



**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, November 10, 2015**

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

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

ELECTION RESULTS

Acceptance of results for election held on November 3, 2015 for Seat 4

OATH OF OFFICE

Administration of Oath of Office of Elected Officials for Seats 2 and 4

SELECTION OF MAYOR PRO-TEM

Selection of Mayor Pro-Tem as provided by Charter

PRESENTATIONS

Writes 4 Safety

LakeXPress Transit Service

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

The next portion of the meeting is the consent agenda which contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Council wish to speak on a consent item, they have the same opportunity.

Item No. 1 - Meeting Minutes

Consider request to approve minutes of the October 13, 2015 Regular Council meeting.

Item No. 2 - Resolution No. 2015-41

Consider Resolution to approve Fiscal Year 2015 budget amendments.

Item No. 3 - Legislative Consulting Agreement

Consider approval to piggyback Lake County Contract #16-0203 with Gray Robinson, P.A. for Professional Services related to the State of Florida Legislature and Executive Branch of State government to identify grant opportunities, advocate for and assist the City with securing approval of City grant applications in the amount of \$40,000.

**CITY OF CLERMONT
COUNCIL MEETING AGENDA
6:30 PM, Tuesday, November 10, 2015**

- | | |
|---|--|
| Item No. 4 - Legislative Priorities | Consider approval of the City of Clermont Legislative priorities list. |
| Item No. 5 - First Amendment to Facility Management and Promotion License Agreement | Consider agreement amendment to update the Clermont Arts & Recreation Center contract with E&M Theatrical. |
| Item No. 6 - East Avenue Study Grant | Consider approval of East Avenue Study Grant application to the FDOT for a \$109,752.18 grant to perform a study to determine the best contextual design for East Avenue from Minnehaha Avenue to Grand Highway. There is no match required. |

UNFINISHED BUSINESS

- | | |
|--|--|
| Item No. 7 - Variance Request
<i>Arby's</i> | Consider a request for six variances at the property located a quarter mile north of the intersection of US Hwy 27 and Steve's Road. |
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NEW BUSINESS

- | | |
|---|---|
| Item No. 8 - Ordinance No. 2015-76 <i>Introduction</i> | Consider ordinance introduction 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 No. 9 - Ordinance No. 2015-77 <i>Introduction</i> | Consider ordinance introduction for the modified CRA Redevelopment Plan. |
| Item No. 10 - Ordinance No. 2015-78 <i>Introduction</i> | Consider ordinance introduction to amend Chapter 54 Streets, Sidewalks and other public places in the Land Development Code. |
| Item No. 11 - Ordinance No. 2015-79 <i>Introduction</i> | Consider ordinance introduction amend Chapter 34 Environment in the Land Development Code. |
| Item No. 12 - Ordinance No. 2015-80 <i>Introduction</i> | Consider introduction of an ordinance 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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ADJOURN

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

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

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
October 13, 2015

The Clermont City Council met in a regular meeting on Tuesday, October 13, 2015 in the Clermont City Center. Mayor Ash called the meeting to order at 6:30pm with the following Council Members present: Council Members Mullins, Bates, and Goodgame. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and Deputy City Clerk Noak. Council Member Travis was absent.

INVOCATION

Pastor Timothy Moses gave the invocation followed by the Pledge of Allegiance.

PROCLAMATION

Deputy City Clerk Noak read the Red Ribbon Week proclamation aloud. Mayor Ash presented the proclamation to Young Marine Laree Osteen. A Young Marine thanked Council for supporting Red Ribbon Week.

Public Information Officer Bloodsworth gave a presentation honoring Fred Sommer and the 25th Anniversary of the Great Floridian Triathlon. Deputy City Clerk Noak read the Fred Sommer proclamation aloud. Mayor Ash presented the proclamation to Fred Sommer.

PUBLIC COMMENTS

Charlene Forth commented the Clermont Garden Club was blocking off access to a City park and requested Council take action to resolve the situation.

REPORTS

City Manager Gray stated misinformation had been provided regarding the hearing for the annexation of the WaterBrooke project. The public hearing regarding the annexation will be held at the October 27, 2015 Council meeting.

City Attorney Mantzaris – No report.

Council Member Bates congratulated City staff for a successful Grand Opening Gala of the Performing Arts Center.

Council Member Goodgame provided information to the Council regarding the use of body cameras for police officers. He requested the City consider body cameras for Clermont Police Officers.

Council Member Mullins congratulated City staff for a successful Grand Opening Gala of the Performing Arts Center.

Mayor Ash reported she attended the Greater Cancer Foundation event, an awards banquet for a local Girl Scout Troop, and a Clermont Police Officer swearing-in ceremony. The next coffee with the Mayor will be held at Erika's Tea Room on Saturday, October 17 at 10am.

City of Clermont
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October 13, 2015

CONSENT AGENDA

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

Item No. 1 – Meeting Minutes

Consider request to approve minutes of the August 11, 2015, August 25, 2015, and September 8, 2015 Regular Council meeting.

Item No. 2 – Resolution No. 2015-34

Consider Resolution lease agreement amendment between the City of Clermont and SBA 2012 TC Assets, LLC to include five additional successive terms of five years.

Item No. 3 – Resolution No. 2015-37

Consider Resolution approval repealing the Harassment Policy and replacing with Harassment (including Sexual Harassment) Policy.

Item No. 4 – Bid Award

Consider approval of contract to Schmid Construction, Inc. to provide construction of Clermont Police Department Headquarters in the total lump sum amount of \$7,308,000. The funding plan for the project is to use approximately \$2,700,000 from the Police Impact Fees Fund and the remaining \$4,608,000 from a bank loan/bond issue.

Item No. 5 – Piggyback Contract Award

Consider request to piggyback Lake County Board of County Commissioners contract with Done Right Fire Repair, Inc. to provide Personal Protective Equipment Inspection, Cleaning, and Repair in the annual estimated amount of \$2,000 included in the approved budget.

Item No. 6 – Surplus Request

Consider approval to declare end of life inventory as surplus from the Fire Department, Development Services Department, and City Clerk's Office to dispose in accordance with the Purchasing Policy.

Item No. 7 – Event Request

Consider approval for the Taste of South Lake to have an open container area for their event at Waterfront Park on November 5th.

Item No. 8 – Event Request

Consider event and open container request for Harvest Festival in conjunction with Sommer Sports 5K Run "Nightmare on Clermont" on October 31, 2015.

City of Clermont
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October 13, 2015

Item No. 9 – Event Request

Consider event request and approval for road closures by Bike Florida for their “Share the Road Celebration of Cycling” on November 13, 2015.

