



CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, November 3, 2015
City Hall – 685 W. Montrose Street, Clermont, FL

CALL TO ORDER
INVOCATION AND PLEDGE OF ALLEGIANCE
MINUTES

Approval of the October 6, 2015 Planning and Zoning meeting minutes

REPORTS
NEW BUSINESS

Item 1 - Ordinance No. 2015-76
Capital Improvements Element (CIE) Amendment

Request to amend the Goals, Objectives and Policies of the Capital Improvements Element of the Comprehensive Plan to update the five-year schedule of capital improvements.

Item 2 - Ordinance 2015-78
Driveways LDC Amendment

Request to amend Chapter 54 Streets, Sidewalks and Other Public Places, Section 54-78 Driveway Construction Standards; Chapter 98 Parking and Vehicular Use Areas, Section 98-9 Access, 98-10 Driveway Construction Standards; and Chapter 110, Section 110-274 Illustrations.

Item 3 - Ordinance 2015-79
Noise LDC Amendment

Request to amend Chapter 34 Environment, Sections 34-31 Loud, Disturbing and Unnecessary; Enumeration; 34-32 Business Noises Adjacent to Residential Sections of the City; 34-33 maintaining Noisy Premises; and adding Sections 34-34 Findings of Fact; 34-35 Prohibited Acts; 34-36 Maximum Permissible Sound Level Limits; 34-37 Sound Measurement; 34-38 Exceptions; 34-39 Conflicts in Restrictive Standard; 34-40 Enforcement; 34-41 Other Remedies; 34-42 Liability of Enforcement Officer; 34-43 Administration, 34-44 Measurement of Noise.

Item 4 - Ordinance 2015-80
Central Business District (CBD) Rezoning

Request to change the zoning for properties located within the Downtown Mixed Use Future Land Use District boundaries from M-1 Industrial, R-3 Residential/Professional, C-1 Light Commercial, and C-2 General Commercial to Central Business District.

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Item 5 - Downtown Clermont Redevelopment Plan

Review and approval of CRA
Redevelopment Plan - 2015

Discussion of Non-Agenda Items

ADJOURN

Any person wishing to appeal any decision made by the Planning and Zoning Commission at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Development Services at 352-241-7302.

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

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The meeting of the Planning & Zoning Commission was called to order Tuesday October 6, 2015 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, 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.

MINUTES of the Planning and Zoning Commission meeting held September 1, 2015 were approved as written.

REPORTS

There were no reports.

1. REQUEST FOR LARGE-SCALE COMP PLAN AMENDMENT

REQUEST: To change the future land use from Lake County Urban Low Density to City of Clermont Low Density Residential.

APPLICANT: Mattamy Homes

Senior Planner Kruse presented the staff report as follows:

The applicant, Mattamy Homes, is requesting a Future Land Use change on the parcels. This request is being heard concurrently with requests for annexation and a Conditional Use Permit for a Planned Unit Development (PUD). The property was previously mined and is now vacant. The applicant desires to develop the property for residential use and has previously received approval from Lake County. The applicant is requesting City services for the 540 acre project.

The proposed map amendment will change the future land use from Lake County's Urban Low Density to the City's Low Density Residential. Lake County's Urban Low Density allows up to 4 dwelling units per acre. The City's Low Density allows up to 3 dwelling units per acre. The change in future land use would decrease the total number of units by 1/4 if the project was built at full capacity in the City. The applicant is requesting 950 units on 540 acres, which equates to 1.76 units per acre. This number is well below the 3 dwelling units per acre allowable under the City's Low Density Future Land Use.

Upon approval by the City Council, the proposed amendment would be transmitted to the Florida Department of Economic Opportunity (DEO) and the reviewing agencies for review. DEO would then issue an Objections, Recommendations and Comments letter to the City, and the amendment would then be scheduled for a final public hearing in December.

Staff recommends approval of the transmittal of the large scale comprehensive plan amendment to change the future land use from Lake County Urban Low Density to Low Density Residential in the City.

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Attorney Cecelia Bonifay, 420 S. Orange Ave., Orlando, stated that this property was previously known as the Jahna property. She stated that they moved forward with a comp plan amendment in the county about a year ago. She stated that they updated an old planned unit development with Lake County in 2008. She stated that the previous developers walked away from the project. She stated that they now have a new developer and they know they will need to annex into the city in order to gain utilities.

Jan James, 15845 Johns Lake Rd., asked if this will change her agricultural designation for her property and will she be annexed into the city limits.

Mr. Kruse stated that her property is not included within the planned unit development so it would not be annexed into the property and her property's land use would not be affected.

Mike Megler, 17341 Magnolia Island Blvd., has concerns that this is going to create an enclave and asked how will it affect their services that they receive from the county.

City Attorney Dan Mantzaris stated that anyone who is located in the county will continue to receive their services from the county. He stated the only change may be that the Clermont Fire Department may respond due to the joint fire service agreement.

Mr. Megler said he wants to make sure the conservation area will not be changed with the development.

Ms. Bonifay stated that there is an agreement in place by Nola Land, Island Bay and Magnolia Island Homeowner Associations that includes a conservation easement that will follow the state statutory requirements for conservation easements. She stated that the conservation easement is recorded into the records of Lake County. She stated that nothing within the planned unit development can modify the conservation easement. She stated that Island Bay Boulevard will connect to Hartle Road.

Mr. Megler requested that all home owners be notified when the closing for the roadway hearing comes up.

Mr. Mantzaris stated that the typical procedure is to notify the abutting property owners.

Ms. Bonifay stated that maybe the right thing to do is for the applicant to have a meeting with the homeowners prior to the city council meeting.

Craig Hildebrandt, 16520 Bay Ridge Dr., stated that his property abuts the property where the relocated road will be. He asked that when his property abuts the city limits would he be forced to annex into the city.

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Mr. Mantzaris stated that the Planning and Zoning Commission has no authority regarding annexations so they could not respond as to whether there are any intentions to annex other properties or not.

Steve Moras, 15845 Johns Lake Road, asked if Lost Lake Road will be opened due to this annexation.

Mr. Kruse stated that Hartle Road is being handled through the county. He stated that he does not know of any improvements to Lost Lake Road.

Chairman Jones stated that they should contact Lake County and talk to their road planners.

Mike Salvi, 15100 Lost Lake Road, asked about future plans for Lost Lake Road.

Ms. Bonifay stated that their plans only deal with Hartle Road, Hooks Street and Emil Jahna Road off State Road 50. She stated that their development has nothing to do with Lost Lake Road.

Alan Bellamy, 16101 Johns Lake Road, asked about the alignment of the future Hartle Road.

Mr. Kruse stated that the alignment is being designed by Lake County and they would have more information about the alignment.

Katlin Musial, 2701 Pine Shadow Lane, asked what type of multi-family development is planned for this area, where Hooks Street will extend to and how soon the construction will start.

Ms. Bonifay stated that these are questions are more for the conditional use permit. She stated that they will do their part with dedicating Hooks Street right-of-way through their development. She stated that as soon as they get through the development approval process, Mattamy will start building. She stated that there will be 175 multi-family townhomes.

Craig Hildebrandt, 16520 Bayridge Dr., asked for a more specific start time for the development.

John Townsend, 2200 Park Ave., Winter Park, stated that construction will begin just as soon as they can get through permitting. He stated that once the conditional use permit is approved they will begin site review and permitting which will take four to six months for that process.

Commissioner Hubbard moved to recommend approval of the large-scale comp plan amendment; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

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2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow for a planned unit development to allow for single and multi-family residential in the UE Urban Estate zoning district.

APPLICANT: Mattamy Homes

Senior Planner Kruse presented the staff report as follows:

The applicant, Mattamy Homes, is requesting a conditional use permit for a planned unit development consisting of 950 residential units. The development will be comprised of a majority of single family dwelling units with multifamily units also being offered. The applicant has received approval from Lake County for 894 dwelling units under PUD Ordinance #2014-80. The applicant desires to increase the number of dwelling units by 56 (6 percent) to offset the additional easements and rights-of-way that will be required for road improvements/re-alignment.

City staff, the applicant, their representatives, and Lake County staff have met to work through the current ordinance and to incorporate the conditions into the City's conditional use permit. The applicant has requested additional changes that are not included in the approved Lake County ordinance. These changes have necessitated the applicant requesting waivers to the City's code. Upon discussion and review, staff was able to support six of the requested waivers. These staff-supported waivers are contained in the conditional use permit and include the following:

1. Allow private streets within the subdivision with gated entry/exits. Section 110-192(1).
2. Allow construction of Emil Jahna Road without bikeways and incorporate a 10-foot trail on the west side instead. Section 110-194(3) and (4).
3. Allow construction of 20-foot wide, one-way alleys with 12 feet of pavement as long as 20 feet of unobstructed emergency access is maintained. Section 110-195(b).
4. Allow cut and fill of up to 20 feet in the construction of Hartle Road to accommodate required road grades. Section 94-195(b)(3).
5. Allow street trees within the frontage of a residential lot to count toward the minimum number of required trees on the lot and to allow such trees to be less than 6 feet from curbs and sidewalks as long as a minimum of 5 feet of clearance is provided between the tree and any public potable water, wastewater or reclaimed water main. Section 118-71(1).
6. Allow community amenity buildings with a maximum building height of 55 feet. Section 122-84(4).

Staff was not able to support the following two requested waivers and has not included them in the conditional use permit:

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1. Allow one single off-site ground sign identifying the subdivision at the southeast corner of the intersection of Emil Jahna Road and SR 50. Section 102-15(e)(4).
2. Allow the one single off-site ground sign to have following standards: (a) Maximum sign area = 50 square feet with a height of 15 feet, (b) Maximum height of sign's architectural feature, consisting of tower/column, to be up to 30 feet with no more than 25% of the sign width and (c) Sign setback of 20 feet from SR 50 and 20 feet from Emil Jahna Road. Section 102-12(b)(1).

The applicant has agreed to remove these two waivers.

Additionally, the applicant has challenged several of the utilities provisions called out in the conditional use permit. Staff's position is that these conditions are per code, and therefore, apply to the proposed project. With this being stated, staff recommends approval of the conditional use permit for a planned unit development as written.

Ms. Bonifay presented the preliminary drawings for the WaterBrooke conditional use permit.

Tom McCarthy, 1900 Summit Tower Blvd., Orlando, stated that Mattamy Homes is Canada's largest home builder and they are located in four states. He stated that they have been building in Orlando for the past 8 years. He stated that they mix the multi- and single-family homes together, rather than separating them. He stated that there will be an amenity center that will include an activity center, media center, pool, and splash pad. He stated that there will be trails around the lakes.

Frank Cervino, 16339 Meredrew Lane, asked about the egress from the subdivision.

Brent Lacy, Little John Associates, stated that they are the traffic planners. He stated there will not be only a right-in and right-out for the subdivision. He stated you would be able to enter and exit either direction.

Mr. Cervino stated that this will cause some safety issues.

Jan James asked if there will be a wall on the southern boundary along Lost Lake Road.

Mr. McCarthy stated that they have not made a decision on a wall.

Ms. James asked if Hartle Road will be four lanes with a grass medium with a bike lane.

Mr. McCarthy stated that it may get constructed as a two-lane road and add a lane as needed later.

Mike Megler asked if there is a crash gate near Island Boulevard.

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Mr. McCarthy stated that there is an intersection at Hartle Road in the future. He stated that if the drawings show a crash gate, it would be for emergency access only.

Commissioner Smith asked about the home sizes.

Mr. McCarthy stated that the size of the homes will be between 1600 and 3800 square feet.

Commissioner Smith asked if the ponds are acidic.

Mr. McCarthy stated they have not recently tested the water but they will. He stated the lakes are clear.

Commissioner Proli said she read that this area is a flood zone.

Mr. Townsend stated that they do not anticipate anyone being required to have flood insurance.

Commissioner Proli stated that she has concerns about the impact to the schools.

Ms. Bonifay stated that in March they received a concurrency letter from the Lake County Schools, and that they met concurrency. She stated she was surprised to see the concurrency report in the packet showing they would exceed capacity.

Commissioner Proli stated that she does not approve of multi-family being next to single-family.

Mr. McCarthy stated that they have several successful communities that have multi- and single-family homes. He stated that they don't put single-family homes next to townhomes. He stated that there will be a block of townhomes, then a block of single-family.

Commissioner Hubbard moved to recommend approval of the conditional use permit; seconded by Commissioner Solis. The vote was 4-1 to recommend approval with Commissioner Proli opposing.

3. REQUEST FOR LDC AMENDMENT

REQUEST: To amend Article IV Planned Unit Developments; Chapter 122 Zoning, Section 122-311 through Section 122-318.

APPLICANT: City Staff

Senior Planner Kruse presented the staff report as follows:

Staff is initiating this proposed change to add a new zoning district, Planned Unit Development (PUD). Section 122 of the Land Development Code has 14 zoning districts that a property may be assigned for a zoning designation. Historically, a planned unit development has been

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approved through a Conditional Use Permit with the specific conditions contained in the document, but with an underlying zoning district such as Urban Estate. This has caused some confusion when a planned unit development is processed and finally recorded after approval. Additionally, processing annexations for properties under the Interlocal Service Boundary Agreement (ISBA) process is also more complex if the existing zoning in Lake County is planned unit development. The City would typically process the related administrative requests for rezoning and a future land use change at the time of the annexation hearings. However, because the city is the applicant with ISBA annexations, the property owner would not sign the related conditional use permit for a planned unit development. Because a rezoning to a planned unit development would be by ordinance, it would be signed by city officials and not the property owner.

A majority of other governmental jurisdictions have a planned unit development zoning district. For the new planned unit development zoning, the application would still be processed the same way, including the majority of the requirements as outlined in Article IV, Planned Unit Developments, of Section 122. A few changes in this article have been proposed, such as reducing the contiguous area of property from 10 acres down to one acre. This recommendation recognizes that land costs have increased significantly, and there are fewer parcels containing 10 contiguous acres. This reduction also encourages redevelopment and infill on smaller sites with some flexibility. The planned unit development would still have to be presented to the Planning and Zoning Commission and the City Council for review and approval.

Staff recommends approval of Ordinance No. 2015-75 to create a new zoning district, Planned Unit Development (PUD).

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

There being no further business, the meeting was adjourned at 8:29 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



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AGENDA ITEM

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Meeting Date		
Tuesday, November 3, 2015		
Agenda Item Name		
Ordinance No. 2015-76 Capital Improvements Element (CIE) Amendment		
Requested Action		
Move to recommend approval of Ordinance No. 2015-76		
Staff Report		
Florida Statutes require annual updates to local governments' Capital Improvements Elements of their comprehensive plans. Enclosed is the supporting documentation for Ordinance No. 2015-76, adopting changes to the Capital Improvements Element of the comprehensive plan. Staff recommends approval.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	Ord. 2015-76 CIE Amendment.doc	
2. Capital Improvements Element	Final Draft CIE.docx	
3. Legal ad	CIE Legal ad 10-2015, .doc	

CITY OF CLERMONT
ORDINANCE No. 2015-76

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES BY ADOPTING TEXT CHANGES TO THE GOALS, OBJECTIVES AND POLICIES OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE COMPREHENSIVE PLAN AMENDMENTS; SETTING FORTH THE PURPOSE AND INTENT OF THE COMPREHENSIVE PLAN AMENDMENTS; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on August 13, 1991, in accordance with the Local Government Planning and Land Development Regulations Act of 1985, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Comprehensive Plan of the City of Clermont may be amended pursuant to Florida Statutes. 163.3187; and

WHEREAS, the Planning and Zoning Commission, acting as the Local Planning Agency, held a public hearing November 3, 2015 and made recommendations to the City Council for amendments to the plan; and

WHEREAS, the City Council of the City of Clermont held public hearings November 10, 2015 and December 8, 2015 on the proposed amendments to the plan in light of written comments, proposals and objections from the general public;

NOW, THEREFORE, BE IT ORDAINED and enacted by the City Council of the City of Clermont, Florida that:

Section 1.

After public hearings held by the City of Clermont Local Planning Agency and the Clermont City Council, the Capital Improvements Element is hereby amended as shown in Exhibit A.

CITY OF CLERMONT
ORDINANCE No. 2015-76

Section 2.

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 3.

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

Section 4.

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

CITY OF CLERMONT
ORDINANCE No. 2015-76

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 8th day of December, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT
COMPREHENSIVE PLAN

CHAPTER XIII
CAPITAL IMPROVEMENTS ELEMENT

Adopted June 23, 2009

Amended Nov. 24, 2009

Amended Jan. 11, 2011

Amended Jan. 24, 2012

Amended Feb. 26, 2013

Amended May 27, 2014

Amended December 8, 2015

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CHAPTER XIII CAPITAL IMPROVEMENTS

GOAL 1: Through the use of sound fiscal policies and the adoption of a financially feasible Five-Year Schedule of Capital Improvements, the City shall ensure the timely and efficient provision of public facilities for all existing and future development.

Objective 1.1: Capital Facilities Needs. The Capital Improvements Element shall be updated annually to meet the City's existing and projected needs for the construction of capital facilities necessary to meet existing deficiencies, to accommodate desired future growth and to replace obsolete or worn-out facilities.

Policy 1.1.1: The implementation of the Capital Improvements Element shall be monitored annually during the City's budget process.

Policy 1.1.2: Capital improvements identified and proposed within each individual element of the comprehensive plan shall be consistent with those proposed in the Five-Year Schedule of Capital Improvements. Sources of revenue identified within the Capital Improvements Element shall provide direction in expenditures for capital improvements.

Policy 1.1.3: The City's debt service shall not exceed 20 percent of annually budgeted revenues.

Policy 1.1.4: The City shall reserve enterprise fund surpluses, unless otherwise indicated, for major capital expenditures.

Policy 1.1.5: Efforts shall be made to secure grants or private funds whenever available to implement the Capital Improvements Element.

Policy 1.1.6: The City shall continue to require collection and utilization of a proportion of impact fees under the auspices of Lake County, and to develop, adopt and implement City impact fees for the purpose of subsidizing the costs of public facility improvements.

Objective 1.2: Concurrency Management. The City shall implement the Concurrency Management System adopted in the City's Land Development Code, which is consistent with sections 163.3177 and 163.3180, F.S. and the minimum requirements for concurrency established in Rule 9J-5.0055 (3), F.A.C. (included as **Appendix A** of this element), to manage the land development process so that public facility needs created by previously issued development orders or future development do not exceed the City's ability to fund and provide needed capital improvements.

Policy 1.2.1: The concurrency evaluation system shall measure the potential impact of any development proposal on the established minimum acceptable level of service (LOS) standards for sanitary sewer, solid waste, stormwater, potable water, parks and recreation and transportation facilities, unless the development is exempt from the review requirements of the Concurrency Management System.

Policy 1.2.2: No development permit or order shall be issued unless adequate public facilities are available to serve the proposed development as determined by the concurrency evaluation in the adopted Concurrency Management System.

Policy 1.2.3: The City shall require all public and private capital facilities to provide service at the LOS standards adopted in this comprehensive plan for previously vested, existing and future permitted development. These capital facilities shall be provided concurrently with the impacts of development based on the minimum requirements in the City's adopted Concurrency Management System.

Policy 1.2.4: The City hereby adopts the following minimum level of service (LOS) standards, which must be retained in reviewing the impacts of new development and development on public facilities:

- The **LOS** standard for *Roadways* shall be as follows:
 - “C” for US 27/SR 25, which is a strategic intermodal system (SIS)
 - “D” for SR 50
 - “D” for all minor arterials and collectors
- The **LOS** standard for *Sanitary Sewer* is 70 gallons per capita per day at peak flow rate.
- The **LOS** standard for *Solid Waste* is 6.63 pounds per capita per day.
- The **LOS** standard for *Potable Water* is 185 gallons per capita per day.
- The LOS standard for *Recreation and Open Space* is 10 acres per 1,000 residents.
- The LOS standards for *Stormwater Management* facilities developed within the City are as follows:

Facility Type	Design Storm Frequency and Duration
Storm Sewers and Cross Drains	10 year/24-hour
Detention/ Retention Structures	50 year/24-hour
Retention with Percolation or Detention with Filtration	100-year/24 hour

- The level of service for *Public Schools* shall be set at 100 percent of Florida Inventory of School Houses (FISH) permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the LOS standard maintained at 100 percent of the school capacity. In no instance shall the school capacity increase more than 125 percent due to additional CORE (dining) capacity. Coordination with the Lake County School Board's Five-Year District Facilities Work Plan, the plans of other local governments, and as necessary, updates to the concurrency service area map is required to ensure that the adopted LOS standards for concurrency service areas will be achieved and maintained.

Policy 1.2.5: The City shall monitor the availability of public facilities and services through: 1) the maintenance of a cumulative record of the LOS allocations permitted by the approval of development orders relative to the operating LOS for the applicable public facilities and services for which LOS standards have been established; the maintenance of a record of all applicable public facility and service capacities that have been reserved as a result of approved capacity reservation; and the preparation of an annual report concerning the status of all LOS and capacities.

Objective 1.3: New Development. The City shall ensure that new developments share a proportionate share of the costs required to maintain adopted LOS standards through the

assessment of impact fees or developer contributions, dedications and/or construction of capital facilities necessary to serve new development as required in other elements of this plan.

Policy 1.3.1: New development shall be responsible for installing all internal water and sewer systems, traffic circulation systems and internal recreation/open space facilities within the development. In addition, connections of internal systems to the City's designated water and sewer systems and traffic circulation network shall be the financial responsibility of the developer.

Policy 1.3.2: All development order applications shall be evaluated as to the impact of the development on capital facilities and the operation and maintenance of those facilities. The evaluation shall include, but not be limited to, the following:

- Expected capital costs, including the installation of required new facilities that are related to the development.
- Expected operation and maintenance costs associated with the new facilities required by the development.
- Anticipated revenues from the development, including impact fees, user fees and future taxes.

Policy 1.3.3: The land development regulations shall continue to require land dedication, payment-in-lieu-of-dedication or other forms of impact exaction as a requirement of land development to secure easements for utility and traffic circulation systems.

Policy 1.3.4: The City, through adoption and implementation of land development regulations, comprehensive plan goals, objectives and policies, impact fees, other impact exactions, implementation of the annual budget and five-year capital improvements schedule, shall ensure the availability of public facilities and services concurrent with the impacts of development. Development shall not be approved unless the necessary infrastructure items and services are available subsequent to plan adoption.

Policy 1.3.5: The City shall continue to participate with Lake County and the Lake-Sumter Metropolitan Planning Organization (MPO) in the transportation impact fee program or shall adopt and implement a schedule of City impact fees to ensure that new development provides a pro rata share of the costs required to finance public facility improvements necessitated by such development.

Policy 1.3.6: When applicable, the City may require a developer to execute a development agreement and/or develop a proposed project in phases to ensure the timely and appropriate installation of needed capital facilities to service new development. Such agreements will be executed under the City's constitutional home rule power and will follow the procedures set forth in Chapter 163.3220, Florida Statutes.

Objective 1.4: Evaluation of Capital Projects. The City's capital projects shall be evaluated to determine if they meet prioritization criteria and consistency with adopted level of service standards and/or public need.

Policy 1.4.1: The City's finance director shall prepare a Five-Year Capital Improvement Program annually along with the City's annual budget, which shall address all capital needs of the City.

Policy 1.4.2: As part of the annual budgeting process, the City Council, city manager and department directors shall participate in a capital facilities planning process to evaluate and rank projects proposed for inclusion in the Five-Year Schedule of Capital Improvements, based on the following criteria:

- Whether the project is needed to protect the public health and safety, fulfill the City's legal commitment to provide facilities and services or preserve or achieve full use of existing facilities.
- Whether the project increases efficiency or use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes infill development.
- Whether the project represents a logical extension of facilities and service from the City to the Lake County/Clermont Joint Planning Area, or is compatible with applicable plans of state agencies or that may provide public facilities within the City's jurisdiction.
- Whether the project is coordinated with major projects of other state agencies and adjacent jurisdictions.
- Whether the project implements the policies of the comprehensive plan pertaining to concurrency requirements.
- Whether the project is financially feasible.

Policy 1.4.3: Requests for capital projects shall be evaluated on their impact on the City budget and the financial feasibility of the project based on the following criteria:

- The finance director shall determine if the capital project can be funded from existing cash, future revenues or through borrowing. In addition, the finance director shall assign revenue sources to fund the project.
- The Finance Director shall prepare a report evaluating the funding options, the effect of the improvement on future revenues and the effect of the improvement on operation and maintenance costs.

Objective 1.5: Debt Management. The City shall adopt policies and procedures which address the management and utilization of debt for capital project financing. The City will use line-of-credit borrowing or bond anticipation notes for specific construction projects and shall issue revenue-pledged debt at the completion of construction only if current funds are not adequate to pay for construction.

Policy 1.5.1: The use of revenue bonds as a debt instrument shall be evaluated based on the following criteria:

- Debt will not be issued to finance normal repairs and maintenance.
- Debt can be issued to make renovations, updates, modernizations and rehabilitations provided that the expenditures extend the useful life of the capital asset.
- The maximum ratio of total debt service (principal and interest) to total revenue shall be that percentage deemed most beneficial to the City as determined by the City's financial advisors and its bond counsel based upon criteria set by the rating agencies and credit enhancement organizations.

- The impact of principal and interest revenue bond payments on the operation and maintenance of the affected utility and/or department will not require deferring the current maintenance of existing infrastructure.
- The impact of bond covenants and restrictions on the City's method of accounting for depreciation shall be evaluated, as well as the impact of any reserve account restrictions on the operation and maintenance of the affected utility and/or department.
- Cash restricted due to bond and grant covenants will be budgeted in accordance with the terms of the covenants.
- Capitalized repairs of existing infrastructure will be paid from funds restricted by debt covenants and current revenues. Debt will not be issued to finance capitalized repairs.

Policy 1.5.2: The use of tax revenues as a pledge for the repayment of debt shall be evaluated based on the following criteria:

- A five-year projection of revenues from all taxes shall be prepared and updated annually as a part of the City's budget process. An analysis of historic and future trends in the tax revenue stream will be a part of the projection process.
- At the time of issuance of new debt, a review shall be conducted to ensure that the maximum amount of general government debt shall not exceed 20 percent of the City's annually budgeted revenues.

Policy 1.5.3: The City may use long-term capital lease payments on lease purchases for capital projects identified within this element, provided adequate debt service requirements are provided.

Objective 1.6: Schedule of Capital Improvements. In order to maintain adopted LOS standards, the City shall coordinate land use decisions and available or projected fiscal resources to correct existing deficiencies identified in the comprehensive plan, accommodate desired future growth and replace worn out or obsolete facilities through the annual adoption of a Five-Year Schedule of Capital Improvements.

Policy 1.6.1: Capital projects included in the Five-Year Schedule of Capital Improvements shall be defined as those projects identified within the comprehensive plan that are necessary to maintain adopted LOS standards including increasing the capacity or efficiency of existing facilities and/or replacing failing facilities.

Policy 1.6.2: The City of Clermont adopts by reference the Five-Year Facilities Master Plan FY 2015-2019 2016-2020 as formally adopted by the Lake County School Board on September 9, ~~2013~~ 14, 2015 and as amended, into the City's Five-Year Schedule of Capital Improvements. *(amended Dec. 8, 2015, Ord 2015-76)*

Policy 1.6.3: The City hereby adopts the Five-Year Schedule of Capital Improvements included as **Appendix B** of this element, which will be updated on an annual basis.

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Appendix A

Rule 9J-5.0055, F.A.C., Concurrency Management System

(3) MINIMUM REQUIREMENTS FOR CONCURRENCY. Every jurisdiction shall maintain a concurrency management system to ensure that public facilities and services to support development are available concurrent with the impact of development, consistent with the provisions of this Chapter.

(a) For sanitary sewer, solid waste, drainage, and potable water facilities, at a minimum, a local government shall meet the following standards to satisfy the concurrency requirements:

1. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or

2. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place and available to serve new development at the time of the issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(a), F.S.]

(b) For parks and recreation facilities, at a minimum, a local government shall meet the following standards to satisfy the concurrency requirement:

1. At the time the development order or permit is issued, the necessary facilities and services are in place or under actual construction; or

2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share are committed; and

a. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted local government 5-year schedule of capital improvements; or

b. At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or

c. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(b), F.S.]

(c) For transportation facilities (roads and mass transit designated in the adopted local government comprehensive plan), at a minimum, a local government shall meet the following standards to satisfy the concurrency requirement, except as otherwise provided in subsections (4)-(7) of this section.

1. At the time a development order or permit is issued, the necessary facilities and services are in place or under construction; or

2. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted local government five-year schedule of capital improvements. The schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable, adopted Florida Department of Transportation five year work program. The Capital Improvements Element must include the following policies:

a. The estimated date of commencement of actual construction and the estimated date of project completion.

b. A provision that a plan amendment is required to eliminate, defer, or delay construction of any road or mass transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the five-year schedule of capital improvements; or

3. At the time a development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction no more than three years after the issuance of a certificate of occupancy or its functional equivalent; or

4. At the time a development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(c), F.S.]

5. For the purpose of issuing a development order or permit, a proposed urban redevelopment project located within a defined and mapped Existing Urban Service Area as established in the local government comprehensive plan pursuant to Section 163.3164(29), F.S., shall not be subject to the concurrency requirements of subparagraphs 9J-5.0055(3)(c)1.-4., F.A.C., of this chapter for up to 110 percent of the transportation impact generated by the previously existing development. For the purposes of this provision, a previously existing development is the actual previous built use which was occupied and active within a time period established in the local government comprehensive plan. [Section 163.3180(8), F.S.]

6. For the purpose of issuing a development order or permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of subparagraphs 9J-5.0055(3)(c)1.-4., F.A.C., only if all of the conditions specified in subsection 163.3180(6), F.S., are met. [Section 163.3180(6), F.S.]

7. A development order or permit within a designated multimodal transportation district may be issued provided the planned community design capital improvements are included in a financially feasible long range schedule of improvements for the development or redevelopment time-frame for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements as specified in Section 163.3180(15)(c), F.S.

(d) For school facilities, a local government shall meet the following minimum standards to satisfy the concurrency requirement:

1. For district-wide concurrency service areas:

a. At the time the residential development order or permit is issued, the necessary facilities and services are in place or under construction; or

b. A residential development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than 3 years after permit issuance as provided in the adopted public school facilities program.

2. For less than district-wide concurrency service areas: If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is available in one or more contiguous service areas and school capacity is available district-wide as defined in Section 163.3180(13)(e), F.S.

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Appendix B

City of Clermont Five-Year Schedule of Capital Improvements, FY 2013-14 to 2017-18 2015-2016 to 2020-2021 (amended Dec. 8, 2015 Ord 2015-76)

Comprehensive Plan Element/Project	Source of Funding	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21
STORMWATER MANAGEMENT							
SW-1 Stormwater Retrofit Projects (ongoing upgrades to stormwater conveyance systems and water quality projects)	Stormwater Utility Fees and Grants	\$500,000 <u>\$600,000</u>	\$500,000 <u>\$600,000</u>	\$500,000 <u>\$600,000</u>	<u>\$600,000</u>	<u>\$600,000</u>	<u>\$600,000</u>
SW-2 Downtown/Waterfront Improvements. <u>Stormwater project to provide regional drainage to downtown for economic development.</u>	Stormwater Utility Fees and Grants	<u>\$0</u>	<u>\$0</u>	<u>\$2,000,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
SW-3 East and Drew Improvements. <u>Improve stormwater quality and remove nutrients from discharging into the chain of lakes.</u>	Stormwater Utility Fees and Grants	<u>\$600,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
POTABLE WATER							
PW-1 Water Main Extension (ongoing project extending water mains to complete loops in the system, primarily on the east side system, and improve system hydraulics and reliability)	Water Impact Fees	\$550,000 <u>\$300,000</u>	\$500,000 <u>\$300,000</u>	\$500,000 <u>\$300,000</u>	<u>\$300,000</u>	<u>\$300,000</u>	<u>\$300,000</u>
PW-2 West-Side Water Treatment Plant (construct 1-million gallon storage tank, a bank of high-service pumps, a disinfection system, a new potable well)	Utility Fees	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
PW-3 Water Main Replacements (ongoing replacement of older water mains to improve system hydraulics and water quality)	Water Fund Operating Budget	<u>\$500,000</u>	<u>\$500,000</u>	<u>\$500,000</u>	<u>\$500,000</u>	<u>\$500,000</u>	<u>\$500,000</u>
PW-4 Alternative Potable Water Source (funding is for planning/design. Construction on the regional projects is not expected to begin until 2019)	Utility Fees and Water Impact Fees	<u>\$50,000</u>	\$500,000 <u>\$50,000</u>	\$500,000 <u>\$50,000</u>	<u>\$50,000</u>	<u>\$500,000</u>	<u>\$500,000</u>
PW-5 1.0 MGD Ground Storage Tank 1.0 mgd ground storage for the additional capacity needs.	Utility Fees and Water Impact Fees	<u>\$0</u>	<u>\$0</u>	\$1,500,000 <u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$1,400,000</u>
PW-6 Sunburst WTP Expansion (Addition of additional ground storage to meet demand.)	Utility Fees and Water Impact Fees	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$1,500,000</u>
PW-7 Lower Floridan wells at Greater Hills water treatment plant. <u>South Lake Regional Water Initiative Group recommendations for drilling to the lower Floridan aquifer to be considered an alternative water supply.</u>	Water Fund Reserves	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$1,500,000</u>	<u>\$0</u>	<u>\$0</u>

Comprehensive Plan Element/Project	Source of Funding	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21
PW-8 Lower Floridan wells at Sunburst water treatment plant. South Lake Regional Water Initiative Group recommendations for drilling to the lower Floridan aquifer to be considered an alternative water supply.	Water Fund Reserves	\$0	\$0	\$3,000,000 Phase 1	\$0	\$0	\$3,000,000 Phase 2
<u>SANITARY SEWER</u>							
SS-1 Regional Lift Station and Forcemain (Lift station and forcemain to comply with needs based on master plan)	Utility Fees	\$0	\$2,000,000 \$500,000	\$0 \$2,000,000	\$0	\$0	\$0
SS-2 Reclaimed Water System Expansion (expansion includes piping extensions to deliver reclaimed water to developments plumbed to accept reclaimed water north and south of SR 50 and shift demand from potable system to reclaimed water system)	Sewer Impact Fees and Utility Fees	\$1,500,000 \$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
SS-3 East Water Reclamation Facility Collection System Expansion (on-going project as new developments come on-line that includes piping extensions, lift stations and force main construction)	Sewer Impact Fees	\$300,000 \$100,000	\$300,000 \$500,000	\$300,000	\$300,000	\$300,000	\$300,000
SS-4 Lift Station Improvements (ongoing improvements to improve system hydraulics and water quality)	Sewer Impact Fees	\$500,000 \$100,000	\$700,000 \$200,000	\$500,000 \$750,000	\$550,000	\$550,000	\$300,000
SS-5 WWTF (Hancock) Expansion (Expansion of WWTF from 4.0 to 6.0 MGD to meet future demands)	Sewer Impact Fees	\$400,000 \$0	\$14,000,000 \$0	\$0	\$0 \$200,000	\$0 \$200,000	\$14,000,000
<u>PARKS & RECREATION</u>							
PR-1 Inland Groves Property AKA Lake Hiawatha Preserve (Passive Park)	Recreation Impact Fees, Infrastructure Sales Taxes and Grants	\$35,000 \$0	\$90,000 \$0	\$1,000,000 \$0	\$250,000 \$0	400,000 \$0	100,000 \$0
PR-2 Palatka Park (Park improvements)	FRDAP Grants	\$100,000	\$0	\$0	\$0	\$0	\$0
<u>TRANSPORTATION</u>							
The City of Clermont adopts by reference the 5-Year Schedule of Improvements as formally adopted by the Lake-Sumter Metropolitan Planning Organization on June 10, 2015 (and as amended) into the City's Five-Year Schedule of Capital Improvements.							
<u>PROJECT TOTALS</u>							
		\$9,773,730	\$10,790,000	\$8,950,000	\$2,900,000	\$2,250,000	\$2,250,000
		\$2,850,000	\$3,150,000	\$10,000,000	\$4,500,000	\$3,450,000	\$22,900,000

Source: City of Clermont, 2015

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2015-76

The City of Clermont will hold a public hearing Tuesday, November 3, 2015 at 6:30 pm before the City of Clermont Planning and Zoning Commission and Tuesday, December 8, 2015 (adoption) at 6:30 pm before the City Council to consider proposed changes to the Capital Improvements Element of the City's adopted comprehensive plan.

Ordinance #2015-76:

An ordinance of the City Council of the City of Clermont, Lake County, Florida, amending the Comprehensive Plan for the City of Clermont, Florida, pursuant to the local government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes by adopting text changes to the Goals, Objectives and Policies of the Capital Improvements Element of the Comprehensive Plan; setting forth the authority for adoption of the Comprehensive Plan Amendments; setting forth the purpose and intent of the Comprehensive Plan Amendments; establishing the legal status of the Comprehensive Plan Amendments; providing for severability, conflict and an effective date.

The public hearings will be in the Council chambers of City Hall, 685 W. Montrose St., and are open to public comment. Please call (352) 241-7309 if you have any questions.

