a resolution in support of the particular honorary road designation; and

WHEREAS, State Road 50 between US 27/S.R. 25 and Hancock Road is within the corporate limits of the City of Clermont; and

WHEREAS, the City Council of the City of Clermont is honored and proud to pass a resolution in support of the designation of this road as “Specialist Alexander Miller Memorial Highway”.

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

CITY OF CLERMONT
RESOLUTION NO. 2014-33

Section 1.

The City Council does hereby approve the state road co-designation of State Road 50 between U.S. Highway 27/State Road 25 and Hancock Road as “Specialist Alexander Miller Memorial Highway.”

Section 2.

The City Council does further direct the City Clerk to send certified copies of this Resolution to the Florida Department of Transportation, Traffic Signals and Signs Division of the Florida Department of Transportation and Representative Larry Metz.

Section 3.

This Resolution shall take effect immediately upon its adoption.

CITY OF CLERMONT
RESOLUTION NO. 2014-33

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of September, 2014.

ATTEST:

City of Clermont

Tracy Ackroyd, City Clerk

By:_____
Harold S. Turville, Mayor

APPROVED AS TO FORM AND LEGALITY:

By:_____
Daniel F. Mantzaris, City Attorney



Florida House of Representatives

Representative Larry Metz

District 32

District Office:

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417 House Office Building
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Tallahassee, FL 32399-1300
(850) 717-5032

July 8, 2014

The Honorable Harold Turville, Jr., Mayor
City of Clermont
685 West Montrose Street
Clermont, Florida 34711

Dear Mayor Turville:

During the 2014 Legislative Session Senate Bill 820 (CS/CS/SB 820) was passed by the Florida Legislature. It has since been signed into law by Governor Scott and is now known as Chapter 2014-228, Laws of Florida. Section 41 creates Specialist Alexander Miller Memorial Highway covering that portion of State Road 50 between U.S. 27/State Road 25 and Hancock Road. A copy of section 41 of the bill is enclosed. The Florida Department of Transportation, District Five (FDOT), will be taking the lead implementing the bill, including production of the signage. My purpose in writing this letter is to request the City of Clermont's cooperation with the FDOT, so that the provisions of section 41 can be timely implemented. Part of the process for placing the sign is passage of a resolution by the local governmental entity having jurisdiction of the highway. Therefore, a resolution of the City of Clermont is needed, containing the same designation language that is found within section 41. For further information, please contact Steve Olson, Public Information Director, FDOT, (386) 943-5479.

If you have any questions about CS/CS/SB 820 or the resolution that will be needed in order to implement section 41 thereof, please feel free to contact me. Thank you in advance for your courtesy and assistance in this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Larry Metz".

Larry Metz
Representative, District 32

LEM/jlw
Enclosure

cc: Steve Olson, Public Information Director, FDOT (with enclosure)

Judiciary Committee ~ Civil Justice Subcommittee, *Chair*
Justice Appropriations Subcommittee ~ Choice & Innovation Subcommittee
Lake County Legislative Delegation, *Chair*

2014820er

1
2 An act relating to transportation facility
3 designations; providing honorary designations of
4 various transportation facilities in specified
5 counties; directing the Department of Transportation
6 to erect suitable markers; authorizing the department
7 to permit the erection of a specified marker under
8 certain conditions; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Larcenia Bullard Way designated; Department of
13 Transportation to erect suitable markers.—

14 (1) That portion of S.R. 992/152nd Street between U.S. 1
15 and 117th Avenue in Miami-Dade County is designated as "Larcenia
16 Bullard Way."

17 (2) The Department of Transportation is directed to erect
18 suitable markers designating Larcenia Bullard Way as described
19 in subsection (1).

20 Section 2. Governor Mixson Highway designated; Department
21 of Transportation to erect suitable markers.—

22 (1) That portion of S.R. 73 between the Calhoun County line
23 and U.S. 231 in Jackson County is designated as "Governor Mixson
24 Highway."

25 (2) The Department of Transportation is directed to erect
26 suitable markers designating Governor Mixson Highway as
27 described in subsection (1).

28 Section 3. KMI Kentucky Military Institute Bridge
29 designated; Department of Transportation to erect suitable

2014820er

349 Section 41. Specialist Alexander Miller Memorial Highway
350 designated; Department of Transportation to erect suitable
351 markers.—

352 (1) That portion of S.R. 50 between U.S. 27/S.R. 25 and
353 Hancock Road in Lake County is designated as "Specialist
354 Alexander Miller Memorial Highway."

355 (2) The Department of Transportation is directed to erect
356 suitable markers designating Specialist Alexander Miller
357 Memorial Highway as described in subsection (1).

358 Section 42. Wellness Way designated; Department of
359 Transportation to erect suitable markers.—

360 (1) That portion of N.W. 77th Avenue between Miami Lakes
361 Drive/N.W. 154th Street and N.W. 146th Street in Miami-Dade
362 County is designated as "Wellness Way."

363 (2) The Department of Transportation is directed to erect
364 suitable markers designating Wellness Way as described in
365 subsection (1).

366 Section 43. Sergeant Jess Thomas Memorial Highway
367 designated; Department of Transportation to erect suitable
368 markers.—

369 (1) That portion of S.R. 50 between the Sumter County line
370 and Lee Road in Lake County is designated as "Sergeant Jess
371 Thomas Memorial Highway."

372 (2) The Department of Transportation is directed to erect
373 suitable markers designating Sergeant Jess Thomas Memorial
374 Highway as described in subsection (1).

375 Section 44. Staff Sergeant Michael A. Bock Memorial Highway
376 designated; Department of Transportation to erect suitable
377 markers.—



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 23, 2014		
Agenda Item Name		
Resolution No. 2014-34		
Requested Action		
Move to approve Resolution 2014-34		
Staff Report		
The Lake County Economic Development & Tourism Department has requested the City of Clermont adopt a resolution recommending an elected official to serve on the Tourism Development Council committee. Council Member Goodgame currently serves on the committee and his term expires on December 1, 2014. The term is for four years, beginning December 1, 2014 through December 1, 2018.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Resolution 2014-34	2014-34 Recommend RGoodgame to TDC.doc
2.	Resolution Request	Resolution Request Letter.pdf

CITY OF CLERMONT
RESOLUTION NO. 2014-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, RECOMMENDING APPOINTMENT OF AN ELECTED OFFICIAL TO SERVE ON THE LAKE COUNTY TOURISM DEVELOPMENT COUNCIL COMMITTEE.

WHEREAS, the City of Clermont is the largest municipality in Lake County; and

WHEREAS, as the largest municipality we are required to appoint an elected official to serve on the Tourism Development Council; and

WHEREAS, the appointment is for a four year term beginning December 1, 2014 through December 1, 2018;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Clermont, that the Clermont City Council appoints Council Member Ray Goodgame to serve on the Tourism Development Council committee.

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



August 20, 2014

Darren Gray, County Manager
City of Clermont
685 Montrose Street
Clermont, FL 34711

Dear Darren:

We have been asked by the board commission office to request a recommendation from the City of Clermont for the position that Councilman Ray Goodgame currently has on the TDC committee. His term will end on December 1, 2014.

The City of Clermont historically makes a recommendation for an elected municipal official for this position. Please send a resolution recommendation to: Board of County Commissioners, P. O. Box 7800, Tavares, FL 32778-7800 ATTN: Grace Watson. The contact information for the recommended official will also need to be included such as the address, phone numbers and email. The deadline to return the resolution is October 1, 2014.

If you have questions please do not hesitate to contact me at (352) 742-3918.

Sincerely,

Robert L. Chandler IV, Director
Economic Development & Tourism Dept.

cc: Councilman Ray Goodgame
Commissioner Welton Cadwell
Grace Watson

ECONOMIC DEVELOPMENT & TOURISM DEPARTMENT |
315 W. MAIN ST., SUITE 233 TAVARES, FL 32778 • P 352.742.3918 • F 352.742.3906
Board of County Commissioners • www.lakecountyfl.com

TIMOTHY I. SULLIVAN
District 1

SEAN M. PARKS, AICP, QEP
District 2

JIMMY CONNER
District 3

LESLIE CAMPIONE
District 4

WELTON G. CADWELL
District 5



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 23, 2014		
Agenda Item Name		
Alcohol Waiver Request		
Requested Action		
Move to approve the serving of wine and beer for the "Taste of South Lake" event		
Staff Report		
The South Lake Chamber event "Taste of South Lake" is asking for permission to serve beer and wine at their event on Thursday, November 6th from 5:00 PM - 8:30 PM at Waterfront Park. Beef 'O Brady's will be their licensed caterer and the event is hiring off duty City of Clermont Police to work the event. Please see attached map for designated alcohol consumption area for the event.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. SL Taste of Clermont - Alcohol packet Alcohol Packet - Taste of SL.pdf		



CITY OF CLERMONT WATERFRONT PAVILION

330 Third Street, Clermont, FL 34711

EVENT APPLICATION

If approved, this application will be subject to the attached use agreement and responsible for any charges associated with this rental.

Date of Application: 7/1/14 Name of Event: South Lake Chamber of Commerce Taste of

Date(s) of Request: 11/6/14 Actual Event Hours Start: 5:00 pm End: 8:30 pm

(All events must end no later than 10pm)

Set Up Hours Start: 11:00 am End: 4:30 pm Breakdown Hours Start: 8:30 pm End: 10:00 pm

Please check all that apply for your requested usage:

☐ Waterfront Pavilion No Stage

☐ Waterfront Pavilion Including Stage

☐ Highlander Building

Will you need chairs? ☐ Yes ☒ No If yes how many? _____

Will you need tables (Highlander Inside Rental Only)? ☐ Yes ☒ No If yes how many? _____

Name of Organization/Renter: South Lake Chamber of Commerce

Check Type of Organization: ☒ Not for Profit ☐ For Profit ☐ Commercial ☐ Individual ☐ Government

Tax Exempt: ☐ Yes ☒ No If Yes you must provide your Tax Exempt # _____

Federal ID #/Drivers License #: 59-0573859 Website: southlakechamber-fl.com

Event Contact: Cheryl Fishel Email: cherylfishel@cfl.rr.com

Day Phone: 407-625-3818 Cell Phone: 407-625-3818 Other Phone/Fax: 407-982-7218

Address: 691 W. Montrose Street City: Clermont State: FL Zip: 34711

Secondary Contact: Tracy Leighton Phone#: 352-978-0455

Briefly Describe Event (including fees to be charged if any): Sampling of 25+ local restaurants and 25+ businesses in the Business Expo. All South Lake Chamber members.