Item No. 10 – Utility Service Agreement

Consider request for water service to a single-family home owned by Gokul S. Brijmohan at 16300 Johns Lake Road.

Item No. 11 – Scope of Services

Consider approval of Professional Engineering Services Proposed for the Sunburst Water Treatment Plant-Lower Floridan Aquifer Wells by Tetra Tech, Inc., in the amount of \$233,684.00. Recently received grant funds from St. Johns River Water Management District will be utilized for these services.

Council Member Mullins pulled Consent Items 4, 8, and 9.

Council Member Goodgame moved to approve Consent Items 1, 2, 3, 5, 6, 7, 10 and 11; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Council Member Mullins commented he was pleased a local company was the successful bidder for the construction of the new Police Department Headquarters.

Council Member Mullins stated he pulled Consent Item 9 in error.

Council Member Mullins stated the Clermont Downtown Partnership was requesting an open container zone and due to the hours, the City was requiring two police officers to be hired by the applicant. The cost exceeds the budget for the Harvest Festival and the options were to remove the open container request or change the open container hours so police officers would not have to be provided at the expense of the applicant. City Manager Gray will work with Police Chief Broadway and contact the Downtown Partnership.

Council Member Goodgame inquired about the open container hours. Council Member Mullins stated on the original application, the hours began at 12 noon and ended at 10pm. Events Manager Dudeck stated on the adjusted application, the open container hours were from 5pm to 9pm.

Mayor Ash stated; for clarification, the open container hours requested were 5pm to 9pm.

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

Council Member Goodgame moved to approve Consent Items 4, 8, and 9; seconded by Council Member Bates. The motion passed with all members present voting aye.

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Mayor Ash announced the applicant has requested the Arby's Variance Request be tabled to the October 27, 2015 Council meeting.

Council Member Goodgame moved to table Item 14 to October 27, 2015; seconded by Council Member Bates. The motion passed with all members present voting aye.

City Attorney Mantzaris stated due to the absence of a Council Member, applicants with land use requests had the option of continuing their request to a future meeting with a full Council.

Mayor Ash asked the applicants for the Clermont Ridge Variance Request if they wished to have their matter continued to the October 27, 2015 Council meeting. The applicant wished to remain on the current agenda.

UNFINISHED BUSINESS

Item No. 12 – On-Street Parking; *West DeSoto Street*

Economic Development Director Hitt presented the proposal for parallel parking on West Desoto Street and a grass parking lot located where the West Desoto Street fire station was demolished. The proposed parallel parking on the south side of West Desoto Street will provide 15 parking spaces and the grass parking lot will provide 14 grass parking spaces and 1 paved handicapped space.

City Manager Gray recommended the parking lot remain a grass lot until Council determines the direction they will take with the current Police Station on West Desoto Street after the new Police Station was constructed.

Council Member Goodgame inquired if a parallel parking space could be changed to a handicapped parking space. City Manager Gray stated the change would reduce the available number of parking spaces on West Desoto Street.

Economic Development Director Hitt presented the cross-walk design and reconfiguration for the corner of West Desoto Street and West Avenue to allow for safer pedestrian crossing.

Council Member Goodgame commented the center line on West Desoto Street should be realigned. Economic Development Director Hitt stated the Public Works Department will be recoating the street and re-centering the line.

Council Member Mullins requested landscaping between the road and the wheel-stops in the grass parking lot.

Staff recommended approval of the proposed West Desoto Street parallel parking spaces and the grass parking lot.

Mayor Ash opened the public hearing.

Karen Schaffer; Magic Moments, requested clarification on the cross-walk design and expressed concern regarding child safety. Economic Development Director Hitt reviewed the details of the cross-walk design.

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Mayor Ash requested the City erect 'Caution - Children Crossing' signs.

Charles Forth expressed concern regarding traffic blockage while loading and unloading children at Magic Moments. He commented on the increase of use at Magic Moments since the original Conditional Use Permit was granted, and stated the City should address the increase of use at the facility.

Charlene Forth expressed concern the grass parking lot would be used by Magic Moments staff and customers. She commented on the on-site parking requirements attached to the Magic Moments Conditional Use Permit and requested the City enforce the permit conditions.

Council Member Goodgame stated traffic back-up conditions occur at most public and private schools. He suggested limiting parking time to two hours.

Mayor Ash commented the parking was public parking and the City could not prevent someone from using the parking spaces.

Karen Schaffer; Magic Moments, commented the employees park behind the Magic Moments facility and the VFW area.

Mayor Ash closed the public hearing.

Council Member Mullins spoke in opposition of limiting parking time.

Council Member Mullins moved to authorize staff to proceed with the presented proposal with the addition of landscaping in the grass parking lot; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 13 – Ordinance No. 2015-75, *Introduction-New Zoning District*

Deputy City Clerk Noak read Ordinance 2015-75 aloud by title only.

An Ordinance of the Code of Ordinances of the City Council of the City of Clermont, Lake County, Florida, amending the Code of Ordinances, Article IV Planned Unit Developments; Chapter 122 Zoning, Section 122-311 Purpose and Intent of Article; Section 122-313 General Requirements; Section 122-314 Location; Section 122-315 Review Criteria; Section 122-316 Procedure for Review and Approval; Section 122-317 Amendments to Development Plan; Section 122-318 Conflicting Provisions; providing for codification, severability, effective date, and publication.

Council Member Goodgame moved to introduce Ordinance 2015-75; seconded by Council Member Mullins. The motion passed with all members present voting aye.

NEW BUSINESS

Item No. 15 – Variance Request, *Clermont Ridge*

Planning Manager Henschel presented the two variance requests to construct a new commercial development with shared parking. The proposed development will consist of three commercial buildings with a total of 15,500 square feet.

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The first variance request was for a landscape buffer of less than 20 feet adjacent to a right-of-way. The applicant's parcel is behind a Florida Department of Transportation water retention area adjacent to Highway 50. The applicant proposed a 10 foot landscape buffer for the portion behind the water retention area. The remaining portion of the buffer would have the required 20 foot landscape buffer. Staff recommended approval of the first variance request.

The second variance request was for a reconfiguration of the three parcels to share a common driveway and eliminate the landscape buffer between the parcels. Staff recommended denial of the second variance request.

Ryan Stahl; Equinox Development, was present on behalf of the owner. Mr. Stahl stated the interested parties for the three parcels were Cheddar's, Zoey's, and Pollo Tropical.