The proposed amendment may be inspected at the City's Development Services department (first floor, City Hall) between 8am and 5pm. Monday-Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearing will need a record of the proceedings and may need to ensure a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearing.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
October 23, 2015 & November 24, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, November 3, 2015		
Agenda Item Name		
Ordinance 2015-78 Driveways LDC Amendment		
Requested Action		
Move to recommend approval of Ordinance 2015-78.		
Staff Report		
Staff is proposing language to the Land Development Code (LDC) to allow an increase in driveway width leading into garages that face the street. Recent demand for single family homes with three vehicle garages has led to an increased interest to alter driveway width in order to provide feasible and safe vehicle access. Current code allows driveways up to 20 feet in width. This width can accommodate two car garages in a reasonable manner. To accommodate single family residential structures with three vehicular garage openings, City staff recommends adjusting driveway width standards for front-loaded garages to be up to 30 feet in width for lots 60 feet or greater. For lots less than 60 feet, a variance will be required in order to grant an applicant's request. Staff believes the additional width would also reduce the demand for on-street parking by providing more area to park on the lot. Lake County's land development regulations do not limit driveway width standards for three vehicular front-load garages, as shown in the included exhibit. While recommending code changes to the driveway width, the City's Engineering Department also recommends making two additional changes that deal with driveway construction. The City engineer has recommended adjusting the maximum slope for driveways above street grade to one inch per foot from the top of the curb and to allow fiber-reinforced concrete with a strength of 3,000 psi to be used as well as 6x6 wire-welded mesh with strength of 2,500 psi concrete. Staff is in support of the above recommended changes for the increase in driveway width, change in slope, and the fiber-reinforced concrete option. If approved, changes in the LDC would occur in Sec. 54-78 - Driveway construction standards, Sec. 98-9 – Access, Sec. 98-10 – Driveway construction standards, and Sec. 110-274 – Illustrations.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2015-78 Ordinance.doc		
2. Exhibit Three Vehicle Garage Driveway Images.pdf		

3.	Driveway Illustrations	Driveway Illustration Sec 110-274.pdf
4.	Legal ad	2015-78 Driveway legal ad.doc

CITY OF CLERMONT
ORDINANCE No. 2015-78

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 54 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 54-78 DRIVEWAY CONSTRUCTION STANDARDS; CHAPTER 98 PARKING AND VEHICULAR USE AREAS, SECTION 98-9 ACCESS, SECTION 98-10 DRIVEWAY CONSTRUCTION STANDARDS; CHAPTER 110 SUBDIVISIONS, SECTION 110-274 ILLUSTRATIONS; 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 November 3, 2015 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, 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):

Section 54-78 - Driveway construction standards.

- (a) Driveways constructed below street grade must rise to an elevation at least to the top of the curb height on City rights-of-way before reaching the owner's property line. Driveways constructed above the street grade should not exceed a grade of ~~three-fourths~~ of an one inch per foot from the top of the curb to provide for vehicular clearance, unless otherwise approved by the City Engineer.

CITY OF CLERMONT
ORDINANCE No. 2015-78

- (b) The maximum width of a residential driveway access to an off-street parking or other vehicular use area shall be 20 feet for two-way vehicular movement and ten feet for one-way vehicular movement. For commercial and industrial uses, the maximum width for accessways shall be two times that for residential uses. No more than one two-way accessway shall be permitted for any street frontage up to 100 lineal feet. Single family residential structures with three vehicular garage openings may allow driveway adjustments for front loaded garages as indicated in the table below. Such standards shall be applicable to any property under one ownership. Where such ownership involves over 100 feet of street frontage, one additional two-way or two additional one-way drives may be permitted for each additional 100 feet of frontage or major fraction of such frontage. The City has the right to require owners who rebuild or rehabilitate substandard driveways to reconstruct them to meet the requirements of this division.

Table 1: SINGLE FAMILY RESIDENTIAL DRIVEWAY WIDTH STANDARDS

<u>LOT WIDTH</u>	<u>MAXIMUM DRIVEWAY (FT)</u>	<u>DRIVEWAY APRON WITH FLARES (FT)</u>
<u>Less than 60 ft.</u>	<u>20</u>	<u>26</u>
<u>Greater than 60 ft.</u>	<u>30</u>	<u>36</u>

Section 98-9 - Access.

All off-street parking, loading, unloading and service area space shall have vehicular access to a street, frontage road, or reverse frontage road and shall be subject to the following provisions:

- (1) Nonresidential uses.
- a. There shall be only one vehicular access point, not to exceed 40 feet in width, or two vehicular access points, not to exceed 20 feet in width each, located on any one street, frontage road, or reverse frontage road to serve the premises in question. One additional vehicular access point; not to exceed 40 feet in width, or two additional vehicular access points; not to exceed 20 feet in width each, shall be permitted for every 400 feet of parcel frontage on a single street, frontage road, or reverse frontage road. All access facilities shall require the approval of the Development Review Committee for design or redesign and location.
 - b. All vehicular access points shall be located at least 100 feet, or two-thirds the distance of the parcel frontage on a street, whichever is greater, from the intersection of any right-of-way lines of streets.

CITY OF CLERMONT
ORDINANCE No. 2015-78

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- c. All vehicular access points serving corner lots or tracts with less than 200 feet of frontage on only one street that is classified as an arterial, collector, or local collector in the Traffic Circulation Element of the Comprehensive Plan shall be located on the street that intersects the arterial, collector or local collector roadway in question.
- d. A minimum distance of at least 50 feet shall be required between any two vehicular access points located on any one street adjacent to and serving the premises in question.
- e. All vehicular access points shall have a minimum width of at least 12 feet per lane of traffic.

(2) Residential uses.

- a. The maximum width of a residential driveway access to an off-street parking or other vehicular use area shall be 20 feet for two-way vehicular movement and ten feet for one-way vehicular movement. Single family residential structures with three vehicular garage openings may allow driveway adjustments for front loaded garages as indicated in the table below. No more than one two-way access way shall be permitted for any street frontage up to 100 lineal feet, such standards to be applicable to any property under one ownership. Where such ownership involves over 151 feet of street frontage, one additional two-way or two additional one-way drives may be permitted.

Table 1: SINGLE FAMILY RESIDENTIAL DRIVEWAY WIDTH STANDARDS

<u>LOT WIDTH</u>	<u>MAXIMUM DRIVEWAY (FT)</u>	<u>DRIVEWAY APRON WITH FLARES (FT)</u>
<u>Less than 60 ft.</u>	<u>20</u>	<u>26</u>
<u>Greater than 60 ft.</u>	<u>30</u>	<u>36</u>

- b. Where such ownership involves over 251 feet of street frontage, one additional two-way or two additional one-way drives may be permitted for each additional 100 feet of frontage.
- c. The City has the right to require owners who rebuild or rehabilitate substandard driveways to reconstruct them to meet the requirements of this Chapter and other requirements of this Land Development Code.

CITY OF CLERMONT
ORDINANCE No. 2015-78

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Section 98-10 - Driveway construction standards.

Driveways constructed below street grade must rise to an elevation at least to the top of the curb height on City right-of-way before reaching the owner's property line. Driveways constructed above the street grade should not exceed a grade of ~~three-fourths~~ one inch per foot from the top of the curb to provide for vehicular clearance, unless otherwise approved by the City Engineer. Sidewalks located within driveways shall be constructed in conformance with standards established by Chapter 110, pertaining to subdivisions. All driveways and sidewalks shall be constructed in accordance with adopted City standards.

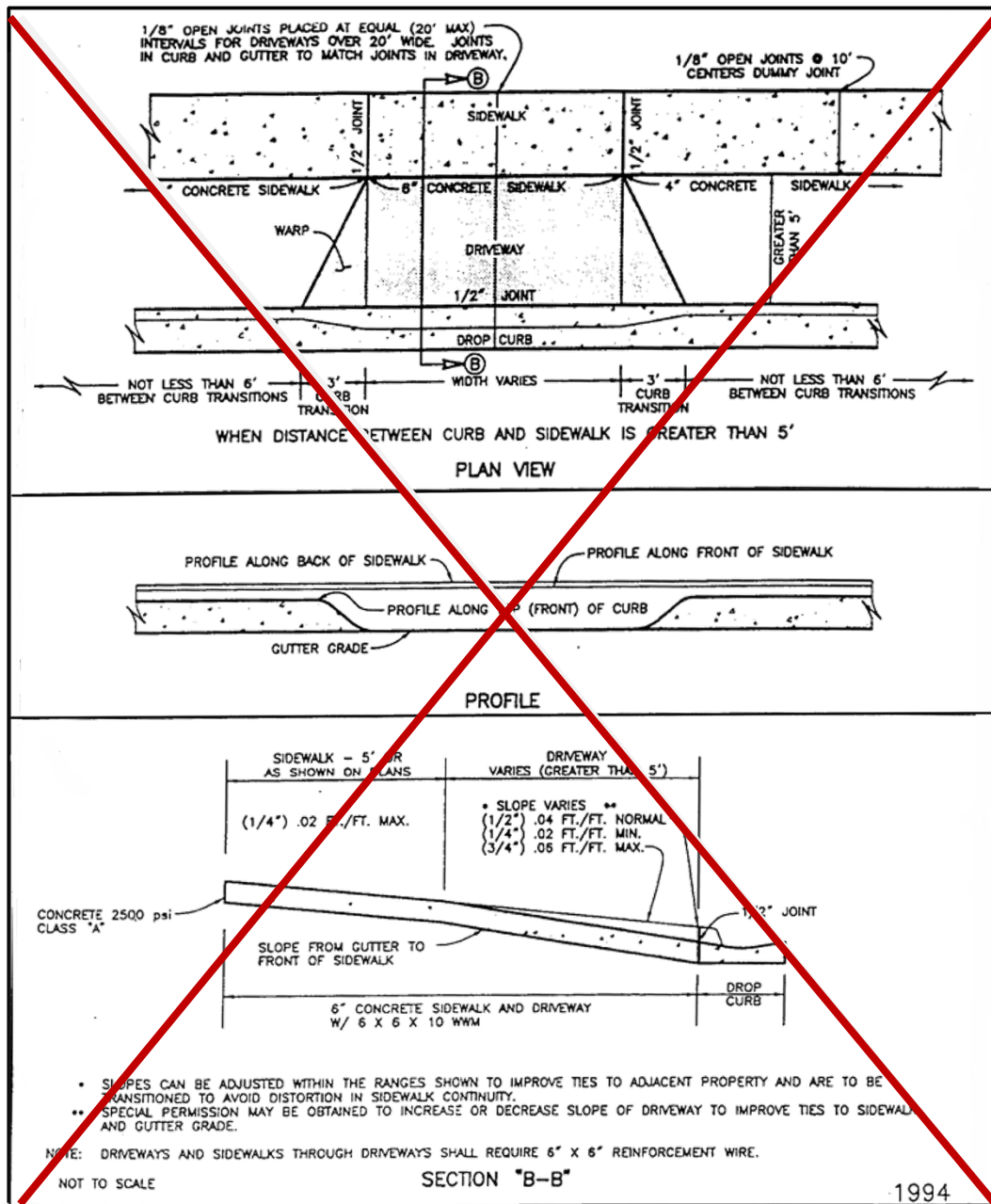
Section 110-274 – Illustrations.

The following illustrations depict certain construction details relevant to this chapter.

CITY OF CLERMONT
ORDINANCE No. 2015-78

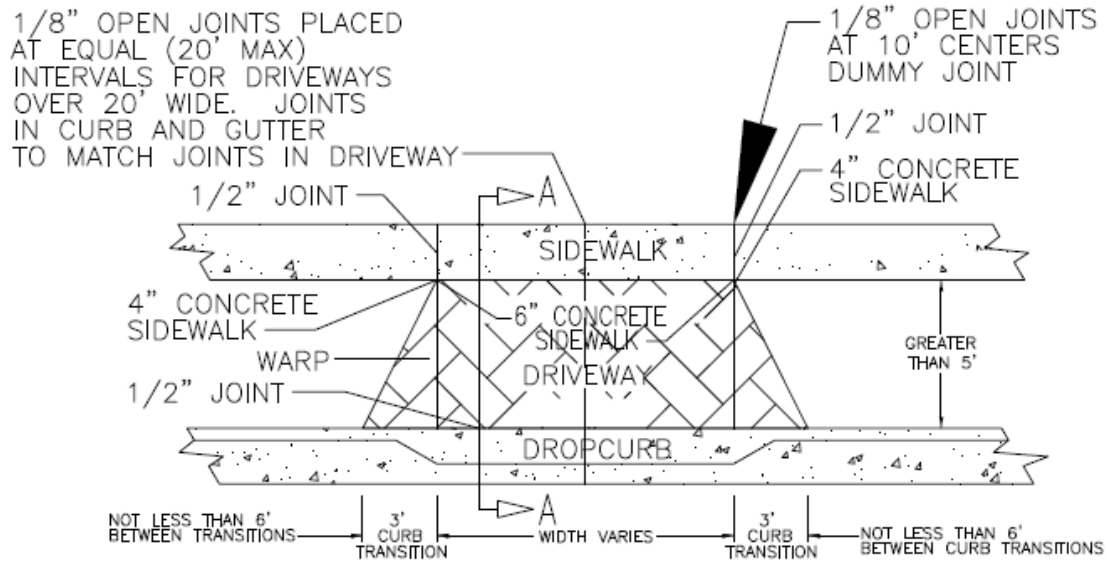
3

Figure 110-274A. Detail of Sidewalk and Paved Driveway Construction



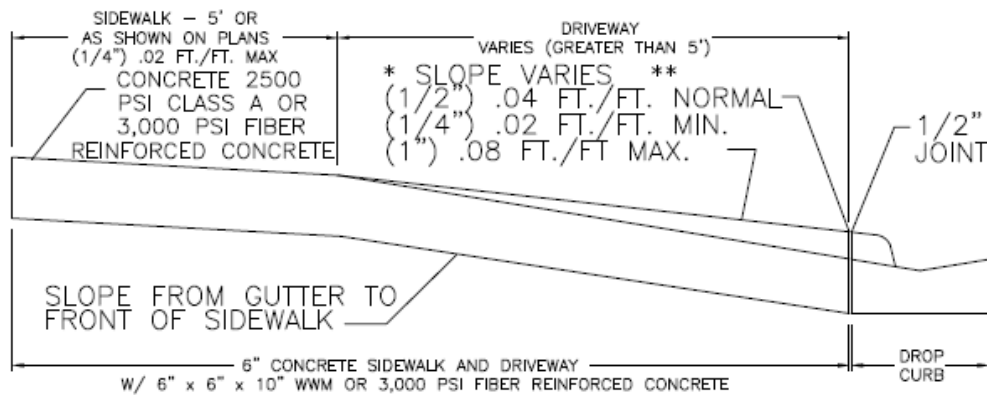
4

CITY OF CLERMONT
ORDINANCE No. 2015-78



PLAN VIEW

WHEN DISTANCE BETWEEN CURB AND SIDEWALK IS GREATER THAN 5 FEET

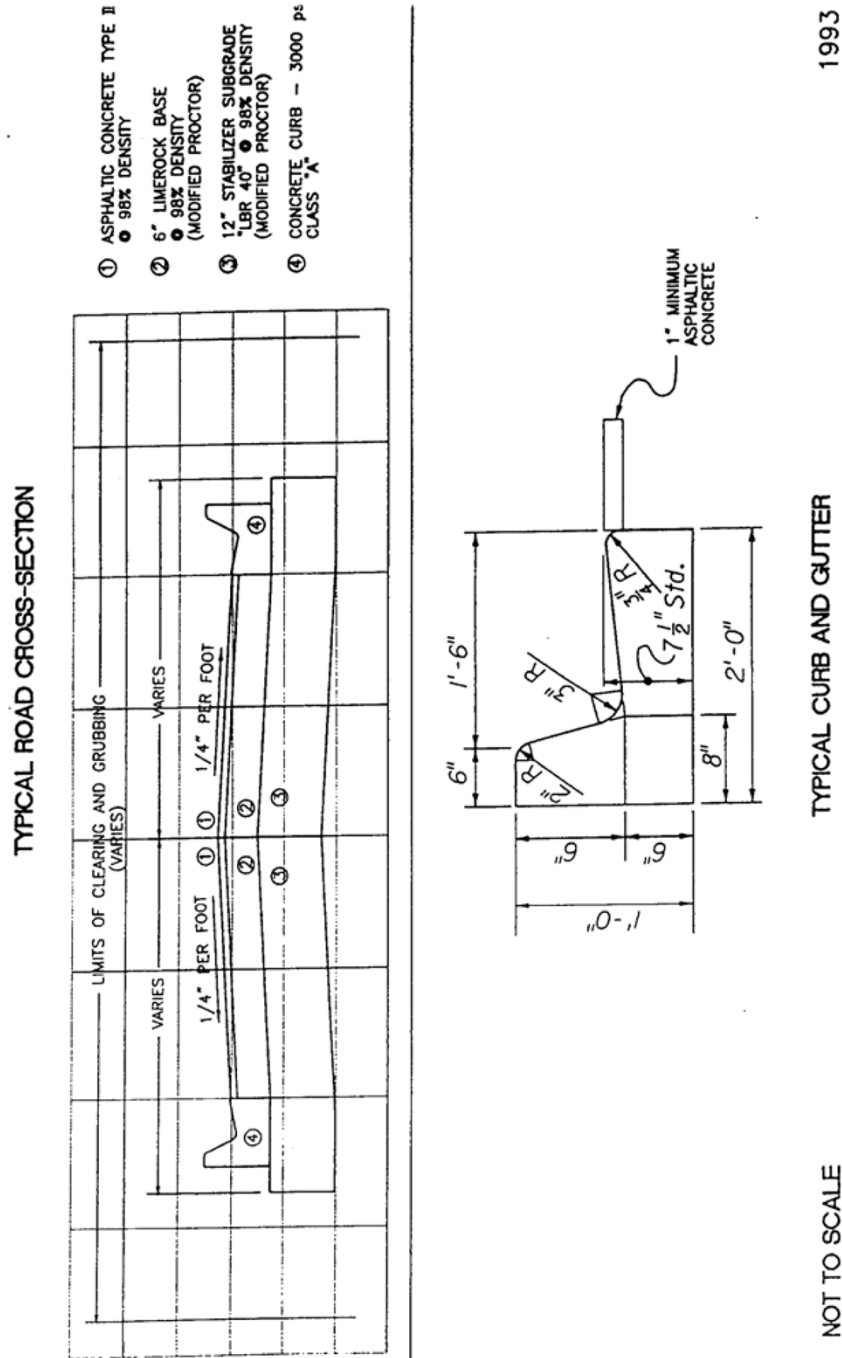


SECTION A-A

- * SLOPES CAN BE ADJUSTED WITHIN THE RANGES SHOWN TO IMPROVE TIES TO ADJACENT PROPERTY AND ARE TO BE TRANSITIONED TO AVOID DISTORTION IN SIDEWALK CONTINUITY
 - ** SPECIAL PERMISSION MAY BE OBTAINED TO INCREASE OR DECREASE SLOPE OF DRIVEWAY TO IMPROVE TIES TO SIDEWALK AND GUTTER GRADE
- NOTE: DRIVEWAYS AND SIDEWALKS THROUGH DRIVEWAYS SHALL REQUIRE 6" x 6" REINFORCEMENT WIRE OR 3,000 PSI FIBER REINFORCED CONCRETE.

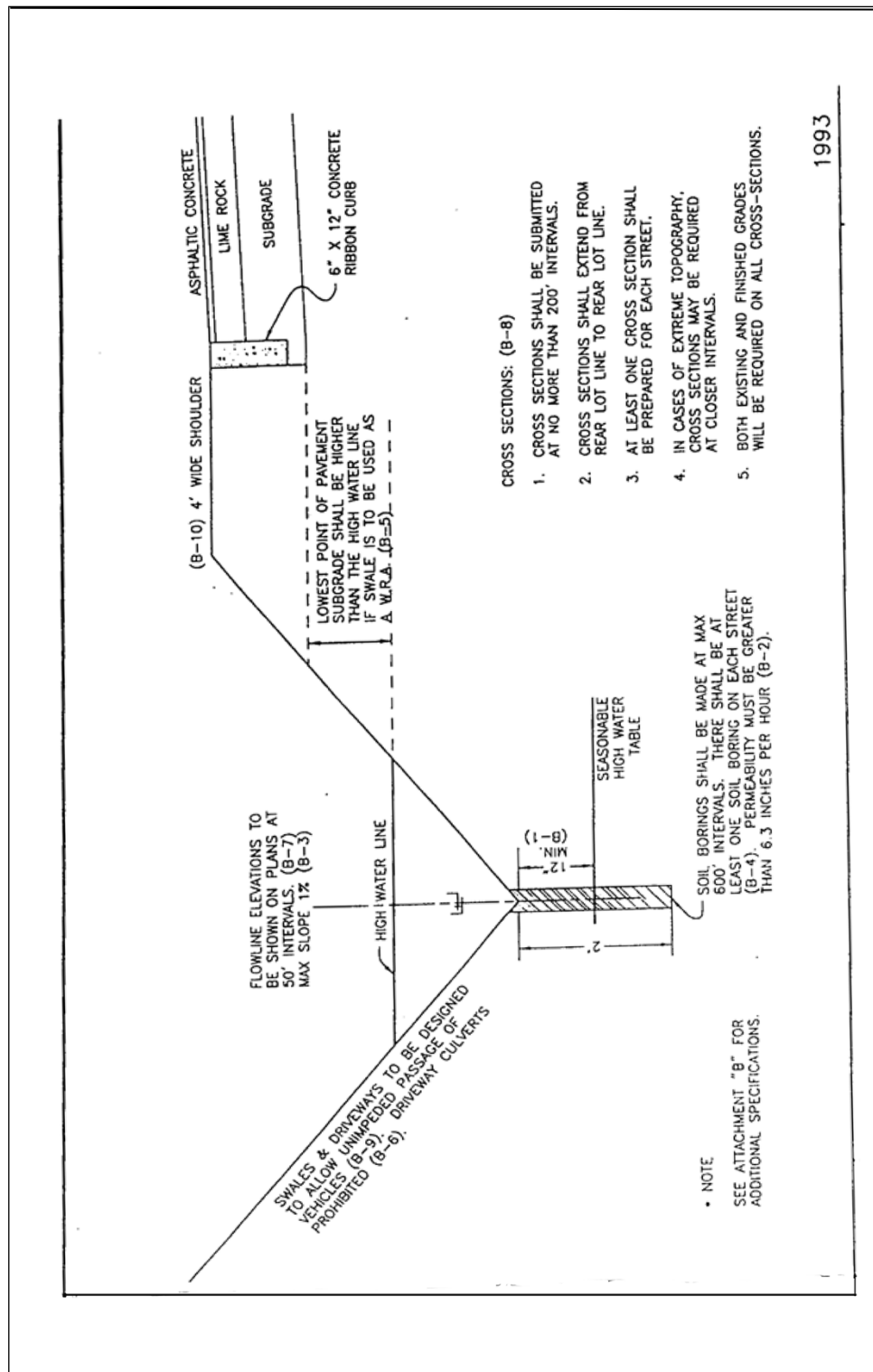
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Figure 110-274B. Typical Curb and Gutter and Road Cross Section Details



**CITY OF CLERMONT
ORDINANCE No. 2015-78**

Figure 110-274C. Swale Details
(Not to Scale)



1993

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REQUIREMENTS FOR SWALE ROADWAYS

B-1 Lowest portion of swale must be more than 12 inches above the seasonal high-water table.

B-2 Soil must have a permeability greater than 6.3 inches per hour.

B-3 Slope of swale flow line shall not exceed a one percent gradient.

B-4 Soil borings shall be made at 600-foot intervals to a depth of two feet below the design swale flow line. There shall be at least one soil boring on each street swale.

B-5 When the swale is to be used as part of a water retention system, the high water line shall be below the lowest point of the pavement sub-base.

B-6 Driveway culverts are prohibited.

B-7 A complete subdivision grading plan shall be submitted. The grading plan shall show design swale flow line elevations at 50-foot intervals to facilitate setting driveway elevations.

B-8 Cross sections at 200-foot intervals along each street shall be submitted. Cross sections shall extend from rear lot line to rear lot line. At least one cross section shall be prepared for each street. In cases of extreme topography, cross sections may be required at closer intervals. Cross sections shall show existing and finished grades.

B-9 Swales and driveways shall be designed to allow for passage of vehicles without striking the underside.

B-10 A four-foot-wide established grass shoulder shall be constructed between the edge of pavement and swale.

CITY OF CLERMONT
ORDINANCE No. 2015-78

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 8th day of December, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Three Vehicular Driveway Width Standards



City of Clermont - Existing Three Vehicle Garage Driveway Example



Lake County - Three Vehicle Garage Driveway Example

Extend driveway and Apron for 3-car garage

183

48'37"E EL.=179.1

199.95'

16.6'

7.5' D.U.E.

65.83'

A/C

18.33'

11.33'

3.7'

13.3'

11.33'

19.67'

62.00'

7.5' D.U.E.

15.4'

15.0'

13.33'

4.17'

6.00'

11.17'

3.17'

11.50'

15.1'

EL.=178.8

COVERED ENTRY

30' D/W

BRICK PAVERS

25.5'

10' U.E.

5' S/W

41'37'49"

CURB INLET R=2962.55

A=84.30

56'37'05"E

32.34'

BOX R.C. LB#6605 EL.=177.3

F.I.R.C. LB#6605 EL.=178.4

127 sf

127 sf

FND PK

C/L EL=176.79

FOXHOUND DRIVE

60' R/W PER PLAT

LOT 182 RESIDENCE

FF EL.=180.37

N89°26'27"W

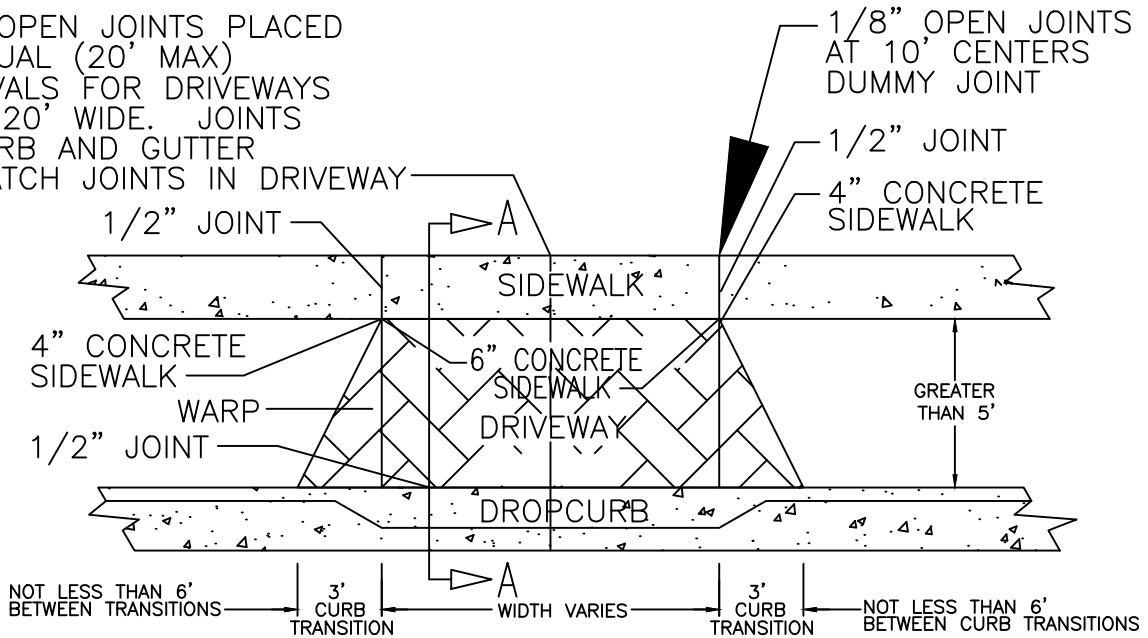
199.15'

77.63

77.5

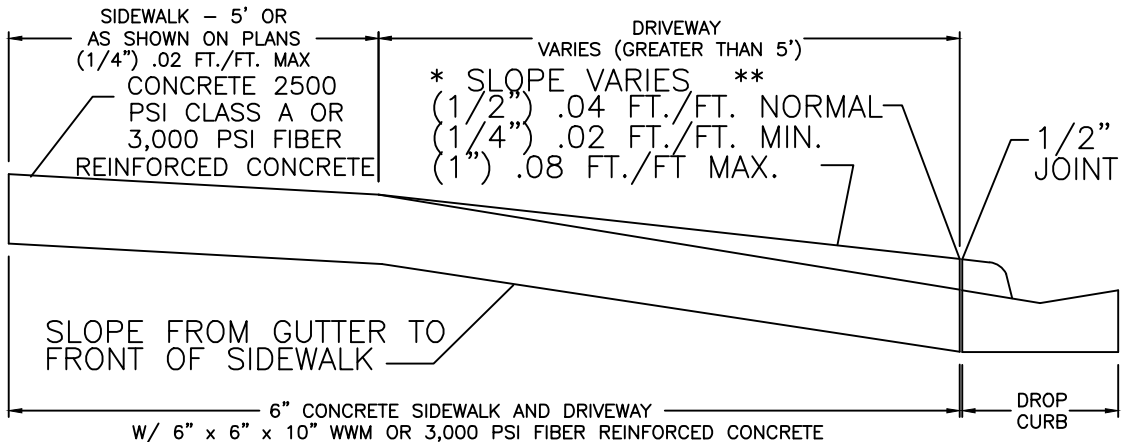


1/8" OPEN JOINTS PLACED AT EQUAL (20' MAX) INTERVALS FOR DRIVEWAYS OVER 20' WIDE. JOINTS IN CURB AND GUTTER TO MATCH JOINTS IN DRIVEWAY



PLAN VIEW

WHEN DISTANCE BETWEEN CURB AND SIDEWALK IS GREATER THAN 5 FEET



SECTION A-A

* SLOPES CAN BE ADJUSTED WITHIN THE RANGES SHOWN TO IMPROVE TIES TO ADJACENT PROPERTY AND ARE TO BE TRANSITIONED TO AVOID DISTORTION BE TRANSITIONED TO AVOID DISTORTION IN SIDEWALK CONTINUITY

** SPECIAL PERMISSION MAY BE OBTAINED TO INCREASE OR DECREASE SLOPE OF DRIVEWAY TO IMPROVE TIES TO SIDEWALK AND GUTTER GRADE

NOTE: DRIVEWAYS AND SIDEWALKS THROUGH DRIVEWAYS SHALL REQUIRE 6" x 6" REINFORCEMENT WIRE OR 3,000 PSI FIBER REINFORCED CONCRETE.

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. 2015-78

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 54 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 54-78 DRIVEWAY CONSTRUCTION STANDARDS; CHAPTER 98 PARKING AND VEHICULAR USE AREAS, SECTION 98-9 ACCESS, SECTION 98-10 DRIVEWAY CONSTRUCTION STANDARDS; CHAPTER 110 SUBDIVISIONS, SECTION 110-274 ILLUSTRATIONS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, November 3, 2015 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, December 8, 2015 at 6:30 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, MMC
City Clerk

Daily Commercial
October 27, and November 24, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, November 3, 2015		
Agenda Item Name		
Ordinance 2015-79 Noise LDC Amendment		
Requested Action		
Move to recommend approval of Ordinance 2015-79.		
Staff Report		
Staff recommends approval of Ordinance 2015-79, which revises the existing Land Development Code sections dealing with noise and adds new provisions. These sections dealing with noise pollution have been the subject of recent code enforcement cases that have come before the Code Enforcement Board and City Council for resolution. The proposed changes to Chapter 34 Environment include measurements for sound levels, added definitions, additional time allotments for individual users, and exemptions. The current City code allows the individual officer to make the determination that the disturbing noise is in violation of the code. The proposed changes and additions provide for a more precise level of measurement in determining if the audible nuisance is in fact a code violation.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	ORD 2015-79.doc	
2. Code Changes	Proposed noise ordinance.doc	
3. Legal ad	2015-79 Noise legal ad.doc	

CITY OF CLERMONT
ORDINANCE No. 2015-79

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 34 ENVIRONMENT, SECTION 34-31 LOUD, DISTURBING AND UNNECESSARY; ENUMERATION; SECTION 34-32 BUSINESS NOISES ADJACENT TO RESIDENTIAL SECTIONS OF THE CITY; SECTION 34-33 MAINTAINING NOISY PREMISES; AND ADDING TO CHAPTER 34 ENVIRONMENT; SECTION 34-34 FINDINGS OF FACT; SECTION 34-35 PROHIBITED ACTS; SECTION 34-36 MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS; SECTION 34-37 SOUND MEASUREMENT; SECTION 34-38 EXCEPTIONS; SECTION 34-39 CONFLICTS IN RESTRICTIVE STANDARD; SECTION 34-40 ENFORCEMENT; SECTION 34-41 OTHER REMEDIES; SECTION 34-42 LIABILITY OF ENFORCEMENT OFFICER; SECTION 34-43 ADMINISTRATION; SECTION 34-44 MEASUREMENT OF NOISE; 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 November 3, 2015 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, 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 34 – ENVIRONMENT

~~Sec. 34-31. – Loud, disturbing and unnecessary; enumeration.~~

~~The creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or~~

CITY OF CLERMONT
ORDINANCE No. 2015-79

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health of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) — *Blowing horns or signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) — *Building operations.* The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday, except in case of urgent necessity in the interest of public safety and then only with the permission of the planning and zoning department.
- (3) — *Exhaust discharge.* The discharge into the open air of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud noises therefrom.
- (4) — *Fireworks.* The use of fireworks and other noise-making explosives and devices, unless a written permit is first obtained as provided by law.
- (5) — *Hawking and peddling.* The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (6) — *Keeping of animals.* The keeping of any animal or bird, which by causing frequent or loud noise shall disturb the comfort and repose of any person in the vicinity.
- (7) — *Loading and unloading operations.* The creation of a loud and excessive noise in connection with loading or unloading of any vehicle, trailer or container, or the opening and destruction of bales, boxes, crates and containers.
- (8) — *Noises near churches, schools, institutions of learning or hospitals.* The creation of any excessive noise on any street adjacent to any church, school or institution of learning while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such streets indicating that the same is a church, school or hospital.
- (9) — *Noises to attract attention.* The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or device for the purpose of attracting attention or intended to attract attention to any performance, show, sale or display of merchandise, except after obtaining permission from the city.
- (10) — *Playing of radio, phonograph or any musical instrument.* The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

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CITY OF CLERMONT
ORDINANCE No. 2015-79

(11) ~~*Use of vehicles.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.~~

Sec. 34-32. – Business noises adjacent to residential sections of the city.

Noises created from nonresidential areas that are adjacent to or spill over into residential areas shall be prohibited in accordance with the hours listed below. Noises may include but are not limited to the following: The blowing or burning of carbon from cylinders, testing engines, operating machinery or the performing of any kind of work of any nature whatsoever, which produces noises of any kind audible outside of any garage, shop or other place of business located adjacent to the residential sections of the city between the hours of 9:00 p.m. and 7:00 a.m. on any day shall be a violation of the Code. Truck deliveries shall also be prohibited between the hours of 10:00 p.m. and 7:00 a.m. for the same locations adjacent to residential sections of the city.

Sec. 34-33. – Maintaining noisy premises.

Whoever permits the assembling or congregating of noisy, drunk or dissolute persons upon the premises owned, occupied or controlled by him; or whoever conducts any business or trade in such a manner as to make or cause to be made disturbing, unusual, offensive or annoying noises in connection therewith, or so as to make such place of business or the vicinity thereof, or so as to cause crowds of idle, dissolute, drunken or disorderly persons to assemble in, or in the vicinity of such place of trade or business, shall be deemed guilty of maintaining a nuisance.

ARTICLE II. - NOISE

Sec. 34-31. - Scope.

This article shall be effective throughout the city limits.

Sec. 34-32. - Purpose.

The purpose of this article is to prevent and prohibit excessive and unnecessary noise and provide for the abatement of excessive and unnecessary noise in order to protect the health, safety and general welfare of people in the city and to restrict excessive unnecessary noise throughout the city.

Sec. 34-33. - Terminology, standards and definitions.

(a) *Terminology and standards.* All technical acoustical terminology and standards used in this article which are not defined in subsection (b) of this section shall be read or construed in conformance with applicable publications of the American National Standards Institute, Inc. (ANSI), or its successor body.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall

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have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound pressure level means the sound pressure level, in decibels, as measured on a sound level meter using the A-weighting network. The level so read shall be designated as
db(A) or dBA.

Ambient noise level means the sound pressure level of the all-encompassing noise emanating from a given environment, usually being a composite of sounds from many sources.

Amplified sound equipment means electronic or other equipment that projects or transmits music, sound waves, vibration or speech, including but not limited to, a loudspeaker, megaphone, amplifier or public address system.

Commercial use means uses allowed under the zoning designations of C-1, C-2, and M-1.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or on public or private thoroughfares, structures, utilities or similar property.

Decibel or dB means a unit for measuring the volume of sound; it is a logarithmic (dimensionless) unit of measure used in describing the amplitude of sound.

Demolition means any dismantling, destructing, razing or removal of structures, utilities, public or private thoroughfare surfaces, or similar property.

Device means a mechanism which is intended to produce or which actually produces noise when operated or handled.

Emergency means any occurrence or circumstance involving actual or imminent physical death or trauma or property damage, demanding immediate emergency work or service. It shall be the burden of the alleged violator to prove the "emergency".

Emergency vehicle means a motor vehicle, boat or aircraft used in response to an emergency. Such vehicles include, but are not limited to, police vehicles, fire and rescue vehicles, and ambulances.

Fluctuating noise means the sound pressure level of noise varying more than six dB(A) during the period of observation when measured with the slow meter characteristic of a sound level meter. It does not equal the previously existing ambient noise level more than once during the period of observation.

Impulsive sound means a sound of short duration, usually less than one second and of high

intensity, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, the barking of dogs, and the beating of drums.

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Industrial use means uses allowed under the zoning designation M-1.

Level, day-night (Ldn) means a 24-hour average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. increased by ten dB(A) before averaging.

Motor vehicle means any vehicle defined as a motor vehicle by F.S. § 320.01(1), including but not limited to, passenger cars, trucks, truck trailers, semitrailers, campers, motorcycles, minibikes, go-carts, amphibious craft on land, dune buggies, and racing vehicles which are propelled by mechanical power.

Motorboat means any vehicle which is primarily operated on water or which does operate on water, such as boats, barges, amphibious craft, or hover craft, and which is propelled by mechanical power.

Muffler means any apparatus consisting of baffles, chambers, or acoustical absorbing material whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end.

Multifamily residential dwelling means a building designed or used exclusively for residential occupancy by two or more families.

Multifamily residential dwelling unit means the portion of a multifamily residential dwelling designed or used exclusively for residential occupancy by only one family.

Noise means any sound produced in such quantity and for such duration that it annoys, disturbs, endangers or injures the comfort, repose, health, peace, or safety of a reasonably prudent person of ordinary sensibilities, and also includes sounds at or above decibel levels as specifically prohibited by this article.

Noise-sensitive zone means a quiet zone which is open or in session, and which is demarcated by conspicuous signs identifying it as a quiet zone. Noise-sensitive zones may be established only for schools, public libraries, churches, hospitals, and nursing homes. These zones are to be established as approved by the city commission.

Office use means uses allowed under the zoning designation O-1.

Period of observation means the time interval during which acoustical data and facts are obtained.