Do you have any special requests? Grass field, parking lots 2nd, 3rd, 4th & 5th, Bathrooms at the Highlander Pavilion and Waterfront Beach

Expected Attendance: 1200 Expected Number of Vehicles: 1200

Are you planning on having food? ☒ Yes ☐ No Type of food: Local Restaurant Sampling \$20.00 Advance

Are you planning on selling food? ☐ Yes ☒ No Will you have an admission fee: ☒ Yes ☐ No If yes, how much: \$25.00 at the door

I understand and agree that I am responsible for any vandalism or damage to the buildings and/or fixtures during my rental dates. As assurance of such responsibility I am posting the required deposit, which will be returned to me after the completion of my scheduled event providing that the rental facilities, buildings and fixtures are not damaged, that all equipment has been properly stored and additional cleanup is not necessary. I understand all rental fees and deposit is required at time of reservation.

Ryan San Francisco
Applicant Signature

7-9-14
Date

Rules received and read (initial): RS

City of Clermont Recreation Department, 685 W. Montrose Street, Clermont, FL 34711
(352) 241-7352 phone, (352) 394-3542 fax, www.cityofclermontfl.com



CITY OF CLERMONT Alcohol Request Form

Date of Application: July 8th, 2014 Name of Event: Taste of South Lake & Business Expo
Date (s) of Event: November 6th, 2014 Location of Event: Waterfront Park Grass Field
Event Times: From: 5:00 pm am/pm To: 8:30 pm am/pm
Name of Organization/Renter: South Lake Chamber of Commerce
Check Type of Organization: ☒ Not for Profit ☐ For Profit ☐ Commercial ☐ Individual ☐ Government
Contact Name: Cheryl Fishel Email: cherylfishel@cfl.rr.com
Day Phone: (407) 625-3818 Cell Phone: (407) 625-3818
Address: 691 W. Montrose St City: Clermont State: FL Zip: 34711
Event Description: Taste of South Lake & Business Expo

What do you plan on serving? ☒ Beer ☒ Wine/Champagne (check all that apply) ☐ Other _____

What is your beverage containment area? Outside event attach diagram, Inside event list room/s: See attached. We will be contained.

Who is your licensed beverage caterer? Beef O'Brady's

I declare that all information herein is true and complete to the best of my knowledge.
I understand that approval of this request is NOT a grant of a liquor license.

Ray Sa Fratello
Applicant Signature

7-9-14
Date

FOR CITY STAFF USE ONLY

The foregoing application has been reviewed and **PERMISSION TO USE PARK PREMISES FOR THE SERVICE OF ALCOHOLIC BEVERAGES IS:**

☐ **GRANTED ALCOHOL BEVERAGES.** In order to receive an alcohol approval for your event, applicant must meet all requirements of the City of Clermont, County and State of Florida. A certificate of insurance is required.

☐ **GRANTED ALCOHOL BEVERAGES AS AMENDED:** _____

☐ **DENIED** for the following reason (s): _____

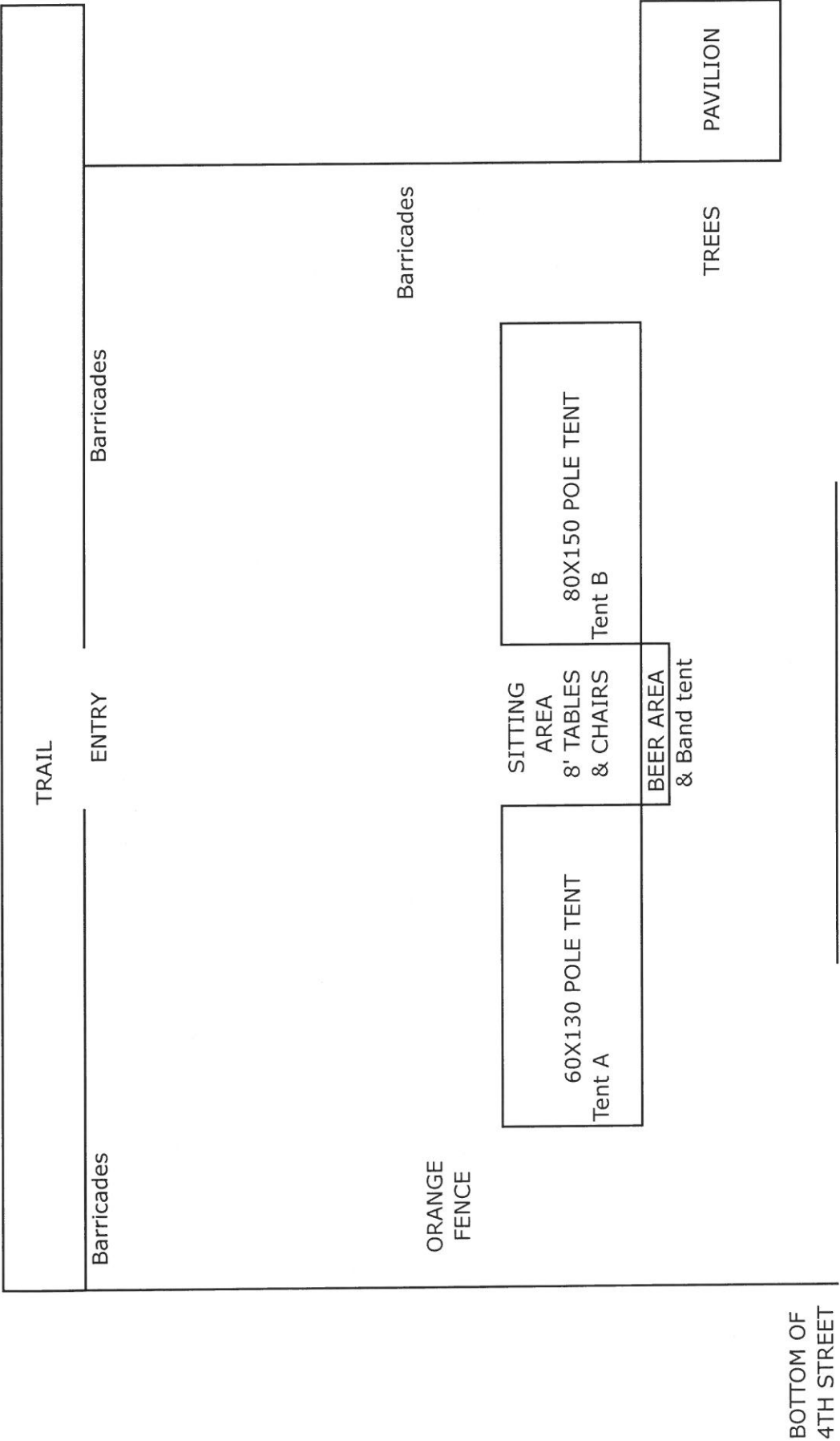
SIGNATURE

TITLE

DATE

Please return the completed request to:
City of Clermont Recreation & Events Department
Attention: Special Event Request
685 West Montrose Street, Clermont, FL 34711

TASTE OF SOUTH LAKE
NOVEMBER 6, 2014 LAYOUT





SOUTH LAKE
CHAMBER of COMMERCE

620 W. Montrose Street
Clermont, FL 34711
Phone 352-394-4191 Fax 352-394-5799

July 2, 2014

Mr. Darren Gray, Manager
City of Clermont
PO Box 120219
Clermont, FL 34712

Dear Darren:

The South Lake Chamber of Commerce would like to request the use of Waterfront Park for the South Lake Chamber of Commerce 4th Annual ***Taste of South Lake*** and Business Expo Thursday November 6, 2014 from 5:00 p.m.-8:30 p.m.

This is a "Signature Event" for the South Lake Chamber of Commerce. It will showcase 25+ local restaurants, caterers and over 40 South Lake Chamber businesses in our community along with entertainment. We are expecting over 1,200 people in attendance at this event.

We are requesting permission from the City to allow vendors that are properly licensed and insured to be able to provide wine and/or beer samples and sales along with their samples of food.

We would like to offer the City of Clermont a sponsorship packet for in-kind value of \$1,000. We are requesting the use of the Waterfront Park Field area with no City of Clermont Rental Fees, Use of Waterfront Parking Lots 5th, 4th, 3rd and 2nd street, 40 trash receptacles with liners from the Public Works Department, use of 25 city tables and 150 chairs at no cost, City staff of 3 to assist with the set up and tear down of the event during normal working hours of 10 a.m.- 4 p.m. and waiver of tent permit fees.

Your sponsorship packet will include the following:

Prominent 10x10 booth space at the event; Five (5) complimentary tasting tickets; banner displayed at the event (sponsor to supply 8' banner); prominent placement of business logo/name on all collateral; logo on Chamber Website with event listing; logo hyperlink to sponsor's website; logo on all correspondence; logo in *Broadband Beat* newsletter; logo in program front page; logo on event banner; introduction during event.

This has become an event the entire South Lake community and beyond looks forward to attending.

Sincerely,

Ray San Fratello, President
South Lake Chamber of Commerce

Clermont • Groveland • Mascotte • Minneola • Montverde • Four Corners



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 23, 2014		
Agenda Item Name		
Contract Approval		
Requested Action		
Motion to approve piggyback contract with PDCS, LLC.		
Staff Report		
THE PURCHASING DIVISION AND THE DEVELOPMENT SERVICES DEPARTMENT RECOMMEND APPROVAL OF THE ABOVE ACTION. At the request of the Development Services Department, the Purchasing Division sought a contract from Sumter County to obtain the services of additional building code officials. In accordance with the direction of City Council, the Purchasing Division issued a Request for Interest (RFI) number 1409-001 to notify local vendors of the City's intent to utilize other governmental entities' contract. The RFI was posted on the City's website for seven (7) business days. At the completion of the RFI, the Purchasing Division received no interest. Based on this, staff recommends that Council approve to piggyback the Sumter County contract. The Sumter County contract was obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
FY 2015 tentative budget includes \$20,000 for these services.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. RFI 1409-001 RFI 1409-001.pdf		



REQUEST FOR INFORMATION

Intent to Utilize Sumter County Contract for Building Inspection Services

CONTACT INFORMATION: Freddy Suarez, MPA, CPPB Purchasing Manager EMAIL: fsuarez@clermontfl.org Phone: (352) 241-7386	RFI No. 1409-001	ISSUED DATE: September 9, 2014
	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>September 17, 2014 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	
SOLICITATION RESPONSE: Responses will be received until the response due date specified above or as otherwise amended. No late responses will be accepted. Responses may be submitted electronically to the Purchasing Manager by email. Hardcopy responses may be delivered to: City of Clermont Purchasing Division, 685 West Montrose Street, 2 nd Floor, Clermont, FL 34711.		

This Request for Information (RFI) is intended to notify local vendors of the City's intent to utilize other government entities' contract. **This is not an invitation to submit a bid or quote.** If no local vendor responds to the RFI, the Purchasing Division will proceed with utilizing the referenced contract. Local vendor is defined as businesses located in South Lake County, preferably located within the City limits. This notice will be posted for seven (7) business days.