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

Council Member Mullins supported the landscape variance adjacent to Highway 50 and the elimination of a landscape buffer between the Cheddar's and Zoey's parcels. He requested additional landscaping in the buffer at the entryway.

Mayor Ash was opposed to eliminating the landscape buffer between the parcels.

Council Member Goodgame was in agreement with Council Member Mullins.

Council Member Mullins inquired if the finished floor elevation would be above Highway 50. Planning Manager Henschel stated the elevation plans were not available.

Council Member Mullins suggested moving two of the buildings to the west and enhancing the entryway with 15 feet of landscaping.

The Kimley-Horn Civil Engineering Consultant commented a portion of the sidewalk could be eliminated to provide 12 feet of landscaping at the entryway. He stated the Impervious Surface Ratio was substantially lower than the maximum the City Code allowed.

Council Member Mullins inquired what the City's standard was regarding a landscape buffer next to a street. Planning Manager Henschel commented the standard was a 10 foot landscape buffer and the applicant confirmed the design could be changed to conform to the City's standard.

Council Member Mullins was opposed to eliminating the sidewalk.

Mayor Ash commented the project contained only one entrance off of Highway 50.

Planning Manager Henschel stated an additional entrance was located off Sandy Grove Avenue.

Council Member Mullins inquired if Tract A was a retention pond. Mr. Stahl stated Tract A was a temporary retention pond and could be relocated when the remainder of the project was developed.

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Planning Manager Henschel reviewed the first variance request:

The Highway 50 landscape buffer variance request was for a 10 foot landscape buffer off of the north property line. Staff supported the variance request.

Council Member Goodgame moved to approve the first variance request; seconded by Council Member Mullins. The motion passed with all members present voting aye.

Planning Manager Henschel provided the second variance request as amended:

Eliminating the interior landscape buffer between Lot 1 and Lot 2.

Council Member Goodgame moved to approve the second variance request as amended; seconded by Council Member Bates. The motion passed with all members present voting aye.

Item No. 16 – Joint Planning Area, Skyway Towers

Planning Manager Henschel stated Lake County staff requested a recommendation from the City Council for a Joint Planning Area variance request to install a 199 foot communication tower located south of the Titan Sand Mine off Hartwood Marsh Road. The City's Land Development Code and the Joint Planning Area regulations do not allow a communications tower greater than 140 feet in height. The proposed communications tower design would be camouflaged using a 'pine tree' configuration.

Attorney Cecelia Bonifay; Ackerman, LLP, was present on behalf of Skyway Towers. The proposed tower location is southeast of the Titan Sand Mine and the surrounding properties are primarily five acre tracts of land. The tower would be located on the owner's property and there have been no objections from the surrounding property owners. Skyway Towers will fence the tower and the building setbacks will exceed setback requirements.

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

Council Member Goodgame asked if a light would be required at the top of the tower. Attorney Bonifay commented the plans do not indicate a light on top of the tower.

City Attorney Mantzaris stated Federal Aviation Administration regulations regarding a light on top of a tower was site specific, and a tower determined to be a hazard would be required to have a light.

Council Member Goodgame inquired if an emergency generator was included. Attorney Bonifay commented an emergency generator was not included in the plans.

Council Member Goodgame asked if the Metropolitan Planning Organization had been contacted regarding the Hartle Road re-alignment to the Sector Plan. Attorney Bonifay stated the Metropolitan Planning Organization was contacted and the tower would not be located within the new alignment area for Hartle Road.

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Mayor Ash expressed concern regarding the impact on surrounding property owners and any future developments along Hartwood Marsh Road. Attorney Bonifay stated the area has been stable with five acre parcels and an agricultural-type lifestyle. The remaining undeveloped areas along Hartwood Marsh Road consist of a few open land parcels and the reclamation property of the Titan Sand Mine.

Council Member Goodgame was opposed to the location. Attorney Bonifay commented other locations were high density residential properties.

Council Member Goodgame asked when Lake County would hear the variance request. City Manager Gray stated he would advise Council Member Goodgame of the hearing date.

Council Member Goodgame recommended the communications tower include a generator with four days of fuel.

Council Member Mullins recommended a monopole with the antennas inside.

Council Member Mullins moved to recommend to Lake County a monopole tower configuration with the antennas inside, and an emergency generator with four days of fuel; seconded by Council Member Goodgame. The motion passed with all members present voting aye.

Item No. 17 – Resolution No. 2015-36, *Expansion Area Finding of Necessity for Downtown (CRA)*

Deputy City Clerk Noak read Resolution 2015-36 aloud by title only.

A Resolution of the City Council of the City of Clermont, Lake County, Florida, relating to community redevelopment; finding the existence of blight conditions in an area of the City of Clermont; making certain findings and determinations; expanding the Community Redevelopment Agency area; providing an effective date.

Economic Development Director Hitt reported on the proposed expansion area and the approval process required by the state.

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

Council Member Goodgame moved to approve Resolution 2015-36; seconded by Council Member Bates.

Council Member Mullins inquired if the expansion included Carroll Street. Economic Development Director Hitt stated the Community Redevelopment Agency area extended only to the south side of Carroll Street.

The motion passed with all members present voting aye.

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October 13, 2015

Item No. 18 – Ordinance No. 2015-70, *Introduction-WaterBrooke Annexation*

Deputy City Clerk Noak read Ordinance 2015-70 aloud by title only.

An Ordinance of the City Council of the City of Clermont, Lake County, Florida, providing for the annexation of a certain parcel of land contiguous to the present City boundaries; providing for an effective date, severability, recording, and publication.

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

Council Member Mullins moved to introduce Ordinance 2015-70; seconded by Council Member Mullins. The motion passed with all members present voting aye.

ADJOURN: With no further comments, this meeting was adjourned at 8:31pm.