Person means any natural person, individual, association, partnership, corporation, municipality, governmental agency, business trust, estate, trust, two or more persons having a joint or common

interest or any other legal entity and includes any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of a state or any other entity whatsoever or any combination of such, jointly or severally.

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Police department means the city police department and each officer thereof.

Powered model vehicles means any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as, but not limited to, model airplanes, boats, cars, rockets, and which are being propelled by mechanical means.

Property line means an imaginary line along the surface of land or water, and its vertical plane extension, which separates the real property owned, rented or leased by one person from the real property owned, rented or leased by another person.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by the city, county, state or federal government.

Pure tone means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above and by eight dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

Receiving land use means the use of the land which is receiving the sound or noise as designated by the City of Clermont Zoning Map (and for recently incorporated areas, the effective zoning category).

Residential use means uses allowed under a zoning designation of UE, R-1A, R-1, R-2, R-3, R-3A, and planned unit development.

RMS sound pressure means the square root of the time averaged square of the sound pressure.

Single-family residential dwelling means a detached dwelling containing complete housekeeping facilities for only one family, designed for or occupied exclusively by one family for usual domestic purposes, and having no enclosed space or cooking facilities or sanitary facilities in common with any other dwelling.

Single-family residential dwelling lot means the parcel of land upon which a single-family residential dwelling is located.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity or other

physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Sound level means the weighted sound pressure level obtained by the use of a metering

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characteristic and weighting A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971), or successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting network used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated. The instrument is of type 2 or better, as specified in the American National Standards Institute publication entitled "Specifications for Sound-Level Meters," designated as ANSI S1.4-1971, or successor publication.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of sound energy.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micronewtons per meter squared. The sound pressure level is denoted L_p or SPL and is expressed in decibels.

Steady noise means a sound pressure level which remains essentially constant during the period of observation, i.e., the fluctuations are too small to meet the criteria for fluctuating noise.

Sec. 34-34. - Findings of fact.

- (a) Excessive and unnecessary noise interferes with the quality of life and the health, safety and general welfare of the public.
- (b) In particular, excessive and unnecessary noise can and does cause adverse psychological and physiological effects in humans, inefficiency, accidents and other undesirable and dangerous conditions.
- (c) A substantial body of science and technology exists by which noise may be measured and substantially abated.

Sec. 34-35. - Prohibited acts.

- (a) It shall be unlawful for any person to produce, cause to be produced, allow to be produced or project, by any means, any sound or noise across a property line in such manner as to create a sound level which exceeds the limits set forth for the receiving land use listed in section 34-36 when measured at or within the property line of the receiving property. For any activity or use of land or buildings not expressly listed in

the zoning districts in the city, the city commission, upon notice to the owner or occupant of the property producing sound, may determine the category of use under this article for which the activity or use is to be considered. Notwithstanding the foregoing, the existence of a noise which relates to the receiving land use listed in

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section 34-40 may be determined by the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents pursuant to section 34-40(a)(1).

(b) Notwithstanding any violation of subsection (a) above, the following specific uses, activities and circumstances are declared to be in violation of this article:

(1) *Radios, television sets, exterior loudspeakers, musical instruments, and similar devices.* Operating or permitting the use or operation of any radio receiving set, exterior loudspeaker, amplified sound equipment, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound in such a manner as to create a noise across the boundary of the property, including, without limitation, public and private rights-of-way from which the noise originates. In addition to the preceding, radios, cassette players, disk players and similar devices associated with motor vehicles or motorboats, shall not be operated or amplified in such a manner as to be felt or clearly heard at 25 feet or more from such device, when operated or parked on a public or private right-of-way or public or private space. In determining whether such devices may be clearly heard, the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents must utilize their normal auditory senses without any enhancements or hearing aids. Particular words or phrases or the name of any song or artist are not required to be identified. The detection of a rhythmic bass reverberating sound shall be sufficient to determine if a violation has occurred. To the extent that the Florida Uniform Traffic Control Law provisions regulate noise originating from within public or private rights of way, those provisions shall apply where currently existing or as amended.

(2) *Construction equipment and activity.* Operating or causing to be operated any equipment or performing any outside activity in furtherance of construction, repair, alteration or demolition work on buildings, structures, roads, or projects within the city except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturday, excluding all legal, state, and nationally recognized holidays. A variance may be obtained as set forth in this article from the city for such construction or repair work outside of such hours.

(3) *Engine mufflers.* Operation of any internal combustion engine, including but not limited to an engine associated with a motor boat, or motor vehicle without

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a muffler or other effective sound-dampening device which functions as designed by the manufacturer muffler or other effective sound-dampening device, which prevents loud or explosive noise therefrom.

(4) *Motor vehicle, motorcycle or motorboat repair in residential areas.* Repairing, rebuilding, modifying or testing any motor vehicle, off-road vehicle, or

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motorboat within or abutting any residential land use designation in such a manner as to create noise across the boundary of the property, including without limitation, public and private rights-of-way from which the noise originated between the hours of 9:00 p.m. and 7:00 a.m.

- (5) *Activities in the vicinity of schools, courts, churches, and hospitals.* Creating sound on any street adjacent to any school, court, church, or hospital which sound constitutes a noise as perceived from the interior of such institution.
 - (6) *Peddlers, hawkers, or vendors.* It shall be unlawful for peddlers, hawkers, or vendors to shout or cry along or on a roadway in such a manner as to create noise on property outside the right-of-way.
 - (7) *Drums, cymbals, and amplified sound equipment.* Creating, making, or maintaining any sound by the use of any drum, cymbals, amplified sound equipment, or other similar instruments in the city for the purpose of attracting attention to any performance, show, sale, or display of merchandise, or place of business so that a noise is projected across the boundary of the property from which the noise originates.
 - (8) *Bells or sirens on vehicles.* Using, in connection with an unauthorized vehicle, any bell or siren similar to that used on ambulances or vehicles of the police, fire departments, and other public safety agencies.
 - (9) *Skateboard ramps.* Using any skateboard ramp or similar configuration for skateboarding or rollerblading between 9:00 p.m. and 7:00 a.m. in a residential land use designation in a manner that results in noise across the boundary of the property from which the noise originates.
 - (10) *Air blow or vacuum cleaners.* Operating any air-blow or vacuum cleaning equipment or similar devices for the cleaning of parking lots, walkways, driveways, or similar areas between the hours of 9:00 p.m. and 7:00 a.m. that results in noise across the boundary of the property from which the noise originates.
 - (11) *Places of public entertainment.* It shall be unlawful for any public entertainment establishment or person associated with or working for said
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- (12) establishment to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to create a noise across the boundary of the property from which the noise originates.
 - (13) *Landscape maintenance.* Undertaking landscape maintenance activities in such

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a manner as to create noise across the boundary of the property from which the noise originates between the hours of 9:00 p.m. and 7:00 a.m. Golf courses engaged in the regular maintenance of greens, fairways, practice areas, etc. are exempt from this provision.

- (14) *Powered model vehicles.* Operating or permitting the operation of powered model vehicles in such a manner as to create noise across the boundary of the property from which the noise originates between the hours of 9:00 p.m. and 7:00 a.m.
- (15) *Animal noises.* It shall be unlawful for the owner or custodian of any animal to permit such animal to habitually bark, whine, howl, squawk, screech, bray, crow or cause any other noise which constitutes a noise experienced across the boundary of the property from which the noise originates.
- (16) *Loading docks.* It shall be unlawful for any commercial or industrial establishment to engage in any loading or unloading of equipment or merchandise from a vehicle between the hours of 9:00 p.m. and 7:00 a.m. where such activity results in a noise being generated across the boundary of the property from which the noise originates onto property occupied for residential purposes.
- (17) *Activities within the vicinity of sleeping quarters.* Actions or activities between the hours of 11:00 p.m. and 7:00 a.m. resulting in transmission of a sound across the boundary line of the property where the actions or activities occurs such that the sound constitutes a noise as perceived from within the interior of a building used for residential or lodging purposes.

Sec. 34-36. - Maximum permissible sound level limits.

- (a) The following applicable sound level limits are established for the following applicable times when measured at or within the property lines of the following applicable receiving land use categories:

<u>Receiving Land Use Designation</u>	<u>Time</u>	<u>Sound Level Limit (dBA)</u>
<u>Single-family residential dwelling lot, parcel, or area; any other lot, parcel or area zoned for residential use except a multifamily residential dwelling unit; any noise-sensitive zone</u>	<u>7:00 a.m.—</u>	<u>60</u> <u>55</u>
	<u>9:00 p.m.</u>	
	<u>9:00 p.m.—</u>	
	<u>7:00 a.m.</u>	

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<u>Multifamily residential dwelling unit</u>	<u>7:00 a.m.—</u>	<u>55</u> <u>45</u>
	<u>9:00 p.m.</u>	
	<u>9:00 p.m.—</u>	
	<u>7:00 a.m.</u>	
<u>Lot, parcel or area zoned for office use</u>	<u>7:00 a.m.—</u>	<u>75</u> <u>70</u>
	<u>9:00 p.m.</u>	
	<u>9:00 p.m.—</u>	
	<u>7:00 a.m.</u>	
<u>Commercial other than office use</u>	<u>7:00 a.m.—</u>	<u>75</u> <u>70</u>
	<u>9:00 p.m.</u>	
	<u>9:00 p.m.—</u>	
	<u>7:00 a.m.</u>	
<u>Industrial</u>	<u>7:00 a.m.—</u>	<u>75</u> <u>70</u>
	<u>9:00 p.m.</u>	
	<u>9:00 p.m. -</u>	
	<u>7:00 a.m.</u>	
<u>Agricultural</u>	<u>7:00 a.m.—</u>	<u>75</u> <u>70</u>
	<u>9:00 p.m.</u>	
	<u>9:00 p.m.—</u>	
	<u>7:00 a.m.</u>	

- (b) Any source of sound which emits a pure tone or is characterized as an impulsive sound will reduce by five dBA the sound level limits set forth in subsection (a) of this section.
- (c) To the extent other sections of this article allow sounds at levels that exceed the sound level limits and times specified in the above chart, the other sections of this article control.

Sec. 34-37. - Sound measurement.

Except as may otherwise be provided in section 34-35(b), sound measurements taken under this

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article shall be made with a sound level meter. Recorded measurement shall be taken so as to secure and ensure an accurate representation of the sound. All periods of observation made hereunder shall be determined with regard to the character of the noise being measured and the particular instrument used to make the measurement.

Sec. 34-38. - Exceptions.

- (a) The following noise and sounds are exempt from this article:
- (1) Noise and sounds caused by or related to emergency vehicles, equipment, and personnel during emergencies, which shall be deemed to include all work made

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necessary by an emergency to restore property to a safe condition, all work made necessary by an emergency to restore public utility service and all work made necessary by an emergency to protect persons or property from imminent injury, death, or substantial harm.

- (2) Noise and sounds produced by city, county, state, and federal government vehicles, equipment and personnel during the pursuit of official duties of the respective governments, including but not limited to public works construction and maintenance, authorized safety signals, warning devices and emergency testing.
- (3) Noise and sounds produced by public utility vehicles, equipment and personnel during the pursuit of the public duty of such public utility.
- (4) Noise and sounds produced by activities or events approved by the city commission where the person responsible for such activities or events obtains the city commission's approval after such person clearly and expressly has advised the city commission that the noise or sounds associated with the activities or events would be in violation of this article but for this exemption.
- (5) Noise and sounds produced between the hours of 7:00 a.m. and 9:00 p.m. by the mowing of grass; the operation of other yard maintenance equipment; the construction of properly permitted buildings, structures and other improvements; and the operation of farm equipment during farming activities.
- (6) Railway locomotives and railway cars.
- (7) Aircraft and airport activity conducted in accordance with federal laws and regulations.
- (8) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 or other provisions of the Florida Uniform Traffic Control Law that regulate noise and sounds originating from within public or private right-of-way where currently existing or as amended.
- (9) Organized athletic contests.
- (10) Noise and sounds produced from churches between the hours of 7:00 a.m. and 10:00 p.m.
- (11) Community events, such as fairs, school activities, community festivals and the like which do not extend their activities beyond 11:00 p.m. or commence before 7:00 a.m. Any community activity which extends beyond 11:00 p.m. or commences before 7:00 a.m. and would otherwise violate this article must apply for and receive prior approval from the city.

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- (12) Noise and sounds produced by an electrical generator during a time period in which regular electrical utility service is temporarily unavailable to the property upon which the generator is located.
- (13) Noise and sound associated with uses or activities for which a variance has been obtained from the city approving such noises and sounds contrary to the restrictions of this article.
- (b) To the extent any portion of this article covers a matter covered by F.S. § 403.415, the Florida Motor Vehicle Noise Prevention and Control Act of 1974, or any other provisions of the Florida Uniform Traffic Control Law, the provisions of this article covered by such act or law shall be of no effect. For matters not covered by the act or law, all of the sections of this article are in full force and effect. Additionally, any violation of such act within the city shall be a violation of this article, and such violation may be penalized and such act may be enforced through the enforcement provisions of this article and this Code.

Sec. 34-39. - Conflicts in restrictive standard.

If this article and section 34-44 provide for different maximum noise levels, the more restrictive maximum level shall apply. If the noise levels (maximum sound pressure level) in section 34-44 cannot be enforced or measurement of such levels is difficult, unduly burdensome or impossible, the sound level limits in this article shall control.

Sec. 34-40. - Enforcement.

- (a) *Determination of violations.* The city's law enforcement officers, the city manager, code enforcement officers, code inspectors, and their agents are empowered to investigate any situation where a person is alleged to be violating section 34-35, section 34-36 or the terms of any variance. These individuals shall have authority to issue citations for all violations of this article. If any of these individuals encounters a circumstance which reasonably indicates that a person is violating a provision of section 34-35 or 34-36, the following standards shall apply depending upon the provision alleged to have been violated:

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- (1) *Violations of section 34-35(a).* If a violation of section 34-35(a) is alleged, a sound level pressure test may be utilized to establish the violation. The city may, through agreement with other local governments or other entities, provide for the measurement of sound and noise and for the performance of sound level pressure tests and other matters as such may be used in the enforcement of this article and the enforcement of section 34-44. Additionally, the city's law enforcement officers, the city manager, code enforcement officers, code inspectors, and/or their agents, may assess whether a particular sound constitutes a noise as to the receiving land use listed in section 34-36. In assessing whether a noise has been or is continuing to be created, the investigating agent shall investigate the matter and be entitled to rely on his or her observations, witness statements, and any other evidence available. In

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determining whether a sound constitutes a noise, the investigating agent shall objectively evaluate the alleged noise by considering several environmental and contextual factors, including, but not limited to, the criteria set forth in section 34-40(a)(2)(i)—(ix), inclusive.

- (2) *Violations of section 34-34(b).* If a violation of section 34-34(b) is alleged, then the city's law enforcement officers, the city manager, code enforcement officers, code inspectors, and/or their agents, in assessing whether a noise has been or is continuing to be created shall investigate the matter and be entitled to rely on their observations, witness statements, and any other evidence available. In determining whether a sound constitutes a noise, the investigating agent shall objectively evaluate the alleged noise by considering several environmental and contextual factors, including, but not limited to, the following:

- (i) The intensity of the alleged noise.
- (ii) The duration of the alleged noise.
- (iii) The relationship of the alleged noise to the intensity of background or ambient sounds, if any.
- (iv) The uses permitted within the zoning district in which the alleged noise emanates or emanated and the uses permitted within zoning districts that lie within 500 feet of the source of the alleged noise.
- (v) The time of the day or night at which the alleged noise occurs.
- (vi) The proximity of the alleged noise to facilities customarily utilized for sleeping purposes.
- (vii) Whether the alleged noise is continuous or impulsive.
- (viii) The existence of additional complaints concerning the alleged noise from additional persons who claim to be affected by the alleged noise.
- (ix) Whether the alleged noise is due to natural occurrences or human-made activities.

- (b) *Enforcement.* In the event that a violation of this article has occurred or is occurring, the city shall have the right to one or more of the following remedies or actions:

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- (1) *Code enforcement proceedings.* The city may initiate a code enforcement proceeding against the person(s) or entities in violation and/or the property owner of the real property where the violation occurs. A violation of this article may be prosecuted as a violation of an itinerant or transient nature and one that is irreparable and irreversible.
- (2) *Civil citation.* A civil citation may be issued against the person(s) or entities in violation as set forth in section 34-61 of the Clermont Code of Ordinances. The city's law enforcement officers or code enforcement officers are authorized to issue notices to appear to the violator(s).
- (3) *Criminal penalty.* The city may prosecute the violator for a criminal

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misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court.

- (4) *Other remedies.* The city may institute any appropriate action at law or in equity to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person(s) or entity shall be liable to the city for reimbursement of the city's attorneys' fees and costs concerning such action.

Sec. 34-41. - Other remedies.

The city commission or any substantially affected person may bring suit in the circuit court of the county to restrain, enjoin, or otherwise prevent the violation of this article. Nothing contained in this article shall prevent or restrict the city from taking such other lawful actions in any court of competent jurisdiction as is necessary to prevent or remedy any violation or situation of noncompliance. Such other lawful actions may include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this article shall be cumulative and independently available.

Sec. 34-42. - Liability of enforcement officer.

The police department, the environmental protection officer, the city and their agents are immune from prosecution, civil or criminal, for reasonable, good faith trespass upon private property while in the discharge of duties under this article.

Sec. 34-43. - Administration.

The city commission may adopt such ordinances as are necessary to effectively administer this article.

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- (a) *Exemptions for pre-approved city events or activities:*
- (1) It shall not be a violation of section 34-34(a) or section 34-34(b) if the noise at issue relates to or is produced as a result of pre-approved city events or activities. Such exemptions include, but are not limited to, activities and events sponsored by, conducted by, or permitted by the city.

Sec. 34-44. Measurement of Noise.

- (a) *Method of measurement.* For the purpose of this chapter, sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-

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1944, American Standards Association, Inc., New York, and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York).

- (b) Locational requirement for measurement. Sound levels shall be measured along the boundaries of the site.
- (c) Permitted sound levels. Permitted sound levels shall be as follows:

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MAXIMUM SOUND PRESSURE LEVEL
(in decibels 0.0002 dyne per square centimeter)

<u>Octave Band</u> <u>(cycles per</u> <u>second)</u>	<u>Along</u> <u>Residential</u> <u>District</u> <u>Boundaries</u>	<u>Along</u> <u>Commercial</u> <u>and Industrial</u> <u>District</u> <u>Boundaries</u>
<u>0—75</u>	<u>69</u>	<u>79</u>
<u>75—150</u>	<u>54</u>	<u>74</u>
<u>150—300</u>	<u>47</u>	<u>66</u>

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<u>300—600</u>	<u>41</u>	<u>59</u>
<u>600—1,200</u>	<u>37</u>	<u>53</u>
<u>1,200—2,400</u>	<u>34</u>	<u>47</u>
<u>2,400—4,800</u>	<u>31</u>	<u>41</u>
<u>Above 4,800</u>	<u>28</u>	<u>39</u>

(d) *Applicability of standards.* These standards shall apply to all noises, due to intermittence, beat frequency or shrillness.

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 8th day of December, 2015.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

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Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Chapter 34 – ENVIRONMENT

Sec. 34-31. – ~~Loud, disturbing and unnecessary; enumeration.~~

The creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) ~~Blowing horns or signal devices.~~ The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) ~~Building operations.~~ The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday, except in case of urgent necessity in the interest of public safety and then only with the permission of the planning and zoning department.
- (3) ~~Exhaust discharge.~~ The discharge into the open air of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud noises therefrom.
- (4) ~~Fireworks.~~ The use of fireworks and other noise-making explosives and devices, unless a written permit is first obtained as provided by law.
- (5) ~~Hawking and peddling.~~ The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (6) ~~Keeping of animals.~~ The keeping of any animal or bird, which by causing frequent or loud noise shall disturb the comfort and repose of any person in the vicinity.
- (7) ~~Loading and unloading operations.~~ The creation of a loud and excessive noise in connection with loading or unloading of any vehicle, trailer or container, or the opening and destruction of bales, boxes, crates and containers.
- (8) ~~Noises near churches, schools, institutions of learning or hospitals.~~ The creation of any excessive noise on any street adjacent to any church, school or institution of learning while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such streets indicating that the same is a church, school or hospital.
- (9) ~~Noises to attract attention.~~ The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or device for the purpose of attracting attention or intended to attract attention to any performance, show, sale or display of merchandise, except after obtaining permission from the city.
- (10) ~~Playing of radio, phonograph or any musical instrument.~~ The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
- (11) ~~Use of vehicles.~~ The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(Code 1962, § 14-12; Code 1998, § 34-31; Ord. No. 233-C, § 1, 4-12-1983; Ord. No. 2011-03-C, § 2, 7-12-2011)

~~Sec. 34-32. -- Business noises adjacent to residential sections of the city.~~

~~Noises created from nonresidential areas that are adjacent to or spill over into residential areas shall be prohibited in accordance with the hours listed below. Noises may include but are not limited to the following: The blowing or burning of carbon from cylinders, testing engines, operating machinery or the performing of any kind of work of any nature whatsoever, which produces noises of any kind audible outside of any garage, shop or other place of business located adjacent to the residential sections of the city between the hours of 9:00 p.m. and 7:00 a.m. on any day shall be a violation of the Code. Truck deliveries shall also be prohibited between the hours of 10:00 p.m. and 7:00 a.m. for the same locations adjacent to residential sections of the city.~~

~~(Code 1962, § 14-13; Code 1998, § 34-32; Ord. No. 233-C, § 1, 4-12-1983; Ord. No. 2011-03-C, § 2, 7-12-2011)~~

~~Sec. 34-33. -- Maintaining noisy premises.~~

~~Whoever permits the assembling or congregating of noisy, drunk or dissolute persons upon the premises owned, occupied or controlled by him; or whoever conducts any business or trade in such a manner as to make or cause to be made disturbing, unusual, offensive or annoying noises in connection therewith, or so as to make such place of business or the vicinity thereof, or so as to cause crowds of idle, dissolute, drunken or disorderly persons to assemble in, or in the vicinity of such place of trade or business, shall be deemed guilty of maintaining a nuisance.~~

~~(Code 1962, § 14-14; Code 1998, § 34-33; Ord. No. 233-C, § 1, 4-12-1983)~~

ARTICLE II. - NOISE

Sec. 34-31. - Scope.

This article shall be effective throughout the city limits.

Sec. 34-32. - Purpose.

The purpose of this article is to prevent and prohibit excessive and unnecessary noise and provide for the abatement of excessive and unnecessary noise in order to protect the health, safety and general welfare of people in the city and to restrict excessive unnecessary noise throughout the city.

Sec. 34-33. - Terminology, standards and definitions.

(a) Terminology and standards. All technical acoustical terminology and standards used in this article which are not defined in subsection (b) of this section shall be read or construed in conformance with applicable publications of the American National Standards Institute, Inc. (ANSI), or its successor body.

(b)

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound pressure level means the sound pressure level, in decibels, as measured on a sound level meter using the A-weighting network. The level so read shall be designated as _____ db(A) or _____ dBA.

Ambient noise level means the sound pressure level of the all-encompassing noise emanating from a given environment, usually being a composite of sounds from many sources.

Amplified sound equipment means electronic or other equipment that projects or transmits music, sound waves, vibration or speech, including but not limited to, a loudspeaker, megaphone, amplifier or public address system.

Commercial use means uses allowed under the zoning designations of C-1, C-2, and M-1.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or on public or private thoroughfares, structures, utilities or similar property.

Decibel or dB means a unit for measuring the volume of sound; it is a logarithmic (dimensionless) unit of measure used in describing the amplitude of sound.

Demolition means any dismantling, destructing, razing or removal of structures, utilities, public or private thoroughfare surfaces, or similar property.

Device means a mechanism which is intended to produce or which actually produces noise when operated or handled.

Emergency means any occurrence or circumstance involving actual or imminent physical death or trauma or property damage, demanding immediate emergency work or service. It shall be the burden of the alleged violator to prove the "emergency".

Emergency vehicle means a motor vehicle, boat or aircraft used in response to an emergency. Such vehicles include, but are not limited to, police vehicles, fire and rescue vehicles, and ambulances.

Fluctuating noise means the sound pressure level of noise varying more than six dB(A) during the period of observation when measured with the slow meter characteristic of a sound level meter. It does not equal the previously existing ambient noise level more than once during the period of observation.

Impulsive sound means a sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, the barking of dogs, and the beating of drums.

Industrial use means uses allowed under the zoning designation M-1.

Level, day-night (Ldn) means a 24-hour average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. increased by ten dB(A) before averaging.

Motor vehicle means any vehicle defined as a motor vehicle by F.S. § 320.01(1), including but not limited to, passenger cars, trucks, truck trailers, semitrailers, campers, motorcycles, minibikes, go-carts, amphibious craft on land, dune buggies, and racing vehicles which are propelled by mechanical power.

Motorboat means any vehicle which is primarily operated on water or which does operate on water, such as boats, barges, amphibious craft, or hover craft, and which is propelled by mechanical power.

Muffler means any apparatus consisting of baffles, chambers, or acoustical absorbing material whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end.

Multifamily residential dwelling means a building designed or used exclusively for residential occupancy by two or more families.

Multifamily residential dwelling unit means the portion of a multifamily residential dwelling designed or used exclusively for residential occupancy by only one family.

Noise means any sound produced in such quantity and for such duration that it annoys, disturbs, endangers or injures the comfort, repose, health, peace, or safety of a reasonably prudent person of ordinary sensibilities, and also includes sounds at or above decibel levels as specifically prohibited by this article.

Noise-sensitive zone means a quiet zone which is open or in session, and which is demarcated by conspicuous signs identifying it as a quiet zone. Noise-sensitive zones may be established only for schools, public libraries, churches, hospitals, and nursing homes. These zones are to be established as approved by the city commission.

Office use means uses allowed under the zoning designation O-1.

Period of observation means the time interval during which acoustical data and facts are obtained.

Person means any natural person, individual, association, partnership, corporation, municipality, governmental agency, business trust, estate, trust, two or more persons having a joint or common interest or any other legal entity and includes any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of a state or any other entity whatsoever or any combination of such, jointly or severally.

Police department means the city police department and each officer thereof.

Powered model vehicles means any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as, but not limited to, model airplanes, boats, cars, rockets, and which are being propelled by mechanical means.

Property line means an imaginary line along the surface of land or water, and its vertical plane extension, which separates the real property owned, rented or leased by one person from the real property owned, rented or leased by another person.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by the city, county, state or federal government.

Pure tone means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above and by

eight dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

Receiving land use means the use of the land which is receiving the sound or noise as designated by the City of Clermont Zoning Map (and for recently incorporated areas, the effective zoning category).

Residential use means uses allowed under a zoning designation of UE, R-1A, R-1, R-2, R-3, R-3A, and planned unit development.

RMS sound pressure means the square root of the time averaged square of the sound pressure.

Single-family residential dwelling means a detached dwelling containing complete housekeeping facilities for only one family, designed for or occupied exclusively by one family for usual domestic purposes, and having no enclosed space or cooking facilities or sanitary facilities in common with any other dwelling.

Single-family residential dwelling lot means the parcel of land upon which a single-family residential dwelling is located.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Sound level means the weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971), or successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting network used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated. The instrument is of type 2 or better, as specified in the American National Standards Institute publication entitled "Specifications for Sound-Level Meters," designated as ANSI S1.4-1971, or successor publication.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of sound energy.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micronewtons per meter squared. The sound pressure level is denoted Lp or SPL and is expressed in decibels.

Steady noise means a sound pressure level which remains essentially constant during the period of observation, i.e., the fluctuations are too small to meet the criteria for fluctuating noise.

Sec. 34-34. - Findings of fact.

- (a) Excessive and unnecessary noise interferes with the quality of life and the health, safety and general welfare of the public.

- (b) In particular, excessive and unnecessary noise can and does cause adverse psychological and physiological effects in humans, inefficiency, accidents and other undesirable and dangerous conditions.
- (c) A substantial body of science and technology exists by which noise may be measured and substantially abated.

Sec. 34-35. - Prohibited acts.

- (a) It shall be unlawful for any person to produce, cause to be produced, allow to be produced or project, by any means, any sound or noise across a property line in such manner as to create a sound level which exceeds the limits set forth for the receiving land use listed in [section 34-36](#) when measured at or within the property line of the receiving property. For any activity or use of land or buildings not expressly listed in the zoning districts in the city, the city commission, upon notice to the owner or occupant of the property producing sound, may determine the category of use under this article for which the activity or use is to be considered. Notwithstanding the foregoing, the existence of a noise which relates to the receiving land use listed in [section 34-40](#) may be determined by the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents pursuant to [section 34-40\(a\)\(1\)](#).
- (b) Notwithstanding any violation of subsection (a) above, the following specific uses, activities and circumstances are declared to be in violation of this article:
 - (1) *Radios, television sets, exterior loudspeakers, musical instruments, and similar devices.* Operating or permitting the use or operation of any radio receiving set, exterior loudspeaker, amplified sound equipment, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound in such a manner as to create a noise across the boundary of the property, including, without limitation, public and private rights-of-way from which the noise originates. In addition to the preceding, radios, cassette players, disk players and similar devices associated with motor vehicles or motorboats, shall not be operated or amplified in such a manner as to be felt or clearly heard at 25 feet or more from such device, when operated or parked on a public or private right-of-way or public or private space. In determining whether such devices may be clearly heard, the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents must utilize their normal auditory senses without any enhancements or hearing aids. Particular words or phrases or the name of any song or artist are not required to be identified. The detection of a rhythmic bass reverberating sound shall be sufficient to determine if a violation has occurred. To the extent that the Florida Uniform Traffic Control Law provisions regulate noise originating from within public or private rights of way, those provisions shall apply where currently existing or as amended.
 - (2) *Construction equipment and activity.* Operating or causing to be operated any equipment or performing any outside activity in furtherance of construction, repair, alteration or demolition work on buildings, structures, roads, or projects within the city except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturday, excluding all legal, state, and nationally recognized holidays. A variance may be obtained as set forth in this article from the city for such construction or repair work outside of such hours.
 - (3) *Engine mufflers.* Operation of any internal combustion engine, including but not limited to an engine associated with a motor boat, or motor vehicle without a muffler or other effective sound-dampening device which functions as designed by the manufacturer muffler or other effective sound-dampening device, which prevents loud or explosive noise therefrom.

- (4) Motor vehicle, motorcycle or motorboat repair in residential areas. Repairing, rebuilding, modifying or testing any motor vehicle, off-road vehicle, or motorboat within or abutting any residential land use designation in such a manner as to create noise across the boundary of the property, including without limitation, public and private rights-of-way from which the noise originated between the hours of 9:00 p.m. and 7:00 a.m.
- (5) Activities in the vicinity of schools, courts, churches, and hospitals. Creating sound on any street adjacent to any school, court, church, or hospital which sound constitutes a noise as perceived from the interior of such institution.
- (6) Peddlers, hawkers, or vendors. It shall be unlawful for peddlers, hawkers, or vendors to shout or cry along or on a roadway in such a manner as to create noise on property outside the right-of-way.
- (7) Drums, cymbals, and amplified sound equipment. Creating, making, or maintaining any sound by the use of any drum, cymbals, amplified sound equipment, or other similar instruments in the city for the purpose of attracting attention to any performance, show, sale, or display of merchandise, or place of business so that a noise is projected across the boundary of the property from which the noise originates.
- (8) Bells or sirens on vehicles. Using, in connection with an unauthorized vehicle, any bell or siren similar to that used on ambulances or vehicles of the police, fire departments, and other public safety agencies.
- (9) Skateboard ramps. Using any skateboard ramp or similar configuration for skateboarding or rollerblading between 9:00 p.m. and 7:00 a.m. in a residential land use designation in a manner that results in noise across the boundary of the property from which the noise originates.
- (10) Air blow or vacuum cleaners. Operating any air-blow or vacuum cleaning equipment or similar devices for the cleaning of parking lots, walkways, driveways, or similar areas between the hours of 9:00 p.m. and 7:00 a.m. that results in noise across the boundary of the property from which the noise originates.
- (11) Places of public entertainment. It shall be unlawful for any public entertainment establishment or person associated with or working for said establishment to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to create a noise across the boundary of the property from which the noise originates.
- (12) Landscape maintenance. Undertaking landscape maintenance activities in such a manner as to create noise across the boundary of the property from which the noise originates between the hours of 9:00 p.m. and 7:00 a.m. Golf courses engaged in the regular maintenance of greens, fairways, practice areas, etc. are exempt from this provision.
- (13) Powered model vehicles. Operating or permitting the operation of powered model vehicles in such a manner as to create noise across the boundary of the property from which the noise originates between the hours of 9:00 p.m. and 7:00 a.m.
- (14) Animal noises. It shall be unlawful for the owner or custodian of any animal to permit such animal to habitually bark, whine, howl, squawk, screech, bray, crow or cause any other noise which constitutes a noise experienced across the boundary of the property from which the noise originates.
- (15) Loading docks. It shall be unlawful for any commercial or industrial establishment to engage in any loading or unloading of equipment or merchandise from a vehicle between the hours of 9:00 p.m. and 7:00 a.m. where such activity results in a noise being generated across the boundary of the property from which the noise originates onto property occupied for residential purposes.

- (16) Activities within the vicinity of sleeping quarters. Actions or activities between the hours of 11:00 p.m. and 7:00 a.m. resulting in transmission of a sound across the boundary line of the property where the actions or activities occurs such that the sound constitutes a noise as perceived from within the interior of a building used for residential or lodging purposes.

Sec. 34-36. - Maximum permissible sound level limits.

- (a) The following applicable sound level limits are established for the following applicable times when measured at or within the property lines of the following applicable receiving land use categories:

<u>Receiving Land Use Designation</u>	<u>Time</u>	<u>Sound Level Limit (dBA)</u>
<u>Single-family residential dwelling lot, parcel, or area; any other lot, parcel or area zoned for residential use except a multifamily residential dwelling unit; any noise-sensitive zone</u>	<u>7:00 a.m.—</u> <u>9:00 p.m.</u> <u>9:00 p.m.—</u> <u>7:00 a.m.</u>	<u>60</u> <u>55</u>
<u>Multifamily residential dwelling unit</u>	<u>7:00 a.m.—</u> <u>9:00 p.m.</u> <u>9:00 p.m.—</u> <u>7:00 a.m.</u>	<u>55</u> <u>45</u>
<u>Lot, parcel or area zoned for office use</u>	<u>7:00 a.m.—</u> <u>9:00 p.m.</u> <u>9:00 p.m.—</u> <u>7:00 a.m.</u>	<u>75</u> <u>70</u>
<u>Commercial other than office use</u>	<u>7:00 a.m.—</u> <u>9:00 p.m.</u> <u>9:00 p.m.—</u> <u>7:00 a.m.</u>	<u>75</u> <u>70</u>
<u>Industrial</u>	<u>7:00 a.m.—</u> <u>9:00 p.m.</u> <u>9:00 p.m. -</u> <u>7:00 a.m.</u>	<u>75</u> <u>70</u>
<u>Agricultural</u>	<u>7:00 a.m.—</u> <u>9:00 p.m.</u> <u>9:00 p.m.—</u> <u>7:00 a.m.</u>	<u>75</u> <u>70</u>

- (b) Any source of sound which emits a pure tone or is characterized as an impulsive sound will reduce by five dBA the sound level limits set forth in subsection (a) of this section.
- (c) To the extent other sections of this article allow sounds at levels that exceed the sound level limits and times specified in the above chart, the other sections of this article control.

Sec. 34-37. - Sound measurement.

Except as may otherwise be provided in [section 34-35\(b\)](#), sound measurements taken under this article shall be made with a sound level meter. Recorded measurement shall be taken so as to secure and ensure an accurate representation of the sound. All periods of observation made hereunder shall be determined with regard to the character of the noise being measured and the particular instrument used to make the measurement.

Sec. 34-38. - Exceptions.

(a) The following noise and sounds are exempt from this article:

- (1) Noise and sounds caused by or related to emergency vehicles, equipment, and personnel during emergencies, which shall be deemed to include all work made necessary by an emergency to restore property to a safe condition, all work made necessary by an emergency to restore public utility service and all work made necessary by an emergency to protect persons or property from imminent injury, death, or substantial harm.
- (2) Noise and sounds produced by city, county, state, and federal government vehicles, equipment and personnel during the pursuit of official duties of the respective governments, including but not limited to public works construction and maintenance, authorized safety signals, warning devices and emergency testing.
- (3) Noise and sounds produced by public utility vehicles, equipment and personnel during the pursuit of the public duty of such public utility.
- (4) Noise and sounds produced by activities or events approved by the city commission where the person responsible for such activities or events obtains the city commission's approval after such person clearly and expressly has advised the city commission that the noise or sounds associated with the activities or events would be in violation of this article but for this exemption.
- (5) Noise and sounds produced between the hours of 7:00 a.m. and 9:00 p.m. by the mowing of grass; the operation of other yard maintenance equipment; the construction of properly permitted buildings, structures and other improvements; and the operation of farm equipment during farming activities.
- (6) Railway locomotives and railway cars.
- (7) Aircraft and airport activity conducted in accordance with federal laws and regulations.
- (8) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 or other provisions of the Florida Uniform Traffic Control Law that regulate noise and sounds originating from within public or private right-of-way where currently existing or as amended.
- (9) Organized athletic contests.
- (10) Noise and sounds produced from churches between the hours of 7:00 a.m. and 10:00 p.m.
- (11) Community events, such as fairs, school activities, community festivals and the like which do not extend their activities beyond 11:00 p.m. or commence before 7:00 a.m. Any community activity which extends beyond 11:00 p.m. or commences before 7:00 a.m. and would otherwise violate this article must apply for and receive prior approval from the city.

- (12) Noise and sounds produced by an electrical generator during a time period in which regular electrical utility service is temporarily unavailable to the property upon which the generator is located.
- (13) Noise and sound associated with uses or activities for which a variance has been obtained from the city approving such noises and sounds contrary to the restrictions of this article.
- (b) To the extent any portion of this article covers a matter covered by F.S. § 403.415, the Florida Motor Vehicle Noise Prevention and Control Act of 1974, or any other provisions of the Florida Uniform Traffic Control Law, the provisions of this article covered by such act or law shall be of no effect. For matters not covered by the act or law, all of the sections of this article are in full force and effect. Additionally, any violation of such act within the city shall be a violation of this article, and such violation may be penalized and such act may be enforced through the enforcement provisions of this article and this Code.