1 – PIGGYBACK CONTRACT INFORMATION

- (a) Contract Title: Building Inspection Services
- (b) Contractor(s): PDCS, LLC.
- (c) Length of Contract: Expires September 30, 2015.
- (d) Product or Service Provided: Building Inspection Services.
- (e) City Department: Planning and Zoning

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Purchasing Division by email or by mail prior to the "Response Due Date" indicated above to advise whether your company can provide any of the items/services listed.

Prospective local vendor respondents are requested to provide information regarding their ability to provide the commodities described. **Respondents are not to provide pricing.** All responses will be evaluated by the Purchasing Division and the Department requesting the supplies or services.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date											
Tuesday, September 23, 2014											
Agenda Item Name											
Request For Proposal Award											
Requested Action											
Move to approve bid award to Jordan Brothers Construction, LLC. to design-build a splash park at the Waterfront Park for the not to exceed price of \$400,000.											
Staff Report											
THE EVALUATION COMMITTEE RECOMMENDS APPROVAL OF THE ABOVE ACTION. The Purchasing Division issued a Request for Proposals (RFP) to establish a one-time contract with a design-build firm to provide all labor, administration, design, equipment, materials, permitting and construction of a splash pad at the City's Waterfront Park. RFP number 14-036 was issued on July 3, 2014 and received three (3) responses. The responses to the RFP were obtained through a fully competitive solicitation and complies with the City of Clermont Purchasing Policy. An Evaluation Committee composed of four (4) City Employees scored and ranked the responses. The proposal from Jordan Brothers Construction, LLC. was ranked the highest due to their previous experience in design-build splash parks and having the best design meeting the City's budget and operational timeline. The cost of this project is not to exceed the budgeted \$400,000.											
Legal Impact											
Additional Analysis											
Fiscal Impact Summary											
Fiscal Year 2015 tentative budget includes \$400,000 for the Waterfront Park splash pad.											
Fiscal Impact	Fund Number and Description	Available Budget Amount									
\$400,000.00	32572-66301-72109	\$400,000.00									
Exhibits Attached (copies of original agreements)											
<table border="0"> <tr> <td>1.</td> <td>Evaluation Summary</td> <td>RFP 14-036 Evaluation Summary.pdf</td> </tr> <tr> <td>2.</td> <td>Splash Pad Rendering</td> <td>2014-09-16 Champion-Colorful3.jpg</td> </tr> <tr> <td>3.</td> <td>RFP 14-36</td> <td>RFP 14-036 Ad.doc</td> </tr> </table>			1.	Evaluation Summary	RFP 14-036 Evaluation Summary.pdf	2.	Splash Pad Rendering	2014-09-16 Champion-Colorful3.jpg	3.	RFP 14-36	RFP 14-036 Ad.doc
1.	Evaluation Summary	RFP 14-036 Evaluation Summary.pdf									
2.	Splash Pad Rendering	2014-09-16 Champion-Colorful3.jpg									
3.	RFP 14-36	RFP 14-036 Ad.doc									



City of Clermont Shortlist Summary **Revised 9/8/14**

RFP No. 14-030 PROJECT TITLE: Janitorial Services

Meeting Location and Time:

August 29, 2014 at 9:00 A.M. 2nd Floor Conference Room

Selection Committee Members:

Terry Dykehouse, City Engineer

Barbara Hollerand, Planning Director

Dave Teske, Parks and Recreation Director

Freddy Suarez, Purchasing Manager (non voting member)

The Evaluation Committee has chosen not to hold presentations and begin negotiations with the number 1 ranked firm.

	Points Received	Points Received	Points Received	Total Points	Ranking
<u>Burkhardt Construction</u>	88	68	89	245	2
<u>Jordan Brothers Const.</u>	87	87	93	267	1
<u>Pillar Construction</u>	59	58	65	182	3



REQUEST FOR PROPOSALS

The City of Clermont is requesting proposals from qualified design-build firms to construct a splash pad at Waterfront Park (RFP 14-036). All responses must be received prior to 2:00 P.M. on Thursday, August 14, 2014. Information may be obtained from the City's website at www.cityofclermontfl.com

Publication Date: Lake Sentinel
July 8, 2014
July 16, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 23, 2014		
Agenda Item Name		
Ordinance No. 2014-24 Final Hearing		
Requested Action		
Motion to approve Ordinance 2014-24		
Staff Report		
Staff recommends approval of Ordinance 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 Central Business 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 Central Business District. <i>Commissioner Judy Proli moved to recommend approval of the land development code amendment, without the language of "lounges"; seconded by Commissioner Harry Mason. The vote was 5-1 to recommend approval of the land development code amendment, with Commissioner Herb Smith opposing.</i>		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2014-24 Home Occ-Restaurants LDC 9-2014.docx		

- | | | |
|----|----------|-------------------------------------|
| 2. | Minutes | Minutes ORD. 2014-24.pdf |
| 3. | Legal ad | LDC amendments -Home Occ 9-2014.doc |

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
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

Page 2

Mr. Henschel stated that there is a condition in the conditional use permit that states that the church will not contest any business opening or existing within 500 feet that serves alcohol.

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

2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: River of Glory

APPLICANT: David Young

Senior planner John Kruse presented the staff report as follows:

The applicant is requesting a conditional use permit for 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 Highway 27. The church has a congregation of approximately 45 people and plans to have meetings on Friday evening, Saturday evening and on Sundays.

Staff recommends approval.

David Young, 701 Wurst Road, Ocoee, stated that they have about 30 to 40 people who meet on a regular basis and they are hoping to open up a church in this location.

Commissioner Judy Proli asked about the facility only having one restroom.

Mr. Kruse stated that when the church submits for permitting, they may be required to add a restroom. The church will have to meet code and health regulations.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

REQUEST: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

Page 3

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 change that has been brought to staff's attention is a request to delete Real Estate Sales and Brokerage under the prohibited home occupation use listed under Section 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.

Staff recommends approval.

Commissioner Harry Mason asked if the language "Lounge" includes a bar.

Mr. Henschel stated that "Lounge" could be removed from that section of the code.

Commissioner Judy Proli asked if the restaurant will still have to come before City Council.

Mr. Henschel stated that with this ordinance change, they would not need to come before City Council.

Commissioner Harry Mason stated that he has reservations about allowing realtors to operate from their homes. He feels it will bring traffic to the home due to signing contracts.

Chairman Nick Jones stated that typically contracts are signed at a title company or a lawyer's office.

Mr. Henschel stated that the home business restrictions do not allow clients to come to residential homes. He stated that it would become a code enforcement issue if this was to happen.

Commissioner Carlos Solis stated that many people conduct business from their homes.

Commissioner Tony Hubbard stated that he thinks that the Florida Real Estate Commission requires realtors to work from a Brokers office.

Commissioner Harry Mason moved to recommend approval of the restaurants portion without the language of "lounges" and to deny the Real Estate portion of the Land Development Code amendment. The motion fails due to lack of a second.

Judy Proli moved to recommend approval of the land development code amendment, without the language of "lounges"; seconded by Commissioner Harry Mason. The vote was 5-1 to

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

Page 4

recommend approval of the land development code amendment, with Commissioner Herb Smith opposing.

4. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

DEVELOPMENT NAME: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

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.

Staff recommends approval.

City Attorney Dan Mantzaris stated that the way the code reads now, the property owner would be required to mow the entire piece of property regardless of how large the property is. He stated that this could be a financial burden for those property owners.

Commissioner Carlos Solis moved to recommend approval of the land development code amendment; seconded by Herb Smith. The vote was unanimous to recommend approval for the land development code amendment.

There being no further business, the meeting was adjourned at 7:40 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist

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

AGENDA ITEM

Page 1 of 1

Council Meeting Date											
Tuesday, September 23, 2014											
Agenda Item Name											
Ordinance No. 2014-25 Final Hearing											
Requested Action											
Motion to approve Ordinance 2014-25											
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. <i>Commissioner Carlos Solis moved to recommend approval of the land development code amendment; seconded by Commissioner Herb Smith. The vote was unanimous to recommend approval for the land development code amendment.</i>											
Legal Impact											
Additional Analysis											
Fiscal Impact Summary											
Fiscal Impact	Fund Number and Description	Available Budget Amount									
Exhibits Attached (copies of original agreements)											
<table border="0"><tr><td>1.</td><td>Ordinance</td><td>2014-25 Perimeter mowing LDC 9-2014.doc</td></tr><tr><td>2.</td><td>Minutes</td><td>Minutes ORD. 2014-25.pdf</td></tr><tr><td>3.</td><td>Legal ad</td><td>LDC amendments -Sheds 9-2014.doc</td></tr></table>			1.	Ordinance	2014-25 Perimeter mowing LDC 9-2014.doc	2.	Minutes	Minutes ORD. 2014-25.pdf	3.	Legal ad	LDC amendments -Sheds 9-2014.doc
1.	Ordinance	2014-25 Perimeter mowing LDC 9-2014.doc									
2.	Minutes	Minutes ORD. 2014-25.pdf									
3.	Legal ad	LDC amendments -Sheds 9-2014.doc									

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

CITY OF CLERMONT
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

CITY OF CLERMONT
ORDINANCE No. 2014-25

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.

CITY OF CLERMONT
ORDINANCE No. 2014-25

- (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.

CITY OF CLERMONT
ORDINANCE No. 2014-25

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
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

Page 4

recommend approval of the land development code amendment, with Commissioner Herb Smith opposing.

4. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

DEVELOPMENT NAME: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:

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.

Staff recommends approval.

City Attorney Dan Mantzaris stated that the way the code reads now, the property owner would be required to mow the entire piece of property regardless of how large the property is. He stated that this could be a financial burden for those property owners.

Commissioner Carlos Solis moved to recommend approval of the land development code amendment; seconded by Herb Smith. The vote was unanimous to recommend approval for the land development code amendment.

There being no further business, the meeting was adjourned at 7:40 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist

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

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, September 23, 2014		
Agenda Item Name		
Ordinance No. 2014-26 Final Hearing		
Requested Action		
Motion to approve Ordinance No. 2014-26		
Staff Report		
This is an administrative request, with the City of Clermont as the applicant. The Lake Shore Drive right-of-way that is being considered for vacation runs along City property abutting Lake Minneola that is being developed for the Clermont Boathouse. The road was never constructed, and the existing lots to the west will have access from Lake Minneola Drive. Because access to the City's boathouse site will be from the east, this portion of the right-of-way is no longer needed.		
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 2014-26.doc	
2. Plat and Map	Lake Shore Dr ROW Map and Photo.pdf	
3. Application	Application.pdf	
4. Legal ad	ROW legal ad CC9-9 CC9-23-2014.doc	

CITY OF CLERMONT
ORDINANCE No. 2014-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, CLOSING AND PERMANENTLY ABANDONING A PORTION OF A 40 FOOT RIGHT-OF-WAY NORTHERLY AND CONTIGUOUS TO LOTS 1 THROUGH 10 BLOCK 117 JOHNSONS REPLAT; 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 right-of-way bounded on the west by the northerly extension of the west line of Lot 10, Block 117, Johnsons replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the south by the north line of Lots 1 – 10, Block 117, Johnsons replat Plat Book 8, Page 71. Bounded on the east by the northerly extension of the east line of Lot 1, Block 117, Johnsons replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the north by the waters of Lake Minneola, 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.