APPROVED:

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd, City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, November 10, 2015		
Agenda Item Name		
Resolution No. 2015-41		
Requested Action		
Move to approve Resolution No. 2015-41		
Staff Report		
Resolution No. 2015-41 is proposed in order to amend the City's adopted budget for Fiscal Year 2015. Florida Statutes require budget amendments to be adopted no later than sixty (60) days following the end of the fiscal year. The amendments are necessary to formally amend the budget for City Council approvals and to reflect actual revenues and expenditures.		
Additional Analysis		
Fiscal Impact Summary		
Total decrease to fund balance - all funds \$155,514		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Resolution No. 2015-41	Resolution No 2015-41 - Q4 Budget Amendment 10-29-15.docx

CITY OF CLERMONT
RESOLUTION NO. 2015-41

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, AUTHORIZING
BUDGET AMENDMENTS FOR THE CITY OF CLERMONT
FOR FISCAL YEAR 2014-2015**

WHEREAS, it is hereby found and determined by the City Council of the City of Clermont, Lake County, Florida, that the following budget amendments are necessary for the Fiscal Year October 1, 2014 to September 30, 2015:

GENERAL FUND

- | | |
|--|-----------|
| 1. Increase Other Current Charges (10510-54900) | \$ 1,600 |
| To amend the City Council budget to reflect actual expenditures. | |
| 2. Increase State Grants – Community Planning (10334-33420-15000) | \$ 25,000 |
| Increase Regular Salaries (10515-12100-15000) | \$ 15,005 |
| Increase FICA (10515-12220-15000) | \$ 1,144 |
| Increase Professional Services (10515-53100-15000) | \$ 4,080 |
| To amend the Development Services budget for the Community Planning Grant received from the Florida Department of Economic Opportunity and related expenditures. | |
| 3. Increase Professional Services (10515-53100) | \$ 1,925 |
| To amend the Development Services Department budget for additional review fees pertaining to the Highland Ranch project. | |
| 4. Increase Postage & Freight (10515-54200) | \$ 2,856 |
| To amend the Development Services Department budget for additional mailing costs related to the Highway 50 annexations. | |
| 5. Increase Self-Insured Liability Claims (10519-54501) | \$ 25,000 |
| To amend the Other General Government budget for the payment of the liability deductible pertaining to an accident at the Clermont Garden Club. | |
| 6. Increase Advertising (10519-54800) | \$ 10,000 |
| To amend the Other General Government budget to reflect increased advertising costs pertaining to the Highway 50 annexations. | |

7. Increase Salaries (10521-12100)	\$	18,387
Increase FICA (10521-12220)	\$	1,429
Increase Defined Benefit Pension (10521-12245)	\$	3,325
Increase Workers Comp (10521-12400)	\$	628
Increase Medical Services (10521-53130)	\$	370
Increase Uniforms (10521-55203)	\$	2,370
Increase Minor Equipment (10521-55204)	\$	7,634
To amend the Police Department budget for five additional police officer positions starting September 1, 2015 as approved by the City Council on July 28, 2015.		
8. Increase Part-time Salaries (10572-12110)	\$	34,529
Increase FICA (10572-12220)	\$	2,641
To amend the Parks & Recreation Department budget for part-time positions hired to staff the Champions Splash Pad.		
9. Increase Salaries (10574-12100)	\$	20,065
Increase FICA (10574-12220)	\$	1,535
To amend the Parks & Recreation Department budget for a limited duration Events representative position.		
10. Increase Professional Services (10575-53100)	\$	27,434
Increase Contract Services (10575-53401)	\$	30,755
To amend the Parks & Recreation Department budget for actual costs related to the Arts and Recreation Center.		
11. Decrease Fund Balance (10599-59900)	\$	187,712
Total General Fund Adjustments		

BUILDING SERVICES FUND

1. Increase Professional Services (11524-53191)	\$	28,143
Decrease Capital Outlay – Vehicles (11529-66400)	\$	28,143
To amend the Development Services Department budget to reflect actual expenditures.		

INFRASTRUCTURE SALES TAX FUND

1. Increase Repair & Maintenance – Historic Village (12573-54600)	\$	17,220
To amend the Parks and Recreation Department budget for the exterior renovation of historical Kern House and Cooper Library approved by the City Council on July 14, 2015.		
2. Decrease Fund Balance (12599-59900)	\$	17,220
Total Infrastructure Sales Tax Fund Adjustments		

RECREATION IMPACT FEES FUND

- | | | |
|---|----|---------|
| 1. Increase Recreation Impact Fees Revenue (14324-32461) | \$ | 450,000 |
| To amend the budget to reflect actual Recreation Impact Fees Revenue. | | |
| 2. Increase Transfer to Capital Projects Fund (14581-99114-72106) | \$ | 244,072 |
| To amend the budget for the funding of the Lake Hiawatha Phase 1B Construction Contract approved by the City Council on December 9, 2014. | | |
| 3. Increase Transfer to Capital Projects Fund (14581-99114-72117) | \$ | 64,995 |
| To amend the budget for the funding of the purchase of the Rowing Facility racing marker buoys as approved by the City Council on March 24, 2015. | | |
| 4. Increase Fund Balance (14599-59900) | \$ | 140,933 |
| Total Recreation Impact Fee Fund Adjustments. | | |

CAPITAL PROJECTS FUND

- | | | |
|--|----|---------|
| 1. Increase Capital Outlay – Lake Hiawatha (32542-66301-72106)) | \$ | 244,072 |
| Increase Transfer from Recreation Impact Fee Fund (32381-38105-72106) | \$ | 244,072 |
| To amend the Public Works Department budget for the Lake Hiawatha Phase 1B Construction Contract as approved by the City Council on December 9, 2014. | | |
| 2. Increase Capital Outlay – Rowing Facility (32542-66301-72117) | \$ | 64,995 |
| Increase Transfer from Recreation Impact Fee Fund (32381-38105-72117) | \$ | 64,995 |
| To amend the Public Works Department budget for the purchase of the Rowing Facility racing marker buoys as approved by the City Council on March 24, 2015. | | |

SANITATION FUND

- | | | |
|---|----|---------|
| 1. Increase Capital - Vehicles (49534-66400) | \$ | 91,515 |
| To amend the Environmental Services Department budget for the purchase of a Pup truck in the Sanitation Division as approved by Council on July 28, 2015. | | |
| 2. Decrease Fund Balance (49599-59900) | \$ | 91,515 |
| Total Sanitation Fund Adjustments | | |
| Total Decrease to Fund Balance – All Funds | \$ | 155,514 |

NOW, THEREFORE, BE IT RESOLVED, that the above said budget amendments of the City of Clermont for the Fiscal Year 2014-2015 are hereby adopted.