Sec. 34-39. - Conflicts in restrictive standard.

If this article and [section 34-44](#) provide for different maximum noise levels, the more restrictive maximum level shall apply. If the noise levels (maximum sound pressure level) in [section 34-44](#) cannot be enforced or measurement of such levels is difficult, unduly burdensome or impossible, the sound level limits in this article shall control.

Sec. 34-40. - Enforcement.

- (a) *Determination of violations.* The city's law enforcement officers, the city manager, code enforcement officers, code inspectors, and their agents are empowered to investigate any situation where a person is alleged to be violating [section 34-35](#), [section 34-36](#) or the terms of any variance. These individuals shall have authority to issue citations for all violations of this article. If any of these individuals encounters a circumstance which reasonably indicates that a person is violating a provision of [section 34-35](#) or [34-36](#), the following standards shall apply depending upon the provision alleged to have been violated:
- (1) *Violations of [section 34-35\(a\)](#).* If a violation of [section 34-35\(a\)](#) is alleged, a sound level pressure test may be utilized to establish the violation. The city may, through agreement with other local governments or other entities, provide for the measurement of sound and noise and for the performance of sound level pressure tests and other matters as such may be used in the enforcement of this article and the enforcement of [section 34-44](#). Additionally, the city's law enforcement officers, the city manager, code enforcement officers, code inspectors, and/or their agents, may assess whether a particular sound constitutes a noise as to the receiving land use listed in [section 34-36](#). In assessing whether a noise has been or is continuing to be created, the investigating agent shall investigate the matter and be entitled to rely on his or her observations, witness statements, and any other evidence available. In determining whether a sound constitutes a noise, the investigating agent shall objectively evaluate the alleged noise by considering several environmental and contextual factors, including, but not limited to, the criteria set forth in [section 34-40\(a\)\(2\)\(i\)–\(ix\)](#), inclusive.
- (2) *Violations of [section 34-34\(b\)](#).* If a violation of [section 34-34\(b\)](#) is alleged, then the city's law enforcement officers, the city manager, code enforcement officers, code inspectors, and/or their agents, in assessing whether a noise has been or is continuing to be created shall investigate the matter and be entitled to rely on their observations, witness statements, and any other evidence available. In determining whether a sound constitutes a noise, the investigating

agent shall objectively evaluate the alleged noise by considering several environmental and contextual factors, including, but not limited to, the following:

- (i) The intensity of the alleged noise.
 - (ii) The duration of the alleged noise.
 - (iii) The relationship of the alleged noise to the intensity of background or ambient sounds, if any.
 - (iv) The uses permitted within the zoning district in which the alleged noise emanates or emanated and the uses permitted within zoning districts that lie within 500 feet of the source of the alleged noise.
 - (v) The time of the day or night at which the alleged noise occurs.
 - (vi) The proximity of the alleged noise to facilities customarily utilized for sleeping purposes.
 - (vii) Whether the alleged noise is continuous or impulsive.
 - (viii) The existence of additional complaints concerning the alleged noise from additional persons who claim to be affected by the alleged noise.
 - (ix) Whether the alleged noise is due to natural occurrences or human-made activities.
- (b) *Enforcement.* In the event that a violation of this article has occurred or is occurring, the city shall have the right to one or more of the following remedies or actions:
- (1) *Code enforcement proceedings.* The city may initiate a code enforcement proceeding against the person(s) or entities in violation and/or the property owner of the real property where the violation occurs. A violation of this article may be prosecuted as a violation of an itinerant or transient nature and one that is irreparable and irreversible.
 - (2) *Civil citation.* A civil citation may be issued against the person(s) or entities in violation as set forth in section 34-61 of the Clermont Code of Ordinances. The city's law enforcement officers or code enforcement officers are authorized to issue notices to appear to the violator(s).
 - (3) *Criminal penalty.* The city may prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court.
 - (4) *Other remedies.* The city may institute any appropriate action at law or in equity to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person(s) or entity shall be liable to the city for reimbursement of the city's attorneys' fees and costs concerning such action.

Sec. 34-41. - Other remedies.

The city commission or any substantially affected person may bring suit in the circuit court of the county to restrain, enjoin, or otherwise prevent the violation of this article. Nothing contained in this article shall prevent or restrict the city from taking such other lawful actions in any court of competent jurisdiction as is necessary to prevent or remedy any violation or situation of noncompliance. Such other lawful actions may include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this article shall be cumulative and independently available.

Sec. 34-42. - Liability of enforcement officer.

The police department, the environmental protection officer, the city and their agents are immune from prosecution, civil or criminal, for reasonable, good faith trespass upon private property while in the discharge of duties under this article.

Sec. 34-43. - Administration.

The city commission may adopt such ordinances as are necessary to effectively administer this article.

(a) Exemptions for pre-approved city events or activities:

- (1) It shall not be a violation of [section 34-34\(a\)](#) or [section 34-34\(b\)](#) if the noise at issue relates to or is produced as a result of pre-approved city events or activities. Such exemptions include, but are not limited to, activities and events sponsored by, conducted by, or permitted by the city.

Sec. 34-44. Measurement of Noise.

- (a) Method of measurement. For the purpose of this chapter, sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York).
- (b) Locational requirement for measurement. Sound levels shall be measured along the boundaries of the site.
- (c) Permitted sound levels. Permitted sound levels shall be as follows:

MAXIMUM SOUND PRESSURE LEVEL
(in decibels 0.0002 dyne per square centimeter)

<u>Octave Band</u> <u>(cycles per</u> <u>second)</u>	<u>Along</u> <u>Residential</u> <u>District</u> <u>Boundaries</u>	<u>Along</u> <u>Commercial</u> <u>and Industrial</u> <u>District</u> <u>Boundaries</u>
<u>0—75</u>	<u>69</u>	<u>79</u>
<u>75—150</u>	<u>54</u>	<u>74</u>
<u>150—300</u>	<u>47</u>	<u>66</u>
<u>300—600</u>	<u>41</u>	<u>59</u>

<u>600—1,200</u>	<u>37</u>	<u>53</u>
<u>1,200—2,400</u>	<u>34</u>	<u>47</u>
<u>2,400—4,800</u>	<u>31</u>	<u>41</u>
<u>Above 4,800</u>	<u>28</u>	<u>39</u>

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(d) *Applicability of standards.* These standards shall apply to all noises, due to intermittence, beat frequency or shrillness.

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. 2015-79

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 34 ENVIRONMENT, SECTION 34-31 LOUD, DISTURBING AND UNNECESSARY; ENUMERATION; SECTION 34-32 BUSINESS NOISES ADJACENT TO RESIDENTIAL SECTIONS OF THE CITY; SECTION 34-33 MAINTAINING NOISY PREMISES; AND ADDING TO CHAPTER 34 ENVIRONMENT; SECTION 34-34 FINDINGS OF FACT; SECTION 34-35 PROHIBITED ACTS; SECTION 34-36 MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS; SECTION 34-37 SOUND MEASUREMENT; SECTION 34-38 EXCEPTIONS; SECTION 34-39 CONFLICTS IN RESTRICTIVE STANDARD; SECTION 34-40 ENFORCEMENT; SECTION 34-41 OTHER REMEDIES; SECTION 34-42 LIABILITY OF ENFORCEMENT OFFICER; SECTION 34-43 ADMINISTRATION; SECTION 34-44 MEASUREMENT OF NOISE; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, November 3, 2015 at 6:30 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, December 8, 2015 at 6:30 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, MMC
City Clerk

Daily Commercial
October 27, and November 24, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, November 3, 2015		
Agenda Item Name		
Ordinance 2015-80 Central Business District (CBD) Rezoning		
Requested Action		
Move to recommend approval of Ordinance 2015-80.		
Staff Report		
On March 23, 2015, the City Council approved the Downtown and Waterfront Master Plan, prepared by GAI Consultants. This plan has strategies that will drive redevelopment and infill in and around the downtown area. As a result of developing this plan, it was noted that some of the zoning in the downtown area was not consistent with the master plan's goals and did not match the current future land use of Downtown Mixed Use. For properties with Downtown Mixed Use future land use, the matching zoning designation would be the Central Business District (CBD). In an effort to set the framework for the goals outlined in the plan, staff is requesting a zoning change to CBD for all properties not currently zoned CBD that are contained within the boundary of the Downtown Mixed Use future land use designation. Properties that will be affected by the change currently have one of the following zoning designations: R-3 Residential /Professional, C-1 Light Commercial, C-2 General Commercial, or M-1 Industrial. This change to CBD will allow more permitted uses, zero lot lines, and increased building heights. Staff believes this change is consistent with the intent of the master plan and with the Downtown Mixed Use future land use. One example of where this would be beneficial, as outlined in the master plan, would be the "Lumberyard Redevelopment" area. This property, currently M-1 Industrial, would still have to follow the CBD requirements in Chapter 122, Article III, Division 12 as it redevelops. By matching the zoning and future land use now, future projects can be developed at a more efficient pace. Staff recommends approval of the rezoning to CBD Central Business District.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance		REZ ORD 2015-80.doc
2. Boundary Map		CBD rezoning downtown boundary.pdf
3. Zoning Map		CBD Map.pdf
4. Downtown Mixed Use Future Land Use Category		Future Land Use Categories.doc
5. CBD zoning		CBD zoning.pdf

6.	R-3 zoning	R-3 zoning.pdf
7.	C-1 zoning	C-1 zoning.pdf
8.	C-2 zoning	C-2 zoning.pdf
9.	M-1 zoning	M-1 zoning.pdf
10.	Legal ad	REZ ORD 2015-80 legal ad.doc.docx

CITY OF CLERMONT
ORDINANCE No. 2015-80

AN ORDINANCE UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLERMONT REFERRED TO IN CHAPTER 122 OF ORDINANCE NO. 289-C, CODE OF ORDINANCES; CREATING AN OVERLAY, REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND PUBLICATION.

The City Council of the City of Clermont, Lake County, Florida hereby ordains that:

SECTION 1:

The official Zoning Map of the City of Clermont, Lake County, Florida referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances, is hereby amended by rezoning the following described property:

LEGAL DESCRIPTION

Lots 4-6, 14-20 Block 56; Lots 1-20 Block 57; Lots 1-20 Block 73; Lots 9-17, and the West 30' of Lot 18 Block 74; Lots 1-3, 7-18 Block 75; Lots 1-20 Block 76; Lots 1-6, East 31' of Lot 7, All of Lots 8,10,12,14,16,18,20 Block 77; Lots 1-20 Block 79; Lots 1-20 Block 80; Lots 1-20 Block 81; Lots 1-17 Block 82; Lots 1-10 Block 83; Lots 1-16 Block 84; Lots 1-13 Block 90; Lots 1-20 Block 91; All of Block 92; Lots 1-20 Block 93; Lots 1-6 Block 94; Lots 1-3, North 125' of Lots 4 & 5, All of Lot 10 and the East 125' of Lots 11 & 12 Block 95; Lots 1-6 Block 96; East 100' of Lots 4-6 Block 97; Lots 1, 2 and the North 100' of Lot 6 Block 98; Lots 4-13 Block 114; North 25' of Lots 1 & 2, All of Lots 7-9, 13-19 Block 121

All within the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida.

Lots 1-19 Block 115; Lots 1 & 2 Block 118; Lots 1-22 Block 119; Lots 1-26 Block 120

All within Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida.

A portion of Twelfth St being bounded on the North by the Easterly extension of the South line of Lot 6 Block 145 Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the South by the Easterly extension of the South line of Lot 6 Block 141 said subdivision. Bounded on the West by the East line of Blocks 141-144 and the East right of way line of Cedar St., Carroll St., Osceola St., and Minneola Ave. said subdivision. Bounded on the East by the West line of Lot 19 Block 115, the West line of Blocks 118-120 and the West right of way line of Lake Shore Dr., Short St., Carroll St., Osceola St., and Minneola Ave. said subdivision and also bounded on the East by the West line of Block 121 Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida.

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County, Florida. Bounded on the West by the Southerly extension of Lot 19 Block 115 said subdivision. Bounded on the East by the Easterly extension of Lot 2 Block 118 said subdivision. Bounded on the North by the Southerly line of Block 115 said subdivision. Bounded on the South by the Northerly boundary of Block 118 said subdivision.

A portion of Lake Shore Dr. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the West by the Northerly extension of the West line of Lot 19 Block 115 said subdivision. Bounded on the East by the Northwesterly extension of the North line of Lot 18 Block 117 said subdivision. Bounded on the North by the "Marsh" parcels according to Johnson's Replat Plat Book 8 Page 71 and the bounded on the North Easterly extension of the South line of the Westerly "Marsh" parcel said subdivision. Bounded on the South by the Northerly lines of Lot 19 Block 115 and Lot 18 Block 117 said subdivision. Also bounded on the South by the Northerly line of property described in OR Book 1473 Page 2287, Public Records of Lake County, Florida.

A portion of abandoned railroad right of way as shown in Johnson's Replat Plat Book 8 Page 71. Bounded on the West by the South right of way line of Lake Shore Drive. Bounded on the North by the South lines of Lots 8-18 Block 117 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 8 Block 117 said subdivision. Bounded on the South by the North lines of Lots 8-19 Block 115 Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida.

A portion of Carroll St. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of the West line of Lot 2 Block 118 said subdivision. Bounded on the North by the Southerly extension of the South line of Lot 2 Block 118 and the South line of Lot 2 Block 118 said subdivision. Bounded on the North by the South line of Lots 1-14 Block 115 said subdivision. Bounded on the East by the Western boundary of lands described in OR Book 638 Page 1677, Public Records of Lake County, Florida. Bounded on the South by the North lines of Lots 1, 4-10 Block 119 said subdivision. Also bounded on the South by the Southeasterly extension of the North line of Lot 1 Block 119 said subdivision.

A portion of Osceola St. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the West by the East right of way line of Twelfth St. said subdivision. Bounded on the North by the South line of Block 119 said subdivision. Bounded on the South by the North line of Block 120 said subdivision. Bounded on the east by the West right of way line of West Lake Dr. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida.

All of West Lake Dr. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the North by the Southeasterly extension of the North line of Lot 1 Block 119 said subdivision. Bounded on the West by the East right of way line of Osceola St. and the Easterly line of Lots 2, 3 Block 119 & the East line of Block 120 said subdivision.

Bounded on the East by the Westerly line of West Lake as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the South by the Easterly

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extension of the South line of Lot 6 Block 120 said subdivision.

That portion of Eleventh St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the North by the South right of way line of Minneola Ave. said subdivision. Bounded on the West by the East line of Lot 14 Block 121 & the North 25' of Lot 1 Block 121 said subdivision. Bounded on the East by the West line of Lot 10 block 114 & the North 25' of Lot 11 Block 114 said subdivision. Bounded on the South by the Easterly extension of the South line of the N25' of Lot 1 Block 121 said subdivision.

Lake Bottom Lands in West Lake in North Half of Government Lot 8, Section 23, Township 22 South, Range 25 East as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. AND Commencing at the intersection of the Northerly right of way line of Minneola Ave. and Easterly right of way line of West Lake Drive; thence Northerly along said East right of way line 270'; thence Easterly parallel with aforesaid north right of way line of Minneola Ave. to the East boundary line of Government Lot 8, Section 23, Township 22 South, Range 25 East; thence Southerly along said East boundary to the North right of way line of Minneola Ave; thence Westerly along said North right of way line to the Point of Beginning.

A portion of Minneola Ave. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of the East line of Lot 6 Block 142 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 2 Block 79 said subdivision. Bounded on the South by the North line of Blocks 80, 92, 95, 114 and 121 and the Easterly extension of the North line of Lot 4 Block 114 said subdivision. Bounded on the North by South line of Blocks 79, 93, 94, 115 and 120 and the Easterly extension of Lot 6 Block 120 said subdivision.

A portion of West Ave. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the South by the Northerly right of way line of State Road 50. Bounded on the West by the East line of Blocks 94, 95, 96, 97, 98 and 99 and the Southeasterly extension of the Easterly line of Lot 5 Block 98 of said subdivision. Bounded on the East by the West line of Blocks 89A, 90, 91, 92 and 93 and the Western boundary of Center Lake said subdivision. Bounded on the North by the South line of Alternate key #1616883 described as: Clermont Block bounded on the East by East line of West Ave extended, on West by West line of West Ave extended, North by Lake Minneola, on South by ACLRR PB 8 PGS 17-23.

A portion of Eighth St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the North by the North right of way line of Osceola St. said subdivision. Bounded on the West by the East line of Blocks 89A, 90, 91, 92, and 93 and the Eastern boundary of Center Lake said subdivision. Bounded on

the South by the northerly right of way line of State Road 50. Bounded on the East by the West line of Blocks 79, 80, 81, 82, 83 and 84 said subdivision.

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A portion of Seventh St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the East line of Blocks 79, 80, 81, 82, 83 and 84 said subdivision. Bounded on the South by the Northerly right of way line of State Road 50. Bounded on the east by the West boundary of Blocks 73, 74, 75, 76, 77 and 78 said subdivision. Bounded on the North by the Northerly right of way of Osceola St. said subdivision.

A portion of Lake Ave. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the East boundary of Block 76 and Lots 2, 4, and 6 Block 77 said subdivision. Bounded on the South by the Easterly extension of the South line of Lot 6 Block 76 said subdivision. Bounded on the East by the West boundary of Lot 4, 5 and 6 Block 56 and Block 57 said subdivision. Bounded on the North by the Easterly extension of the North line of Lot 2 Block 77 said subdivision.

A portion of Fifth St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the East boundary of Lot 14 Block 56 and Block 57 said subdivision. Bounded on the South by the Easterly extension of the South line of Lot 14 Block 57 said subdivision. Bounded on the East by the West boundary of Block 48 and Lot 20 Block 49 said subdivision. Bounded on the North by the Easterly extension of the North line of Lot 14 Block 56 said subdivision.

A portion of Montrose St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of the West line of the West 125' of Lot 12 Block 95 said subdivision. Bounded on the North by the Southern boundary of Blocks 56, 77, 80, 92 and Lot 12 Block 95 said subdivision. Bounded on the South by the North line of Blocks 57, 76, 81, 91 and Lot 1 Block 98 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 14 Block 56 said subdivision.

A portion of Desoto St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the North by the Southern boundary of Blocks 57, 76, 81, 91 and Lot 6 Block 96 said subdivision. Bounded on the West by the Southerly extension of the West line of Lot 6 Block 96 said subdivision. Bounded on the South by the North line of Blocks 58, 75, 82, 90 and Lot 1 Block 97 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 14 Block 57 said subdivision.

A portion of Juniata St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of the West line of the East 100' of Lot 6 Block 97 said subdivision. Bounded on the South by the North line of the East 100' of Lot 1 Block 98, the Northern boundary of Center

Lake and the North lines of Lots 9-13 Block 74 and the North lines of Lots 1, 3, 5, 7 and 9 Block 83 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 18 Block 75 said subdivision. Bounded on the North by the Southern boundary of Lots 14-18 Block 75, Block 82, 90 and the East 100' of Lot 6 Block 97 said subdivision.

CITY OF CLERMONT
ORDINANCE No. 2015-80

A portion of Broome St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Southwesterly extension of the West line of Lot 10 Block 83 said subdivision. Bounded on the North by the Southerly boundary of Blocks 74 and 83 said subdivision and the Southern boundary of Hidden Oaks Condominiums as recorded in ORB 1820 PG 1453, Public Records of Lake County, Florida. Bounded on the East by the Northerly extension of the East line of Lot 1 Block 73 as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the South by the Northerly boundary of Blocks 73 and 84 said subdivision.

A portion of Osceola St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Northerly extension of the West line of Lot 19 Block 93 said subdivision. Bounded on the South by the Northerly line of Blocks 79, 93 said subdivision. Bounded on the East by the Northerly extension of the East line of Lot 1 Block 79 said subdivision. Bounded on the North by the South line of an unnumbered Block located North of Block 79 said subdivision. Also bounded on the North by the South right of way of the Railroad said subdivision.

A portion of West Lake and an unnumbered block as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the West line of Section 24-22S-25E. Bounded on the South by the Northerly right of way line of Minneola Ave. said subdivision. Bounded on the East by Lots 1-6 Block 94 said subdivision and by the Northerly extension of the East line of Lot 1 Block 94 said subdivision. Bounded on the North by the South railroad right of way line said subdivision. Less Lots 1-6 Block 94 said subdivision.

A portion of an unnumbered Block as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Northerly extension of the West line of Block 93 said subdivision. Bounded on the South by the North line of Block 93 said subdivision. Bounded on the East by the Northerly extension of the East line of Block 93 said subdivision. Bounded on the North by Lake Minneola.

A portion of Seventh St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the North by the South line of abandoned railroad right of way said subdivision. Bounded on the West by the East line of an unnumbered Block located North of Block 79 said subdivision. Bounded on the East by the West line of an unnumbered block located North of Block 78 said subdivision. Bounded on the South by the North right of way line of Osceola St. said subdivision.

**FROM M-1 Industrial, R-3 Residential/Professional,
C-1 Light Commercial, and C-2 General Commercial
TO Central Business District**

SECTION 2:

CITY OF CLERMONT
ORDINANCE No. 2015-80

All Ordinances or parts of this Ordinance in conflict herewith are hereby repealed.

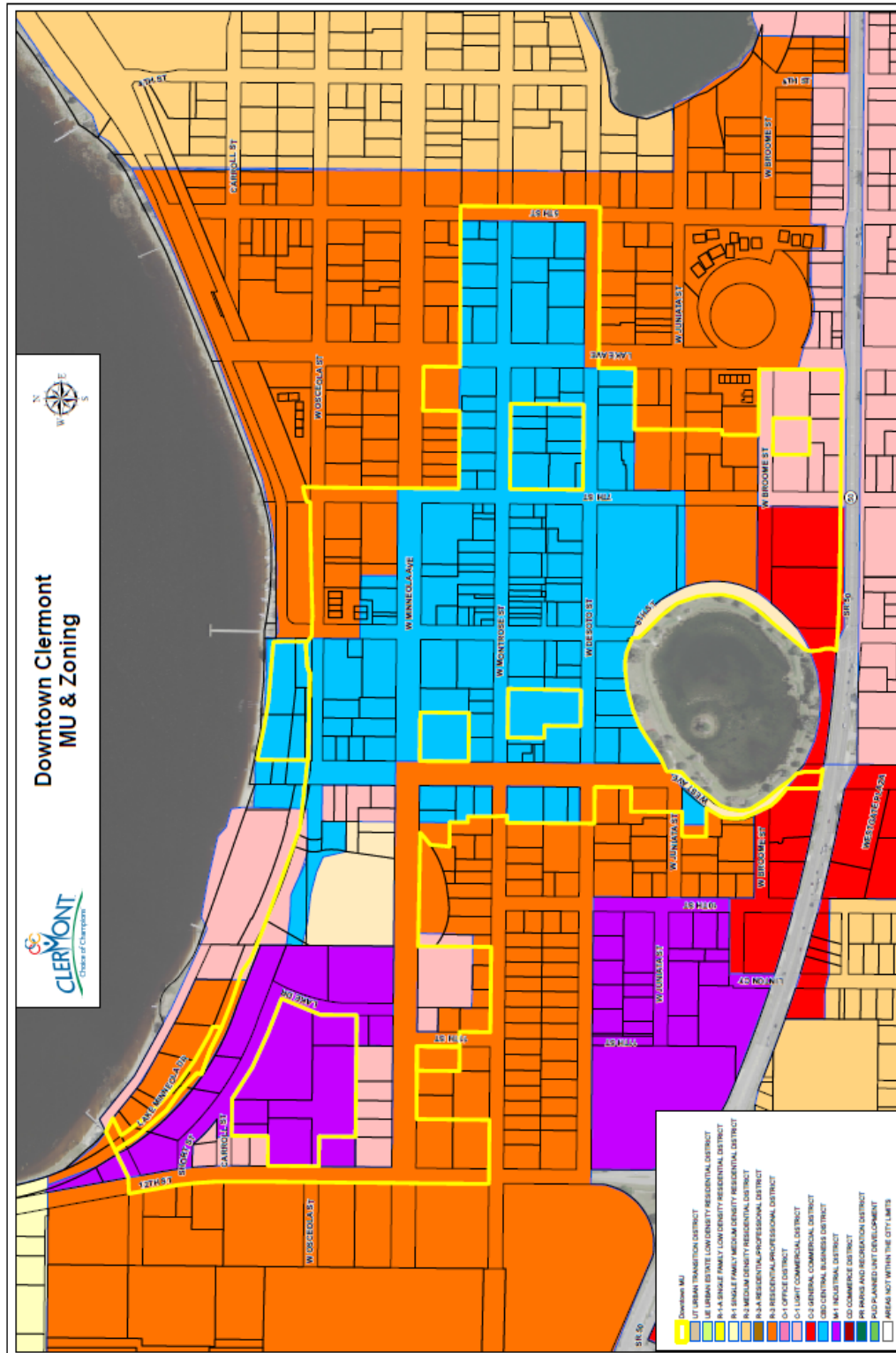
SECTION 3:

Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from the Section to which such holding shall apply.

SECTION 4:

The provisions of this Ordinance shall be effective as provided by law.

CITY OF CLERMONT
ORDINANCE No. 2015-80



PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 8th day of December, 2015.

CITY OF CLERMONT
ORDINANCE No. 2015-80

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

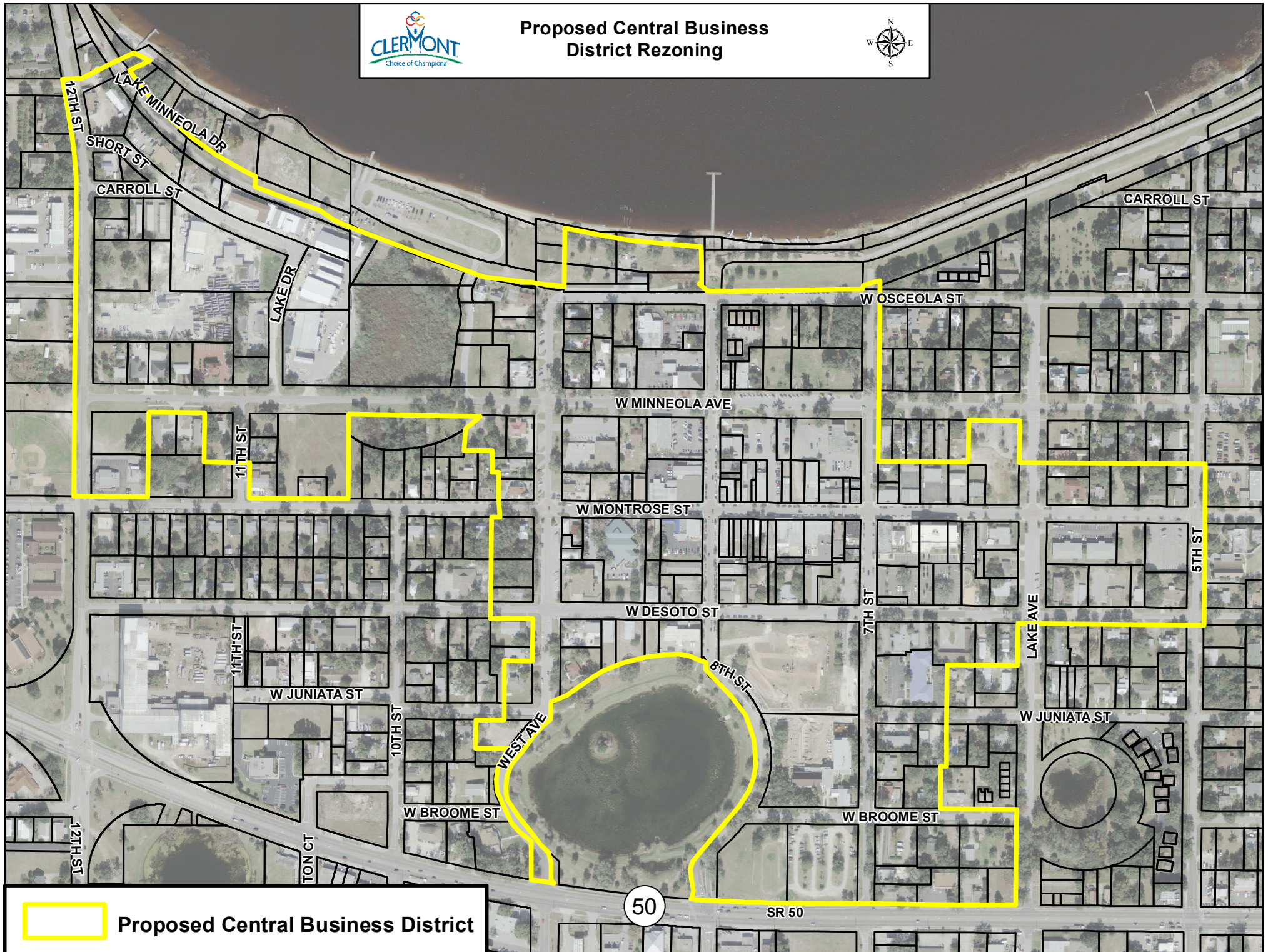
Tracy Ackroyd, City Clerk

Approved as to form and legality:

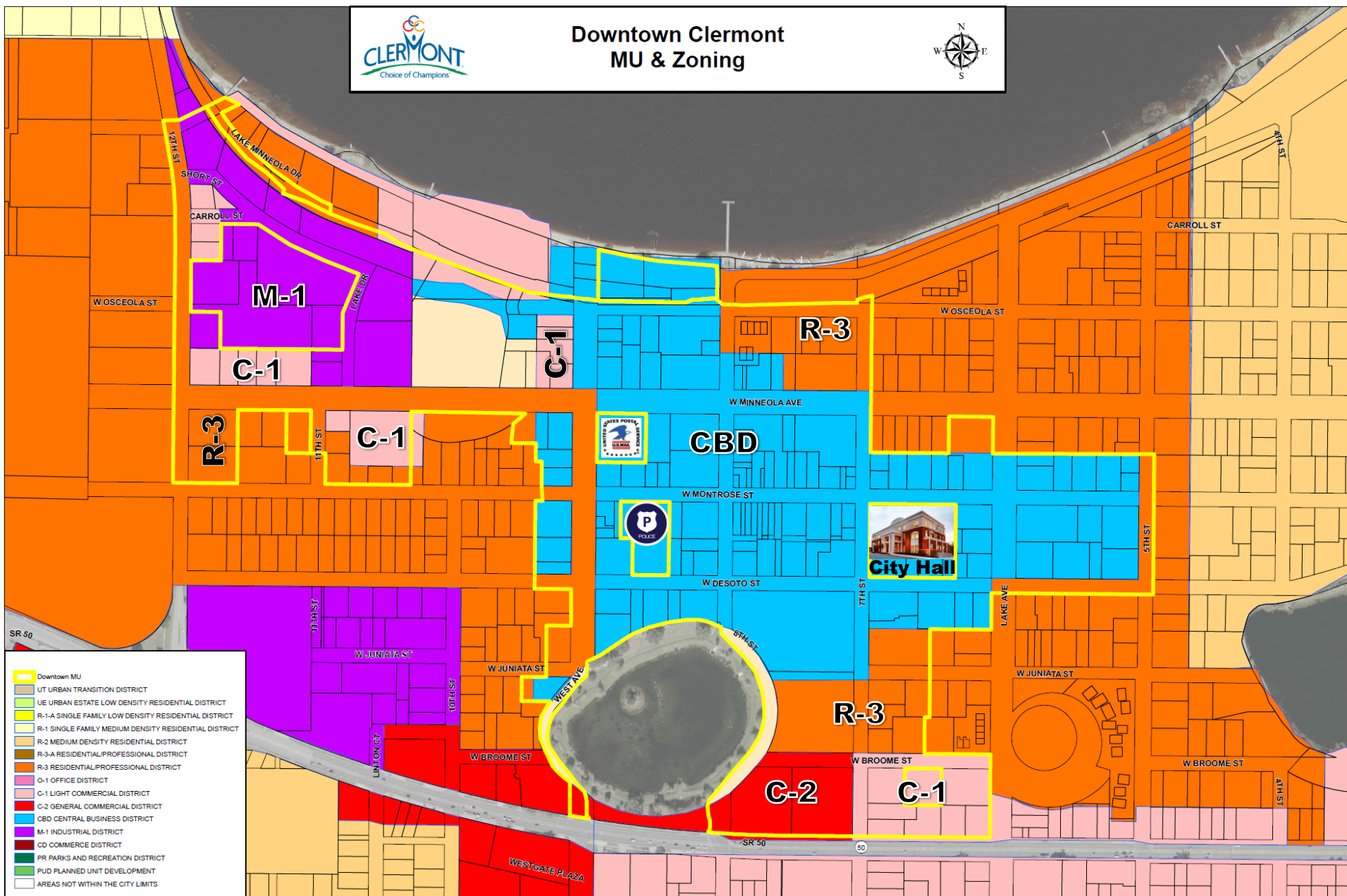
Daniel F. Mantzaris, City Attorney



Proposed Central Business District Rezoning

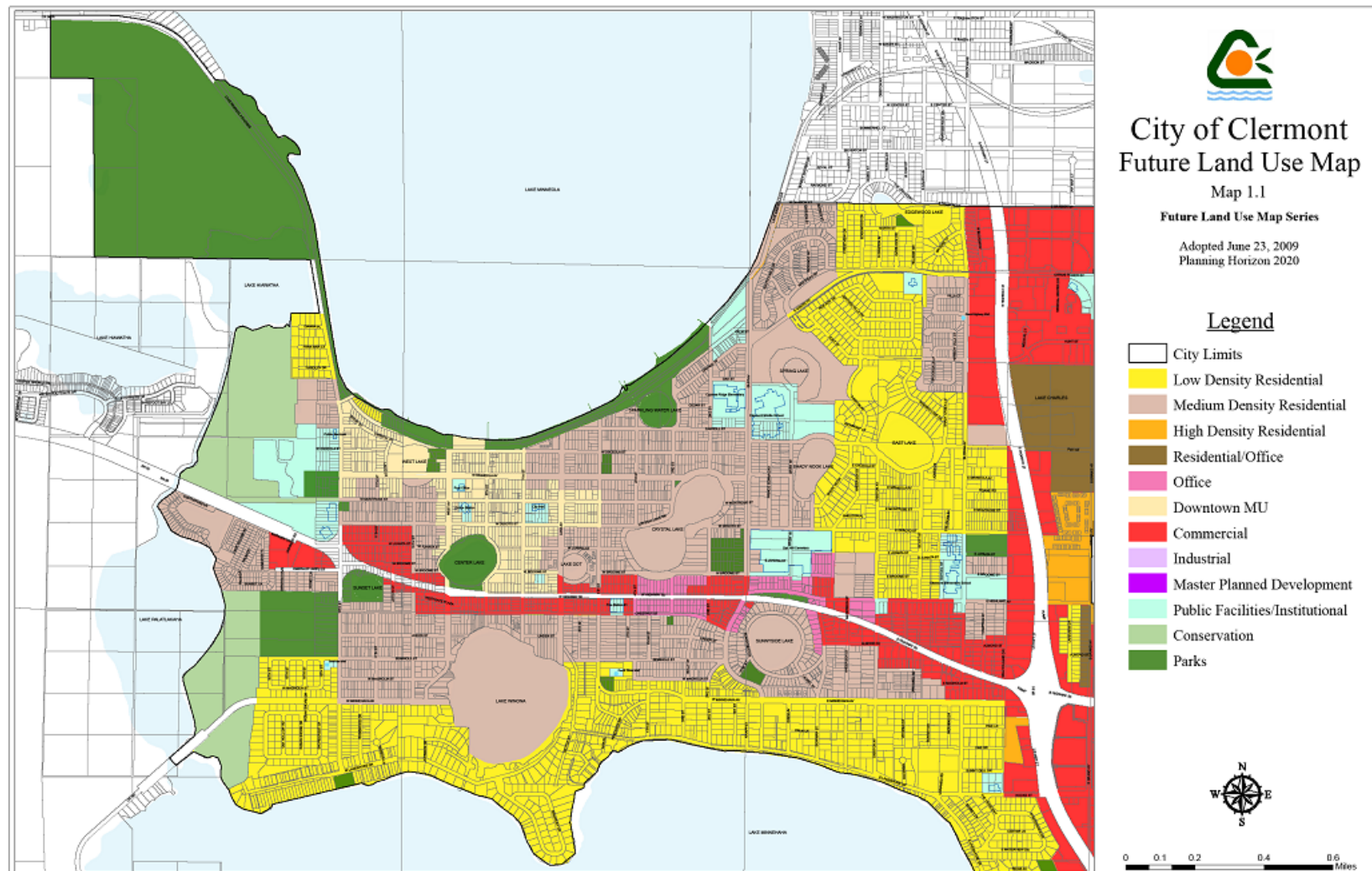


Proposed Central Business District



FUTURE LAND USE MAP SERIES

Map 1.1: Future Land Use Map



Policy 1.7.3: Downtown Mixed-Use. The downtown mixed-use category is intended to provide for a mixture of residential and business uses, as well as cultural and tourist facilities, recognized as characteristic of the City’s established downtown central business district. Based on current land use trends, the City estimates that the mix of uses will be 70 percent office and commercial uses and 30 percent residential, public facilities/institutional and recreation uses. The maximum intensity for office, commercial and institutional uses shall be 3.0 FAR. The FAR shall not be applied to the residential portion of a mixed-use development.

DIVISION 12. - CBD CENTRAL BUSINESS DISTRICT^[12]*Footnotes:*

— (12) —

Note—See the editor's note to div. 2.

Sec. 122-241. - Intent.

The intent of the CBD district is to enhance the harmonious mixture of residential, commercial, professional, institutional and governmental enterprises in the central business district while providing a unique and enjoyable shopping and activity center for the city. Lot and building regulations are intended to allow intensive development and encourage uses requiring a central location.

(Code 1998, § 122-241; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-242. - Site plan review.

A site plan is required for uses in the CBD district and must be approved by the administrative official.

(Code 1998, § 122-242; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-243. - Permitted uses.