JOHNSON'S REPLAT, OF BLOCKS.
141-142-143-144-145-146-115-117-118-119 and 120.
OF THE TOWN OF CLERMONT, LAKE COUNTY, FLORIDA.

SCALE 1 1/2"=100'

State of Florida,
County of Lake.
We, Minnie E.
H. Johnson, Susan
and W. Underwood J.
Johnson, the owners
as Johnsons' Replat
and Described as
115-117-118-119-120
of Lake County, Fla.
Range 23 E. Do hereby
all of the streets, here
shown upon this replat.
Witness our hands
Signed, sealed
in the presence of
J. H. Johnson
L. L. Underwood

State of Florida,
County of Lake.
I, hereby
ideally, and as
or, Albert M. J.
Fields, wife of
are signed to be
known to me,
that they are
pressoid, and as
Susan M. Fields
true made and



CITY OF CLERMONT
ORDINANCE No. 2014-26

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of September, 2014.

Harold S. Turville, Jr., Mayor

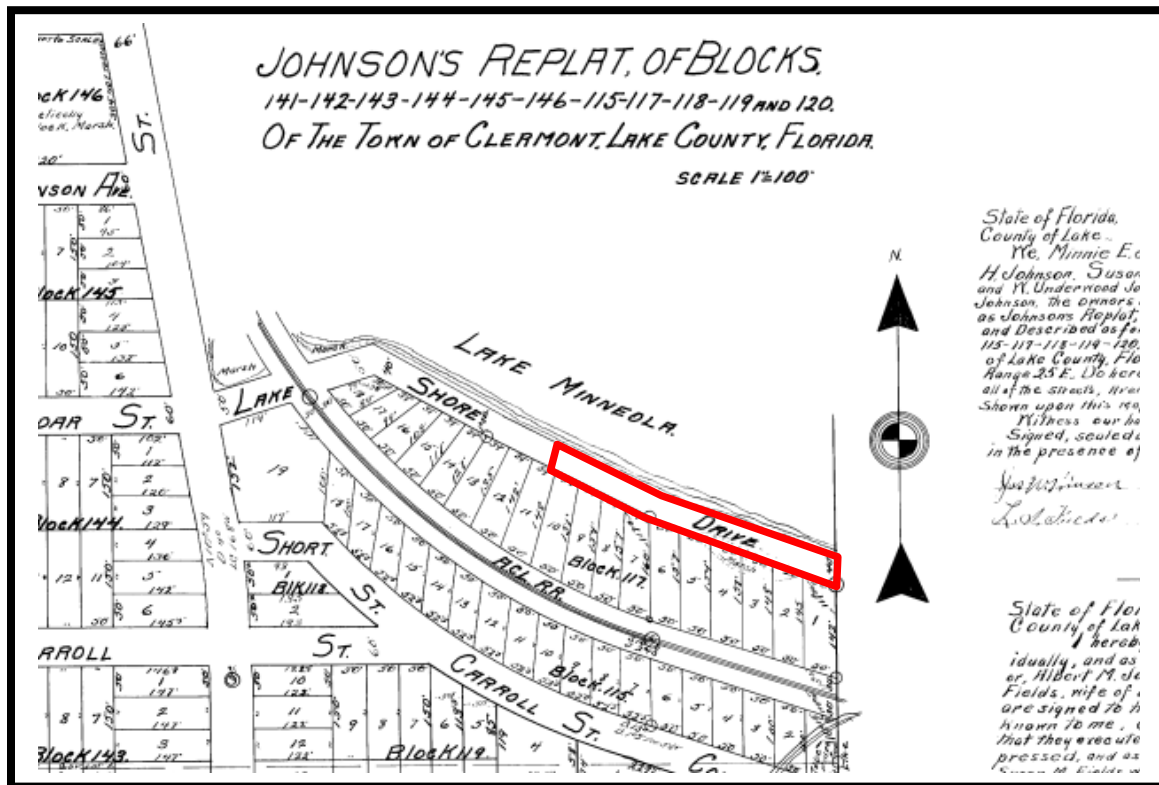
ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Lake Shore Drive – ROW Vacation Request



Lake Shore Drive Plat – Recorded March 29, 1926
Area outline in red is the original 40 foot Right-of-way



Yellow area represents Right-of-Way Vacation request
The area has encroached into Lake Minneola and is listed as displayed above
on the Property Appraiser's website as depicted



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

DATE: 8-11-2014

FEE: \$25.00

PETITIONER'S NAME: City of Clermont - c/o Terry Dykehouse

Address: 685 W. Montrose Street

City: Clermont State: FL Zip: 34711

Phone: 352-241-7337 Fax: 352-394-2379

Legal Description of Petitioner's property abutting Street ROW/easement to be closed (Attach survey if available): AK 1622611, 1622620, & 1622638 - Johnson's Replat, Lots 1 thru 10, BLK 117, PB 8, PG 71

If named - name of street to be closed: Lake Shore Drive

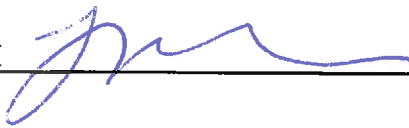
Plot plan & legal description of Street ROW/Easement portion to be closed (From-To):
See Attachment A - Vacate a portion of a 40' right-of-way of Lake Shore Dr.

Purpose or reason for closing: The right-of-way runs along City property that is being developed. Access to the site will be from the east and this portion of the right-of-way is no longer needed.

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 XXX 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 30 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.

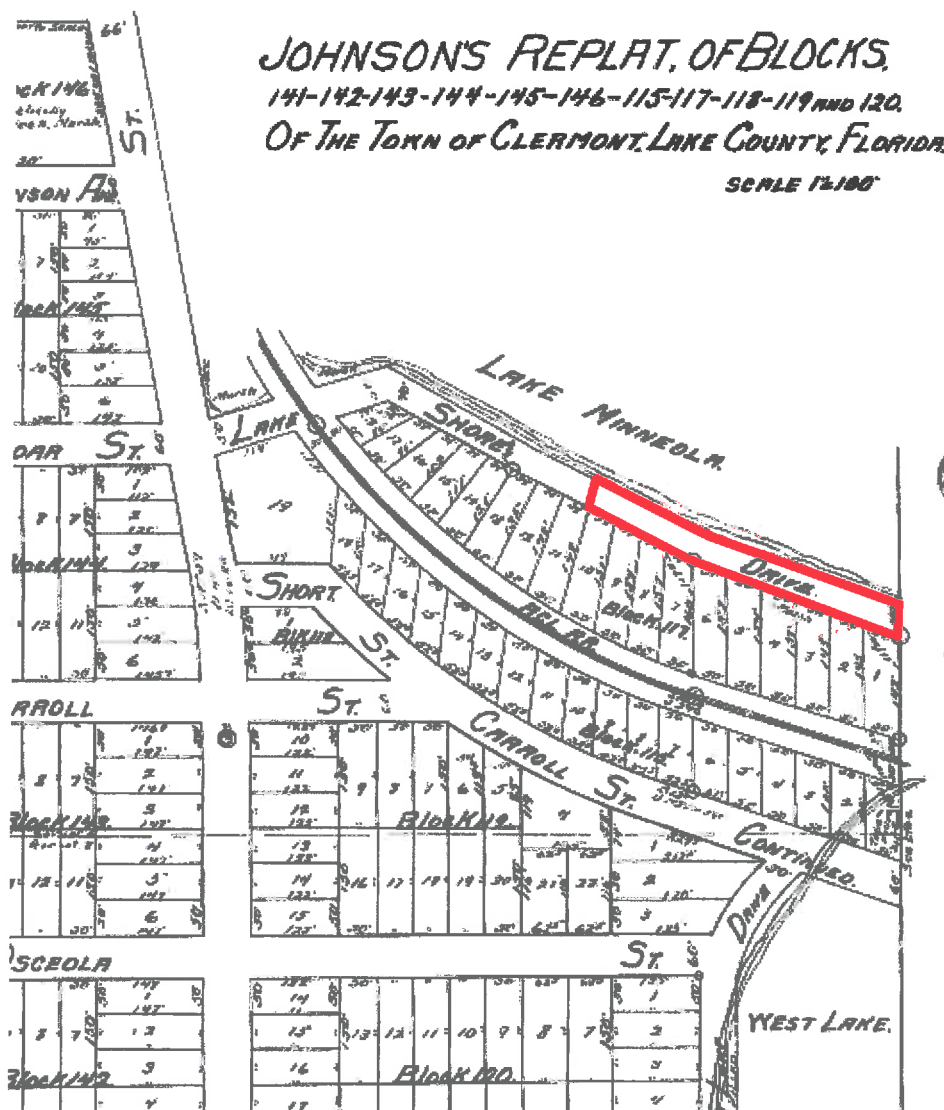
All applications must be complete, including applicable site plans and or pertinent descriptive materials in order to be processed. A plot plan (schematic drawing of the property involved) showing the location of that portion of the street requested to be closed and permanently abandoned, and including a survey of the property and street involved if deemed necessary by the city council or the city attorney.

X 

Attachment A

Vacate a portion of a 40' right of way for Lake Shore Dr. as shown on Johnson's Replat Plat Book 8 Page 71 and all lands located Northerly and contiguous of said right of way described as follows.

Bounded on the West by the Northerly extension of the West line of Lot 10 Block 117 Johnson's Replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the South by the North line of Lots 1-10 Block 117 Johnson's Replat Plat Book 8 Page 71. Bounded on the East by the Northerly extension of the East line of Lot 1 Block 117 Johnson's Replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the North by the waters of Lake Minneola.