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

AGENDA ITEM

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Meeting Date		
Tuesday, November 10, 2015		
Agenda Item Name		
Legislative Consulting Agreement		
Requested Action		
Motion to approve a piggyback contract for Professional Services related to the State of Florida Legislator for the amount of \$40,000.00.		
Staff Report		
The City of Clermont requires legislative consulting services to coordinate the City's State appropriations, authorizations, grant proposals, legislation, policy related activities and to secure funding for the City objectives and special projects. In addition, to maintain contact with key State Representatives and Senator's on behalf of the City and lobby the Florida Legislature and Executive Branch of State government, legislative committees, joint legislative committees, State agencies or departments, administrative offices, as well as other State organizations. Staff recommends approval to piggyback Lake County Contract #16-0203 for Legislative Consulting Services with Gray Robinson P.A. The annual projected cost is \$40,000.00		
Additional Analysis		
Fiscal Impact Summary		
Funds are available in the current year approved budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$30,000.00	60552-53100	\$30,000.00
\$10,000.00	41533-53100	\$10,000.00
Exhibits Attached (copies of original agreements)		
1. Letter of Engagement	Revised City of Clermont Engagement Letter.pdf	
2. Contract 16-0203	Contract 16-0203.pdf	
3. RFI No. 1611-001	RFI 1611-001.pdf	
4. 16-0203 Tabulation of Bids	16-0203_TabulationofBids.pdf	

407-244-5649

CHRIS.CARMODY@GRAY-ROBINSON.COM

November 5, 2015

Mr. Darren Gray
City Manager
City of Clermont
685 W. Montrose Street
Clermont, FL 34711

Re: Lobbying Representation

Dear Mr. Gray:

Thank you for your confidence in GrayRobinson's representation of the City of Clermont (the "Company"). Our representation will include providing assistance with Executive and Legislative branch lobbying services during the 2016 session. The Term of this engagement shall be from November 1, 2015 until October 31, 2016. Our representation under this engagement is solely confined to lobbying services and does not include legal services which may be contracted for separately at your discretion.

The purpose of this letter is to confirm the monthly retainer amount and to otherwise clarify the general terms and conditions under which GrayRobinson will provide representation. Robert Stuart, Jr., Christopher Dawson and Angie Langley will assist me with the scope of work listed above. Our retainer for this scope of work will be \$40,000 divided into 4 payments of \$10,000 per quarter beginning on November 1, 2015. Company may terminate the agreement at any time without cause upon thirty (30) days written notice to GrayRobinson.

The Florida Legislature's Joint Legislative Auditing Committee has issued guidelines on the application of the Executive and Legislative branch lobbying registrations and reporting of fees and costs. Based upon those guidelines, we will be registering to represent you before the Executive Branch as well as the Legislative Branch. Fees for registration are:

Executive Branch: \$25.00 per principal
Legislative Branch: \$50.00 for one principal and \$20.00 for each additional principal

In addition to our fee, any out-of-pocket expenses incurred on your behalf including,

Mr. Darren Gray
November 5, 2015
Page 2

but not limited to, lobbying registration fees will be billed to you as these charges are incurred. We will endeavor to keep such expenses to a minimum and we will contact you for prior approval before incurring any expenses in excess of \$100.00.

GrayRobinson will report 50% of our fees and reimbursements as Legislative Branch lobbying fees and costs and 50% as Executive Branch lobbying fees and costs. All payments are subject to public disclosure per Florida Statute.

Because of the relatively large size of our firm and our representation of many other clients, it is possible that there may arise in the future a dispute between another client and you. Our acceptance of the current representation of you will preclude us from accepting future representations adverse to you, which involve matters substantially related to the work we perform in the course of this engagement. However, as a condition to our undertaking the representation described in this letter, if a matter representing another client emerges before the City of Clermont such as procurement, land use, code, etc., GrayRobinson will seek a conflict of waiver in order to proceed with that other client. If the waiver is given and the matter moves to a litigious posture, GrayRobinson would withdraw from such representation.

If this meets with your approval, please indicate by having the extra copy of this letter signed in the space provided below, and return it to our offices. Your approval of this letter will include agreement regarding the fees and costs arrangement.

We appreciate the confidence and trust you have reposed in us in asking us to represent you and encourage you to communicate with me if at any time you have questions on the status or progress of your matters.

Sincerely,



Christopher L. Carmody

CLC:dbl

ACCEPTED BY CITY OF CLERMONT

Date: _____

By: _____

Its _____

GRAY|ROBINSON

ATTORNEYS AT LAW

PRIVACY POLICY

Attorneys, like other professionals who advise on personal financial matters, are now required by a new federal law to inform their clients of their policies regarding privacy of client information. Attorneys have been, and continue to be, bound by professional standards of confidentiality that are even more stringent than those required by this new law. Therefore, we have always protected your right to privacy and do not take lightly the confidence you place in us.

In the course of providing our clients with financial and tax planning and preparation services, employment counseling, bankruptcy activities, certain real estate services, and other certain financial services, we receive significant personal financial information about you either from you or with your authorization. If you are a current or former client of GrayRobinson, P.A. you should know that all information that we receive about you is held in extreme confidence, and is not released to any person or entity outside of this law firm, except as agreed upon by you, or as required under applicable law.

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your non-public personal information, we maintain physical, electronic, and procedural safeguards that comply with our professional standards.

Please call if you have any questions regarding this matter. Your privacy, our professional ethics, and the ability to provide you with quality legal services are very important to us.

BOCA RATON 225 N.E. Mizner Blvd., Ste. 500 Boca Raton, FL 33432 561-368-3808 Fax: 561-368-4008	FT. LAUDERDALE 401 E. Las Olas Blvd., Ste. 1710 Ft. Lauderdale, FL 33301 954-761-8111 Fax: 954-761-8112	JACKSONVILLE 50 N. Laura St., Ste. 1100 Jacksonville, FL 32202 904-598-9929 Fax: 904-598-9109	LAKELAND One Lake Morton Dr. P.O. Box 3 (33802-0003) Lakeland, FL 33801 863-284-2200 Fax: 863-688-0310	MELBOURNE 1795 W. NASA Blvd. P.O. Box 1870 (32902-1870) Melbourne, FL 32901 321-727-8100 Fax: 321-984-4122
MIAMI 1221 Brickell Ave., Ste. 1650 Miami, FL 33131 305-416-6880 Fax: 305-416-6887	NAPLES 8889 Pelican Bay Blvd., Ste. 400 Naples, FL 34108 239-598-3601 Fax: 239-598-3164	ORLANDO 301 E. Pine St., Ste. 1400 P.O. Box 3068 (32802-3068) Orlando, FL 32801 407-843-8880 Fax: 407-244-5690	TALLAHASSEE 301 S. Bronough St., Ste. 600 P.O. Box 11189 (32302-3189) Tallahassee, FL 32301 850-577-9090 / 850-222-7717 Fax: 850-577-3311 or 850-222-3494	TAMPA 401 E. Jackson St., Ste. 2700 P.O. Box 3324 (33601-3324) Tampa, FL 33602 813-273-5000 Direct Dial: 813-273 + Ext. Fax: 813-273-5145

POLICY REGARDING FEES AND EXPENSES

BILLING

You will be billed periodically, usually monthly. There will be a service charge of 1-1/2% per month on all accounts not paid within 30 days of the date the statement is mailed to you. Interest charges will be added on to any outstanding balance and will be reflected in subsequent statements.