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

- (1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.
- (2) Personal service establishments, such as but not limited to beauty shops or barbershops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use (with a business tax receipt, and with medical supervision) within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
- (3) Professional offices, doctors' offices, banks and loan companies (excluding drive-through facilities except with a conditional use permit), insurance and real estate offices and similar businesses.
- (4) Dwelling units, single-family and two-family, permitted in the R-2 district, and other residential uses as permitted in the R-3 district, provided that lot size and coverage regulations of the respective district can be accommodated and the lot width of this district is met.
- (5) Buildings, structures and uses maintained or operated by the city.
- (6) Lodges and clubs.
- (7) Restaurants 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 Americans 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.

(Code 1998, § 122-243; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 355-C, § 122-243, 10-23-2007; Ord. No. 2010-05-C, § 2, 3-23-2010; Ord. No. 2014-24, § 2, 9-23-2014)

Sec. 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.
- (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 over 3,000 square feet.
- (12) Lounges.
- (13) Bed and breakfast inns as provided in article V of this chapter.
- (14) Theaters, cinemas and auditoriums.
- (15) Churches.
- (16) Planned unit developments.

- (b) In case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval by the city council, are not more obnoxious to the district than uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.

(Code 1998, § 122-244; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § IV, 4-13-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 333-C, § 4, 3-23-2004; Ord. No. 2014-24, § 2, 9-23-2014)

Sec. 122-245. - Lot and height requirements.

Lot and height requirements for the CBD district are as follows:

- (1) *Impervious surface coverage and floor area ratio.* The maximum is 100 percent, provided requirements for stormwater retention can be satisfied.
- (2) *Stormwater abatement requirements.*
 - a. Except as otherwise provided in this section, each structure and land use located within the designated central business district shall provide or be provided with a stormwater abatement system in conformance with level of service standards as provided in the adopted city comprehensive plan. In lieu of providing all of the required stormwater abatement system, development within the central business district may substitute for provision of such a system by payment of a one-time stormwater abatement fee as set forth by resolution of the city council and on file in the city clerk's office. Such fee shall be payable in full to the city prior to the issuance of any development permit for the site. An approved site plan, data and calculations shall be provided which shall indicate the entire volume of stormwater that is required to be retained and shall indicate the volume of stormwater that will be exchanged for the central business district stormwater abatement fee.
 - b. Reservation of stormwater retention area capacity shall be considered effective for a period of one year from the date of receipt of the stormwater abatement fee. One extension, not to exceed 180 days, may be granted upon written approval of the administrative official. Such approval shall be based upon a finding of fact that substantial construction of the project has commenced, and that a certificate of occupancy can be reasonably expected to occur within the 180-day extension period.
 - c. Required stormwater abatement systems shall be located on the same parcel as the use they are intended to serve, except those exchanged for the central business district stormwater abatement fee. A stormwater abatement plan, including data and calculations signed and sealed by a professional engineer licensed in the state, shall be provided with all applications for individual development approval. All stormwater abatement systems shall be designed and constructed in accordance with the city's adopted engineering standards and criteria established in chapter 94, article V, division 3.
- (3) *Height.* Maximum height of 55 feet shall be allowable for the finished height of all buildings or structures, including architectural features. The height limitations of this chapter shall also apply to church spires, belfries, cupolas and domes not intended for human occupancy and may be a maximum of 55 feet in height. Facilities owned by the city are exempt from the height regulations.
- (4) *Lot width.* The minimum lot width for a single-family dwelling unit and other residential uses shall be 100 feet located on a publicly maintained street.

(Code 1998, § 122-245; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 287-C, § II, 5-26-1998; Ord. No. 355-C, § 122-245, 10-23-2007)

Sec. 122-246. - Yards.

Minimum yard requirements for the CBD district are as follows:

- (1)

Front yard. The minimum front yard setback for single-family and two-family dwelling units on all streets shall be 25 feet. The minimum front yard setback for other residential uses and nonresidential uses shall be zero feet.

- (2) *Side yard.* The minimum side yard setback for single-family and two-family dwelling units shall be 7½ feet, except on corner lots, where 25 feet shall be required on all sides adjacent to any road rights-of-way. The minimum side yard for other residential uses and nonresidential uses shall be zero feet.
- (3) *Rear yard.* The minimum rear yard setback for single-family and two-family dwelling units shall be 25 feet. The minimum rear yard setback for other residential uses and nonresidential uses shall be zero feet.
- (4) *Other setbacks.* The building line for any lakefront property shall be measured from the established 100-year floodplain elevation as determined from national flood insurance rate maps (FIRM) of the Federal Emergency Management Agency (FEMA).
- (5) *Roof projections.* Properties located within the central business district may have roof projections (eaves) extending over public rights-of-way. However, such roof projections shall not be less than eight feet above ground level or the finished first floor elevation, whichever is greater, and shall not extend more than eight feet over the public right-of-way, or two feet from the back of the curb, whichever is less. Nothing in this subsection shall be construed to allow roof projections over public streets, alleys or parking areas which would inhibit or impair the free flow of traffic.

(Code 1998, § 122-246; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-247. - Off-street parking.

- (a) Except as otherwise provided in this Section, each principal use located within the designated central business district shall provide or be provided with the indicated number of off-street parking spaces according to the following schedule. Those uses which base required parking allocation on seating capacity, numbers of beds, numbers of employees and numbers of staff members shall submit specific data and calculations at the time of application for conditional use permit approval.
- (b) In an effort to foster revitalization and enhancement of the central business district, parking space credits shall be granted to existing structures and vacant land in the following manner:
 - (1) Existing structures located in the central business district shall be given a parking space credit equal to the parking space requirements for the current use of the structure. For structures with more than one use, calculation of the credit is based on the amount of square footage devoted to each particular use.
 - (2) For existing nonresidential structures, no additional parking spaces shall be required for a change in use to another nonresidential use, provided the square footage remains the same.
 - (3) Residential uses changing to nonresidential must provide parking equivalent to those nonresidential uses as required by this section.
 - (4) All vacant parcels changing to either residential or nonresidential must provide parking equivalent to those residential or nonresidential uses as required by this section.
 - (5) Parking spaces and/or parking space credits shall remain the sole possession of the property for which they were initially provided. Parking space credits shall not be transferable from one business location to another business location.

- (6) Single-family residential structures and vacant parcels shall be given credit for two spaces and multifamily structures shall be given credit for 1.5 spaces per unit.
- (c) Vacant property being developed for new residential or nonresidential uses, shall be required to provide off-street parking spaces located on the same parcel as the use they are intended to serve, A parking plan shall be provided with all applications for individual development approval which shall clearly and accurately designate the required parking spaces, required landscaped areas and planter islands, access aisles and driveways and the relationship of the parking to the uses and structures the spaces are intended to serve. All off-street parking facilities shall be designed and constructed in accordance with the city's adopted engineering standards. Required parking spaces are as follows:
- (1) Retail business, personal service and office establishments: One parking space for each 400 square feet of floor space.
 - (2) Hospitals, clinics, adult congregate living facilities and nursing homes: One parking space for each four beds, plus one space for each four employees, including staff members and nurses.
 - (3) Nursery schools, kindergartens or child care centers, public, vocational and professional schools: One parking space for each 300 square feet of classroom space, plus one space for each staff member, plus one space for each four employees.
 - (4) Churches and funeral homes: One parking space for each four seats in the sanctuary or assembly room.
 - (5) Restaurants and lounges: One parking space for each 200 square feet of floor area devoted to patron use, plus one space for each four employees.
 - (6) Lodges and clubs: One parking space for each 50 square feet of floor area.
 - (7) Theaters, cinemas and auditoriums: One parking space for each eight seats in the assembly room.
 - (8) Bed and breakfast: One parking space for each accommodation.
 - (9) Automotive services: Four parking spaces for each bay, grease rack or similar facility, plus one space for each employee.
 - (10) All dwelling units: Two parking spaces per dwelling unit.
 - (11) Planned unit developments: Parking space requirements for planned unit developments shall be based upon the aggregate sum of all proposed uses.
 - (12) Hotels and motels: One parking space for each accommodation, plus one space for every three employees.
- (d) Determination for unlisted uses or alternative parking. If the proposed use is not listed or compatible with a use listed in the table of minimum parking space requirements, the planning and zoning director, who after consultation with the site review committee, shall make a determination of the appropriate parking for the proposed use. In reaching the determination, the director shall consider and be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use, parking requirements of such uses in other jurisdictions, special conditions or situations of the proposed use, or a combination of sources.
- (Code 1998, § 122-247; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 287-C, § I, 5-26-1998; Ord. No. 373-C, § 2, 11-24-2009; Ord. No. 2010-05-C, § 2, 3-23-2010)

Sec. 122-248. - Landscaping, buffers and tree protection.

(a) *Generally.*

- (1) Except as otherwise provided in this section, landscaping criteria required for all development in the CBD district shall be as stated in chapter 118. The overall intent is to provide for required landscaping, buffers and tree protection in certain developments, redevelopments and areas to be developed within the city. The general purpose is to enhance aesthetic appearance, preserve the environmental and ecological benefits of trees and other endemic (native) vegetation, and provide standards for required landscaping, including buffers between adjacent uses and off-street parking areas, and provide for general maintenance requirements that apply to all landscaped areas.
 - (2) Landscaping, landscaped areas, buffers and tree protection shall be provided and accomplished for all real properties in the manner set forth in chapter 118. The minimum provisions required may be exceeded.
 - (3) When a conditional or commercial use is developed and abuts a residential area or use, the conditional or commercial use shall provide a landscaped buffer strip along all abutting property lines in conformance with chapter 118.
 - (4) Notwithstanding criteria specified by chapter 118, development within the central business district shall provide landscaping consistent with any formally adopted comprehensive tree plan or streetscape plan pursuant to the prescribed study of the city tree board or studies of the city beautification committee.
 - (5) Prior to the issuance of any permit for development or redevelopment which is included under the provisions of this division, a site plan shall be submitted to and approved by the city. No permit shall be issued for such development or redevelopment unless such site plan complies with the provisions of this division, and no certificate of occupancy shall be issued until the landscaping is complete. It shall be unlawful to occupy the premises unless the landscaping is installed in accordance with the approved site plans and the requirements of this division.
- (b) *Landscape plan and irrigation plan required.*
- (1) A landscape plan showing proposed landscaped areas shall be submitted for review and approval by the city. Such plan shall be required for all new development, and, if required, with the application for a building permit for rehabilitation or renovation projects.
 - (2) An irrigation plan shall be submitted for review and approval by the city in all instances where a landscape plan is required. Such plan shall indicate use of a low-volume irrigation system designed specifically for the proposed landscape installation, delineate zones if proposed, and clearly illustrate compliance with the required building plan and site approval process. A city-approved backflow prevention device and rain sensor gauge shall be required in conformance with mandated state regulations.
- (c) *Installation and specifications.*
- (1) Installation of landscape material shall strictly be in accordance with the approved landscape plan. Any request for substitution or relocation of materials shall be submitted in writing, along with a revised plan, to the city for subsequent review and approval. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.
 - (2)

All specifications for the quality and installation of landscaping shall be in accordance with American Standards for Nursery Stock published by the American Association of Nurserymen, and conform to the standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, Part I, current edition, and Part II, published by the state department of agriculture.

- (3) All specifications for measurement, quantity and location of required landscaping shall be in accordance with chapter 118 unless otherwise prescribed in this section.

(d) *Exemptions.*

- (1) Properties which have optioned to participate entirely in the stormwater abatement fee program and the off-street parking requirement fee program, and have maximized impervious surface coverage to 100 percent of the site, are not required to provide on-site landscaping in conformance with this section and chapter 118. This exemption does not, however, abrogate compliance with any sanctioned comprehensive tree plan or streetscape plan pursuant to prescribed studies of the city tree board or the city beautification committee.
- (2) Properties which have partially optioned site development pursuant to the programs referenced in subsection (d)(1) of this section shall be required to submit a landscape plan for review and approval of the city site review committee. Installation, quality and quantity of landscape material for stormwater retention areas shall be accomplished in the same manner as that for required off-street parking areas.

(Code 1998, § 122-248; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Secs. 122-249—122-260. - Reserved.

DIVISION 8. - R-3 RESIDENTIAL/PROFESSIONAL DISTRICT^[8]

Footnotes:

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Note—See the editor's note to div. 2.

Sec. 122-181. - Intent.

The purpose of the R-3 district is to provide medium density townhouse and multiple-family housing in an urban area where needed, and where urban conveniences and facilities can be provided, and also to provide for those professional services not in direct conflict with the residential usage and which do not generate traffic of such a nature as to require industrial or commercial zoning.

(Code 1998, § 122-181; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-182. - Site plan review.

A site plan review is required for two-family residential uses in the R-3 district where relief on the site is seven percent or greater, and all multiple-family developments and professional offices.

(Code 1998, § 122-182; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-183. - Permitted uses.

Permitted uses in the R-3 district are as follows:

- (1) Single-family dwelling units having a minimum living area of 1,000 square feet, exclusive of garages, carports and screened areas.
- (2) Two-family dwelling units having a minimum of 700 square feet per dwelling unit, exclusive of garages, carports and screened areas.
- (3) Multifamily dwelling units, including townhomes and condominiums, having a minimum floor area of 600 square feet per unit, exclusive of garages, carports and screened areas, with fewer than 12 units.
- (4) Buildings, structures or uses maintained or operated by the city.
- (5) Home occupations as provided in article V of this chapter.
- (6) Private docks and boathouses, provided that such structures maintain a 25-foot side yard setback. A ten-foot side yard setback may be allowed upon receipt of properly authorized documentation from directly abutting property owners. It shall be further provided that such structures comply with state and/or federal regulations, as applicable.
- (7) Field crops, orchards and other horticultural uses where no selling at retail is involved.
- (8) Accessory uses: Customary accessory buildings and structures, including private garages, noncommercial greenhouses and workshops.

(Code 1998, § 122-183; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 290-C, § III, 10-27-1998; Ord. No. 299-C, § 2, 6-27-2000)

Sec. 122-184. - Conditional uses.

(a) Conditional uses in the R-3 district are as follows:

- (1) Professional offices, doctors offices, banks, loan companies, insurance and real estate offices and similar businesses.
 - (2) Churches, provided adequate buffer strips between residential uses are provided.
 - (3) Public or semipublic facilities or structures not maintained by the city (i.e., operated by another unit of government).
 - (4) Utility facilities (i.e., electric transformers, gas regulator stations, etc.).
 - (5) Planned unit development per article IV of this chapter.
 - (6) Cemeteries.
 - (7) Multiple-family developments, including townhomes and condominiums, of 12 or more dwelling units, or that are so located and planned so that 12 or more dwelling units can be placed on the property, even though 11 or fewer may be constructed initially.
 - (8) Hospitals and nursing homes.
 - (9) Private schools.
 - (10) Nursery schools or kindergartens, provided the outdoor play area is enclosed by a fence four feet in height and all state requirements are met.
 - (11) Mobile home parks per article V of this chapter.
 - (12) Personal service establishments such as but not limited to beauty or barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners.
 - (13) Bed and breakfast inns per article V of this chapter.
- (b) In case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval by the city council, are not more obnoxious to the district than uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.

(Code 1998, § 122-184; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 290-C, §§ II, III, 10-27-1998; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 333-C, § 4, 3-23-2004)

Sec. 122-185. - Lot and height requirements.

Lot and height requirements for the R-3 district are as follows:

- (1) *Lot size.* Minimum lot size for single-family dwellings is 7,500 square feet. Minimum lot size for two-family dwellings is 10,000 square feet. Minimum lot size for multifamily development is 3,500 square feet per dwelling unit.
- (2) *Lot width.* Minimum lot width for single- and two-family dwellings is 75 feet measured at the building setback line, and 50 feet measured along the property lines contiguous to any street, road or highway. Minimum lot width for multifamily development is 100 feet measured at the building setback line, and 50 feet measured along the property lines contiguous to any street, road or highway.
- (3) *Impervious surface coverage.* For all residential development the maximum impervious surface coverage for single-family and duplex dwellings shall be 55 percent with the principal building, driveway and walkways limited to 45 percent, and for multifamily development and professional offices the maximum is 70 percent.
- (4) *Height.* Maximum height of 45 feet shall be allowable for the finished height of all buildings or structures, including architectural features. The height limitations of this chapter shall also apply to church spires, belfries, cupolas and domes not intended for human occupancy and may be a

maximum of 55 feet in height. Facilities owned by the city are exempt from the height regulations.

(Code 1998, § 122-185; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 287-C, § II, 5-26-1998; Ord. No. 300-C, § 2, 6-27-2000; Ord. No. 355-C, § 122-185, 10-23-2007)

Sec. 122-186. - Yards.

Minimum yard requirements for the R-3 district are as follows:

- (1) *Front yard.* Property adjacent to Hartwood Marsh Road, SR 50 and Highway 27 shall maintain a 50-foot setback. The setback on all other streets shall be 25 feet.
- (2) *Side yard.* The minimum side yard setback for single-family and duplex dwellings shall be 7.5 feet. Townhouses, multifamily and professional offices shall have a minimum 15-foot setback. On corner lots the setback shall be 50 feet on Hartwood Marsh Road, SR 50 and U.S. 27 and 25 feet on the side adjacent to any other street and 7.5 feet on the interior side yard for single-family and duplex dwellings and 15 feet for townhouses, multifamily and professional office developments.
- (3) *Rear yard.* The minimum rear yard setback shall be 25 feet except where a rear yard abuts Hartwood Marsh Road, SR 50 or U.S. 27, a setback of 50 feet shall be maintained. The rear building line on lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.
- (4) *Buffer strip.* When a conditional use abuts a residential use, the conditional use shall provide a buffer strip along the abutting property line.
- (5) *Other setbacks.* All yard setbacks for principal buildings shall be a minimum of 25 feet from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

(Code 1998, § 122-186; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 298-C, § 2, 6-27-2000)

Secs. 122-187—122-189. - Reserved.

DIVISION 10. - C-1 LIGHT COMMERCIAL DISTRICT^[10]

Footnotes:

— (10) —

Note—See the editor's note to div. 2.

Sec. 122-201. - Intent.

The purpose of the C-1 district is to provide light retail sales and services which would not be detrimental to adjacent residential districts.

(Code 1998, § 122-201; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-202. - Site plan review.

A site plan is required for uses in the C-1 district and must be approved by the administrative official.

(Code 1998, § 122-202; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-203. - Permitted uses.

(a) *Generally.* Permitted uses in the C-1 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 barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use; with a business tax receipt and with medical supervision, within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
- (3) Professional offices, doctor offices, banks, loan companies, insurance and real estate offices, and similar businesses.
- (4) Dwelling units permitted in the R-3 district, provided that they meet the regulations of the R-3 district.
- (5) Buildings, structures and uses maintained or operated by the city.
- (6) Lodges and clubs.
- (7) Churches and places of religious worship, less than one acre or 5,000 square feet or less.
- (8) Restaurants.
- (9) Shopping centers. Any group of businesses with shared parking or in which the total land area of the development less than five acres.

(b) *Floor space.* Any business establishment or structure proposing to occupy more than 5,000 square feet of floor space shall require a conditional use permit. The floor area ratio for any structure shall not exceed that identified by policies of the adopted comprehensive plan.

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

- (d) *Sidewalk use.* Restaurant or food service business establishments may utilize outside private sidewalk area adjacent to the business for patron use to include non-fastened small tables and chairs or benches during business hours only. 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 Americans with Disabilities Act (ADA). Where such four-foot open space is not available, table or chairs shall not be allowed. All such uses shall be approved by the applicable city administrator. Number and size limitations are as follows:
- (1) Limited to 50 percent of restaurant frontage as approved by the planning and zoning department.
 - (2) Maximum number of tables and chairs; four tables with maximum four chairs each.
 - (3) Maximum table width; four feet.
 - (4) Umbrellas may be utilized provided they adhere to the four-foot clearance for Americans with Disabilities Act (ADA) access and do not have any advertising unless approved by the planning and zoning department.
- (e) Restaurants or similar food service business establishments with larger outdoor seating area available that can be isolated may be permitted with the following provisions:
- (1) Site plan approval is required by the site review committee. Location and any separation from other uses; sidewalks, parking, landscape, and so forth, must be demonstrated and maintained.
 - (2) Separation or isolation from other uses may be provided with decorative fencing; no chain link is permitted, landscaping, or similar materials as approved by the site review committee.
 - (3) Outdoor seating cannot exceed more than half the total square feet or number of seats; whichever is less, of the indoor seating area.
 - (4) Any outdoor seating shall be provided for with approved parking spaces according to the Land Development Code.
 - (5) All sidewalks and pedestrian access areas shall maintain Americans with Disabilities Act (ADA) accessibility.
 - (6) No advertising shall be permitted on table umbrellas or fencing material unless approved by the planning and zoning department.
 - (7) Required landscaping must be maintained in accordance with the city Land Development Code.
- (Code 1998, § 122-203; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 2010-05-C, § 2, 3-23-2010; Ord. No. 2013-04, § 2, 2-26-2013)

Sec. 122-204. - Conditional uses.

- (a) Conditional uses in the C-1 district are as follows:

- (1) Retail businesses, personal service establishments, professional offices, lodges and clubs and churches greater than 5,000 square feet; provided, however, that no retail establishment may occupy more than 100,000 square feet.
- (2) Public or semipublic facilities or structures not maintained or operated by the city and not listed under permitted uses; such as operated by any other unit of government.
- (3) Utility facilities; such as electrical transformers, gas regulator stations; and so forth.
- (4) Hospitals, clinics, nursing homes, and funeral homes.
- (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) Cemeteries.
 - (7) Private schools.
 - (8) Mobile home parks per article V of this chapter.
 - (9) Planned unit developments per article IV of this chapter.
 - (10) Convenience stores and gas stations.
 - (11) Laundries.
 - (12) Automobile and truck services.
 - (13) Lounges.
 - (14) Bed and breakfast inns per article V of this chapter.
 - (15) Shopping centers; any group of businesses with shared parking or in which the total land area of the development five acres or more.
- (b) In case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval by the city council are not more obnoxious to the district than uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.
- (Code 1998, § 122-204; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § I, 4-13-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 333-C, § 4, 3-23-2004; Ord. No. 2010-05-C, § 2, 3-23-2010; Ord. No. 2013-04, § 2, 2-26-2013)

Sec. 122-205. - Lot and height requirements.

Lot and height requirements for the C-1 district are as follows:

- (1) *Impervious surface coverage*. Maximum impervious surface coverage is 80 percent.
- (2) *Height*. Maximum height of 55 feet shall be allowable for the finished height of all buildings or structures, including architectural features. The height limitations of this chapter shall also apply to church spires, belfries, cupolas and domes not intended for human occupancy and may be a maximum of 55 feet in height. Monuments, transmission towers, chimneys, smokestacks, derricks, conveyors, silos or storage bins, flagpoles and radio or television transmission towers or aerials and may be a maximum 55 feet in height and approved by the city council through the conditional use procedure. Facilities owned by the city are exempt from the height regulations.

(Code 1998, § 122-205; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 287-C, § II, 5-26-1998; Ord. No. 355-C, § 122-205, 10-23-2007)

Sec. 122-206. - Yards.

Minimum yard requirements for the C-1 district are as follows:

- (1) *Front yard*. Property adjacent to Hartwood Marsh Road, SR 50 and U.S. Highway 27 shall maintain a 50-foot setback. The setback on all other streets shall be 25 feet.
- (2) *Side yard*. The minimum side yard setback shall be 12 feet. On corner lots, a side yard setback of 50 feet shall be maintained on Hartwood Marsh Road, State Road 50 and U.S. Highway 27 and a side yard setback of 25 feet shall be maintained from all other streets and 12 feet on the interior side yard. However, a side setback of 25 feet shall be maintained on the side adjacent to property that is either zoned or used as residential.
- (3)

Rear yard. The minimum rear yard setback shall be 25 feet except where a rear yard abuts Hartwood Marsh Road, SR 50 or U.S. Highway 27, a setback of 50 feet shall be maintained. The rear building line of lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

- (4) *Buffer strip.* When a conditional or commercial use abuts a residential use, the conditional or commercial use shall provide a landscaped buffer strip along the abutting property line.
- (5) *Other setbacks.* All yard setbacks for principal buildings shall be a minimum of 25 feet from established high-water marks. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

(Code 1998, § 122-206; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 298-C, § 2, 6-27-2000; Ord. No. 306-C, § 2, 3-27-2001; Ord. No. 355-C, § 122-206, 10-23-2007; Ord. No. 2013-04, § 2, 2-26-2013)

Secs. 122-207—122-220. - Reserved.

DIVISION 11. - C-2 GENERAL COMMERCIAL DISTRICT^[11]

Footnotes:

— (11) —

Note—See the editor's note to div. 2.

Sec. 122-221. - Intent.

The C-2 district is intended for full-scale retail sales and service needs of the community.

(Code 1998, § 122-221; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-222. - Site plan review.

A site plan is required for uses in the C-2 district and must be approved by the administrative official.

(Code 1998, § 122-222; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-223. - Permitted uses.

(a) *Generally.* Permitted uses in the C-2 district are as follows:

- (1) Retail businesses: Any retail business or service, including the sale of goods and services for resale, as long as it is incidental to and in conjunction with a retail business.
- (2) Personal service establishments, such as but not limited to beauty shops or barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaning establishments. Permanent makeup service may be allowed as an accessory use; with a business tax receipt and with medical supervision, within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
- (3) Professional offices, doctors' offices, banks, loan companies, insurance and real estate offices, and similar businesses.
- (4) Automobile and truck services, carwashes, and automobile, truck, boat and farm equipment sales.
- (5) Recreation facilities, theaters, including drive-ins, bowling alleys, skating rinks, billiard halls, miniature golf courses, driving ranges and tourist attractions.
- (6) Restaurants and lounges.
- (7) Buildings, structures or uses maintained or operated by the city.
- (8) No retail establishment may occupy more than 100,000 square feet.
- (9) Lodges and clubs.
- (10) Laundries.
- (11) Hotels and motels.
- (12) Convenience stores and gas stations.
- (13) Shopping centers; Any group of businesses with shared parking or in which the total land area of the development less than ten acres.
- (14) 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.

- (b) *Floor space.* Any business establishment or structure proposing to occupy more than 20,000 square feet of floor space shall require a conditional use permit. The floor area ratio for any structure shall not exceed that identified by policies of the adopted comprehensive plan.
- (c) *Uses to be enclosed; outdoor storage.* All uses must be conducted within a completely enclosed building; except for outdoor storage, which must be screened from a public street and adjacent property.
- (d) *Sidewalk use.* Restaurant or food service business establishments may utilize outside private sidewalk area adjacent to the business for patron use to include non-fastened small tables and chairs or benches during business hours only.

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 Americans with Disabilities Act. Where such four-foot open space is not available, table or chairs shall not be allowed. All such uses shall be approved by the applicable city administrator. Number and size limitations are as follows:

- (1) Limited to 50 percent of restaurant frontage as approved by the planning and zoning department.
 - (2) Maximum number of tables and chairs; four tables with maximum four chairs each.
 - (3) Maximum table width; four feet.
 - (4) Umbrellas may be utilized provided they adhere to the four-foot clearance for Americans with Disabilities Act access and do not have any advertising.
- (e) Restaurants or similar food service business establishments with larger outdoor seating area available that can be isolated may be permitted with the following provisions:
 - (1) Site plan approval is required by the site review committee. Location and any separation from other uses; sidewalks, parking, and landscape for example, must be demonstrated and maintained.
 - (2) Outdoor seating cannot exceed more than half the total square feet or number of seats, whichever is less, of the indoor seating area.
 - (3) All sidewalks and pedestrian access areas shall maintain Americans with Disabilities Act accessibility.
 - (4) No advertising shall be permitted on table umbrellas or fencing material unless approved by the city administrative official.
 - (5) Required landscaping must be maintained in accordance with the city Land Development Code. (Code 1998, § 122-223; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § II, 4-13-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 2010-05-C, § 2, 3-23-2010; Ord. No. 2013-04, § 2, 2-26-2013)

Sec. 122-224. - Conditional uses.

- (a) Conditional uses in the C-2 district are as follows:
 - (1) Manufacturing, provided such manufacturing employs not more than five persons and is incidental, complementary to and in conjunction with a retail business or service.
 - (2) Residential storage warehouses where storage facility uses are exclusively for storing excess personal property generally stored in residential accessory buildings. This shall not include the storage of manufacturing or commercial products.
 - (3)

Shopping centers; any group of businesses with shared parking or in which the total land area of the development is ten acres or more.

- (4) Agricultural service operations.
 - (5) Public or semipublic facilities or structures not operated by the city and not listed as a permitted use.
 - (6) Utility facilities; such as electric transformers, gas regulator stations, and so forth.
 - (7) Recreational vehicle parks.
 - (8) Hospitals, clinics, and nursing homes.
 - (9) Automobile and truck repair garages; and painting, welding and body shops.
 - (10) Dwelling units provided that the requirements of the R-3 zone are met, mobile home parks per article V of this chapter, and planned unit developments per article IV of this chapter.
 - (11) Kennels or veterinary clinics, provided that all animal services and confinement areas, including runs, are in air conditioned and sound-attenuated buildings.
 - (12) Churches, funeral homes and cemeteries.
 - (13) Retail establishments more than 100,000 square feet.
 - (14) Private schools.
 - (15) Bus terminals, major equipment sales, manufactured housing sales, travel trailer and recreational vehicle sales.
 - (16) Bed and breakfast inns.
- (b) In case of uncertainty of the classification of any use, uses may be permitted which; after consideration by the planning and zoning commission and approval of the city council, are not more obnoxious to the district than the uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.

(Code 1998, § 122-224; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § III, 4-13-1999; Ord. No. 294-C, § 2, 9-28-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 333-C, § 4, 3-23-2004; Ord. No. 2013-04, § 2, 2-26-2013)

Sec. 122-225. - Lot and height requirements.

Lot and height requirements for the C-2 district are as follows:

- (1) *Impervious surface coverage.* Maximum impervious surface coverage is 80 percent.
- (2) *Height.* Maximum height of 55 feet shall be allowable for the finished height of all buildings or structures, including architectural features. The height limitations of this chapter shall also apply to church spires, belfries, cupolas and domes not intended for human occupancy and may be a maximum of 55 feet in height. Monuments, transmission towers, chimneys, smokestacks, derricks, conveyors, silos or storage bins, flagpoles and radio or television transmission towers or aerials and may be a maximum 55 feet in height and approved by the city council through the conditional use procedure. Facilities owned by the city are exempt from the height regulations.

(Code 1998, § 122-225; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 287-C, § II, 5-26-1998; Ord. No. 355-C, § 122-225, 10-23-2007)

Sec. 122-226. - Yards.

Minimum yard requirements for the C-2 district are as follows:

- (1) *Front yard.* Property adjacent to Hartwood Marsh Road, SR 50 and U.S. 27 shall maintain a 50-foot setback. The setback on all other streets shall be 25 feet.
- (2) *Side yard.* The minimum side yard setback is 12 feet. On corner lots where a side yard setback of 50 feet shall be maintained on Hartwood Marsh Road, State Road 50 and U.S. Highway 27 and a side yard setback of 25 feet shall be maintained from all other streets and 12 feet on the interior side yard. However, a side setback of 25 feet shall be maintained on the side adjacent to property that is either zoned or used as residential.
- (3) *Rear yard.* The minimum rear yard setback is 25 feet except where a rear yard abuts Hartwood Marsh Road, SR 50 or U.S. 27, a setback of 50 feet shall be maintained. The rear building line of lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.
- (4) *Buffer strip.* When a conditional or commercial use abuts a residential use, the conditional or commercial use shall provide a landscaped buffer strip along the abutting property line.
- (5) *Other setbacks.* All yard setbacks for principal buildings shall be a minimum of 25 feet from established high-water marks. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

(Code 1998, § 122-226; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 298-C, § 2, 6-27-2000; Ord. No. 306-C, § 2, 3-27-2001; Ord. No. 355-C, § 122-226, 10-23-2007; Ord. No. 2013-04, § 2, 2-26-2013)

Secs. 122-227—122-240. - Reserved.

DIVISION 13. - M-1 INDUSTRIAL DISTRICT^[13]

Footnotes:

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Note—See the editor's note to div. 2.

Sec. 122-261. - Intent.

The M-1 district is intended for industrial uses of such a nature that they do not create problems of compatibility with adjacent land uses.

(Code 1998, § 122-261; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-262. - Site plan review.

A site plan is required for uses in the M-1 district and must be approved by the administrative official.

(Code 1998, § 122-262; Ord. No. 281-C, § 1(ch. 7), 11-8-1994)

Sec. 122-263. - Permitted uses.

(a) *Generally.* Permitted uses in the M-1 district are as follows:

- (1) All uses permitted in C-2 general commercial district, provided they meet the regulations of the C-2 district.
- (2) Light manufacturing: Generally recognized light industries engaged in manufacturing, assembly or packing. All manufacturing work must be conducted within a completely enclosed building with a total maximum floorspace of 7,000 square feet.
- (3) Wholesale enterprises and establishments engaged in warehousing, with or without retail sales, such as but not limited to lumber and building material yards, and electrical and plumbing supplies.
- (4) Offices or technical training enterprises.
- (5) Field crops, orchards and nurseries.
- (6) Buildings, structures or uses maintained or operated by the city.
- (7) Automobile and truck repair garages, and painting, welding and body shops.

(b) *Dwelling units.* No dwelling unit shall be erected except for sleeping quarters of a watchman or as part of a planned unit development. The watchman's quarters shall be considered an accessory use which shall not exceed 600 square feet of living area. The watchman's quarters shall be constructed as a portion of the principal structure and shall be located above or at the rear of the principal structure.

(c) *Uses to be enclosed; outdoor storage.* All manufacturing or commercial uses must be conducted within a completely enclosed building, except for outdoor storage, which must be screened from a public street and adjacent property.

(Code 1998, § 122-263; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 299-C, § 2, 6-27-2000)

Sec. 122-264. - Conditional uses.

(a) Conditional uses in the M-1 district are as follows:

- (1) Airports.
- (2) Junkyards.

- (3) Planned unit development per article IV of this chapter.
- (4) Utility facilities (i.e. electric transformers, gas regulator stations, etc.).
- (5) Adult entertainment establishments.
- (6) Conditional uses of the C-2 general commercial district not specifically listed as a permitted use in the M-1 light commercial district, provided they meet the regulations of the C-2 district.
- (b) Other manufacturing or wholesale uses not listed as a permitted use may be considered as a conditional use, provided the requirements of chapter 86, article III, division 3, and the following conditions are met:
 - (1) The use is so located, site-planned and designed to avoid undue noise, odor, smoke, explosive hazards or any other nuisances or dangers to abutting properties.
 - (2) Adequate waste treatment, roadways and utilities can be provided.
 - (3) All applicable local, state and federal regulations regarding such use can be met.
 - (4) No wholesale or retail establishment may occupy more than 100,000 square feet.
- (c) In case of uncertainty of the classification of any public use, uses may be permitted which, after consideration by the planning and zoning commission and approval of the city council, are not more obnoxious to the district than the uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.

(Code 1998, § 122-264; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § V, 4-13-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 370-C, § 3, 11-24-2009)

Sec. 122-265. - Lot and height requirements.

Lot and height requirements for the M-1 district are as follows:

- (1) *Impervious surface coverage.* Maximum impervious surface coverage is 80 percent.
- (2) *Height.* Maximum height of 55 feet shall be allowable for the finished height of all buildings or structures, including architectural features. The height limitations of this chapter shall also apply to church spires, belfries, cupolas and domes not intended for human occupancy and may be a maximum of 55 feet in height. Monuments, transmission towers, chimneys, smokestacks, derricks, conveyors, silos or storage bins, flagpoles and radio or television transmission towers or aerials and may be a maximum 55 feet in height and approved by the city council through the conditional use procedure. Facilities owned by the city are exempt from the height regulations.

(Code 1998, § 122-265; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 287-C, § II, 5-26-1998; Ord. No. 294-C, § 2, 9-28-1999; Ord. No. 355-C, § 122-265, 10-23-2007)

Sec. 122-266. - Yards.

Minimum yard requirements for the M-1 district are as follows:

- (1) *Front yard.* Property adjacent to Hartwood Marsh Road, SR 50 and U.S. Highway 27 shall maintain a 50-foot setback. The setback on all other streets shall be 25 feet.
- (2) *Side yard.* The minimum side yard setback shall be 12 feet except on corner lots where a side yard setback of 50-feet shall be maintained on Hartwood Marsh Road, SR 50 and U.S. Highway 27 and a side yard setback of 25 feet shall be maintained from all other streets. A side setback of 25 feet shall be maintained on the side adjacent to property that is either zoned or used as residential.

- (3) *Rear yard.* The minimum rear yard setback shall be 25 feet except where a rear yard abuts Hartwood Marsh Road, SR 50 or U.S. Highway 27, a setback of 50 feet shall be maintained. The rear building line of lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.
- (4) *Buffer strip.* When an industrial or commercial use abuts a residential use, the industrial or commercial use shall provide a landscaped buffer strip along the abutting property line.
- (5) *Other setbacks.* All yard setbacks for principal buildings shall be a minimum of 25 feet from established high-water marks. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

(Code 1998, § 122-266; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 298-C, § 2, 6-27-2000)

Secs. 122-267—122-269. - Reserved.

LEGAL NOTICE

Notice is hereby given that the City Council of 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. 2015-80

An ordinance under the Code of Ordinances of the City of Clermont, Lake County, Florida amending the official zoning map of the City of Clermont, referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances; creating an overlay, rezoning the real properties described herein as shown below, providing for severability, an effective date and publication.

LOCATION

Downtown Mixed Use District Boundary

LEGAL DESCRIPTION

Lots 4-6, 14-20 Block 56; Lots 1-20 Block 57; Lots 1-20 Block 73; Lots 9-17, and the West 30' of Lot 18 Block 74; Lots 1-3, 7-18 Block 75; Lots 1-20 Block 76; Lots 1-6, East 31' of Lot 7, All of Lots 8,10,12,14,16,18,20 Block 77; Lots 1-20 Block 79; Lots 1-20 Block 80; Lots 1-20 Block 81; Lots 1-17 Block 82; Lots 1-10 Block 83; Lots 1-16 Block 84; Lots 1-13 Block 90; Lots 1-20 Block 91; All of Block 92; Lots 1-20 Block 93; Lots 1-6 Block 94; Lots 1-3, North 125' of Lots 4 & 5, All of Lot 10 and the East 125' of Lots 11 & 12 Block 95; Lots 1-6 Block 96; East 100' of Lots 4-6 Block 97; Lots 1, 2 and the North 100' of Lot 6 Block 98; Lots 4-13 Block 114; North 25' of Lots 1 & 2, All of Lots 7-9, 13-19 Block 121

All within the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida.