State of Florida,
County of Lake
We, Minnie E. O
H. Johnson, Susan
one H. Underwood for
Johnson, the owners of
as Johnson's Replat,
and described as follows
115-117-118-119-120,
of Lake County, Fla.
Range 25 E., 116 here
all of the streets, when
shown upon this map
Witness our hands
Signed, sealed and
in the presence of
Notary Public
J. L. Smith

State of Flor.
County of Lake
I hereby
identify, and as
of, Albert M. do
Fields, wife of
are signed to the
known to me, &
that they are
pressed, and as
Susan M. Fields
has made separate
before me
possession of the
to the lands there
freely and volun
possession, appro

Witness my hand

My commission

State of Florida
County of Lake
It is her
Notary Public

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 September 23, 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. 2014-26

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, closing and permanently abandoning a right-of-way bounded on the west by the northerly extension of the west line of Lot 10, Block 117, Johnsons replat Plat Book 8 Page 71 to the waters of Lake Minneola. Bounded on the south by the north line of Lots 1 - 10 Block 117, Johnsons replat Plat Book 8, Page 71. Bounded on the east by the northerly extension of the east line of Lot 1, Block 117, Johnsons replat Plat Book 8 Page 71, to the waters of Lake Minneola. Bounded on the north by the waters of Lake Minneola, located within the City of Clermont, Lake County, Florida; repealing all ordinances 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
September 9, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date			
Tuesday, September 23, 2014			
Agenda Item Name			
Resolution No. 2014-29 House of Deliverance Inc./Church			
Requested Action			
Motion to approve Resolution 2014-29			
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. <i>Commissioner Carlos Solis moved to recommend approval of the conditional use permit; seconded by Commissioner Harry Mason. The vote was unanimous to recommend approval for the conditional use permit.</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	CUP RES 2014-29.docx
2.	CUP Conditions	Exhibit 2 Conditions.doc
3.	Minutes	Minutes.pdf
4.	Application	Application 9-2014.pdf
5.	Legal ad	House of Deliverance Legal Ad 2014.docx

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.

CITY OF CLERMONT
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.

CITY OF CLERMONT
RESOLUTION NO. 2014-29

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

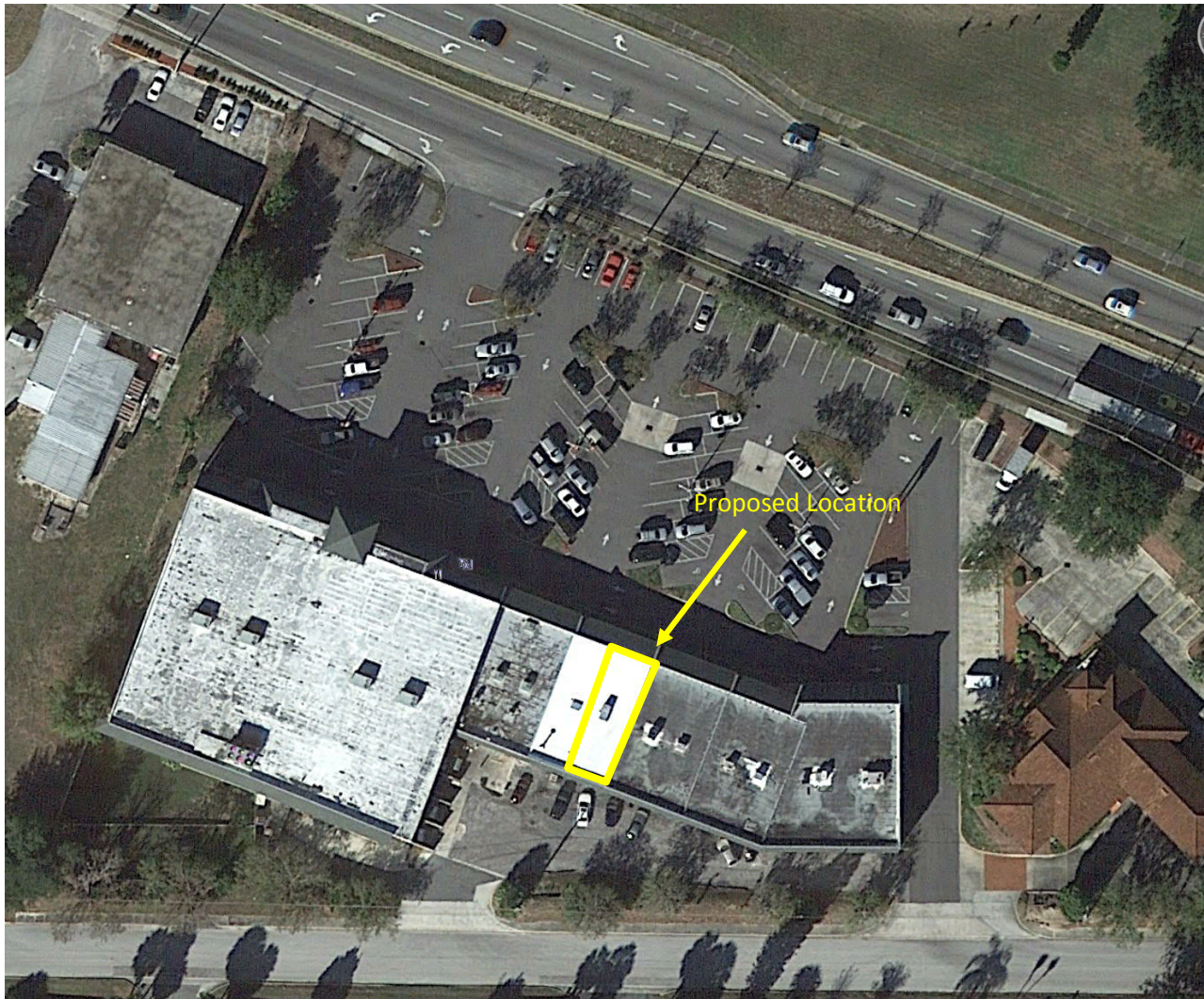


Exhibit 3

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
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

Page 1

The meeting of the Planning & Zoning Commission was called to order Tuesday September 2, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Harry Mason, Judy Proli, and Tony Hubbard. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

Chairman Nick Jones introduced new Commissioner Tony Hubbard.

MINUTES of the Planning and Zoning Commission meeting held August 5, 2014 were approved as written.

REPORTS

There were no reports.

1. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: House of Deliverance

APPLICANT: Samuel D. Arthur, Sr.

Planning Manager Curt Henschel presented the staff report as follows:

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 7:00 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 on food sales during lunch hours (10am to 3pm). A small area with a tent and portable grill will be set up within the parking lot for this event.

Staff recommends approval.

Samuel Arthur, Pastor of House of Deliverance, stated that they are looking to open a new location in the Emerald Lakes Plaza.

Commissioner Herb Smith asked about the restrictions pertaining to selling of alcohol.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

Page 2

Mr. Henschel stated that there is a condition in the conditional use permit that states that the church will not contest any business opening or existing within 500 feet that serves alcohol.

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

2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: River of Glory

APPLICANT: David Young

Senior planner John Kruse presented the staff report as follows:

The applicant is requesting a conditional use permit for 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 Highway 27. The church has a congregation of approximately 45 people and plans to have meetings on Friday evening, Saturday evening and on Sundays.

Staff recommends approval.

David Young, 701 Wurst Road, Ocoee, stated that they have about 30 to 40 people who meet on a regular basis and they are hoping to open up a church in this location.

Commissioner Judy Proli asked about the facility only having one restroom.

Mr. Kruse stated that when the church submits for permitting, they may be required to add a restroom. The church will have to meet code and health regulations.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

REQUEST: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:



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 Ochoa
Owner Name (signature)
ARNALDO OCHOA

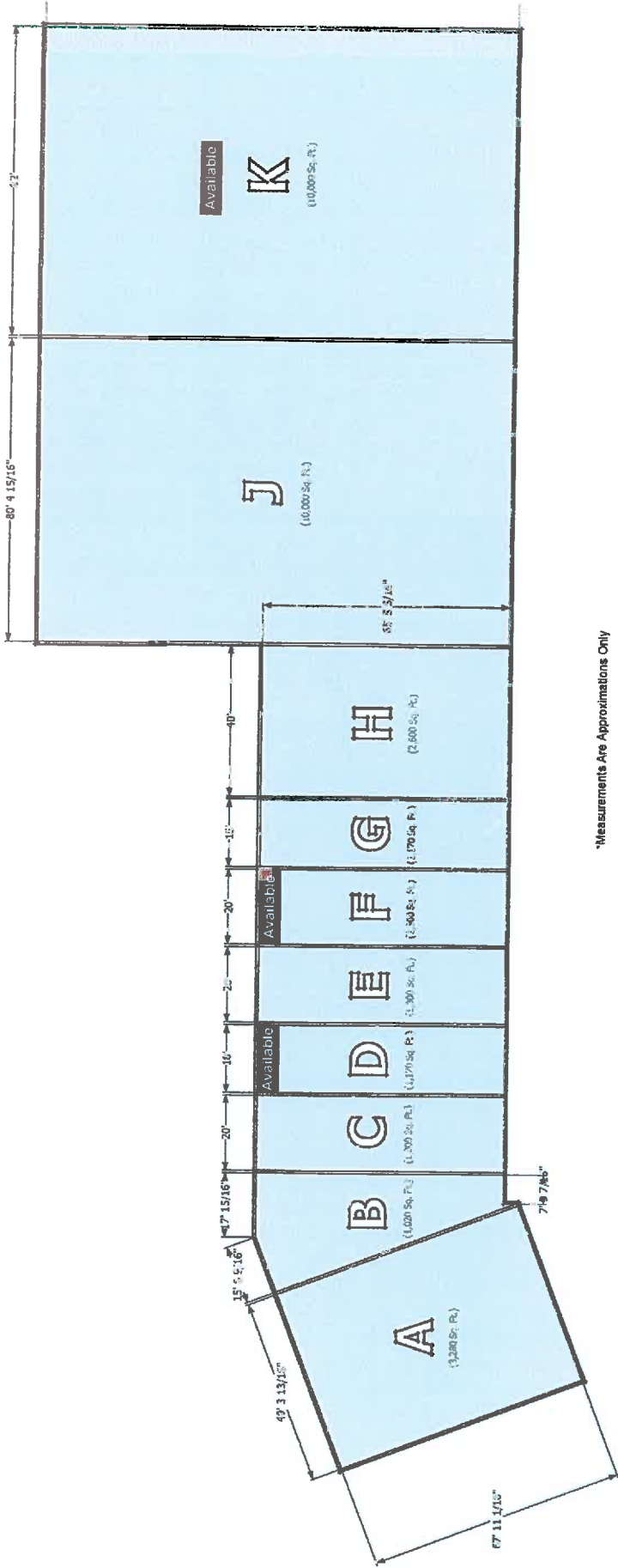
***** NOTICE *****

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



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 23, 2014																
Agenda Item Name																
Resolution No. 2014-30 River of Glory Church																
Requested Action																
Motion to approve Resolution 2014-30																
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. <i>Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Carlos Solis. 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)																
<table border="0"><tr><td>1. Resolution</td><td>CUP RES 2014-30.docx</td></tr><tr><td>2. Map of Location</td><td>River of Glory Map and Photo.pdf</td></tr><tr><td>3. Surrounding Conditions</td><td>Surrounding Conditions.docx</td></tr><tr><td>4. CUP Conditions</td><td>River of Glory CUP Conditions.docx</td></tr><tr><td>5. Minutes</td><td>Minutes.pdf</td></tr><tr><td>6. Application</td><td>Application.pdf</td></tr><tr><td>7. Legal ad</td><td>River of Glory Legal Ad.docx</td></tr></table>			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. Minutes	Minutes.pdf	6. Application	Application.pdf	7. Legal ad	River of Glory Legal Ad.docx
1. Resolution	CUP RES 2014-30.docx															
2. Map of Location	River of Glory Map and Photo.pdf															
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4. CUP Conditions	River of Glory CUP Conditions.docx															
5. Minutes	Minutes.pdf															
6. Application	Application.pdf															
7. 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.
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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
MINUTES
PLANNING AND ZONING COMMISSION
September 2, 2014**

Page 2

Mr. Henschel stated that there is a condition in the conditional use permit that states that the church will not contest any business opening or existing within 500 feet that serves alcohol.