In the event you should disagree with or question any amount due under an invoice, you agree to communicate such disagreement to us, in writing, within thirty (30) days of the invoice date. Any disagreement you may have with a bill that is not communicated to us within that period shall be deemed waived.

COMMENCEMENT OF REPRESENTATION:

Our representation will not commence until we receive a signed copy of the letter to which this statement is attached, together with payment of any retainer specified therein.

WITHDRAWAL FROM REPRESENTATION:

We reserve the right to withdraw as your counsel in the event you fail to honor your agreement with respect to our legal fees or for any just reason as permitted or required under the Florida Code of Professional Responsibility or as permitted by the rules of courts of the State of Florida. In the event of our withdrawal, you will promptly pay for all services rendered by us prior to the date of withdrawal.

FILE RETENTION:

You should be aware of our file retention policy. Once your case is concluded, the file will be officially closed. Once the file is closed, it may be sent to off-site storage, and there may be costs associated with retrieval of information from the file. We retain stored and closed files for a period of ten (10) years after which time they may be destroyed. Thus, if there are any documents which you need from the documents we possess, we recommend that you obtain them at the conclusion of your case.

**AGREEMENT BETWEEN
LAKE COUNTY, FLORIDA and
GRAYROBINSON, P.A.
FOR
LOBBYIST SERVICES
RFP #16-0203**

This is an Agreement between Lake County, Florida, a political subdivision of the State of Florida, herein referred to as the COUNTY, by and through its Board of County Commissioners, and GrayRobinson, P.A., their successors and assigns, herein collectively referred to as FIRM.

WITNESSETH:

WHEREAS, the COUNTY publicly submitted an Request for Proposal (RFP) #16-0203 seeking firms or individuals to provide State Governmental lobbying services on behalf of the COUNTY;

WHEREAS, GrayRobinson, P.A. is qualified, willing and able to provide lobbyist services for the COUNTY;

WHEREAS, GrayRobinson, P.A. desires to provide such services for the COUNTY subject to the terms of this Agreement; and

WHEREAS, this Agreement is in the best interests of the parties and will benefit the residents of Lake County, Florida.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, understandings, conditions, promises, covenants and payment hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

Article 1. Recitals

1.1 The foregoing recitals are true and correct and incorporated herein.

Article 2. Scope of Professional Services

2.1 On the terms and conditions set forth in this Agreement, the COUNTY hereby engages FIRM to provide State Governmental lobbyist services in accordance to the Scope of Services, attached hereto and incorporated herein as **Attachment A**. It is understood that the Scope of Services may be modified or changed by either party, but to be effective any modification or amendment must be in writing, executed by the parties, and in accordance with the COUNTY's

Purchasing Policies and Procedures. A copy of these policies and procedures shall be made available to FIRM upon request.

2.2 This Agreement shall commence on the date the last party hereto executes it and shall remain in effort for twelve (12) months. Prior to, or upon completion, of the initial term of this Agreement, the COUNTY shall have the option to renew this Agreement for four (4) additional twelve (12) month periods under the same terms and conditions. Continuation of the Agreement beyond the initial period, and any option subsequently exercised, is a County prerogative, and not a right of FIRM. This prerogative may be exercised only when such continuation is clearly in the best interest of the COUNTY.

Article 3. Personnel

3.1 FIRM has represented to the COUNTY that the services to be provided under this Agreement will be performed by Christopher L. Carmody, Jr., Christopher Dawson, J. Michael Huey, Burt L. Saunders, and Robert F. Stuart, Jr. The COUNTY has relied on this representation as an inducement of entering into this Agreement. In the event FIRM wishes to substitute personnel or to provide additional personnel, FIRM shall propose a person with equal or higher qualifications and such addition or replacement is subject to prior written approval by the COUNTY. In the event the requested person is not satisfactory to the COUNTY and the matter cannot be resolved to the satisfaction of the COUNTY, the COUNTY reserves the right to cancel this Agreement for cause. At any time during the duration of this Agreement, the COUNTY may require FIRM to remove any employee it deems unacceptable.

3.2 During the term of this Agreement FIRM assures the COUNTY that it is in compliance with Title VII of the 1964 Civil Rights Act, as amended, and the Florida Civil Rights Act of 1992, in that FIRM does not on the grounds of race, color, national origin, religion, sex, age, disability or marital status, discrimination in any form or manner against FIRM employees or applicants for employment. FIRM understands and agrees that this Agreement is conditioned upon the veracity of this statement of assurance.

3.3 The employee(s) of FIRM shall be considered at all times its/their employee(s) and not an employee(s) or agent(s) of the COUNTY. FIRM and all its employees, agree that they shall be acting as an independent contractor(s) and shall not be considered or deemed to be an agent, employee, joint venturer, or partner of the COUNTY.

3.4 FIRM shall obtain and maintain throughout the term of this Agreement any and all licenses required to do business in the State of Florida and in Lake County, Florida. FIRM shall ensure that all persons employed by the vendor, including any and all subcontractors, during the term of this Agreement meet the employment eligibility requirements of the State of Florida and the United States of America. The FIRM shall ensure that its employees who performing services under this Agreement and who are attorneys, maintain good standing with the Florida Bar.

Article 4. Pricing

4.1 COUNTY agrees to compensate FIRM for services provided under this Agreement at the blended hourly rate of Two Hundred Dollars (\$200.00) per hour, up to an amount not to exceed Fifty Thousand Dollars (\$50,000). This rate shall prevail for the full duration of the initial term of this Agreement. This blended hourly rate encompasses all personnel classifications that may require for any given task or service requested under this Agreement. This rate shall include, but not be limited to, all salary, benefits, overhead, profit and local travel costs. Local travel costs is defined as travel within Lake County and within a seventy five (75) mile radius of Tavares, Florida. The parties acknowledge and agree that the COUNTY does not guarantee a minimum quantity or dollar value of work and no monthly retainer fees shall be required.

4.2 FIRM shall submit periodic invoices to the County for the service(s) and/or task(s) performed. The invoices shall itemize the charges by identifying the service or task performed and the total hours performed for the service or task. Submittal of these periodic invoices shall not exceed thirty (30) calendar days from the performance of the service(s) and/or task(s). All invoices shall contain the RFP number. Failure to submit invoices in the prescribed manner will delay payment, and FIRM may be considered in default and this Agreement may be terminated. Under no circumstances shall the invoices be submitted to the County in advance of the delivery and acceptance of the items.