Lots 1-19 Block 115; Lots 1 & 2 Block 118; Lots 1-22 Block 119; Lots 1-26 Block 120

All within Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida.

A portion of Twelfth St being bounded on the North by the Easterly extension of the South line of Lot 6 Block 145 Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the South by the Easterly extension of the South line of Lot 6 Block 141 said subdivision. Bounded on the West by the East line of Blocks 141-144 and the East right of way line of Cedar St., Carroll St., Osceola St., and Minneola Ave. said subdivision. Bounded on the East by the West line of Lot 19 Block 115, the West line of Blocks 118-120 and the West right of way line of Lake Shore Dr., Short St., Carroll St., Osceola St., and Minneola Ave. said subdivision and also bounded on the East by the West line of Block 121 Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida.

All of Short St. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of Lot 19 Block 115 said subdivision. Bounded on the East by the Easterly extension of Lot 2 Block 118 said

subdivision. Bounded on the North by the Southerly line of Block 115 said subdivision. Bounded on the South by the Northerly boundary of Block 118 said subdivision.

A portion of Lake Shore Dr. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the West by the Northerly extension of the West line of Lot 19 Block 115 said subdivision. Bounded on the East by the Northwesterly extension of the North line of Lot 18 Block 117 said subdivision. Bounded on the North by the "Marsh" parcels according to Johnson's Replat Plat Book 8 Page 71 and the bounded on the North Easterly extension of the South line of the Westerly "Marsh" parcel said subdivision. Bounded on the South by the Northerly lines of Lot 19 Block 115 and Lot 18 Block 117 said subdivision. Also bounded on the South by the Northerly line of property described in OR Book 1473 Page 2287, Public Records of Lake County, Florida.

A portion of abandoned railroad right of way as shown in Johnson's Replat Plat Book 8 Page 71. Bounded on the West by the South right of way line of Lake Shore Drive. Bounded on the North by the South lines of Lots 8-18 Block 117 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 8 Block 117 said subdivision. Bounded on the South by the North lines of Lots 8-19 Block 115 Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida.

A portion of Carroll St. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of the West line of Lot 2 Block 118 said subdivision. Bounded on the North by the Southerly extension of the South line of Lot 2 Block 118 and the South line of Lot 2 Block 118 said subdivision. Bounded on the North by the South line of Lots 1-14 Block 115 said subdivision. Bounded on the East by the Western boundary of lands described in OR Book 638 Page 1677, Public Records of Lake County, Florida. Bounded on the South by the North lines of Lots 1, 4-10 Block 119 said subdivision. Also bounded on the South by the Southeasterly extension of the North line of Lot 1 Block 119 said subdivision.

A portion of Osceola St. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the West by the East right of way line of Twelfth St. said subdivision. Bounded on the North by the South line of Block 119 said subdivision. Bounded on the South by the North line of Block 120 said subdivision. Bounded on the east by the West right of way line of West Lake Dr. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida.

All of West Lake Dr. as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the North by the Southeasterly extension of the North line of Lot 1 Block 119 said subdivision. Bounded on the West by the East right of way line of Osceola St. and the Easterly line of Lots 2, 3 Block 119 & the East line of Block 120 said subdivision. Bounded on the East by the Westerly line of West Lake as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. Bounded on the South by the Easterly extension of the South line of Lot 6 Block 120 said subdivision.

That portion of Eleventh St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the North by the South right of way line of Minneola Ave. said subdivision. Bounded on the West by the East line of Lot 14 Block 121 & the North 25' of Lot 1 Block 121 said subdivision. Bounded on the East by the West line of Lot 10 block 114 & the North 25' of Lot 11 Block 114 said subdivision. Bounded on the South by the Easterly extension of the South line of the N25' of Lot 1 Block 121 said subdivision.

Lake Bottom Lands in West Lake in North Half of Government Lot 8, Section 23, Township 22 South, Range 25 East as shown in Johnson's Replat Plat Book 8 Page 71, Public Records of Lake County, Florida. AND Commencing at the intersection of the Northerly right of way line of Minneola Ave. and Easterly right of way line of West Lake Drive; thence Northerly along said East right of way line 270'; thence Easterly parallel with aforesaid north right of way line of Minneola Ave. to the East boundary line of Government Lot 8, Section 23, Township 22 South, Range 25 East; thence Southerly along said East boundary to the North right of way line of Minneola Ave; thence Westerly along said North right of way line to the Point of Beginning.

A portion of Minneola Ave. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of the East line of Lot 6 Block 142 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 2 Block 79 said subdivision. Bounded on the South by the North line of Blocks 80, 92, 95, 114 and 121 and the Easterly extension of the North line of Lot 4 Block 114 said subdivision. Bounded on the North by South line of Blocks 79, 93, 94, 115 and 120 and the Easterly extension of Lot 6 Block 120 said subdivision.

A portion of West Ave. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the South by the Northerly right of way line of State Road 50. Bounded on the West by the East line of Blocks 94, 95, 96, 97, 98 and 99 and the Southeasterly extension of the Easterly line of Lot 5 Block 98 of said subdivision. Bounded on the East by the West line of Blocks 89A, 90, 91, 92 and 93 and the Western boundary of Center Lake said subdivision. Bounded on the North by the South line of Alternate key #1616883 described as: Clermont Block bounded on the East by East line of West Ave extended, on West by West line of West Ave extended, North by Lake Minneola, on South by ACLRR PB 8 PGS 17-23.

A portion of Eighth St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the North by the North right of way line of Osceola St. said subdivision. Bounded on the West by the East line of Blocks 89A, 90, 91, 92, and 93 and the Eastern boundary of Center Lake said subdivision. Bounded on the South by the northerly right of way line of State Road 50. Bounded on the East by the West line of Blocks 79, 80, 81, 82, 83 and 84 said subdivision.

A portion of Seventh St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the East line of Blocks 79, 80, 81, 82, 83 and 84 said subdivision. Bounded on the South by the Northerly right of way line of State Road 50. Bounded on the east by the West boundary of

Blocks 73, 74, 75, 76, 77 and 78 said subdivision. Bounded on the North by the Northerly right of way of Osceola St. said subdivision.

A portion of Lake Ave. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the East boundary of Block 76 and Lots 2, 4, and 6 Block 77 said subdivision. Bounded on the South by the Easterly extension of the South line of Lot 6 Block 76 said subdivision. Bounded on the East by the West boundary of Lot 4, 5 and 6 Block 56 and Block 57 said subdivision. Bounded on the North by the Easterly extension of the North line of Lot 2 Block 77 said subdivision.

A portion of Fifth St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the East boundary of Lot 14 Block 56 and Block 57 said subdivision. Bounded on the South by the Easterly extension of the South line of Lot 14 Block 57 said subdivision. Bounded on the East by the West boundary of Block 48 and Lot 20 Block 49 said subdivision. Bounded on the North by the Easterly extension of the North line of Lot 14 Block 56 said subdivision.

A portion of Montrose St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of the West line of the West 125' of Lot 12 Block 95 said subdivision. Bounded on the North by the Southern boundary of Blocks 56, 77, 80, 92 and Lot 12 Block 95 said subdivision. Bounded on the South by the North line of Blocks 57, 76, 81, 91 and Lot 1 Block 98 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 14 Block 56 said subdivision.

A portion of Desoto St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the North by the Southern boundary of Blocks 57, 76, 81, 91 and Lot 6 Block 96 said subdivision. Bounded on the West by the Southerly extension of the West line of Lot 6 Block 96 said subdivision. Bounded on the South by the North line of Blocks 58, 75, 82, 90 and Lot 1 Block 97 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 14 Block 57 said subdivision.

A portion of Juniata St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Southerly extension of the West line of the East 100' of Lot 6 Block 97 said subdivision. Bounded on the South by the North line of the East 100' of Lot 1 Block 98, the Northern boundary of Center Lake and the North lines of Lots 9-13 Block 74 and the North lines of Lots 1, 3, 5, 7 and 9 Block 83 said subdivision. Bounded on the East by the Southerly extension of the East line of Lot 18 Block 75 said subdivision. Bounded on the North by the Southern boundary of Lots 14-18 Block 75, Block 82, 90 and the East 100' of Lot 6 Block 97 said subdivision.

A portion of Broome St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Southwesterly extension of the West line of Lot 10 Block 83 said subdivision. Bounded on the

North by the Southerly boundary of Blocks 74 and 83 said subdivision and the Southern boundary of Hidden Oaks Condominiums as recorded in ORB 1820 PG 1453, Public Records of Lake County, Florida. Bounded on the East by the Northerly extension of the East line of Lot 1 Block 73 as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the South by the Northerly boundary of Blocks 73 and 84 said subdivision.

A portion of Osceola St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Northerly extension of the West line of Lot 19 Block 93 said subdivision. Bounded on the South by the Northerly line of Blocks 79, 93 said subdivision. Bounded on the East by the Northerly extension of the East line of Lot 1 Block 79 said subdivision. Bounded on the North by the South line of an unnumbered Block located North of Block 79 said subdivision. Also bounded on the North by the South right of way of the Railroad said subdivision.

A portion of West Lake and an unnumbered block as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the West line of Section 24-22S-25E. Bounded on the South by the Northerly right of way line of Minneola Ave. said subdivision. Bounded on the East by Lots 1-6 Block 94 said subdivision and by the Northerly extension of the East line of Lot 1 Block 94 said subdivision. Bounded on the North by the South railroad right of way line said subdivision. Less Lots 1-6 Block 94 said subdivision.

A portion of an unnumbered Block as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the West by the Northerly extension of the West line of Block 93 said subdivision. Bounded on the South by the North line of Block 93 said subdivision. Bounded on the East by the Northerly extension of the East line of Block 93 said subdivision. Bounded on the North by Lake Minneola.

A portion of Seventh St. as shown in the Official Map of the City of Clermont as recorded in Plat Book 8 Page 17, Public Records of Lake County, Florida. Bounded on the North by the South line of abandoned railroad right of way said subdivision. Bounded on the West by the East line of an unnumbered Block located North of Block 79 said subdivision. Bounded on the East by the West line of an unnumbered block located North of Block 78 said subdivision. Bounded on the South by the North right of way line of Osceola St. said subdivision.

**FROM M-1 Industrial, R-3 Residential/Professional,
C-1 Light Commercial, and C-2 General Commercial
TO Central Business District**

This request will be considered by the Planning & Zoning Commission on Tuesday, November 3, 2015 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, December 8, 2015 at 6:30 p.m. for final enactment.

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

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose St., 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 may need to ensure that a verbatim record is made.

Tracy Ackroyd, MMC
City Clerk

Daily Commercial

October 27, 2015 and November 24, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, November 3, 2015		
Agenda Item Name		
Downtown Clermont Redevelopment Plan		
Requested Action		
Move to approve the CRA Redevelopment Plan as being in conformance with the Comprehensive Plan as presented, and recommend approval to the City Council.		
Staff Report		
The Downtown Clermont Redevelopment Agency (CRA) and 157 acre District were created in 1997 by adoption of Resolution No. 950. Updates to the Plan were completed in 2005 and 2010. The CRA district has experienced significant redevelopment efforts through various streetscape projects and the incentive grant programs. The CRA District is also the heart of the recently approved <i>Downtown & Waterfront Master Plan</i>. In order to grow the district and continue the design and improvements of the recently approved <i>Downtown & Waterfront Master Plan</i>, an amendment to the CRA District and Plan is needed at this time. The Redevelopment Plan must continue to remain flexible enough to enable the CRA to work on various projects within the parameters of the Plan, and supported by the annual budget. This request is to approve the Expansion of the CRA District and the Plan as presented. The CRA District will total 379 acres and will include the following new areas: * The northeast - Waterfront Park beach area and the old Bell Ceramics site off East Ave.; * The west area - CBS Builders Supply , Excelatech (recently demolished site) and Clermont Public Works; * South of State Road 50 - this frames in the downtown approach off SR 50. The approach, or entrance areas leading into the downtown and waterfront are vital to the CRA District, and the expansion areas capitalize on those areas, in addition to adding properties to the CRA District. These help with the growth of the core part of Clermont and the Master Plan area. The new CRA Redevelopment Plan continues the 5-year cycle for revisions that reflect the changes needed for our growth in the downtown and waterfront.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|-------------------------------|---------------------------------------|
| 1. | CRA District Map | CRA Map-NEW 2015.pdf |
| 2. | CRA Redevelopment Plan - 2015 | CRA Redevelopment Plan & FON 2015.pdf |

Downtown Clermont Redevelopment Agency ~ District Map

- CRA – existing
- CRA – proposed expansion

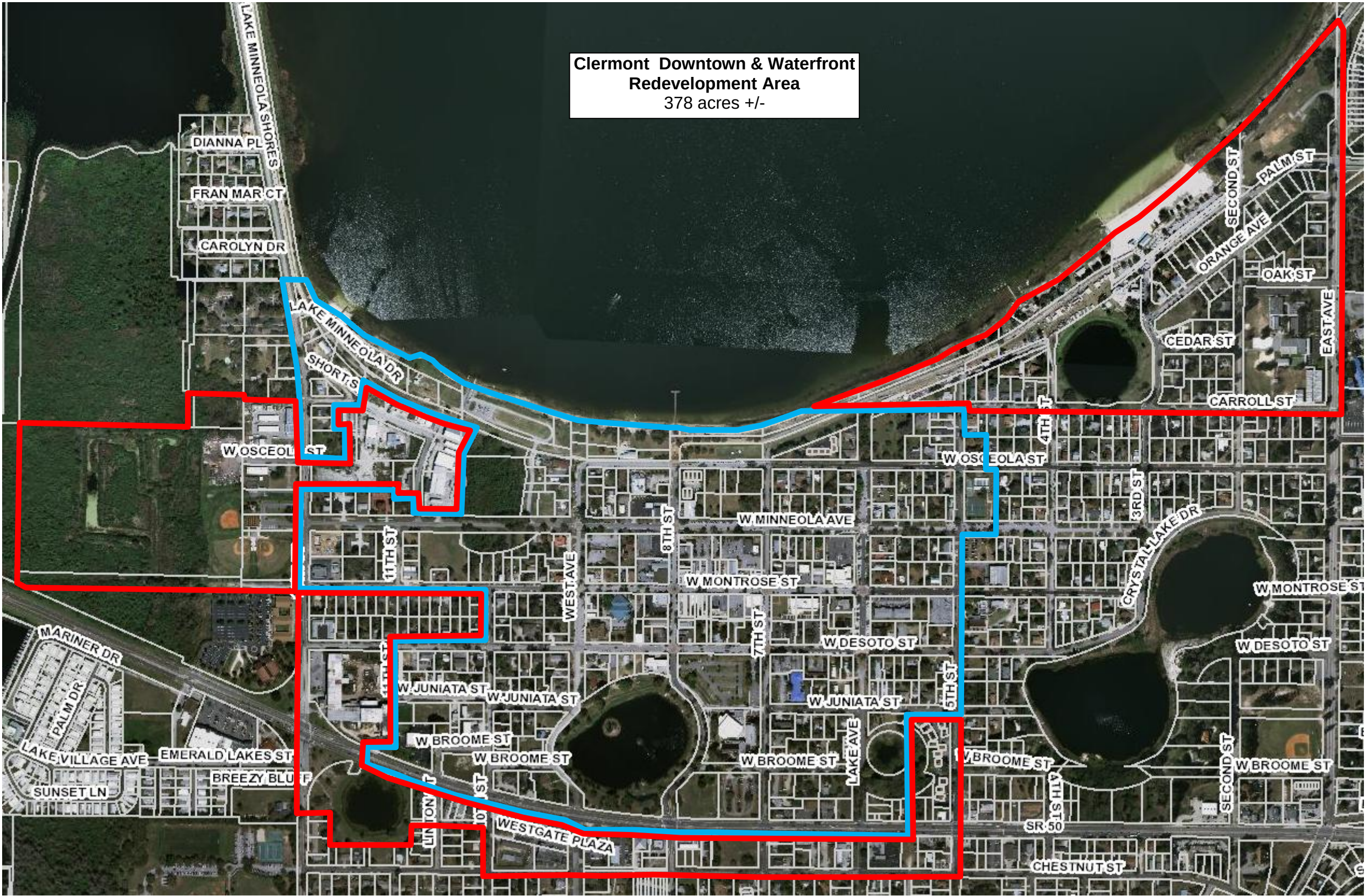


Exhibit "A"
Ordinance No. 2015-77
Adopted 12/8/2015

City of Clermont

Downtown Clermont Redevelopment Agency

CRA Redevelopment Plan



Downtown Clermont Redevelopment Agency
685 W. Montrose St.
Clermont, Florida 34711

City of Clermont

Downtown CRA Redevelopment Plan

GAI Project Number: R140908.01

October, 2015

Prepared for: City of Clermont

Prepared by: GAI Consultants
Orlando Office
618 East South Street
Suite 700
Orlando, Florida 32801



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1.0 Introduction

Historical Background

Clermont is situated in Lake County which was named for its over 1,400 named lakes. Strategically located just west of Orlando and north of Disney World, Clermont has a population of over 29,000 based on 2013 Census data. With over 14.8 square miles Clermont is the second largest city in Lake County with the largest population of all cities in Lake County. Unemployment rates in Lake County and the cities within Lake County have been on the rise over the last four years. According to 2013 Census estimates, Lake County's unemployment rate was 12.0%, while the unemployment rate in Clermont was 10.8%. These rates represent an increase over the unemployment rates of 2010 when Lake County's unemployment rate was 8.1% and Clermont's unemployment rate was 8.3%.

The city was founded in 1884 and incorporated in 1916. The history of Clermont mirrored that of many other cities, following a path of decline prior to the creation of the City's Downtown Redevelopment Area in 1997. In the years following WWII, the automobile and the mobility that it afforded the average American redefined development patterns and business location decisions. As new highways and interstates were constructed to meet the demands of an increasingly auto-oriented society, many businesses abandoned downtowns for the increased visibility and accessibility of highway commercial centers. As a consequence, many traditional downtown areas became less economically vital and attracted less private and public investment. Buildings and infrastructure were allowed to deteriorate, contributing to the decline of downtown viability and property values.

In 1997 by adoption of Resolution No. 950, the City of Clermont identified the Downtown Redevelopment Area and created the Downtown Clermont Redevelopment Agency whose charge was to prepare a redevelopment plan, implement planned projects and obtain the necessary funding. The downtown area continues to be the focal point of a robust and growing community and the continued redevelopment of the 157 acres within the redevelopment area has been a continuing effort. New studies, projects and cooperation within from the business and residential community within the redevelopment area are necessary to continue these efforts.

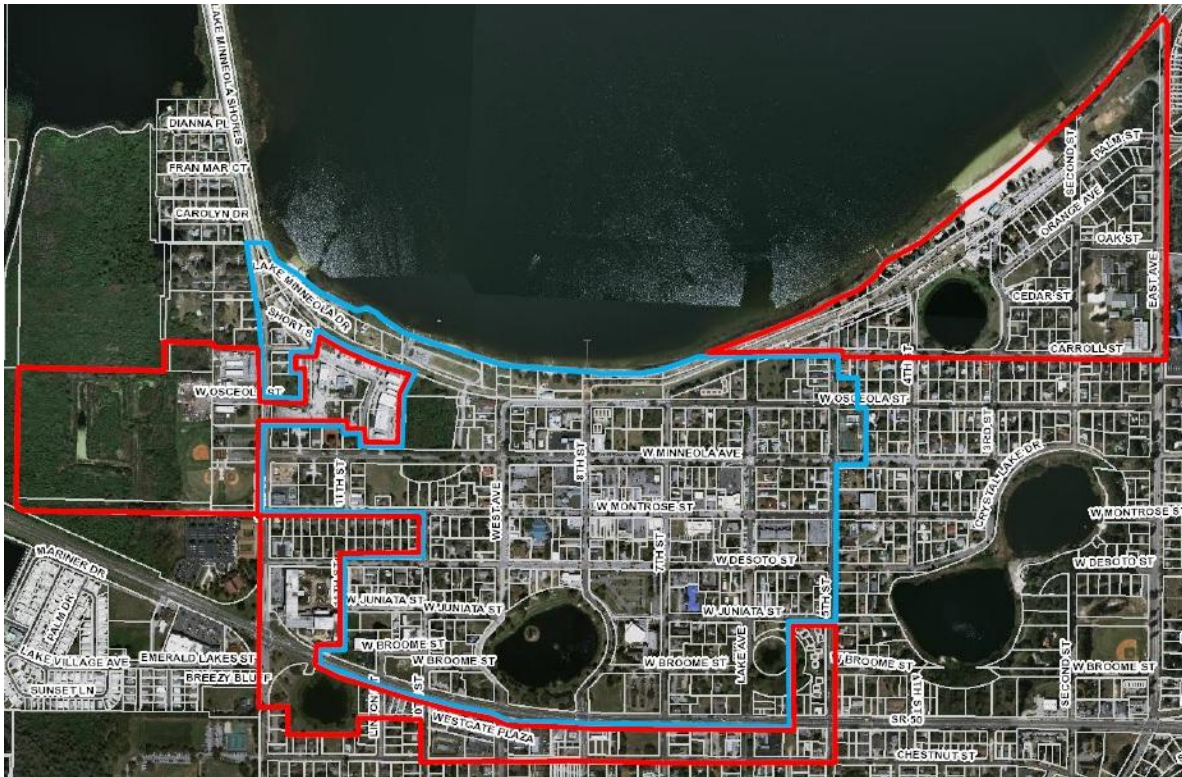
The goals and objectives of the plan were kept broad enough to allow for flexibility in the projects which would be implemented, but also realistic to ensure that they could be accomplished. As with any plan, the redevelopment plan should be updated from time to time in order to take advantage of new ideas and efforts to continue with redevelopment in the district.

In 2005 the original redevelopment plan was updated substantially which assisted in providing continued diversity allowing the Downtown Clermont Redevelopment Agency the ability to work in a variety of ways to support the revitalization of the district. The 2005 update included streetscape in the West Montrose Street area consisting of new sidewalks, trees, benches, and new lighting with underground infrastructure improvements. These physical improvements assisted in efforts to stabilize the downtown area. Continued streetscape projects and other new programs were implemented to continue the effort to revitalize the downtown area and create a new sense of vitality.

A minor update to the redevelopment plan was completed in 2010, the update incorporated incentive programs ranging from façade improvement grants and impact fee assistance to building code compliance assistance. Additionally, street lighting improvements were included for when LED lighting is integrated to further improve the downtown lighting conditions. Since the completion of the 2010 redevelopment plan update, the Downtown Clermont Redevelopment Agency has awarded over \$160,000 in grants through four different grant programs available within the district, the Façade Improvement Grant Program (\$123,708.33), the Building Code Assistance Program (\$27,762.50), the Impact Fee Assistance Program (\$7,518.43), and the Building Permit Refund Program (\$1,911.40). With the assistance of these grant programs, over \$324,000 of projects were completed by 24 grant recipients.

Proposed Expansion Area

The expanded area is confined to a specific geographic area within downtown Clermont generally shown in red in Map 1.0. Blue outline denotes existing CRA boundaries.



Map 1.0 - Study Area and Proposed Expanded CRA Boundaries

Before identifying prospective private sector interest in the area, current blighting influences are to be addressed to begin rebuilding the infrastructure necessary to support and attract investment. Deteriorating conditions of structures, utilities, and general physical environment undermine economic development efforts and impede the improvement of the area.

Identifying resources to remove blighting influences is essential to remain competitive in the economic marketplace. Expanding the current boundaries requires an initial step of identifying blighting influences within the targeted properties. This requires conducting an analysis as required in Section 163, Part III, and Florida Statutes (F.S.), commonly known as a Finding of Necessity (FON). A Finding of Necessity assists in identifying the needs in the proposed expanded redevelopment area. A subsequent community redevelopment plan specifies the desired improvement projects and implementation steps to address them. The CRA will be funded in most part by increment revenues designated specifically to the proposed redevelopment area.

The FON analysis has identified the link between the statutory definition of a “blighted area” and the Clermont proposed redevelopment area expansion. The City Council has determined that such conditions of blight do exist based on the statutory definitions set forth in Section 163, Part III, Florida Statutes (F.S.), and has authorized the preparation and adoption of an updated redevelopment plan that includes the expanded area. See Appendix “A” for Finding of Necessity study.

Key issues addressed in all of the forgoing documents include regulatory policies, infrastructure needs, parking, access to the waterfront, and overall image of the area. Supporting policies, programs and investments incorporated in this update address these issues.

1.0 Regulatory Issues

Strong consideration should be given to reviewing current land use regulations within the CRA boundaries, with special emphasis to the core commercial area. Particular attention to mixing uses, parking requirements, density and intensity, as well as mass and scale of future developments should be assessed. Modification to exiting regulations should be consistent with the community’s vision for the overall urban design in creating a viable “sense of place.”

1.1 Stormwater Issues

The sensitive accommodation of stormwater can provide significant environmental, economic, and aesthetic assets to the CRA. Environmentally, a well designed stormwater facility will improve the water quality to both Lake Minneola and Center Lake, not only as a result of improved collection and retention, but also long term maintenance. Economically, an area-wide stormwater system provides better utilization of real estate for development or redevelopment encouraging new investment opportunities. Aesthetically, a well designed system can become an amenity enhancing natural habitats, appealing open spaces, and an overall attraction for resident and visitor alike.

1.2 Parking Issues

While parking for the current uses in the CRA is quite adequate, care must be given to future needs as addressed in land use regulations for additional uses, particularly accommodating an increase in high density residential uses. Due to the attractive nature of the waterfront, special attention also needs to be made to accommodate the various events that require additional capacity. Accommodation for these larger parking requirements should be addressed in the design of the lake front amenities for temporary uses. At some point in the future, consideration may be needed to develop a parking structure that would serve both a more intense development in the core as well as the special event needs along the lake front.

1.3 Community Connectivity Opportunities

Connectivity to the waterfront is of paramount importance to the future viability of businesses in the core. Though there are only a few short blocks separating Montrose Street from the waterfront, currently there is not a real sense that they are connected. Enhanced lakefront design, improved wayfinding, specific street and bikeway connections to Montrose and intensified development of vacant properties will significantly enhance the visual and physical connections. Likewise, redesign of the Center Lake area and the streets leading from Highway 50 to downtown are key elements to improving business and investment opportunities.

1.4 Overall Waterfront Concept Plan

The recently completed Waterfront Master Plan addresses all of the major elements to making the downtown core one of the most exciting places for residents and visitors to enjoy in the Central Florida region. The use of the water from power boats to sailing and rowing provides a variety of activities unlike most other places. Tying the current trails to the expanding statewide coast-to-coast trail system will be a significant economic boom to the area as the exploding econ-tourism industry continues to expand into more international markets. The CRA's economic growth is tied inextricably to the continued multi-use of its assets along the lakeshore and development policies need to be able to accommodate the needs of the various users, residents and visitors alike.

The following are areas the Plan addresses:

- Developing a place for people
- A great waterfront
- Enhancing the character and image
- Connectivity to the city
- High-performing infrastructure
- Economic investment opportunity

2.0 Legal Boundary Description of Redevelopment Area

THAT PORTION OF LAND LYING WITHIN THE CITY OF CLERMONT, AND BEING IN SECTIONS 23, 24 AND 25, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF BLOCK 145, JOHNSON'S REPLAT OF BLOCKS 141, 142, 143, 144, 145, 146, 115, 117, 118, 119 AND 120, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 71, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN EAST TO THE SOUTHERLY SHORELINE OF LAKE MINNEOLA; THENCE RUN EASTERLY ALONG SAID SOUTHERLY SHORELINE TO THE INTERSECTION OF THE NORTHERLY EXTENSION OF THE EASTERLY RIGHT OF WAY LINE OF EAST AVENUE AS SHOWN ON THE PLAT OF THE CITY OF CLERMONT AS RECORDED IN PLAT BOOK 8, PAGES 17 THROUGH 23, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTHERLY SHORELINE RUN SOUTH ALONG SAID EASTERLY RIGHT OF WAY LINE AND ITS NORTHERLY EXTENSION TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF CARROLL STREET AS SHOWN ON SAID PLAT OF THE CITY OF CLERMONT; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF FIFTH STREET AS SHOWN ON THE PLAT OF CREST-VIEW, AS RECORDED IN PLAT BOOK 5, PAGE 60, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, RUN SOUTH ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 31, BLOCK 51, AS SHOWN ON SAID PLAT OF CREST-VIEW; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY, RUN EAST ALONG THE NORTHERLY LINE OF SAID LOT 31 TO THE EASTERLY LINE OF THE WEST 140 FEET OF SAID LOT 31; THENCE DEPARTING THE NORTH LINE OF SAID LOT 31, RUN SOUTH ALONG SAID EASTERLY LINE AND ITS SOUTHERLY EXTENSION TO THE SOUTHERLY RIGHT OF WAY LINE OF OSCEOLA STREET AS SHOWN ON SAID PLAT OF THE CITY OF CLERMONT; THENCE RUN EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF LOT 13, BLOCK 50, AS SHOWN ON SAID PLAT OF THE CITY OF CLERMONT; THENCE RUN SOUTH ALONG THE EASTERLY LINE OF SAID LOT 13 AND ALSO ALONG THE EASTERLY LINE OF LOT 14 OF SAID BLOCK 50 AND ITS SOUTHERLY EXTENSION TO THE SOUTHERLY RIGHT OF WAY LINE OF MINNEOLA AVENUE AS SHOWN ON SAID PLAT OF THE CITY OF CLERMONT; THENCE RUN WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE EASTERLY RIGHT OF WAY LINE OF FIFTH STREET AS SHOWN ON SAID PLAT OF THE CITY OF CLERMONT; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY, RUN SOUTH ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF CHESTNUT STREET AS SHOWN ON THE PLAT OF HIGHLAND TERRACES, AS RECORDED IN PLAT BOOK 5, PAGE 47, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY, RUN WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ITS EXTENSION WEST TO THE WESTERLY RIGHT OF WAY LINE OF TENTH STREET AS SHOWN ON THE PLAT OF INDIAN HILLS, AS RECORDED IN PLAT BOOK 8, PAGE 86, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY, RUN NORTH ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF LOT 3, BLOCK 109, AS SHOWN ON THE PLAT OF SUNSET PARK, AS RECORDED IN PLAT BOOK 8, PAGES 17 THROUGH 23, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN WEST ALONG THE NORTHERLY LINE OF SAID LOT 3 AND ALSO ALONG THE NORTHERLY LINE OF LOT 4 OF SAID BLOCK 109, TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE RUN NORTHWESTERLY TO THE NORTHEAST CORNER OF LOT 2, BLOCK 126A, AS SHOWN ON SAID PLAT OF SUNSET PARK; THENCE RUN WEST ALONG THE NORTHERLY LINE OF SAID LOT 2 TO THE NORTHWEST CORNER OF SAID LOT

2; THENCE SOUTH, ALONG THE WESTERLY LINE OF SAID LOT 2 AND ALSO ALONG THE WESTERLY LINES OF LOTS 3 AND 4, OF SAID BLOCK 126A TO THE NORTHEAST CORNER OF LOT 7, OF SAID BLOCK 126A; THENCE RUN WEST ALONG THE NORTHERLY LINE OF SAID BLOCK 126A AND ITS EXTENSION WEST, ALONG WITH THE NORTHERLY LINE OF BLOCK 126 OF SAID PLAT OF SUNSET PARK TO THE NORTHWEST CORNER OF LOT 4, OF SAID BLOCK 126; THENCE RUN NORTH ALONG THE EASTERLY LINES OF LOTS 7 THROUGH 10, OF SAID BLOCK 126 TO THE NORTHEAST CORNER OF SAID LOT 10; THENCE RUN WEST ALONG THE NORTHERLY LINE OF SAID LOT 10 AND ITS EXTENSION WEST, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF TWELFTH STREET AS SHOWN ON THE AFORESAID PLAT OF THE CITY OF CLERMONT; THENCE RUN NORTH ALONG SAID WESTERLY RIGHT OF WAY LINE TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MONTROSE STREET ALSO BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 140, AS SHOWN ON SAID PLAT OF THE CITY OF CLERMONT; THENCE RUN WEST ALONG THE NORTHERLY LINE OF SAID LOT 1 AND SAID SOUTHERLY RIGHT OF WAY LINE, TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING SITUATED ON THE EASTERLY LINE OF THE PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 54, PAGE 202, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND BEING DESCRIBED AS THE SOUTH 90 FEET OF THE NORTH 990.00 FEET OF GOVERNMENT LOT 7, SECTION 23, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE RUN SOUTH ALONG SAID EASTERLY LINE AND ALSO ALONG THE WESTERLY LINE OF SAID LOT 1, TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE DEPARTING SAID WESTERLY LINE OF LOT 1, RUN WEST ALONG THE SOUTHERLY LINE OF SAID LANDS TO THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 50 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION, RIGHT OF WAY MAP, SECTIONS 1107-105 AND 1102-104, DATED SEPTEMBER 10, 1951; THENCE DEPARTING SAID SOUTHERLY LINE, RUN NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE INTERSECTION OF THE WESTERLY LINE OF SAID LANDS; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, RUN NORTH ALONG SAID WESTERLY LINE TO THE NORTHWEST CORNER OF SAID LANDS AND ALSO BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 343, PAGE 714, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND BEING DESCRIBED AS THE NORTH 900.00 FEET OF GOVERNMENT LOT 7, OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE RUN NORTH ALONG THE WESTERLY LINE OF SAID LANDS, TO THE NORTHWEST CORNER OF SAID LANDS; THENCE RUN EAST ALONG THE NORTHERLY LINE OF SAID LANDS TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 621, PAGE 1514, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND BEING DESCRIBED AS THE SOUTH 220 FEET OF THE EAST 300 FEET OF GOVERNMENT LOT 2, SECTION 23, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID NORTHERLY LINE, RUN NORTH ALONG THE WESTERLY LINE OF SAID LANDS, TO THE NORTHWEST CORNER OF SAID LANDS; THENCE RUN EAST ALONG THE NORTHERLY LINE OF SAID LANDS, TO THE NORTHEAST CORNER OF SAID LANDS, SAID POINT ALSO BEING SITUATED ON THE WESTERLY LINE OF AFORESAID JOHNSON'S REPLAT OF BLOCKS 141, 142, 143, 144, 145, 146, 115, 117, 118, 119 AND 120; THENCE RUN SOUTH ALONG SAID WEST LINE AND ALSO THE EASTERLY LINE OF SAID LANDS, TO THE INTERSECTION OF THE CENTERLINE OF CARROLL STREET AS SHOWN ON SAID JOHNSON'S REPLAT OF BLOCKS 141, 142, 143, 144, 145, 146, 115, 117, 118, 119 AND 120; THENCE DEPARTING SAID WESTERLY AND EASTERLY LINES, RUN EAST ALONG SAID CENTERLINE TO THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF AFORESAID TWELFTH STREET; THENCE RUN NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE AFORESAID NORTHEAST CORNER OF BLOCK 145, AND THE POINT OF BEGINNING.

CONTAINING 379 ACRES +/-



3.0 Redevelopment Objectives and Initiatives

3.1 Infrastructure and Environmental Enhancements

The projects and programs described below relate to the common objective to provide facilities designed to improve the water quality of Lake Minneola & Center Lake and provide more efficient use of development sites.

3.1.1 Development of area wide storm water system

Creating an area-wide storm water system would increase individual site development opportunities. Newer retention facilities could be developed to handle offsite storage to accommodate development for the foreseeable future.

3.1.2 Upgrade existing storm water facilities

Along with the creation of new facilities, upgrades to existing storm water retention and detention facilities should be addressed.

3.1.3 Support low impact designed 'green streets' and sidewalks

All hardscapes such as roadways and sidewalks should be designed to incorporate the latest low impact techniques in accommodating storm water cleansing.

3.1.4 Incorporate environmentally designed parking facilities

As part of the overall assessment of the infrastructure improvements, all future parking lots should be designed to maximize the sites ability to collect, detain, retain and cleanse the storm water.

3.2 Access and Mobility within Downtown

The movement of pedestrians, cyclists and vehicles to and through the downtown area and the waterfront in a safe manner are essential to the long term viability of the area.

3.2.1 Develop pedestrian connections from waterfront to Montrose/Minneola

Accommodating the pedestrian along streets that connect Montrose Street and Minneola Avenue to the waterfront should be through well-designed, well-lighted, and easily accessed sidewalks/streetscapes.

3.2.2 Connect trail system to Montrose/ Minneola

Similarly to accommodating the pedestrian, support should be provided to establish well designed corridor connections from the adjacent trail system to Montrose Street and Minneola Avenue.

3.2.3 Establish a district parking system to support businesses

Just as the area-wide storm water system is recommended, so, too, is an area-wide parking system that is environmentally designed, well connected to the pedestrian facilities, and can accommodate growth in commercial and special event activities.

3.2.4 Create a new entryway off State Road 50 around Center Lake

Designing a new entryway off of State Road 50 which incorporates the re-branding of the City and supports way-finding throughout the area is an essential element to the vitality of the area supporting connectivity, improving image and enhancing economic activity.

3.2.5 Design and install way finding system

Establishing a well-designed and appropriately installed signage system will enhance access to the area, improve the overall image and should address all modes of transportation: pedestrian, cyclists, and automobile.

3.2.6 Develop Lake Avenue/ West Avenue/ 12th Street as key linkages to Minneola/ Montrose

Define the connections of Minneola Ave and Montrose Street to both State Road 50 and the waterfront by enhancing specified corridors with streetscaping and way-finding.

3.3 Redevelopment Support

This element of the plan addresses regulatory issues with regards to development opportunities, land use, and code enforcement.

3.3.1 Modify land use polices to encourage better utilization of (re)development opportunities

A thorough review of exiting land use and zoning policies should be made for the area to determine the the viability as it relates to mixed use developments. This review should address aush elements as floor area ratio (FAR),height restrictions, site permeability requirements, setback, stormwater and parking requirements.

3.3.2 Establish cost sharing policies for infrastructure improvements

As part of creating area-wide stormwater and parking systems, as well as other infrastructure improvements consideration should be given to establishing cost sharing policies with private sector developments.