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

2. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: River of Glory

APPLICANT: David Young

Senior planner John Kruse presented the staff report as follows:

The applicant is requesting a conditional use permit for 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 Highway 27. The church has a congregation of approximately 45 people and plans to have meetings on Friday evening, Saturday evening and on Sundays.

Staff recommends approval.

David Young, 701 Wurst Road, Ocoee, stated that they have about 30 to 40 people who meet on a regular basis and they are hoping to open up a church in this location.

Commissioner Judy Proli asked about the facility only having one restroom.

Mr. Kruse stated that when the church submits for permitting, they may be required to add a restroom. The church will have to meet code and health regulations.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Carlos Solis. The vote was unanimous to recommend approval for the conditional use permit to City Council.

3. REQUEST FOR LAND DEVELOPMENT CODE AMENDMENT

REQUEST: Land Development Code Amendment

APPLICANT: Staff

Planning Manager Curt Henschel presented the staff report as follows:



**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

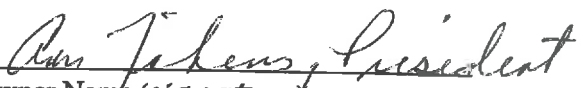
Detailed Description of request (What are you proposing to do and why is it appropriate for this location? Attach additional page is necessary).

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

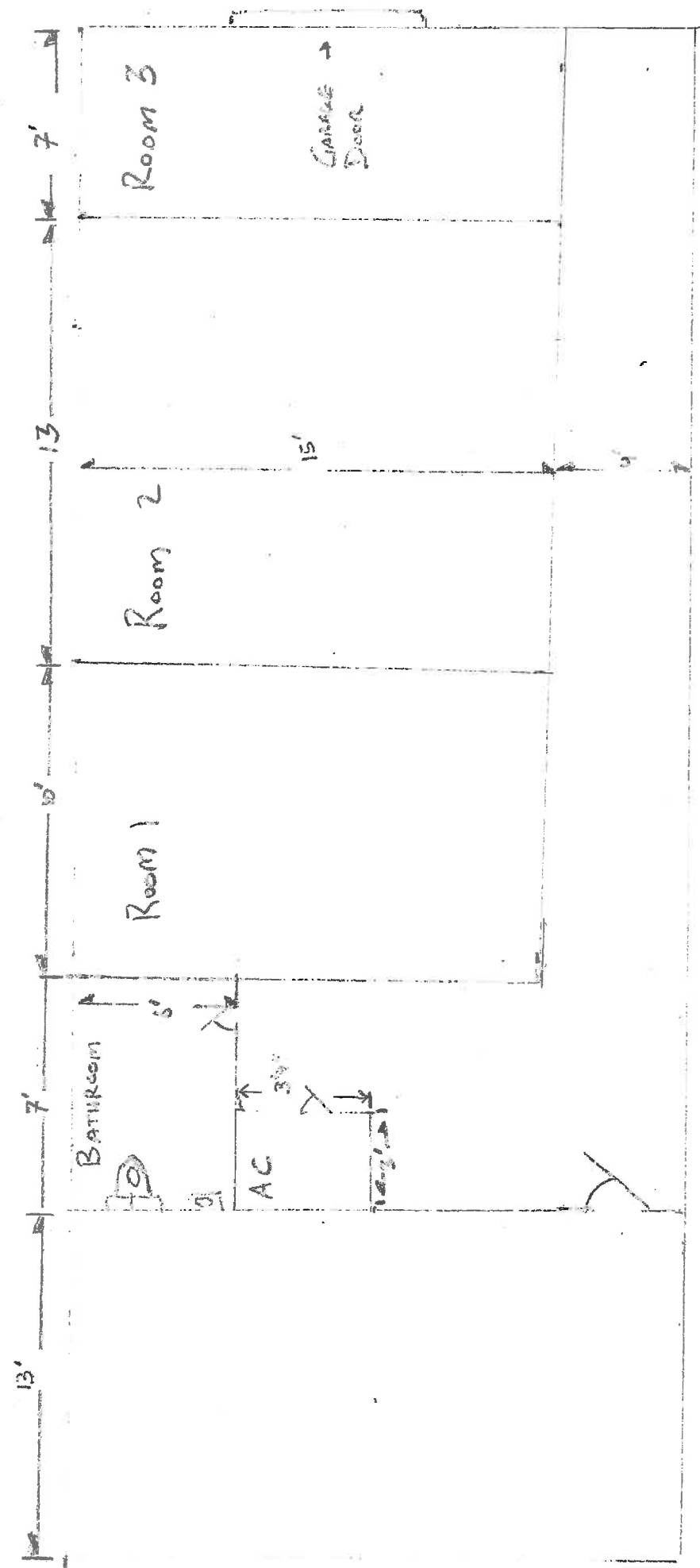
X 
Owner Name (signature)

***** 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.

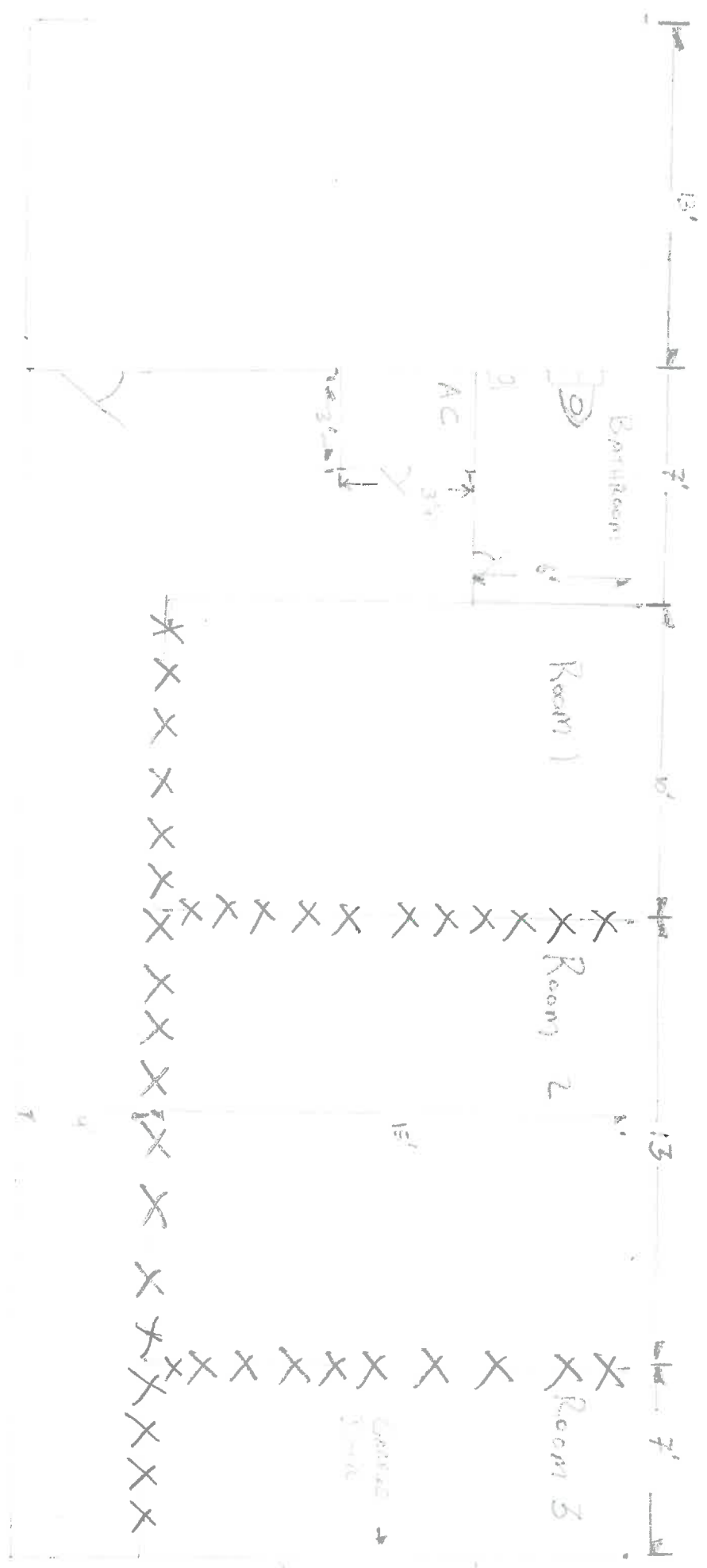
City of Clermont
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL 34712-0219
(352) 394-4083 Fax: (352) 394-3542

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 23, 2014			
Agenda Item Name			
Variance Request			
Requested Action			
Motion to approve variance request			
Staff Report			
The applicant is requesting to install a 4 foot by 10 foot covered rear porch on the back of the house at 3719 Peace Pipe Way within the Hartwood Reserve Subdivision. The owner of the house is a disabled veteran and is seeking an emergency egress for the master bedroom located on the back of the house. The porch would extend from the existing master bedroom wall into the rear yard setback by 2.5 feet leaving a total rear yard setback of 22.5 feet. The current city code requirement for R-1 zoning requires a 25 foot rear yard setback.			
Legal Impact			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Application	Application.pdf	
2.	Exhibit	Exhibit.doc	
3.	Legal ad	VAR legal ad 8-23-2014.doc	



CITY OF CLERMONT
VARIANCE
Application

DATE: 8/29/2014

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): James Renovation

APPLICANT: George James Jr and Charlotte James

CONTACT PERSON: Nathan Cross

Address: P.O. Box 701162

City: St. Cloud State: FL Zip: 34770

Phone: 407-832-0827 Fax: 407-552-4776

E-Mail: nathan@nwconstructionfl.com

OWNER: George + Charlotte James

Address: 3719 Peace Pipe Way

City: Clermont State: FL Zip: 34711

Phone: 407-267-7173 Fax: _____

Address of Subject Property: 3719 Peace Pipe Way

General Location: Hartwood Reserve on Hartwood Marsh Road.

Legal Description (include copy of survey): Hartwood Reserve, Phase 2 Sub
Lot 287 PB 57 PG 25-32 ORB 3313 PG 73
Id# 11-23-26-0801000 28700

Land Use (City verification required): _____

Zoning (City verification required): Residential

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:

Set back VARIANCE

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

Provide egress from an existing home to make it
safe for emergency exiting for disabled veteran - These
Renovations are according to the VA Specially Adapted Housing Program.
How does the Code create a hardship?