4.3 The COUNTY shall make payment on all undisputed invoices in accordance with the Florida Prompt Payment Act, Part VII, Chapter 218, Florida Statutes.

Article 5. Special Terms and Conditions

5.1 Termination. This Agreement may be terminated by either party by submitting written notice thirty (30) days in advance to the other party. If any service hereunder is in progress but not completed on the date of termination, then this Agreement may be extended upon written approval of the COUNTY until said service is completed and accepted. In the event of termination, FIRM shall submit a final invoice to the COUNTY and the COUNTY agrees to compensate FIRM for all services provided prior to effective date of termination.

5.2 Termination Due to Unavailability of Funds in Succeeding Fiscal Years. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year, this Agreement shall be canceled and FIRM shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the services delivered under this Agreement.

5.3 Right to Audit. The COUNTY reserves the right to require FIRM to submit to an audit by any auditor of the COUNTY's choosing. FIRM shall provide access to all of its records, which relate directly or indirectly to this Agreement at its place of business during regular business hours. FIRM shall retain all records pertaining to this Agreement and upon request make them available to the COUNTY for three (3) years following expiration of the Agreement. FIRM agrees to provide such assistance as may be necessary to facilitate the review or audit by the COUNTY to ensure compliance with applicable accounting and financial standards. This

provision is hereby considered to be included within, and applicable to, any subcontractor agreement entered into by the FIRM in performance of any work hereunder.

If an audit inspection or examination pursuant to this section discloses overpricing or overcharges of any nature by the FIRM to the COUNTY in excess of one percent (1%) of the total contract billings, in addition to making adjustments for the overcharges, the reasonable actual cost of the COUNTY's audit shall be reimbursed to the COUNTY by FIRM. Any adjustments and/or payments which must be made as a result of any such audit or inspection of FIRM's invoices and/or records shall be made within a reasonable amount of time, but in no event shall the time exceed ninety (90) days, from presentation of the COUNTY's audit findings to FIRM.

5.4 Public Records.

A. All electronic files, audio and/or video recordings, and all papers pertaining to any activity performed by FIRM for or on behalf of the COUNTY shall be the property of the COUNTY and will be turned over to the COUNTY upon request. In accordance with Chapter 119, Florida Statutes, each file and all papers pertaining to any activities performed for or on behalf of the COUNTY are public records available for inspection by any person even if the file or paper resides in the FIRM's office or facility. FIRM shall maintain the files and papers for not less than three (3) complete calendar years after the project has been completed or terminated, or in accordance with any grant requirements, whichever is longer. Prior to the termination of this Agreement, the FIRM shall appoint a records custodian to handle any records request and provide the custodian's name and telephone number(s) to the COUNTY.

B. Any copyright derived from this Agreement shall belong to the author. The author and FIRM shall expressly assign to the COUNTY nonexclusive, royalty free rights to use any and all information provided by the FIRM in any deliverable and/or report for the COUNTY's use which may include publishing in COUNTY documents and distribution as the COUNTY deems to be in the COUNTY's best interests. If anything included in any deliverable limits the rights of the COUNTY to use the information, the deliverable shall be considered defective and not acceptable and FIRM will not be eligible for any compensation.

C. Pursuant to Section 119.0701, Florida Statutes, FIRM shall comply with the Florida Public Records' laws, and shall:

1. Keep and maintain public records that ordinarily and necessarily would be required by the COUNTY in order to perform the services identified herein.
2. Provide the public with access to public records on the same terms and conditions that the COUNTY would provide the records and at a cost that does not exceed the cost provided for by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

4. Meet all requirements for retaining public records and transfer, at no cost, to the COUNTY all public records in possession of FIRM upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the COUNTY in a format that is compatible with the information technology systems of the COUNTY.

Failure to comply with this subsection shall be deemed a breach of the contract and enforceable as set forth in Section 119.0701, Florida Statutes.

5.5 Insurance. Within five (5) days of the effective date of this Agreement, FIRM shall provide the COUNTY an original certificate of insurance, indicating that FIRM has coverage in accordance with the requirements of this paragraph. FIRM shall provide and maintain at all times during the term of this Agreement and any renewals thereof, without cost or expense to the County, policies of insurance, with a company or companies authorized to do business in the State of Florida, and which are acceptable to the County, insuring FIRM against any and all claims, demands or causes of action whatsoever, for injuries received or damage to property relating to the performance of duties, services and/or obligations of the FIRM under the terms and provisions of this Agreement.

Such policies of insurance, and confirming certificates of insurance, shall insure the FIRM is in accordance with the following minimum limits:

General Liability insurance on forms no more restrictive than the latest edition of the Occurrence Form Commercial General Liability policy (CG 00 01) of the Insurance Services Office or equivalent without restrictive endorsements, with the following minimum limits and coverage:

Each Occurrence/General Aggregate	\$1,000,000/2,000,000
Products-Completed Operations	\$2,000,000
Personal & Adv. Injury	\$1,000,000
Fire Damage	\$50,000
Medical Expense	\$5,000
Contractual Liability	Included

Automobile liability insurance, including owned, non-owned, and hired autos with the following minimum limits and coverage:

Combined Single Limit	\$1,000,000
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Workers' compensation insurance based on proper reporting of classification codes and payroll amounts in accordance with Chapter 440, Florida Statutes, and/or any other applicable law requiring workers' compensation (Federal, maritime, etc). If not required by law to maintain workers compensation insurance, FIRM must provide a notarized statement that if an employee of the FIRM is injured; he or she will not hold the County responsible for any payment or compensation.

Employers Liability insurance with the following minimum limits and coverage:

Each Accident	\$1,000,000
Disease-Each Employee	\$1,000,000
Disease-Policy Limit	\$1,000,000

Professional liability and/or specialty insurance (medical malpractice, engineers, architect, consultant, environmental, pollution, errors and omissions, etc.) insurance as applicable, with minimum limits of \$1,000,000 and annual aggregate of \$2,000,000.

Lake County, a Political Subdivision of the State of Florida, and the Board of County Commissioners, shall be named as additional insured as their interest may appear on all applicable liability insurance policies.

The certificate(s) of insurance, shall provide for a minimum of thirty (30) days prior written notice to the County of any change, cancellation, or nonrenewal of the provided insurance. It is the FIRM specific responsibility to ensure that any such notice is provided within the stated timeframe to the certificate holder.