3.3.3 Develop criteria to identify and support catalytic developments

A key goal of the plan is to create an environment to enhance the development of key sites that are currently vacant or underutilized but are in strategic locations and would most likely leverage additional investments.

3.3.4 Support land assembly, code enforcement, and demolition, for redevelopment opportunities

Through strategic use of existing policies and regulations, the redevelopment/investment environment can be encouraged through code enforcement and purchase of available sites to support environmental improvements.

3.4 Improving Physical Appearance

Enhancement of the image of the CRA is encouraged to provide greater investment options, improve tenant recruitment and retention opportunities, enhance overall market brand, and create a greater sense of pride in the community.

3.4.1 State Road 50 and Center lake entryway redevelopment

Create a sense of arrival and create a window to the downtown at the intersection of State Road 50 and 8th Street; new signage, pavement markings, streetscaping and entrance features should be incorporated, as well as enhanced water features in Center Lake.

3.4.2 Design West Lake stormwater facility as a community amenity: 'Wetland Park'

Develop stormwater facilities to accommodate pedestrian activity and provide an improved aesthetic focal point for the surrounding area, creating a connection between the park and the surrounding neighborhood.

3.4.3 Redesign the following as 'green streets'

The "green street" design incorporates low impact stormwater drainage techniques with improved pedestrian streetscapes and form the spine of the connected pedestrian and cycling environment from downtown to Lake Minneola and the park system.

The following are recommended as initial streets to receive this type of treatment.

- Lake Avenue
- West Avenue
- Minneola Avenue
- Desoto Street
- East Avenue

3.4.4 Expand Incentive Grant Programs

Continuing to incorporate the various CRA grant programs addressing facades, code compliance, impact fees, residential renovations, all add to improved physical appearance.

3.4.5 Open Space Enhancements

In keeping with the overall goal of enhancing natural assets of the downtown, the following open spaces or public amenity locations are suggested to receive specific investment attention.

- Passive neighborhood park (part of Wetlands Park)
- Lake Avenue switchback gardens
- Desoto Garden Park
- Lake Dot park
- Minneola East Trail extension around Crystal Lake
- Sparkling Water Lake Park

Review the existing criteria and policies and determine if modifications are needed.

3.5 Waterfront Development

As part of an overall initiative, create opportunities that maximize regulatory, administrative, infrastructure, and financial incentives to leverage catalytic type investments throughout the downtown and along the waterfront.

3.5.1 Redesign 'promenade' area for greater utilization (9)

Create a design plan for the 'promenade' area to entice further development and add energy and activity to the downtown core.

3.5.2 Establish a mooring area for boaters

Enhance accessibility to the area by providing a mooring area for boaters on the 8th Street Pier, broadening the visitor base to the area.

3.5.3 Rehabilitate West Beach Lake edge (2)

Upgrade existing waterfront facilities to improve accessibility and functionality promotes diversification of waterfront activities.

3.5.4 Continue to enhance supporting facilities for Rowing Center (6)

The Rowing Center provides diversity of activities along the waterfront, continued enhancement of supporting facilities promotes increased opportunities for athletes, families, and spectators to spend time in the surrounding areas.

3.5.5 Develop 8th Street Plaza

The 8th Street Plaza will draw people to the waterfront area, connecting the waterfront with the downtown area adds energy and activity to the downtown core.

3.5.6 Upgrade Waterfront Park Area (28)

Upgrades to the Waterfront Park Area presents an opportunity to have a linear park experience with many other leisure and recreational activities.

3.5.7 Provide enhancements to Northeast Lake edge (30)

Enhancing the Northeast Lake edge will create a scenic connection along the trail to the waterfront activity areas, indicating to pedestrians and cyclists along the trail that they are arriving in an activity center. The success of the downtown is dependant upon the foundation of supporting infrastructure.

3.6 Economic Development

3.6.1 Support catalytic site opportunities

The ultimate sustainability of a re-invigorated center city will be determined in large part by the successful development of quality projects on several key parcels identified in the recently completed master plan. These include the following sites:

- Lumber yard site
- 'Bluff' site
- Dormer Police Building site
- "The Landing" site

As noted above, consideration should be given to provide strategic support for these sites as they are most likely to be catalysts to leverage additional investment.

3.6.2 Continue to provide incentives for the retention and recruitment of businesses along Montrose and Waterfront

Through the application of four grant programs since 2010 the CRA has awarded over \$160,000 in grants which supported the completion of over \$324,000 of projects within the district since 2010. Expanding these grant programs to the waterfront area will promote investment in the area.

3.6.3 Establish funding and development partnerships

Acknowledging that increment resources alone will not be sufficient to implement all of the desired improvements, partnerships with the County, other public funding agencies, non-governmental organizations, and the private sector should be sought to leverage CRA assets as part of the overall redevelopment strategy.

3.6.4 Develop joint marketing opportunities

Visitors and Convention Bureau/Tourist Development Council; athletic and special event promoters; Central Florida Economic Development Commission, should all be sought as possible partners for various CRA related activities.

3.6.5 Continue the façade grant program and implementation of design guidelines

Since beginning the façade grant program in 2010, the program has awarded over \$123,000 in façade improvement grants. Continuation of this grant program along with the implementation of design standards will promote investment in the area.

3.6.6 Support the enhancement of the Historic Village activities and complementary developments

Working with non-profit organizations identify regularly scheduled activities, determine supporting programmatic/project needs, land use options on nearby sites, and West Lake's development impact on the village..

3.6.7 Develop a loan pool to support CRA district investment opportunities

Identify local lending institutions willing to collaborate with CRA to develop criteria and policies to establish a loanpool for businesses and property owners.

3.6.8 Continue to support developments with assistance with building permits, code enforcement, and impact fees

Through the Building Code Assistance program, the Impact Fee Assistance program, and Building Permit Refund program, the CRA has awarded over \$37,000 in grants. Continuation of these grant programs will promote further investment in the area. Other assistance could be incorporated to include sidewalk use for outdoor cafés, meeting ADA and fire code upgrades, to assistance in tenant recruitment, outdoor security camreras and lighting to leverage greater private investment.

3.6.9 Provide up-to-date communications technology infrastructure

Develop an area wide technology infrastructure that provides access to residents and visitors to the latest communications technology with flexibility for upgrade modifications.

3.6.10 Improve access to public restroom facilities

Construct more restroom facilities near City Hall to support events within the downtown.

4.0 Financial Analysis and Implementation Program

The cornerstone of an effective plan is the ability to match resources to the community goals and objectives. Toward that end, it should be understood that the CRA's annual increment revenue is limited and should be used to leverage other types of internal and external funding. There are always more projects than there is money to fund them. It is the intent of the CRA to prioritize the projects and look for ways to fund or find funding for the high priority projects and programs that can be completed by 2043. Based on the projects and programs identified in Chapter 3.0, below is a chart that suggests allocation of types of resources recommended for the respective projects or programs. In describing resources that may be allocated, it should be noted that they do not necessarily need to be financial. In fact, the chart includes four distinct categories in which resource support for projects or programs can be used and are labeled administrative, regulatory, financial, and infrastructure.

1. Administrative resources would include such action as the creation of a one-stop permitting; reorganization of City services to consolidate planning and project management, etc.
2. Regulatory resources would deal with the change in land use policies to allow for housing in commercial areas; increasing the allowable density, signature signing ordinances, loosening parking requirements for certain uses, code enforcement, etc.
3. Financial resources would deal with the direct allocation of funds such as façade grants and loans, land assembly, business improvement grants, demolition of distressed properties, and incentives that may be required for transformational public/private partnerships.
4. Infrastructure resources would include the construction of an area-wide comprehensive stormwater management system that would serve multiple sites; construction of parking facilities, connection of trails and other features incorporating recreational infrastructure, signage, road improvements, sidewalk improvements, etc.

	Resource Allocation Options	Regulatory	Administrative	Financial	Infrastructure
Infrastructure/ Environmental Enhancement					
3.1.1	- Development area wide stormwater system	X	X	X	X
3.1.2	-Upgrade existing stormwater facilities				X
3.1.3	-Support low impact designed 'green streets' and sidewalks	X		X	X
3.1.4	-Incorporate environmentally designed parking facilities			X	X
Access and Mobility					
3.2.1	-Pedestrian connections			X	X
3.2.3	-District parking system	X		X	
3.2.2	-Connect trail system			X	
3.2.5	-Way finding system			X	
3.2.6	-Links to downtown			X	X
Redevelopment Support					
3.3.1	-Modify land use policies	X	X		
3.3.2	-Establish cost sharing	X	X		
3.3.3	-Criteria for catalytic project	X	X		
3.3.4	-Support land assembly/code enforcement/demolition	X	X		
Improving Physical Appearance					
3.4.1	-Entryway redevelopment		X	X	X
3.4.2	-Design WestLake stormwater facility as 'Wetland Park'			X	X
3.4.3	-Redesign select streets as 'green streets'			X	X
3.4.4	-Expand Facade Grant Program		X	X	
3.4.5	-Open Space enhancements	X		X	X
Waterfront Development					
3.5.1	-Redesign 'Promenade' area			X	
3.5.2	-Establish mooring area			X	
3.5.3	-Rehabilitate West Beach Lake edge			X	X
3.5.4	-Enhance support facilities for Rowing Center			X	X
3.5.5	-Develop 8 th Street Plaza			X	X

3.5.6	-Upgrade Waterfront Park Area			X	X
3.5.7	-Enhancements for Northwest Lake Edge			X	X
Economic Development					
3.6.1	-Support catalytic site opportunities	X	X		X
3.6.2	-Incentives for Business Retention/ Recruitment		X	X	
3.6.3	-Partnerships		X	X	
3.6.4	-Joint Marketing		X	X	
3.6.5	-Continue façade grant program		X	X	
3.6.6	-Support enhancement to Historic Village	X	X		
3.6.7	-Develop loan pool	X	X		
3.6.8	-Continue to support development with grant programs		X	X	
3.6.9	-Provide communications technology infrastructure			X	X
3.6.10	-Improve access to public restroom facilities			X	X

The plan identifies a number of projects that are priorities and establishes a process to review funding priorities on an annual or bi-annual basis. A combination of funding strategies should be considered by the CRA Board to fund the key projects list as amended from time to time.

4.1 Increment Funding

Community redevelopment will not be successful without funding through increment financing. Therefore, the ultimate goal of the redevelopment program is to increase the tax base to generate additional revenue for capital improvements and services through implementation of projects and programs, as described in this plan. Managed effectively, tax increment resources can be leveraged to enable the undertaking of a substantial portion of the public projects and also leverage private sector improvements.

With this in mind, the following finance and management practices should be employed.

1. Coordinate with the City departments to strategically devise annual operating and capital improvements budgets to maximize the use of anticipated increment revenues.
2. Coordinate with appropriate City, County, State and other public officials which may be sponsoring capital improvements in the area to maximize the leveraging of CRA resources. This may include the Florida Department of Transportation, the Florida Parks System, the Florida Department of Environmental Protection, and the Citrus County Transportation Planning Organization.
3. Work with the City to augment capital budgets through the use of increment financing and other funding sources for infrastructure improvements such as water, sanitary sewer, electrical, telephone, cable, internet, and stormwater conveyance systems. These supplemental funds should be used for the design and construction of infrastructure improvements to ensure capacity to meet demand based on the future land use activities.

4. Leverage increment revenues through grants, short term commercial loans, or other financial mechanisms to expedite the completion of projects.
5. Work with area banks, the City's finance consultants, and the City Manager's office to research short term and long term debt instruments for financing major public facilities.
6. Work with area financial institutions to develop favorable loan programs for private sector development and property rehabilitation projects.
7. Undertake individual project pro forma analysis on proposed development and redevelopment projects to determine projected revenues and devise strategies to maximize the use of these resources on a site-specific project or on an area wide programmatic basis.

While increment revenues are the base resource of the CRA, it should not be considered the sole source. The key to the successful implementation of the plan will ultimately be determined on the agency's ability to leverage other resources, whether they are private or other public funds. Below are other types of funding sources that may, over the course of the planning horizon, be tapped for one or more projects.

4.2 Special Assessment District

A Special Assessment District is a special district formed by a local government (County, City, Water District, etc.) and includes property that will receive direct benefit from the construction of new public improvements or from the maintenance of existing public improvements. Special assessment districts often take Municipal Service Benefit Units (MSBU's) for capital improvements usually assessed on a linear front footage calculation on private property or Municipal Service Taxing Unit (MSTU's) for services such as police or recreational services and are generally assessed district wide in areas where the additional services are received. The most common types of public improvements financed include roads, sidewalks, street lighting and streetscape improvements, sewer facilities and water facilities. The local CRA that forms the assessment district sells bonds to raise the money to build or acquire the public improvement. The CRA then levies a special assessment against each parcel of land within the district, in proportion to its share of benefit from the improvement. The owners of the assessed land repay the bonds over a period of years through annual assessments, which are included on the County's general ad valorem property tax bill.

4.3 Local Financing

While increment financing is an essential component of any redevelopment project, the mechanism may not generate sufficient revenue to cover all redevelopment investment projects proposed. As discussed above, increment financing uses contributions to the Trust Fund based on increased valuations from new development and as property valuation increases to assist in paying for improvements that stimulate the development. The CRA should consider utilizing additional or alternative financing methods to fund the planned improvements that are either currently available or could be secured in the future. Some of these financing methods that are potential revenue sources for funding redevelopment at the local level include, but are not limited to:

1. General Fund Revenue Sources
2. Local Government Half-Cent Sales Tax
3. Local Option Sales Tax
4. Charges for Services
5. Establishment of a Special Assessment District or Special Improvement District
6. Issuance of General Obligation Bonds Tourist Development Taxes

4.5 Debt Financing

This method essentially requires a community to sell bonds or otherwise borrow money to be repaid from an annual automatic lien on the general fund. Or a community can pay for its infrastructure in the same way a person borrows money to purchase a home. In both instances, the capital need is immediate and high, the equity appreciation reasonably assured, and the monthly or annual principal and interest payments generally fixed. Like all forms of infrastructure financing, there are some disadvantages and risks. This strategy should be used wisely and with caution. One major risk is voter aversion to approving bond issues, which may mean a future increase in property taxes to insure revenues are available to also properly provide coverage of debt service requirements.

4.6 Challenge Strategy

The challenge strategy involves the guaranteed construction of public improvements, but only after private revitalization actively reaches a certain point. This provides incentive for the developer while ensuring both parties, the City and the developer, desired private development will take place along with public improvements. A recognizable schedule of funding can be determined with this strategy and can be selectively implemented, usually on a block-by-block or project-by project basis.

4.7 Private Investment

Generally, this is the single most important source in revitalization, if successful revitalization is to occur, private investment usually must exceed public funding by three to four fold. Such funding takes the form of equity investment and conventional real estate loans.

4.8 Project Equity Position

When the Redevelopment CRA takes an equity position in a project, the CRA contributes cash or land to the project with a return in the form of profit sharing. This CRA participation has the effect of reducing developer costs and can be used for projects such as redevelopment and parking structures.

4.9 Leasing

City-owned land, buildings, equipment, etc. can be leased to developers for projects. For the developer, this eliminates the need for capital investment in land, buildings, etc. or debt service on money borrowed to finance the purchase of such things as land, building, and equipment. The City receives lease payments which are deductible from the developer's income tax. The lease may also include a purchase option.

4.10 Key Incentives/Funding Sources

In addition to the above, there are numerous federal and state funding sources that, while competitive, may provide other opportunities for additional outside resources. The following is a list of some of the more programs that may be opportunities for solicitation.

4.11 Federal

1. Small Business Administration (SBA)
2. Economic Development Program (EDP)

3. Economic Development & Growth Enhancement Programs (EDGE)
4. Brownfields Incentives
5. New Market Tax Credits Program (NMTC)
6. Low Income Housing Tax Credits (LIHTC)
7. Community Investment Program (CIP)
8. Affordable Housing Program (AHP)
9. HOME Investment Partnership Program
10. Community Block Grant Program (CDBG)
11. HUD Section 811/202 (Elderly Housing)
12. Good Neighbor Next Door (Law enforcement/teacher home ownership discounts)
13. HUD Section 108 Loan Guarantee Program
14. Keep America Beautiful Grant
15. Intermodal Surface Transportation Enhancement Act Grants (ISTEA)
16. New Markets Tax Credits Program

4.12 State

1. Qualified Target Industry Tax Refund Program (QTI) – Requires participation by a targeted industry
2. High Impact Performance Incentive Grant (HIPI) – Requires participation of a targeted industry
3. Capital Investment Tax Credit (CITI) – Requires participation of a targeted industry
4. Quick Response Training (QRT) – Direct benefit to employer
5. Brownfields Incentives
6. Urban Job Tax Credit
7. Housing Credits
8. State Housing Initiatives Partnership Program (SHIP)
9. Enterprise Zone or Florida Brownfield programming
10. FDOT Highway Beautification Grants
11. Florida Recreation Development Assistance Program (FRDAP)
12. State New Markets Tax Credits Program

This list is not all inclusive but does provide an overview of possible funding sources for a variety of redevelopment and economic development related programs. It should be noted that availability of resources may be dependent on federal and state budget allocations, competitive applications, and availability of local matching funds.

4.13 Local

Support from local foundations or institutions should also be solicited as a source for capital or operational program costs.

4.14 Increment Revenue Projections

The following chart provides estimates of the increment revenues projected through 2043.

The low projections are based on three assumptions:

1. There are no changes in the current millage rate;
2. There is only a modest increase in the taxable valuation of 2% per year over this period;
3. There is no new construction.

This should be considered a conservative projection but does provide a near term order of magnitude of the increment resources that may be available to leverage resources for the highest priorities.

Table 1 Increment Revenue Projections

Estimated Property Tax Increment, Clermont CRA								
FYE	Base + Appreciation	Less Base	Total TV Subject to TIF	Clermont*	Lake County**	Ambulance MSTU***	Water Authority****	Total to CRA
2014	\$36,284,304	\$14,916,236	\$ 21,368,068	\$ 75,697	\$ 109,123	\$ 9,379	\$ 5,202	\$ 199,401
2015	36,469,811	14,916,236	21,553,575	80,373	116,079	9,977	5,505	\$ 211,934
2016	37,381,556	14,916,236	22,465,320	83,773	120,989	10,399	5,738	\$ 220,899
2017	38,316,095	14,916,236	23,399,859	87,258	126,022	10,832	5,976	\$ 230,088
2018	39,273,997	14,916,236	24,357,761	90,830	131,181	11,275	6,221	\$ 239,507
2019	40,255,847	14,916,236	25,339,611	94,491	136,469	11,730	6,472	\$ 249,162
2020	41,262,243	14,916,236	26,346,007	98,244	141,889	12,196	6,729	\$ 259,058
2021	42,293,799	14,916,236	27,377,563	102,091	147,445	12,673	6,992	\$ 269,201
2022	43,351,144	14,916,236	28,434,908	106,034	153,141	13,163	7,262	\$ 279,600
2023	44,434,923	14,916,236	29,518,687	110,075	158,978	13,664	7,539	\$ 290,256
2024	45,545,796	14,916,236	30,629,560	114,218	164,959	14,178	7,823	\$ 301,178
2025	46,684,441	14,916,236	31,768,205	118,464	171,091	14,706	8,114	\$ 312,375
2026	47,851,552	14,916,236	32,935,316	122,816	177,376	15,246	8,412	\$ 323,850
2027	49,047,841	14,916,236	34,131,605	127,277	183,819	15,800	8,717	\$ 335,613
2028	50,274,037	14,916,236	35,357,801	131,849	190,423	16,367	9,030	\$ 347,669
2029	51,530,888	14,916,236	36,614,652	136,536	197,192	16,949	9,351	\$ 360,028
2030	52,819,160	14,916,236	37,902,924	141,340	204,130	17,545	9,680	\$ 372,695
2031	54,139,639	14,916,236	39,223,403	146,264	211,242	18,157	10,018	\$ 385,681
2032	55,493,130	14,916,236	40,576,894	151,311	218,531	18,783	10,363	\$ 398,988
2033	56,880,458	14,916,236	41,964,222	156,485	226,003	19,425	10,718	\$ 412,631
2034	58,302,469	14,916,236	43,386,233	161,787	233,661	20,083	11,081	\$ 426,612
2035	59,760,031	14,916,236	44,843,795	167,223	241,514	20,758	11,453	\$ 440,948
2036	61,254,032	14,916,236	46,337,796	172,794	249,560	21,450	11,835	\$ 455,639
2037	62,785,383	14,916,236	47,869,147	178,504	257,804	22,159	12,226	\$ 470,693
2038	64,355,018	14,916,236	49,438,782	184,357	266,258	22,885	12,627	\$ 486,127
2039	65,963,893	14,916,236	51,047,657	190,357	274,922	23,630	13,038	\$ 501,947
2040	67,612,990	14,916,236	52,696,754	196,506	283,804	24,393	13,459	\$ 518,162
2041	69,303,315	14,916,236	54,387,079	202,809	292,907	25,176	13,890	\$ 534,782
2042	71,035,898	14,916,236	56,119,662	235,703	302,238	25,978	14,333	\$ 578,252
2043	72,811,795	14,916,236	57,895,559	243,161	311,802	26,800	14,787	\$ 596,550
2044	74,632,090	14,916,236	59,715,854	250,807	321,606	27,642	15,251	\$ 615,306
2045	76,497,892	14,916,236	61,581,656	258,643	331,654	28,506	15,728	\$ 634,531
2046	78,410,339	14,916,236	63,494,103	266,675	341,954	29,391	16,216	\$ 654,236
2047	80,370,597	14,916,236	65,454,361	274,908	352,511	30,299	16,717	\$ 674,435
2048	82,379,862	14,916,236	67,463,626	283,347	363,332	31,229	17,230	\$ 695,138
2049	84,439,359	14,916,236	69,523,123	291,997	374,424	32,182	17,756	\$ 716,359
2050	86,550,343	14,916,236	71,634,107	300,863	385,793	33,159	18,295	\$ 738,110
2051	88,714,102	14,916,236	73,797,866	309,951	397,446	34,161	18,848	\$ 760,406
2052	90,931,955	14,916,236	76,015,719	319,266	409,390	35,188	19,414	\$ 783,258
2053	93,205,254	14,916,236	78,289,018	328,814	421,633	36,240	19,995	\$ 806,682
2054	95,535,385	14,916,236	80,619,149	338,600	434,182	37,319	20,590	\$ 830,691
2055	97,923,770	14,916,236	83,007,534	348,632	447,045	38,424	21,200	\$ 855,301
2056	100,371,864	14,916,236	85,455,628	358,914	460,230	39,557	21,825	\$ 880,526
2057	102,881,161	14,916,236	87,964,925	369,453	473,744	40,719	22,466	\$ 906,382
Total				\$ 8,509,497	\$ 11,515,496	\$ 989,772	\$ 546,122	\$ 21,560,887
Annual Average				\$ 193,398	\$ 261,716	\$ 22,495	\$ 12,412	\$ 490,020
Note: 2.5% Appreciation of Values								
*City of Clermont Millage Rate = 3.729								
**Lake County's millage rate = 5.3856								
***Ambulance MSTU = 0.4629								
****Water Authority Millage Rate = 0.2554								

Estimated Property Tax Increment, Clermont CRA + Expansion Area							
FYE	Base + Appreciation	Less Base	Total TV Subject to TIF	Clermont*	Lake County**	Water Authority***	Total to CRA
2014	\$ 51,350,780	\$ 29,982,712	\$ 21,368,068	\$ 75,697	\$ 109,123	\$ 5,202	\$ 190,022
2015	51,912,949	29,982,712	21,930,237	81,778	118,107	5,601	205,486
2016	53,210,772	29,982,712	23,228,060	86,617	125,097	5,932	217,646
2017	54,541,041	29,982,712	24,558,329	91,578	132,261	6,272	230,111
2018	55,904,567	29,982,712	25,921,855	96,663	139,605	6,620	242,888
2019	57,302,181	29,982,712	27,319,469	101,874	147,132	6,977	255,983
2020	58,734,735	29,982,712	28,752,023	107,216	154,847	7,343	269,406
2021	60,203,103	29,982,712	30,220,391	112,692	162,755	7,718	283,165
2022	61,708,181	29,982,712	31,725,469	118,304	170,863	8,103	297,270
2023	63,250,886	29,982,712	33,268,174	124,057	179,171	8,497	311,725
2024	64,832,158	29,982,712	34,849,446	129,954	187,685	8,901	326,540
2025	66,452,962	29,982,712	36,470,250	135,998	196,414	9,315	341,727
2026	68,114,286	29,982,712	38,131,574	142,193	205,361	9,739	357,293
2027	69,817,143	29,982,712	39,834,431	148,543	214,532	10,174	373,249
2028	71,562,572	29,982,712	41,579,860	155,051	223,932	10,619	389,602
2029	73,351,636	29,982,712	43,368,924	161,723	233,568	11,076	406,367
2030	75,185,427	29,982,712	45,202,715	168,561	243,444	11,545	423,550
2031	77,065,063	29,982,712	47,082,351	175,570	253,567	12,025	441,162
2032	78,991,690	29,982,712	49,008,978	182,754	263,943	12,517	459,214
2033	80,966,482	29,982,712	50,983,770	190,118	274,578	13,021	477,717
2034	82,990,644	29,982,712	53,007,932	197,667	285,480	13,538	496,685
2035	85,065,410	29,982,712	55,082,698	205,403	296,657	14,068	516,128
2036	87,192,045	29,982,712	57,209,333	213,334	308,111	14,611	536,056
2037	89,371,846	29,982,712	59,389,134	221,462	319,846	15,168	556,476
2038	91,606,143	29,982,712	61,623,431	229,794	331,879	15,739	577,412
2039	93,896,296	29,982,712	63,913,584	238,334	344,213	16,324	598,871
2040	96,243,703	29,982,712	66,260,991	247,087	356,855	16,923	620,865
2041	98,649,796	29,982,712	68,667,084	256,060	369,813	17,538	643,411
2042	101,116,041	29,982,712	71,133,329	298,760	383,096	18,167	700,023
2043	103,643,942	29,982,712	73,661,230	309,377	396,710	18,813	724,900
2044	106,235,041	29,982,712	76,252,329	320,260	410,665	19,475	750,400
2045	108,890,917	29,982,712	78,908,205	331,414	424,968	20,153	776,535
2046	111,613,190	29,982,712	81,630,478	342,848	439,629	20,848	803,325
2047	114,403,519	29,982,712	84,420,807	354,567	454,657	21,561	830,785
2048	117,263,607	29,982,712	87,280,895	366,580	470,060	22,292	858,932
2049	120,195,198	29,982,712	90,212,486	378,892	485,848	23,040	887,780
2050	123,200,078	29,982,712	93,217,366	391,513	502,031	23,808	917,352
2051	126,280,080	29,982,712	96,297,368	404,449	518,619	24,594	947,662
2052	129,437,082	29,982,712	99,454,370	417,708	535,621	25,401	978,730
2053	132,673,009	29,982,712	102,690,297	431,299	553,049	26,227	1,010,575
2054	135,989,834	29,982,712	106,007,122	445,230	570,912	27,074	1,043,216
2055	139,389,580	29,982,712	109,406,868	459,509	589,222	27,943	1,076,674
2056	142,874,319	29,982,712	112,891,607	474,145	607,989	28,833	1,110,967
2057	146,446,177	29,982,712	116,463,465	489,147	627,226	29,745	1,146,118
Total				\$10,611,780	\$14,319,141	\$ 679,080	\$ 25,610,001
Annual Average				\$ 241,177	\$ 325,435	\$ 15,434	\$ 582,045
Note: 2.5% Appreciation of Values							
*City of Clermont Millage Rate = 3.729							
**Lake County's millage rate = 5.3856							
***Water Authority Millage Rate = 0.2554							

4.15 Capital Improvement Program

Work with the County, FDOT, St. Johns Water Management District and other agencies as needed to ensure provision of the necessary public facilities at acceptable levels of service to accommodate existing needs as well as new demands as proposed development occurs within the Redevelopment Area. All references to "Agency" refer to the Community Redevelopment Agency (CRA) created as part of this overall plan.

4.15.1 Stormwater Management and Utility Improvements

The creation of a stormwater management system is a key element to the overall improvement of the area impacting the flooding issues, water quality, and development opportunities.

Objectives

1. In cooperation and coordination with the City, County, other agencies, and property owners as needed, the Agency will formulate an inventory of capital improvement needs to support existing and future demands anticipated by redevelopment activities. It will also formulate a five-year capital improvement program in which projects are coordinated among all appropriate agencies and will annually incorporate funding into the budget and amended five-year capital program to coordinate with the City and other agencies to provide the needed public facilities.
2. The Agency will continue to work with all appropriate government, private utilities and property owners to ensure the efficient provision of adequate services for future development including electricity, telecommunications, cable television, water, stormwater, sanitary sewer, gas, and solid waste.
3. The Agency will formulate a program of streetscape improvements to assist in implementing the State Road 50 developments.
4. The Agency will coordinate with the City, County, St Johns River Water Management District, other public agencies, and private property owners as needed to formulate a regional approach to stormwater management. This includes working with regulatory agencies to develop creative solutions to problems that inhibit rehabilitation and development.
5. The Agency will work with the City, County, St Johns River Water Management District and other public agencies and private organizations as needed to identify and implement alternative water supplies, re-use systems and other innovative and conservation techniques into public facilities and infrastructure planning.

Roadway and Transportation Improvements

Plan and support a safe efficient traffic circulation system that provides sufficient access for all modes of transportation between residential and commercial areas within the Redevelopment Area and the balance of the community.

Objectives

1. The Agency will continue to work with FDOT to implement improvements along State Road 50.
2. The Agency will work with FDOT to employ access management strategies including reconfiguration of center medians, and driveway access points, on State Road 50.
3. The Agency will work with the City, County, and FDOT to assess existing traffic patterns and pursue any vehicular transportation improvements which may include access control, vacating of rights of way, redistribution of traffic, roadway realignment, directional changes in traffic flow, and other measures which will improve traffic and traveling convenience.

4. The Agency will have the area-wide transit providers, including Citrus County Transit, to encourage the expansion of an efficient mass transportation system, construction of bus shelters and other physical improvements which will enhance the comfort and convenience of the system.
5. The Agency will work with the City, County, FDOT and private property owners as needed to create a safe, secure, appealing, and efficient pedestrian system linking the residential, commercial, and public lands.
6. The Agency will encourage pedestrian and bicycle pathways through the redevelopment area, appropriately designed and separated from auto circulation for safety purposes, to be used as positive tools to improve the area's environment in conjunction with the use of landscaping and other visual treatments.
7. The Agency will work with the City, County, FDOT and private property owners as needed to provide interconnection of uses and areas by connecting driveways and parking lots, or constructing new roadway connections in appropriate areas.
8. The Agency will prevent the creation of negative impacts upon pedestrian movement within the CRA.

4.16 Government/Redevelopment Administration

Create an administrative framework and financial mechanisms necessary to achieve the goals and objectives of the Redevelopment Plan. Review existing City policies and procedures to ensure timely and effective levels of service.

4.16.1 Agency Administration

Initially set up the management and administration framework necessary to initiate the implementation of the adopted Redevelopment Plan.

Objectives

1. The Agency will be administered initially by assigned City staff.
2. The Agency will formulate and adopt by-laws to provide guidelines for the function of the governing board.
3. The Agency will formulate and adopt policies and procedures including, but not limited to:
 - Finance, debt, and budget policies that will include appropriate procedures for five-year capital planning and annual budgeting. It will also include guidance for the agency regarding the budgeting and expenditure of funds on operating, capital, and non-capital expenditures.
 - Policies for the expenditure of increment revenues on privately initiated development, redevelopment, and renovation projects.
 - Policies for the acquisition and disposition of real property.
 - Policies for assisting residents and tenants with relocation in publicly funded acquisition projects.
4. The Agency will have the ability to leverage increment revenues with other funds by applying for grants, commercial loans, or other financial mechanisms to expedite the completion of capital projects.
5. The Agency will annually evaluate its strategic objectives to be consistent with objectives contained in the City's Comprehensive Plan.
6. The Agency will have the ability to participate in the planning process, develop the appropriate administrative policies, and will coordinate with the City to streamline the permitting process, as needed, to implement the Redevelopment Plan effectively.

7. The Agency will have the ability to work with the City to facilitate the expeditious approval of private development projects that further the goals and objectives of the Redevelopment Plan.
8. The Agency will have the ability to work with the various public and private leaders.
9. The Agency will utilize community leaders' talents to initiate desirable special events and activities to develop and implement sound marketing and promotional strategies.
10. The Agency will have the ability to promote effective communication with the residents and businesses throughout the community to garner public input, understanding, and support.
11. The Agency will have the ability to enhance public information services for all aspects of the redevelopment program via methods such as newspaper reporting, a more comprehensive city newsletter, advertisements, speaking engagements at neighborhood and civic organization meetings, internet web sites, other electronic media, etc.

4.16.2 Land Use and Development Regulations

Work with the City, County, private property owners, and others as needed to implement future land use and zoning regulations and implement development of the Redevelopment Area.

Objectives

1. The Agency will have the ability to utilize available public and private resources through the redevelopment process, acquire land (if needed), master plan, design, and construct new development. The CRA may develop all or part of the Redevelopment Area independent of or in conjunction with the private sector, including hiring of design and construction professionals, and/or disposition of its interest in real property pursuant to the provisions of the Redevelopment Act.
2. The Agency will have the ability to implement land acquisition strategies to target sites for demolition and redevelopment to new improved land uses based on market opportunities ensuring consistency with objectives contained in the Redevelopment Plan pursuant to acquisition policies of the Agency.
3. The Agency will have the ability to promote and locate strategic land use activities of regional importance within the Redevelopment Area to capture additional market opportunities while reinforcing the unique character of the community.

4.17 Redevelopment Policy

Eliminate the conditions of blight identified in the Findings of Necessity and other such conditions as they may present themselves from time to time.

4.17.1 Focus on Existing Blighting Influences

Initial years' focus should address the higher priority blighting influences identified by the community and the Finding of Necessity study.

Objectives

1. The Agency will have the ability to regularly review its projects and programs to ensure that it is focused on eliminating the conditions identified in the Findings of Necessity as follows:
 - The street layout contributes to inefficient and unsafe traffic circulation.
 - Lots in some residential areas are smaller than the minimum required by Code, and some commercial lots are too small to be redeveloped using current land development regulations.
 - There is a general deterioration of housing stock and a number of commercial buildings exhibit deterioration of site or building conditions.
 - Diversity of land ownership makes redevelopment difficult.

- There are land use conflicts between commercial and residential with minimal buffers.
 - There is a lack of pedestrian and vehicular connectivity in parts of the community.
 - A number of paved roads have no sidewalks, curbs, gutters and show deterioration of the underlying roadbed.
2. The Agency will have the ability to work toward the elimination of other blighting influences including:
- Dilapidated and unsafe structures through land acquisition and the demolition and removal of derelict structures where it is deemed appropriate.
 - Existing substandard structures through enforcement of the City's housing and building codes and the provision of financial incentives for rehabilitation.
 - Unsanitary and unsightly outside storage conditions through enforcement and revision of City zoning codes.
 - Unsanitary and unsightly dumpsters used for the storage and removal of solid waste through consolidation of service and the revision of contracts with solid waste service providers, which designate separate service areas.
 - Nonconforming uses that detract from the character of the community, hindering investment opportunities through negotiation, acquisition, exchange, transfer of development rights, or any other available means in cooperation with property owners.

4.17.2 Prevent the Future Occurrence of Slum and Blight

The Agency will be proactive in identifying policies, actions, or developments that may contribute to preventing future blighting conditions.

Objectives

1. The Agency will have the ability to work with the city departments, Planning and Zoning Board, residents of the area, and the City Council to upgrade the zoning classifications within the Redevelopment Area to include architectural design standards for new construction and rehabilitation.
2. The Agency will have the ability to work with area economic development organizations to formulate economic development strategies for the Redevelopment Area that will ensure future economic stability and job creation.
3. The Agency will have the ability to eliminate conditions that decrease property values and reduce the tax base.
4. The Agency will have the ability to create programs promoting development and rehabilitation of properties including financial or other economic incentives to facilitate new investment in the Redevelopment Area thereby increasing the tax base.
5. The Agency will have the ability to support programming and invest in those programs designed to identify, mitigate, or correct conditions of contamination as identified by the Agency, City, County, or third-party.

4.17.3 Land Assembly and Demolition

Encourage the acquisition, demolition, and reuse of those properties, which, by virtue of their location, condition, or value no longer function at their highest potential economic use, are blighting influences or have a negative effect on revitalization efforts.

Objectives

1. The Agency will have the ability to work with public agencies and private organizations to facilitate redevelopment of the CRA Area including but not limited to holding events, concerts, farmers'

markets, etc. on the land, renovating and reusing existing structures, and/or soliciting development partner(s) for the purpose of redeveloping all or part of the area.

2. The Agency will have the ability to develop a land acquisition policy to ensure that future acquisitions provide the greatest impact on fulfilling the objectives of the redevelopment program.
3. The Agency will have the ability to work with owners of properties located within redevelopment project areas to encourage their cooperative participation in Agency sponsored redevelopment projects.
4. The Agency will have the ability to encourage partnerships among the property owners, the private sector, and the public sector in order to implement proposed redevelopment projects that will achieve public goals.
5. The Agency will have the ability to formulate and adopt acquisition and relocation policies to address the needs of those whose properties will undergo reuse activities. This includes acquisition of commercial and residential properties, as well as relocation of the respective occupants.
6. The Agency will have the ability to formulate and adopt policies and incentive programs to encourage the private sector to participate in redevelopment projects and programs.

4.17.4 Oversee Future Development Proposals

Establishing guidelines and standards that are consistently applied to all development and help ensure quality and protection of investments in the redevelopment area.

Objectives

1. The Agency will have the ability to encourage the City to establish a Community Appearance Board for review of development proposals.
2. The Agency will have the ability to encourage the City to formulate and adopt development design or architectural standards to improve community appearance.

4.18 Overall Economic Development Approach

Establish a diverse, identifiable character for the Redevelopment Area while promoting economic vitality through private sector investment.

4.18.1 Supporting Existing Businesses and New Investment

Create a proactive environment supporting existing businesses and encouraging new business development and capital investment.