We are creating an entry suitable for the handicapped.

***** 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;

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

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;

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

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

(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;

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

(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.

CITY OF CLERMONT

VARIANCE

Application

Page 4

George James

Applicant Name (print)

x 

Applicant Name (signature)

George & Charlotte James

Owner Name (print)

x 

Owner Name (signature)

Charlotte James

***** 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

ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

(a) *Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape, surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.

(b) *Exclusions.* Requests for variances from requirements of the land development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. The following request for variances shall not be considered:

- (1) Requests for variances to the adopted comprehensive plan.
 - (2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.
 - (3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building or structure which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.
- (c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.

(Ord. No. 281-C, § 1(ch. 8, § 1), 11-8-94)

Sec. 86-172. Application.

Sec. 86-173. Notice of public hearing.

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

- (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;
- (4) The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;
- (5) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;
- (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;
- (7) The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and
- (9) 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.

(Ord. No. 281-C, § 1(ch. 8, § 2(C)), 11-8-94)

Sec. 86-175. Time limit for commencing construction.

When any variance is granted, construction of the structure or other variance item must begin within one year from the date of grant. It shall be the obligation of the owner to file written notice with the administrative official and director of planning that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.

(Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-94; Ord. No. 294-C, § 2, 9-28-99)



DEPARTMENT OF VETERANS AFFAIRS
ST. PETERSBURG
VARO
PO BOX 1437
ST. PETERSBURG, FL 33731 - 1437
<http://www.vba.va.gov/ro/south/spete/RLC>

August 05, 2014

In Reply Refer to: 317/317SAH
C- 27263960
PH054174-1

George James
3719 Peace Pipe Way
Clermont, FL 34711

Dear Mr. James:

The Department of Veterans Affairs (VA), is pleased to advise that your Special Adapted Housing Grant in the amount of \$67,555.00, has been approved.

VA expects to receive the grant funds from the U.S. Treasury in approximately 2-3 weeks. VA will then prepare the escrow agreement and forward the required documentation and U.S. Grant funds to the escrow agent, Donna Divine, Law Office of Anita Geraci-Carver, 1560 Bloxam Avenue, Clermont, FL 34711, (352)243-2801.

What you need to do:

Upon receipt of the escrow package, the escrow agent will contact you and Nwc Construction, Inc., to arrange a meeting to sign the escrow agreement. When the escrow agreement has been signed by all parties, you will endorse the U.S. Treasury check and the grant funds will be deposited in the escrow account. If additional funds are required for the project, they will be identified in the escrow agreement.

When can you start the project?

The Escrow Agent will return the completed escrow agreement to VA. VA will review the escrow agreement to assure it is complete and acceptable. If there are no problems noted, VA will contact you and the contractor (s) to authorize start of your project. **Do not** start until VA provides this authorization.

If you have any questions or concerns, please contact me at (727)319-7569.

Sincerely,

Thomas Brock

Thomas Brock
Specially Adapted Housing Agent

THIS IS NOT AN AUTHORIZATION TO BEGIN CONSTRUCTION

PLAT OF SURVEY

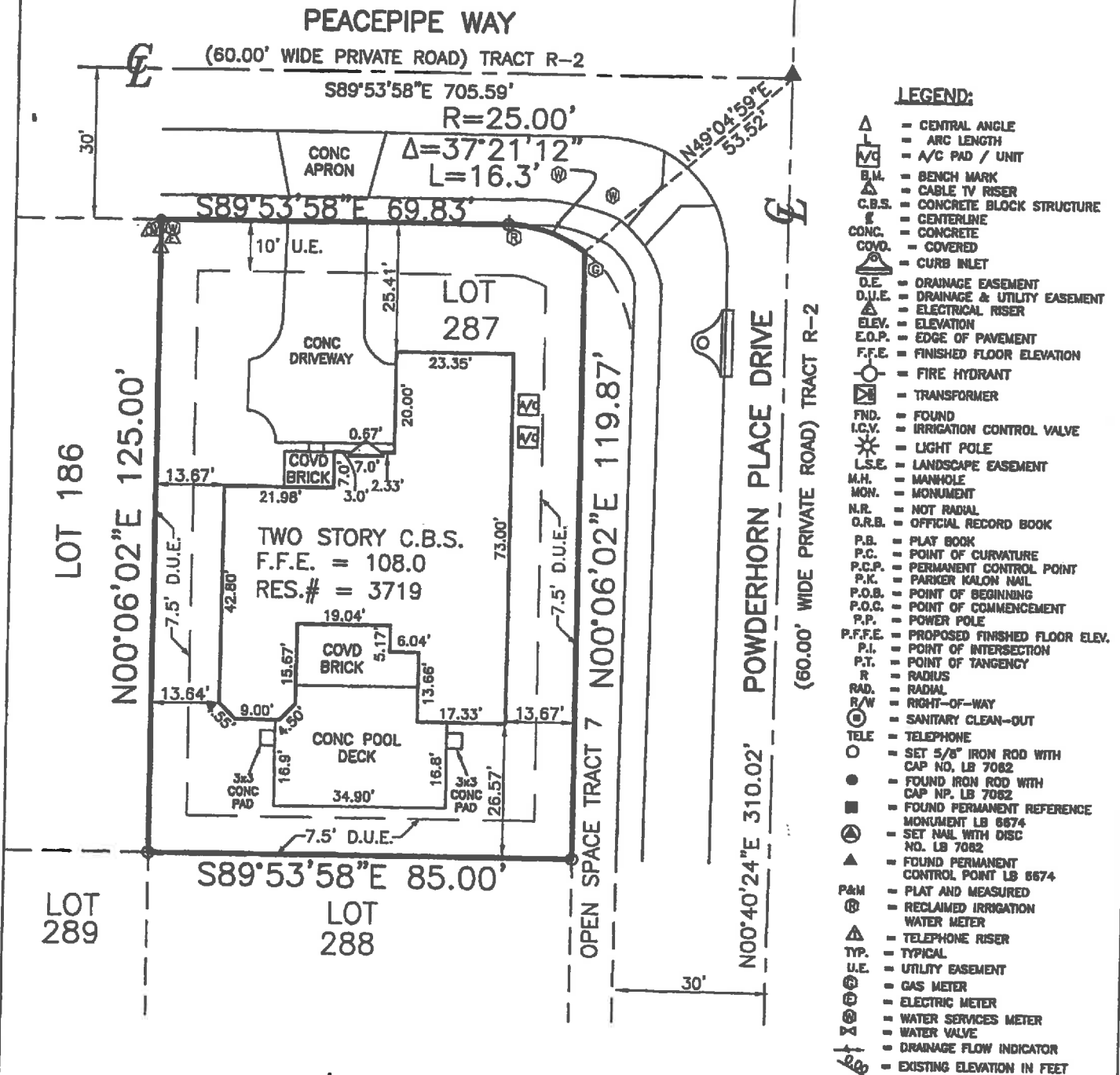
SURVEYOR'S REPORT:

1. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.
2. VISIBLE ENCROACHMENTS ARE AS SHOWN.
3. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
4. THIS SKETCH IS THE PROPERTY OF ARCADIS G&M, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF ARCADIS G&M, INC. IN WRITING.

5. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF PEACEPIPE WAY. BEARING BEING S89°53'58"E.
6. BOUNDARY DIMENSIONS SHOWN ARE PER PLAT AND FIELD.
7. ELEVATIONS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM ADJUSTMENT OF 1929.
8. LANDS SHOWN HEREON LIE WITHIN ZONE X ACCORDING TO THE FLOOD INSURANCE RATE MAP PANEL NO. 120421-0650D, OF UNINCORPORATED LAKE COUNTY, FLORIDA.
9. NO ABOVE OR BELOW GROUND UTILITIES LOCATED EXCEPT AS SHOWN.



SCALE: 1"=30'



CERTIFIED TO:

REGENCY HILLS BY LEVITT AND SONS, LLC,
GEORGE J. JAMES JR. AND CHARLOTTE R. JAMES,
FREMONT INVESTMENT & LOAN,
ITS SUCCESSORS AND/OR ITS ASSIGNS,
U.F.C. TITLE INSURANCE AGENCY, LLC,
FIDELITY NATIONAL TITLE INSURANCE COMPANY.

TYPE OF SURVEY: BOUNDARY SURVEY

CLIENT: LEVITT CONSTRUCTION CORP. EAST

SENTRY



June 16, 2014

910180
George & Charlotte James
3719 Peacepipe Way
Clermont, FL 34711

Re: ARB Application

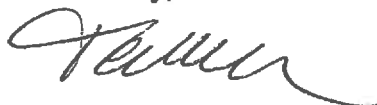
Dear Homeowner:

This letter is being written at the direction and on behalf of the Board of Directors for Hartwood Reserve Association, Inc.

The Committee has approved your application, as submitted, to make home improvements according to the "VA Specially Adapted Housing Improvements".

If you have any questions at all, please feel free in contacting me at the Hartwood Reserve Homeowners Association, Inc. c/o Sentry Management 1645 E. Highway 50, Suite 201, Clermont, FL 34711.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamra", is written over a horizontal line.

Tamra A. Goodman, LCAM
Association Manager

SITE FEASIBILITY REPORT/WORKSHEET

NAME OF VETERAN/SERVICE MEMBER: George J. James

CASE NUMBER: PH 054174

PROPERTY ADDRESS: 3719 Peace Pipe Way
Clermont, FL 34711

DATE OF REVIEW: December 18, 2013

VETERAN/SERVICE MEMBER:

Based on the inspection of the property referenced above, the items listed are the recommended adaptations for the Specially Adapted Housing Program. After reviewing this report, please contact your Specially Adapted Housing agent if you have any questions or concerns.

CONTRACTOR/BUILDER:

Please consult with the Veteran/Service Member and discuss this report. If you have any concerns please feel free to contact the VA Specially Adapted Housing Agent. To expedite the bidding process, utilize this report/worksheet in presenting your proposal to the Veteran/Service Member. Supplemental documents may also be submitted. Enclosed please find a summary of the VA Minimum Property Requirements (MPRs) for your reference. *This is only a bid worksheet and not to be considered a contract with the Veteran/Service Member.*

Useful references: Chapter 7, 9 & 13 of the VA Manual SAH Grant Processing Procedures

Link: http://www.benefits.va.gov/warms/M26_12.asp

SCOPE OF WORK/MATERIALS: A detailed scope of work and materials to be used must be provided for each item listed below.

The Veteran/Service Member will submit all bids to the VA .