Objectives

1. The Agency will have the ability to establish partnerships between the public sector and private sector for the purpose of promoting the mutual benefits of proposed redevelopment projects with particular emphasis on the three or four catalysts sites identified in the CRA Waterfront District Master Concept Plan (August, 2013).
2. The Agency will have the ability to continue to identify opportunities for all sectors of the economy and work toward successful implementation of projects and programs within the Redevelopment Area.
3. The Agency will have the ability to improve the investment image of the Redevelopment Area and utilize selected public actions to stimulate private investment including streetscaping, landscaping, and gateway enhancements, as well as conducting and sponsoring area events and promotions.

4. The Agency will have the ability to expand the economic base of the Redevelopment Area retaining existing jobs while creating new diverse employment opportunities by implementing improvements to and around the Citrus Avenue and the waterfront area.
5. The Agency will have the ability to create investment opportunities that will increase the tax base thereby generating additional revenues to finance actions that support public goals.
6. The Agency will have the ability to work with the City, County, Chamber, and Economic Development Council, Tourist Development Council, and other organizations and agencies as appropriate to establish business retention, recruitment, and expansion programs including but not limited to creation of a business incubator, small business assistance program, and other programs that can help local entrepreneurs establish and grow businesses in the Redevelopment Area.
7. Provide "brownfields" incentives including clean-up credits, investment credits, and incentive measures for developers.
8. The Agency will have the ability to design and fund financial incentive initiatives to support business formation, relocation, expansion, and job creation.

4.18.2 Revitalize Commercial Corridors

Invigorate the business community and revitalize existing commercial properties.

Objectives

1. The Agency will have the ability to support the City, County, Chamber and Economic Development Council to encourage their integration into the redevelopment process, including the establishment of a Main Street Business Association, non-profit community development corporations, or other mechanisms as a conduit for sharing information and implementing appropriate redevelopment programs.
2. The Agency will have the ability to consider the creation of programs to assist properties to implement and develop strategies for public and private sector reinvestment in struggling commercial properties with high vacancy rates to receive the benefits of such programs that may be developed.
3. The Agency will have the ability to evaluate economic development and revitalization tools and work with members of the community to utilize these tools locally including but not necessarily limited to creation of;
 - Small business incubator or innovation center
 - Main Street program (or use of the Main Street approach)
 - Community development corporation
 - Community development finance institutions
 - State recognized Brownfield district
 - Other options and opportunities as available and appropriate
4. The Agency will have the ability to formulate a master plan for the revitalization of the Whispering Pines Park area including recruitment of employers and construction of infrastructure necessary to support revitalization.

4.18.3 Market the Redevelopment Area

Market the CRA Area as a major destination point, working with Crystal River, the only place in the world where people can legally swim with manatees, to promote recreational and eco-tourism.

Objectives

1. The Agency will have the ability to work with the Citrus County Tourist Development Council and Visitors & Convention Bureau (C&VB) to promote the Redevelopment Area and market its assets as related to the community's environmental and eco-tourism attributes and activities.
2. The Agency will have the ability to work with County and V&CB to ensure sufficient funding for marketing that includes local and regional promotional efforts.
3. The Agency will have the ability to maximize marketing opportunities in conjunction with other promotional organizations in the region.
4. The Agency will have the ability to project the image of the Redevelopment Area as a safe and exciting place to go while encouraging both business and family oriented patronage by continuing to sponsor and hold community events, eco-tourism, and other promotional activities.

5.0 Statutory Provisions

5.1 The Trust Fund

Chapter 163.387 Redevelopment trust fund.

(1)(a) After approval of a community redevelopment plan, there may be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, created the trust fund and provided for the funding of the redevelopment trust fund until the time certain set forth in the community redevelopment plan as required by s. 163.362(10). Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part.

5.2 Redevelopment Powers

Upon a "Finding of Necessity" by the governing body and upon further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out community redevelopment purposes, any county or municipality may create a public body corporate and politic to be known as a "Community Redevelopment Agency." The Agency shall be constituted as a public instrumentality, and be afforded the authority to exercise the powers conferred by Florida Statute Chapter 163 Title XI.

Part I – Introduction, History & Background describes the redevelopment powers available to the City of Crystal River as provided in the Act. However, these powers can only be employed by the Agency if authorized by the Plan. In that regard, the Crystal River Redevelopment Agency is vested with the following powers pursuant to Florida Statutes, Section 163.370.

1. Cities and municipalities may not exercise the power of eminent domain for the purpose of preventing or eliminating a slum area or blighted area as defined in this part; however, cities and municipalities may acquire property by eminent domain within a community redevelopment area, subject to the limitations set forth in ss. 73.013 and 73.014 or other general law.
2. Every city and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:
 - A. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part.
 - B. To disseminate slum clearance and community redevelopment information.
 - C. To undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include:
 - Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition.
 - Demolition and removal of buildings and improvements.

- Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.
 - Disposition of any property acquired in the community redevelopment area at its fair value as provided in s. 163.380 for uses in accordance with the community redevelopment plan.
 - Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.
 - Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.
 - Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.
 - Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.
 - Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.
 - Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.
- D. To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.
- E. Within the community redevelopment area:
- To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
 - To acquire by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition any personal or real property, together with any improvements thereon.

- To hold, improve, clear, or prepare for redevelopment any such property.
 - To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.
 - To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.
 - To enter into any contracts necessary to effectuate the purposes of this part.
 - To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by a community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380 prior to acquisition of such real property by the community redevelopment agency.
- F. To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.
- G. To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.
- H. To make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:
- Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.
 - Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.
 - Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.
- I. To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.
- J. To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.
- K. To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.
- L. To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this part; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority,

which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by such county or municipality pursuant to any of the powers granted by this part.

- M. To close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the county or municipality.
 - N. To organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.
 - O. To develop and implement community policing innovations.
3. The following projects may not be paid for or financed by increment revenues:
- A. Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion, or unless the construction or expansion is contemplated as part of a community policing innovation.
 - B. Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects if such projects or improvements were scheduled to be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan unless and until such projects or improvements have been removed from such schedule or plan of the governing body and 3 years have elapsed since such removal or such projects or improvements were identified in such schedule or plan to be funded, in whole or in part, with funds on deposit within the community redevelopment trust fund.
 - C. General government operating expenses unrelated to the planning and carrying out of a community redevelopment plan.
4. With the approval of the governing body, a community redevelopment agency may:
- A. Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition; demolish and remove any structures on the property; and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.
 - B. Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

The following powers shall remain vested in the Crystal River City Council:

- The power to determine an area to be a slum or blighted area, or combination thereof, to designate such area as appropriate for a Community Redevelopment Project, and to hold any public hearings required with respect thereto
- The power to grant final approval to Community Redevelopment Plans and modifications thereof
- The power to authorize the issuance of revenue bonds as set forth in Section 163.385

5.3 Relocation Procedures

The Agency shall be constituted as a public instrumentality, and be afforded the authority to exercise the powers conferred by Florida Statute Chapter 163 Title XI including:

To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

5.4 Duration of Plan

From Florida Statute Chapter 163.362 Contents of community redevelopment plan.—Every community redevelopment plan shall:

Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.

5.5 Plan Modification

163.361 Modification of community redevelopment plans.—

1. If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.
2. The governing body shall hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.
3. (a) In addition to the requirements of s. 163.346, and prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10), the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:

- Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality and the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to

deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.

- If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan that meets the requirements of s. 163.360 to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.
 - If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.
 - Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.
4. A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.
 5. If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his or her successor or successors in interest, may be entitled to assert.

5.6 Severability

163.395 Property exempt from taxes and from levy and sale by virtue of an execution.—

1. All property of any county, municipality, or community redevelopment agency, including funds, owned or held by it for the purposes of this part are exempt from levy and sale by virtue of an execution; and no execution or other judicial process may issue against the same, nor shall judgment against the county, municipality, or community redevelopment agency be a charge or lien upon such property. However, the provisions of this section do not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this part by the county or municipality on its rents, fees, grants, or revenues from community redevelopment.

2. The property of the county, municipality, or community redevelopment agency acquired or held for the purposes of this part is declared to be public property used for essential public and governmental purposes, and such property is exempt from all taxes of the municipality, the county, or the state or any political subdivision thereof. However, such tax exemption will terminate when the county, municipality, or community redevelopment agency sells, leases, or otherwise disposes of such property in a community redevelopment area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

5.7 Safeguards, Controls, Restrictions, or Covenants

163.410 Exercise of powers in counties with home rule charters.

In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter. Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between any such county and a municipality, the governing body of the county that has adopted a home rule charter shall grant in whole or in part or deny any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation, or such request shall be deemed granted unless this period is extended by mutual consent in writing by the municipality and county. Within 30 days after receipt of the request, the county shall notify the municipality by registered mail whether the request is complete or if additional information is required. Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any. The county shall notify the municipality by registered mail within 30 days after receiving the additional information whether such additional documentation is complete. If the meeting of the county commission at which the request for a delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the county, the request shall be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted.

163.415 Exercise of powers in counties without home rule charters.

The powers conferred by this part upon counties not having adopted a home rule charter shall not be exercised within the boundaries of a municipality within said county unless the governing body of the municipality expresses its consent by resolution. Such a resolution consenting to the exercise of the powers conferred upon counties by this part shall specifically enumerate the powers to be exercised by the county within the boundaries of the municipality. Any power not specifically enumerated in such a resolution of consent shall be exercised exclusively by the municipality within its boundaries.

5.8 Consistency with Clermont Comprehensive Plan

163.362 Contents of community redevelopment plan.

Every community redevelopment plan shall:

Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of this part.

163.360 Community redevelopment plans.

1. Community redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment.
2. The community redevelopment plan shall:
 - Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Community Planning Act.
 - Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.
 - Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing in the area. The county, municipality, or community redevelopment agency shall coordinate with each housing authority or other affordable housing entities functioning within the geographic boundaries of the redevelopment area, concerning the development of affordable housing in the area.
3. The community redevelopment plan may provide for the development and implementation of community policing innovations.
4. The city, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within such 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan.
5. The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The governing body shall then proceed with the hearing on the proposed community redevelopment plan as prescribed by subsection (6).
6. (a) The governing body shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(b) For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding

of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the following additional procedures are required prior to adoption by the governing body of a community redevelopment plan under subsection (7):

- Within 30 days after receipt of any community redevelopment plan recommended by a community redevelopment agency under subsection (5), the county may provide written notice by registered mail to the governing body of the municipality and to the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed community redevelopment plan.
 - If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan that meets the requirements of this section to address the conditions identified in the resolution making a finding of necessity required by s. 163.355. If such an alternative redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and to the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.
 - If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under subsection (7) until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.
 - Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.
7. Following such hearing, the governing body may approve the community redevelopment and the plan therefore if it finds that:
- A. A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
 - B. The community redevelopment plan conforms to the general plan of the county or municipality as a whole;
 - C. The community redevelopment plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans;

- D. The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; and
 - E. The community redevelopment plan and resulting revitalization and redevelopment for a coastal tourist area that is deteriorating and economically distressed will reduce or maintain evacuation time, as appropriate, and ensure protection for property against exposure to natural disasters.
8. If the community redevelopment area consists of an area of open land to be acquired by the city or the municipality, such area may not be so acquired unless:
- A. In the event the area is to be developed in whole or in part for residential uses, the governing body determines:
 - That a shortage of housing of sound standards and design which is decent, safe, affordable to residents of low or moderate income, including the elderly, and sanitary exists in the county or municipality;
 - That the need for housing accommodations has increased in the area;
 - That the conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase in and spread of disease and crime or constitute a menace to the public health, safety, morals, or welfare; and
 - That the acquisition of the area for residential uses is an integral part of and is essential to the program of the county or municipality.
 - B. In the event the area is to be developed in whole or in part for nonresidential uses, the governing body determines that:
 - Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.
 - Acquisition may require the exercise of governmental action, as provided in this part, because of:
 - a) Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;
 - b) Tax delinquency;
 - c) Improper subdivisions;
 - d) Outmoded street patterns;
 - e) Deterioration of site;
 - f) Economic disuse;
 - g) Unsuitable topography or faulty lot layouts;
 - h) Lack of correlation of the area with other areas of a county or municipality by streets and modern traffic requirements; or
 - i) Any combination of such factors or other conditions which retard development of the area.
 - Conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.
9. Upon the approval by the governing body of a community redevelopment plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective community redevelopment area, and the county or municipality may then cause the community redevelopment agency to carry out such plan or modification in accordance with its terms.
10. Notwithstanding any other provisions of this part, when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(3), with respect

to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a "blighted area," and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment.

Appendix A

Potential Community Redevelopment Expansion Area Finding of Necessity

GAI Project Number: R140908.01

August, 2015

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1.0 Project Overview

The purpose of this analysis is to provide data that documents potentially blighting conditions, as defined in Section 163, Part III, Florida Statutes (F.S.) (the "Redevelopment Act") within the City of Clermont study area in Lake County, Florida.

1.1 Introduction

The initiative to expand the CRA and update the redevelopment plan for the Clermont area arises from the need to stimulate reinvestment in the area and identify new funding sources which would improve existing conditions and generate additional improvement activity. A redevelopment initiative to identify new market potential for the area and the supporting upgrades and additions to the infrastructure, commercial and/or office uses, and overall physical environment is a necessary component to the broader goal of attracting investment.

Before identifying prospective private sector interest in the area, current blighting influences should be addressed to begin rebuilding the infrastructure necessary to support and attract investment. Deteriorating conditions of structures, utilities, and general physical environment undermine economic development efforts and impede the improvement of the area.

Identifying resources to remove blighting influences is essential to remain competitive in the economic marketplace. An initial step is creating the CRA with community approved boundaries. A Finding of Necessity (FON) assists in identifying a proposed redevelopment area. A subsequent community redevelopment plan will specify the desired improvement projects and implementation steps to execute them. The CRA will be funded in most part by increment revenues designated specifically to the proposed redevelopment area.

The purpose of this analysis is to support the link between the statutory definition of a "blighted area" and the Clermont proposed redevelopment area expansion under examination. If the determination of such conditions of blight can be established based on the statutory definitions set forth in Section 163, Part III, Florida Statutes (F.S.), the "Redevelopment Act," the Community Redevelopment Agency (CRA) can be created, or in this case expanded, in conjunction with preparation and adoption of a redevelopment plan. Analysis of data and documentation of the Clermont Study Area within this report is evaluated based on the provisions established in Florida's Redevelopment Act, Section 163, Part III, Florida Statutes (F.S.).

City of Clermont data, county maps, study area specific maps, and government maintained statistics have been examined in conjunction with GAI Consultants staff interpretations of supplied data in assessing the proposed redevelopment area.

1.2 General Objectives and Purposes of the Redevelopment Act

The purpose of the Redevelopment Act is to assist local governments in preventing and/or eliminating blighted conditions detrimental to the sustainability of economically and socially vibrant communities or areas. The following paragraphs describe those blighting conditions, their specific effects, and the intentions of the community redevelopment regime as a tool for implementing policy and programs.

- Section 163.335(1), F.S. ...[blighted areas] constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an

economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

- Section 163.335(2), F.S. ...certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of the property in such areas.
- Section 163.335(3), F.S. ...powers conferred by this part are for public uses and purposes for which public money may be expended and police power exercised, and the necessity in the public interest for the provisions herein enacted is declared as a matter of legislative determination.
- Section 163.335(5), F.S. ...the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns.
- Section 163.335(6,) F.S. ...there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such conditions is a proper matter of state policy and state concern is for a valid and desirable purpose.

According to Chapter 163.356 of the Redevelopment Act, a FON analysis focuses on a determination of blight and/or slum conditions in an area which may *“constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state,”* and negatively burden a community’s traffic system, utilities, ad valorem revenues, property values, and social fabric which would otherwise contribute positively to the economic stability of the community. As a simultaneous operation in conjunction with the finding of such a blighted area, the need for a CRA is established.

The CRA will possess the authority to govern the course of action concerning the redevelopment and rehabilitation of the Study Area, and further, in the corporate limits of the City of Clermont in the case that the governing body of the City has acceded in the redevelopment plan set forth by the City.

1.3 Declarations and Process

The initial step in pursuing the expansion of an existing CRA is documenting the existing conditions. This analysis of the Clermont Study Area summarizes the extent and effects of blight which lead to the deterioration of economic, social, and physical components of the Study Area. This analysis documenting the extent of blight, represented through the physical conditions, economic instability, and conclusionary analysis in support of that documentation is referred to herein as the "Report." GAI Consultants' staff, along with Clermont staff, has analyzed government maintained statistics and reports and the physical condition of the area, resulting in the documentation and analysis of the blighting conditions of the Study Area contained within this Report.

1.4 Historical Perspective and Integrity of the Study Area

Clermont is situated in Lake County which was named for its over 1,400 named lakes. Strategically located just west of Orlando and north of Disney World, Clermont has a population of over 29,000 based on 2013 Census data. With over 14.8 square miles Clermont is the second largest city in Lake County with the largest population of all cities in Lake County. Unemployment rates in Lake County and the cities within Lake County have been on the rise over the last four years. According to 2013 Census estimates, Lake County's unemployment rate was 12.0%, while the unemployment rate in Clermont was 10.8%. These rates represent an increase over the unemployment rates of 2010 when Lake County's unemployment rate was 8.1% and Clermont's unemployment rate was 8.3%.

The city was founded in 1884 and incorporated in 1916. The history of Clermont mirrored that of many other cities, following a path of decline prior to the creation of the City's Downtown Redevelopment Area in 1997. In the years following WWII, the automobile and the mobility that it afforded the average American redefined development patterns and business location decisions. As new highways and interstates were constructed to meet the demands of an increasingly auto-oriented society, many businesses abandoned downtowns for the increased visibility and accessibility of highway commercial centers. As a consequence, many traditional downtown areas became less economically vital and attracted less private and public investment. Buildings and infrastructure were allowed to deteriorate, contributing to the decline of downtown viability and property values.

In 1997 by adoption of Resolution No. 950, the City of Clermont identified the Downtown Redevelopment Area and created the Downtown Clermont Redevelopment Agency whose charge was to prepare a redevelopment plan, implement planned projects and obtain the necessary funding. The downtown area continues to be the focal point of a robust and growing community and the continued redevelopment of the 157 acres within the redevelopment area has been a continuing effort. New studies, projects and cooperation within from the business and residential community within the redevelopment area are necessary to continue these efforts.

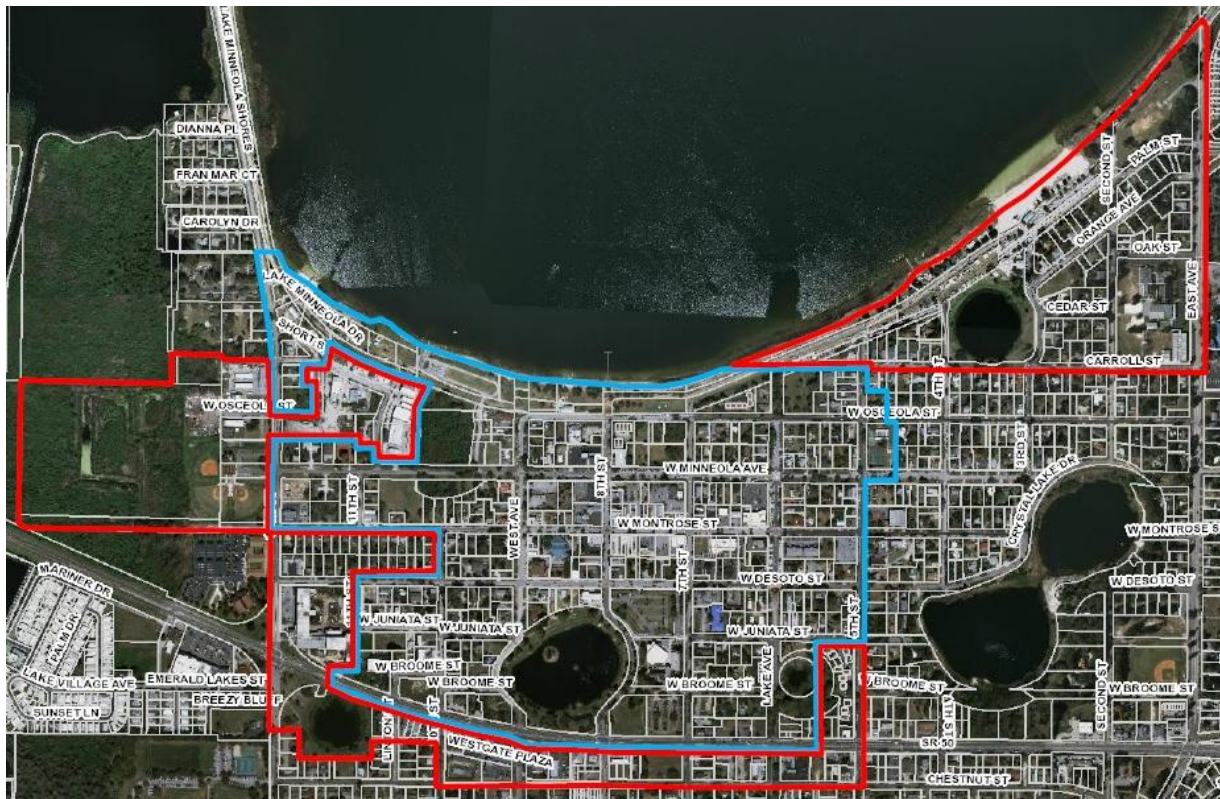
The goals and objectives of the plan were kept broad enough to allow for flexibility in the projects which would be implemented, but also realistic to ensure that they could be accomplished. As with any plan, the redevelopment plan should be updated from time to time in order to take advantage of new ideas and efforts to continue with redevelopment in the district.

In 2005 the original redevelopment plan was updated substantially which assisted in providing continued diversity allowing the Downtown Clermont Redevelopment Agency the ability to work in a variety of ways to support the revitalization of the district. The 2005 update included streetscape in the West Montrose Street area consisting of new sidewalks, trees, benches, and new lighting with underground infrastructure improvements. These physical improvements assisted in efforts to stabilize the downtown area. Continued streetscape projects and other new programs were implemented to continue the effort to revitalize the downtown area and create a new sense of vitality.

A minor update to the redevelopment plan was completed in 2010, the update incorporated incentive programs ranging from façade improvement grants and impact fee assistance to building code compliance assistance. Additionally, street lighting improvements were included for when LED lighting is integrated to further improve the downtown lighting conditions. Since the completion of the 2010 redevelopment plan update, the Downtown Clermont Redevelopment Agency has awarded over \$160,000 in grants through four different grant programs available within the district, the Façade Improvement Grant Program (\$123,708.33), the Building Code Assistance Program (\$27,762.50), the Impact Fee Assistance Program (\$7,518.43), and the Building Permit Refund Program (\$1,911.40). With the assistance of these grant programs, over \$324,000 of projects were completed by 24 grant recipients.

Though the downtown area has undergone significant redevelopment, this redevelopment is hindered by the limitation of the district boundary. At the periphery of the district boundary additional blighted areas exist. In pursuit of addressing the conditions of properties surrounding the existing redevelopment area, the City of Clermont has expressed interest in expanding the district to provide greater diversity and a broader focus to the rehabilitation of the downtown area. The continuation of the Downtown Clermont Redevelopment Agency governing the redevelopment efforts within the expanded area will provide opportunities to encourage new capital investments in the areas of residential, commercial, recreational, and tourism development. For the purposes of this report, the area under examination will be referred to as the proposed redevelopment area, as well as the Study Area.

GAI Consultants' analysis of the conditions of the Study Area is confined to a specific geographic area within the City of Clermont generally shown in Map 1.



Map 1 - Study Area and Proposed CRA Boundaries

As can be seen in Map 1, the Study Area is predominately industrial and residential, with some institutional and recreational areas (76 single-family, 35 multi-family, 21 commercial, 13 industrial, 4 institutional) and vacant (7 residential, 12 commercial, 2 industrial, 14 institutional) parcels. The existing CRA boundary is demarcated by colored boundary lines in blue, the proposed CRA expansion area is demarcated by colored boundary lines in red.



Waterfront Park overflow parking



grass parking lot

The proposed expansion areas of the CRA also include a few large industrial properties. Many of these properties are deteriorated, many with significant City code violations apparent on visual inspection.



Overgrown landscaping & dilapidated fencing



overflowing dumpster within right-of-way

1.5 Standards for Blight

Having identified the study area as a group of residential, industrial and institutional/recreational properties, the specific conditions that constitute blight as listed in the Redevelopment Act were considered.

The Redevelopment Act currently, in effect, establishes three discrete pathways to determine if a study area is a "blighted area", sufficient to warrant the full application of redevelopment powers conveyed under Chapter 163.

- "Alternative One" involves the layering of two tests. The first test is broadly conditional and the second test is criteria specific. Both tests must conclude that the described conditions exist affirmatively.

- "Alternative Two" involves a specific agreement among parties subject to a prospective Trust Fund agreement. Where such agreement exists, then the jurisdiction seeking to designate a redevelopment area needs to pass a less rigorous test. As in the first alternative, this test relates to specific criteria and it must conclude affirmatively.
- Notwithstanding the requirements for the first or second alternative, "Alternative Three" involves the Governor certifying the need for emergency assistance under federal law as a result of an emergency under s. 252.34(3), F.S.

Alternative One

The first of Alternative One's two tests requires that a study area identified as a blighted area contain a "substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property." Recent court decisions have affirmed that structures include infrastructure.

The second of Alternative One's two tests is that the area must then be one in "which two or more of the following factors are present".

- a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- d) Unsanitary or unsafe conditions;
- e) Deterioration of site or other improvements;
- f) Inadequate and outdated building density patterns;
- g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- h) Tax or special assessment delinquency exceeding the fair value of the land;
- i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

Alternative Two

The Redevelopment Act also allows that a blighted area may be "any area in which at least one of the factors identified in paragraphs (a) through (n) of Section 163.40(8), F.S. are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387(2)(a), F.S. agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted.

Alternative Three

The Redevelopment Act also provides that “when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(3), F.S., with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a “blighted area”, and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment”, Section 163.360(10), F.S. For example, On September, 1, 2004, Governor Jeb Bush declared a state of emergency for the entire State of Florida by Executive Order 04-192 because of Hurricane Francis. For example, on September 4, 2004, FEMA designated Pinellas County as a disaster area by FEMA-1545-DR.

2.0 Physical Environment Inventory

This section of the report documents the land uses, transportation systems, utilities infrastructure, and visual character of buildings and sites in the Study Area.

2.1 Land Use

These physical characteristics of the area play key roles in the development or utilization of land based assets. The land use inventory provides more perspective regarding the pattern of development activity, the inventory of land uses, the compatibility of nearby uses, and the impact of uses that may assist or deter development activity within the study area.

The study area consists of a variety of single family residential properties and industrial properties. However, the predominant use is residential properties. There are some government and institutional properties located in the study area as well.

Historically the downtown area developed as a centralized commercial business district with surrounding residential and industrial uses. The overall physical condition of the study area is fair. Pockets of deteriorated housing exist throughout the study area.



Deteriorated Housing



Deteriorated Housing

The bulk of structures within the study area are either single-family, multi-family, industrial properties, or institutional/recreational properties. 2014 Lake County tax records show that there are 166 taxable properties within the study area. Of those, 118 (71.1%) properties are single-family/multi-family residential, 15 (9.03%) are industrial, and 33 (19.9%) are commercial.

In all, there are currently a total of 166 tax-assessed properties within the study area. Of those 166 tax-assessed properties, 21 of them are currently vacant (unimproved, undeveloped, or cleared) which represents 12.7% of the entire proposed CRA expansion area. Those 21 vacant properties include 7

vacant residential properties (4.2%), 12 vacant commercial properties (7.2%), and 2 vacant industrial properties (1.2%). The vacant properties present the City with an opportunity for future development. Some of these vacant parcels include deteriorating fencing, litter, debris and/or tall weeds and grass on the site.



Vacant Parcel



Vacant Parcel

The following table shows the number of properties in the study area from the 2014 Lake County Tax Collector tax roll for each type of land use designation.

Land Use	Parcels	Acres
Single Family	76	19.69
Multifamily	35	6.59
Commercial	21	9.20
Industrial	13	17.77
Religious	1	0.55
Institutional	3	33.67
Vacant Institutional	14	19.59
Vacant Residential	7	1.36
Vacant Commercial	12	3.20
Vacant Industrial	2	2.75
TOTAL	184	114.37

A field review indicated that most of the structures within the Study Area are single story or two stories. Many of these properties are deteriorated or deteriorating and are in need of renovation or redevelopment. Some of the lots are platted inadequate sizes and are either too narrow or too shallow

for development. Several properties in the proposed expansion area have the potential to be redeveloped and converted to a commercial or mixed use development.



Deteriorated industrial structure



Deteriorated multi-family structure

Within the study area, a substantial number of the improved properties are deteriorating or deteriorated. A significant number of properties have deteriorating driveways with crumbling asphalt, particularly among the multifamily residential properties. Many properties have paved driveways with no distinction between the driveway and the right of way which significantly increases the appearance of the asphalt width of the road. Generally, landscaping is overgrown among the multifamily properties. Some properties in the study area have boarded up windows and other damage. Overall, the condition of the multifamily residential properties in the study area is generally poor, though some are in fair condition.



Deteriorating single-family structure



Deteriorating commercial structure



Dumpster in front of commercial building



Cracked overgrown driveways & dirt driveways

The decline in the physical condition of many sites in the study area can be attributed, at least in part, to the age of the structures and the site requirements during the period in which they were built. According to the 2014 Lake County tax roll, less than 5% of the structures in the study area were built over the last ten years. In fact, since 2006, a combined total of only 5 properties were developed across the last eight years. The records demonstrate a lack of new development in the area and the predominance of materially older building stock.

2.2 Transportation, Road, and Traffic Conditions

Curbs gutters and sidewalks are present within some portions of the study area, however they are not consistent. With the lack of consistent sidewalks, pedestrian crossings, and bike lanes, the study area is not conducive for walking, jogging, or bicycling. As a whole, the study area lacks infrastructure for other forms of transportation except for vehicles. Furthermore, other improvements such as street light fixtures, street trees, pavement markings, pedestrian signs, and sufficient turning lanes are generally inadequate, missing, or in need of repairs or upgrading.



Deteriorated road, lack of curb, gutter & sidewalk



Sidewalk on one side only; missing curb & gutter



Deteriorated right-of-way



Sand & gravel driveways overflowing into right-of-way

2.3 Overall Site and Plat Conditions

The study area suffers from deficient infrastructure. For the most part, basic infrastructure including sidewalks, curbs, and gutters are lacking in the study area. Wastewater and stormwater infrastructure is generally inefficient and not to modern standards. These site deficiencies make redevelopment challenging and encourage lower property values in the area.



No sidewalks, curbs or gutters



No sidewalks

Many of the buildings in the study area are deteriorating. Part of the decline in the physical condition of buildings in the study area can be attributed to the age of the structures most of which were developed prior to 1980 (67%). Several of the properties are one or two level industrial structures. Many of these properties leave very little pervious surface available, using almost all of their lots for buildings and parking and leaving little room for landscaping, adequate drainage, or open space. The lack of pervious surface in combination with insufficient stormwater collection and treatment creates unsafe conditions.

2.4 Visual Character

The study area is made up primarily of residential properties with no unifying architectural style and no design standards. Many roads and driveways are crumbling and showing signs of neglect. The study area generally lacks uniform landscaping and streetscape improvements. Other factors contributing to the overall look of deterioration include trash in yards, cracked roads and sidewalks, broken curbs, poor housing conditions, broken/boarded up windows, vacancies and neglected landscaping. A common attribute of many of the residential, industrial and commercial properties is unkempt landscape on properties and in rights-of-way. A visual analysis of the Study Area indicated a significant number of residential properties can be classified as deteriorated or deteriorating.



Overgrown landscaping & cracked pavement



Neglected building damage



Neglected structures & overgrown landscaping



Cracked Driveway & boarded up windows

Many commercial and industrial properties in the area are fronted by large swaths of asphalt that are often dilapidated and poorly maintained. Such properties typically have paved most of the land area in front of the building structure. Because there is virtually no streetscape and little landscaping within the study area, these paved property frontages contribute to the appearance of continuous asphalt, thereby

increasing the perceived width of the road. They also add to the amount of impervious surface in the area.

The transportation infrastructure in the study area, upon which the long term sustainability of the neighborhood and area depends, is not adequate to support a vibrant community. General absence of streetscape as well as pedestrian and cycling facilities (with the exception of the Lake Minneola Trail) limits the uses of the network and stunts redevelopment prospects.



Excess paving/driveway; no landscaping or sidewalk



Cracked & excessive paving/driveway

The several conditions documented in this analysis converge to undermine economic values by retarding a normally functioning real estate market. It is this normally functioning market that acts as the floor for economic value. If that floor cannot be maintained through a continuing exchange between buyers and sellers, economic values will eventually erode. Once that pattern is established, it becomes increasingly difficult to arrest the decline. Additionally, the documented conditions are such that they combine to create a physical and social context that is not viable for long term stability.

3.0 Reported Investment and Disinvestment Activity

Based on 2014 certified tax rolls, there were an estimated 111 residential property records with building structures (76 single-family and 35 multi-family) and a total of 35 vacant properties (7 vacant residential, 12 vacant commercial, 2 vacant industrial, and 14 vacant institutional). Homestead exemptions applied to 54 (49%) of the residential properties. In 2014, the total tax base in the study area was over \$15 million.

Less than 8 percent of the structures in the study area were built in the last 20 years, with only 2 percent added during the last 10 years. The decline in the physical condition of many sites in the study area can be attributed, at least in part, to the age of the structures.

The city as a whole has seen a decrease in taxable value, the values associated with the proposed CRA depreciated at a higher rate than those of the city as a whole. The assessed value in the City of Clermont fell from \$2,577,221,700 in the 2009 final tax roll to \$2,328,260,688 in the 2014 final tax roll, which represented a taxable value decrease of 9.7 percent. The assessed value of the study area on the other hand fell from \$19,290,108 in 2009 to \$15,066,476, which represented a decrease of 21.9 percent.

4.0 Blight Findings

The following section outlines the blight factors present in the study area according to the criteria established under Chapter 163 of the Florida Statutes and as outlined in the "Standards for Blight" section of this report.

Of the fourteen conditions indicative of blight listed in the Redevelopment Act, this analysis indicates that at least three such conditions exist in the study area and are retarding its immediate and longer term social, economic, and physical development. Below is a summary of the criteria that apply to the study area.

4.1 Assessment of "Substantial Number of Deteriorated or Deteriorating Structures"

The Redevelopment Act provides little specific criteria or guidance in Section 163.340(8), F.S. regarding the definition or attributes of deteriorating structures other than that implied. Florida Statutes focus on a series of indicators which in the aggregate are assumed to lead to economic, physical, or social distress. The representative examples of residential and commercial structures speak to the context of the Study Area and are functionally deteriorated and rendered functionally and physically obsolete in their current condition.

The infrastructure upon which the long-term economic stability of the Study Area depends is generally deficient, absent, or deteriorated beyond a level which justifies repair or maintenance. The *overall* conditions in the Study Area are such that they combine to create a context of functional and physical deterioration which is conducive to economic, physical and social distress. The conditions and circumstances documented in this report and readily observable in the Study Area evidence a "substantial number of deteriorated, or deteriorating structures" leading to economic distress which, in their current condition, are certainly capable of endangering life and property if not substantially modified, retrofitted, repaired, rebuilt, or redeveloped entirely.

4.2 Unsanitary or Unsafe Conditions

An adequate stormwater system in the Study Area is lacking. Collector roads, especially in residential areas, do not exhibit curbs, gutters, or inlet systems to prevent flooding in the event of heavy precipitation. Where curbs and gutters do exist, they tend to be broken and/or overgrown with weeds and grass making them ineffective and causing accumulation of stormwater in roadways and driveways.

4.3 Predominance of Defective or Inadequate Street Layout, Parking Facilities, Roadways, Bridges, or Public Transportation Facilities

With the exception of a few limited areas, curbs, gutters, sidewalks, and bike lanes are generally absent throughout the Study Area. With the absence of sidewalks, pedestrian crossings, and bike lanes, the environment is not conducive for walking, jogging, or bicycling. Furthermore, other improvements, such as street light fixtures, pavement markings, and pedestrian signs generally are missing or are in need of repairs/upgrading. The absence of pedestrian transportation infrastructure is evidence of an inadequate transportation system in the Study Area.

In addition, a close examination of the residential neighborhoods shows the deteriorating conditions of many driveways in front of residential units. Paved driveways have broken pavement, while others are either unpaved or covered in gravel. Industrial and commercial properties tend to have asphalt from the right-of-way to the front of the building structure. There were very few industrial and/or commercial properties that had any balance of pervious surface and landscaping with a paved driveway.

The overall transportation conditions outlined in this report contribute to the disinvestment of properties along the roads.

4.4 Site Deterioration or Other Improvements

Many commercial and industrial structures are in disrepair and in need of maintenance, showing peeling paint, cracked or overgrown roads or sidewalks, and/or an unpleasant face on the street. Many of the residential structures also display signs of neglect, showing cracked stucco, broken and/or boarded up windows, overgrown and unkempt landscaping, and cracked or unpaved driveways.

The industrial area located in the eastern portion of the Study Area includes properties in disrepair including overgrowth, neglected damage to exterior walls, broken and/or boarded up windows, exposed dumpsters in rights-of-way, cracked driveways, unkempt dirt and gravel driveways and parking areas, abandoned structures, overall lack of landscaping, inadequate right-of-way and lack of sidewalks.

5.0 Conclusions

When compared to the City of Clermont, conditions of the proposed CRA expansion Study Area are indicative of blight as documented in this report. This review provides documentation of blight in the area, and through the Redevelopment Act, the area qualifies for assistance in redevelopment efforts and financing by expanding the boundary of the designated Community Redevelopment Area. Government maintained statistics coupled with staff field observation and documentation of the blighted conditions indicate the current conditions of the Study Area “are leading to economic distress or endanger life or property,” according to the Redevelopment Act. The current conditions of the area impede the immediate and long-term physical, economic, and social development.

The information summarized in this report justifies the City of Clermont in acknowledging the described conditions and adopting the requisite resolution declaring the need for the rehabilitation, redevelopment, and conservation of the Study Area in the interest of public health, safety, morals, and welfare.

6.0 References and Sources

James Hitt, Economic Development & CRA Director (Meetings, emails and phone calls).

Lake County Property Appraiser, Tax Rolls 2006-2014.

US Census, 2010-2013 employment and population data