January 9, 2014

DATE OF SIGNATURE

Frank Fulmer

Agent name

Specially Adapted Housing Agent

Agent.Frank.Fulmer@va.gov

727-319-7509

Agent Comments: The Veteran's home is a ~~4~~ bedroom ~~3~~ bath with ~~3~~ bedrooms and bath on the second level. The home requires the veteran's bathroom to be adapted to meet his disability needs, egress door from the veteran's bedroom to a landing area and walkway to front of home. One other egress door from interior of home to outside is required. The interior of home must be level or ramped to the outside area. Access to garage from the interior of home must be level or ramped. The flooring must be replaced. All improvements to home must meet VA Minimum Requirements (MPR)

A. INGRESS/EGRESS REQUIREMENTS Estimate: \$ _____

Most homes must have a minimum of two means of ingress and egress for the use of the veteran. Additionally, at least one of the two must provide a direct means of emergency egress from the adaptive bedroom area and be clear of potential fire hazards (ex. emergency egress from the bedroom cannot be through a utility room or garage)

Any exits from the home and in the interior of the garage must be well lighted for security and safety.

Ingress/egress exterior doors must have:

- A minimum opening of 36" wide (sliding patio doors must be a minimum of 7' wide to accommodate the 36" opening)
- A maximum height of a ½" for tracks for sliding and hinged doors, and
- A 5' x 5' non-slip (in both wet and dry conditions) flooring area at the exit doorways inside the home.

Platforms and Landings:

- Be a minimum size of 5' x 5', at any wheelchair entrance, unhindered by handrails, gutters, etc.
- Constructed of non-slip materials
- Include a clear area of 1' 6" in width beside the door on the side opposite the hinges
- At a maximum, be provided every 30' or less of any ramp depending on design or the veteran's ability
- Be provided at any 90° turn in the ramp
- Be reasonably level with a maximum slope away from the structure of 1/8" per foot for drainage, and be unobstructed

Ramps/walkways must:

- Be permanently installed
- Be a minimum of 42" wide if it is an existing and minimum of 48" wide for a new hard-surface walkway
- Have a low curb/guardrail on both sides of the ramp with a maximum height of 5" and designed to provide for drainage at bottom of the curb
- A minimum width of 42" from the inside of one handrail to the inside of the other handrail (if applicable).
- Must have a slope of 8% or less. The calculation for an 8% slope is: for every 1-inch of rise there must be 12.05-inches of run.
- Handrails – have a maximum height of 30", have a minimum of a 1 ½ inch diameter, be installed on both sides of the ramps. NOTE: If the slope of an existing or new ramp/ walkway is less than 5 percent, then a handrail may not be necessary. However, the ramp/ walkway must have a low curb/ guardrail on both sides of the ramp with a maximum height of 5 inches.

Ramps are not required when topography and grading eliminate the need for ramping (ex. a no step entry)

Agent findings: *Improvements to home must meet the above listed VA (MPR) requirements.*

Scope of work:

Materials: _____

B. ALL INTERIOR DOORS Estimate: \$ _____

All doorways that are passageways must be a minimum of 36" wide. In the event that an existing interior doorway cannot be widened to 36", the doorway must have a minimum of 32". If an existing home already has 32" widths on passageway, it is acceptable.

Agent findings: *Any change or improvements to interior and exterior doors must meet the above ;listed VA (MPR) requirements.*

Scope of work:

Materials: _____



DEPARTMENT OF VETERANS AFFAIRS
Regional Office
P.O. Box 1437
St. Petersburg, FL 33731-1437

GEORGE J. JAMES
3719 PEACEPIPE WAY
CLERMONT FL 34711

In Reply Refer To: 317-OOBO/lm
C 27 263 960
JAMES, George J.

To whom it may concern:

This is to certify that the records of the above-named honorably discharged veteran show that he is permanently and totally disabled, due to service connected disability or disabilities.

S. L. Smith

S. L. Smith
Veterans Service Center Manager

Contact us on the Internet at: <https://iris.va.gov>

A veteran seeking real estate tax exemption and/or License Fee Exemption should remember that statements obtained from the U. S. Department of Veterans Affairs in such matters are simply statements of fact taken from VA records. The determination as to eligibility for the benefit sought rests with the appropriate Municipal, County or State official, not VA.

VAFL 27-333
JUNE 1995 (R)



DEPARTMENT OF VETERANS AFFAIRS

St. Petersburg Regional Office
P.O. BOX 1437
St. Petersburg FL 33731

MAR 8 1 2010

GEORGE J JAMES
3719 PEACEPIPE WAY
CLERMONT FL 34711

In Reply Refer To: 317/OOBO/lm
C 27 263 960
JAMES, George Joseph

Dear Mr. James:

We are giving you this certificate so you may receive commissary store and exchange privileges from the Armed Forces.

This is to certify that George Joseph James is an honorably discharged veteran of the Navy and has service-connected disability evaluated at 100 percent. The veteran has not been scheduled for future examinations.

Sincerely yours,

S. L. Smith

S. L. Smith
Veterans Service Center Manager

Contact us on the Internet at: <https://iris.va.gov>

Enclosure(s): DD Form 1172

INSTRUCTIONS:

COMPLETE THE ENCLOSED APPLICATION (DD FORM 1172) AND TAKE IT, A CERTIFIED COPY OF YOUR MARRIAGE CERTIFICATE, AND THIS LETTER TO THE NEAREST UNIFORMED SERVICE ID CARD-ISSUING FACILITY.





**Department of
Veterans Affairs**

PO BOX 1437
ST PETERSBURG FL 33731

January 21, 2013

Veteran's Name:
James, George, Joseph, Jr

CHARLOTTE JAMES
SPOUSE PAYEE OF
GEORGE JOSEPH JAMES
3719 PEACE PIPE WAY
CLERMONT FL 34711

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-5455, and is considered an official record of your VA entitlement.

--America is Grateful to You for Your Service--

Our records contain the following information:

Personal Claim Information:

Your VA claim number is: 27 263 960

You are the Veteran

Military Information:

Your character(s) of discharge and service date(s) include:

Navy, Honorable, 06-Oct-1969 - 07-Oct-1971

(You may have additional periods of service not listed above)

VA Benefits Information:

Service-connected disability: Yes

Your combined service-connected evaluation is: 100 PERCENT

The effective date of the last change to your current award was: 01-DEC-2012

Your current monthly award amount is:

Are you considered to be totally and permanently disabled due to your service-connected disabilities: Yes

Are you receiving special monthly compensation: Yes

Have you received a Specially Adapted Housing (SAH) and/or Special Home Adaptation (SHA) grant: Yes

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

DEVELOPMENT NAME: George James Setback / Hartwood Reserve

Location Map:

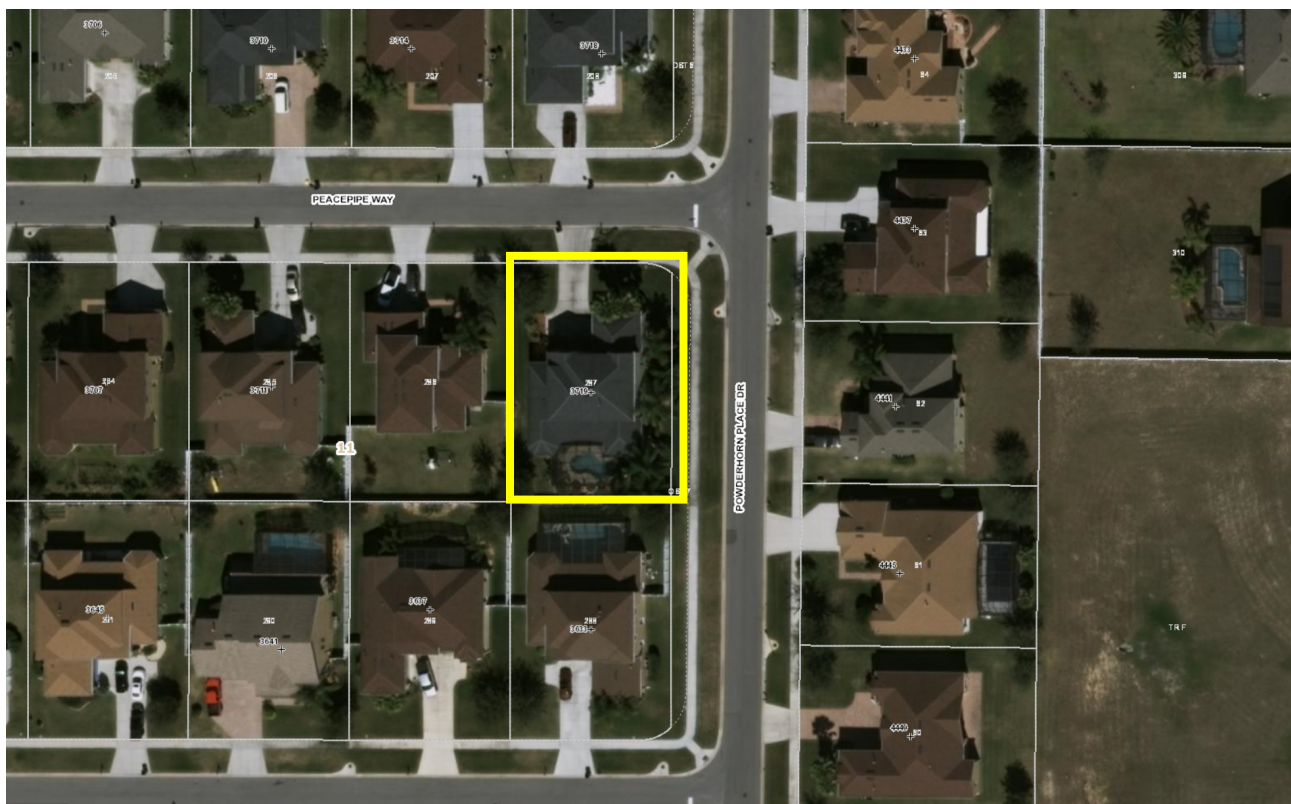


Exhibit 2

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:

Staff comments: *The house was constructed too far back on the lot to accommodate a covered porch for this circumstance.*

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:

Staff comments: *The owner has submitted documents from the Department of Veterans Affairs validating permanent and total disability.*

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:

Staff comments: *Neighboring subdivisions with the same zoning have been granted similar variance requests.*

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:

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

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:

Staff comments: *Based on the submitted plan, staff feels this would be the minimum necessary for reasonable use.*

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:

Staff comments: *Neighboring subdivisions with the same zoning have been granted similar variance requests.*

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:

Staff comments: *Staff does not feel the character or value will be diminished in any way.*

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:

Staff comments: *Staff does feel the addition will be injurious or detrimental to any public welfare, and the intent will remain in harmony with the land development code.*

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 all eight meet these findings. Therefore, staff recommends approval of this variance request for a rear yard setback of 22.5 feet.

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 rear building setback of 22.5 feet rather than 25 feet – as required pursuant to the Clermont Land Development Code, Section 122-105, at the following location:

LOCATION

3719 Peacepipe Way

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, September 23, 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
September 16, 2014