If it is not possible for FIRM to certify compliance, on the certificate of insurance, with all of the above requirements, then FIRM is required to provide a copy of the actual policy endorsement(s) providing the required coverage and notification provisions.

Certificate(s) of insurance shall identify the applicable solicitation (RFP) number in the Description of Operations section of the Certificate.

Certificate holder shall be:

LAKE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF
FLORIDA, AND THE BOARD OF COUNTY COMMISSIONERS.
P.O. BOX 7800
TAVARES, FL 32778-7800

Certificates of insurance shall evidence a waiver of subrogation in favor of the County, that coverage shall be primary and noncontributory, and that each evidenced policy includes a Cross Liability or Severability of Interests provision, with no requirement of premium payment by the County.

All self-insured retentions shall appear on the certificate(s) and shall be subject to approval by the County. At the option of the County, the insurer shall reduce or eliminate such self-insured retentions, or FIRM be required to procure a bond guaranteeing payment of losses and related claims expenses.

The County shall be exempt from, and in no way liable for, any sums of money, which may represent a deductible or self-insured retention in any insurance policy. The payment of such

deductible or self-insured retention shall be the sole responsibility of FIRM providing such insurance.

Failure to obtain and maintain such insurance as set out above will be considered a breach of contract and may result in termination of this Agreement for default.

Neither approval by the County of any insurance supplied by FIRM, nor a failure to disapprove that insurance, shall relieve the FIRM of full responsibility for liability, damages, and accidents as set forth herein.

5.6 Indemnification. FIRM shall indemnify and hold COUNTY and its agents, officers, commissioners or employees harmless for any damages resulting from failure of FIRM to take out and maintain the above insurance. Additionally, FIRM agrees for good and valuable consideration in the amount of ten dollars (\$10.00) to indemnify, and hold the Board of County Commissioners, Lake County, Florida, and its officers, commissioners, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities resulting from the negligent act, error or omission of FIRM, its agents, employees or representative, in the performance of FIRM's duties set forth in this Agreement.

Article 6. Miscellaneous Provisions

6.1 This Agreement is made under, and in all respects shall be interpreted, construed, and governed by and in accordance with, the laws of the State of Florida. Venue for any legal action resulting from this Agreement shall lie in Lake County, Florida.

6.2 Neither party may assign any rights or obligations under this Agreement to any other party unless specific written permission from the other party is obtained. Additionally, the FIRM shall notify and obtain prior written consent from the COUNTY prior to any merger or acquisition with and/or by any other entity.

6.3 The captions utilized in this Agreement are for the purposes of identification only and do not control or affect the meaning or construction of any of the provisions hereof.

6.4 This Agreement shall be binding upon and shall inure to the benefit of each of the parties and of their respective successors and permitted assigns.

6.5 This Agreement may not be amended, released, discharged, rescinded or abandoned, except by a written instrument duly executed by each of the parties hereto.

6.6 The failure of any party hereto at any time to enforce any of the provisions of this Agreement will in no way constitute or be construed as a waiver of such provision or of any other provision hereof, nor in any way affect the validity of, or the right thereafter to enforce, each and every provision of this Agreement.

6.7 FIRM shall at all times comply with all Federal, State and local laws, rules and regulations. Any fines levied by the above mentioned authorities for failure to comply with these requirements shall be borne solely by FIRM.

6.8 Any individual, corporation, or other entity that attempts to meet its contractual obligations with the COUNTY through fraud, misrepresentation or material misstatement, may be debarred for up to five (5) years. The COUNTY as a further sanction may terminate or cancel any other contracts with such individual, corporation, or entity. Such individual or entity shall be responsible for all direct or indirect costs associated with termination or cancellation, including attorney's fees.

6.9 The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

6.10 Wherever provision is made in this Agreement for the giving, service or delivery of any notice, statement or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail addressed as follows:

If to FIRM:

GrayRobinson, P.A.
301 E. Pine Street, Suite 1400
P.O. Box 3068
Orlando, Florida 32802

If to COUNTY:

County Manager
County Administration Building
315 West Main Street, Suite 308
Post Office Box 7800
Tavares, Florida 32778-7800

Each party hereto may change its mailing address by giving to the other party hereto, by hand delivery, United States registered or certified mail notice of election to change such address.

Article 7. Scope of Agreement

7.1 This Agreement is intended by the parties hereto to be the final expression of their Agreement, and it constitutes the full and entire understanding between the parties with respect to the subject hereof, notwithstanding any representations, statements, or agreements to the contrary heretofore made. Any items not covered under this contract will need to be added via written addendum, and pricing negotiated based on final specifications.

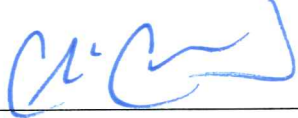
7.2 This Agreement contains the following attachment which is incorporated herein:

Attachment A: Scope of Services

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: COUNTY through its Board of County Commissioners and by FIRM through its/their duly authorized representatives.

FIRM

GrayRobinson, P.A.

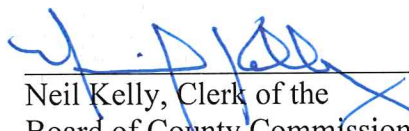
By: 

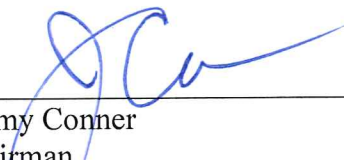
Printed Name: Chris Carmody

Title: Shareholder / Attorney

COUNTY

ATTEST:


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


Jimmy Conner
Chairman

This 28th day of October, 2015.

Approved as to form and legality:


Sanford A. Minkoff
County Attorney

ATTACHMENT A

SCOPE OF SERVICES

FIRM acknowledges and agree to provide the following services for the COUNTY: (1) presenting policy recommendations to agencies and elected officials, (2) monitoring legislation and policy as it pertains to the County's interests, (3) securing public sector funding, and (4) maximizing the benefit to Lake County in regards to pending and current legislation. FIRM shall provide these services on an on-call task basis. Any request to FIRM for performance of services under this Agreement shall be made in writing by the Lake County Manager on behalf of the COUNTY. **FIRM understands and agrees that it/they shall not accept or perform any task or service that has not been approved by the County Manager.**

As and if directed by specific task order, FIRM will be responsible for monitoring, identifying, and prioritizing opportunities and challenges for Lake County, Florida with respect to issues under consideration by the State Legislature, Governor's Office and relevant state agencies, and rule-making bodies. FIRM agrees to provide the following services, if requested:

1. Lobbying, or otherwise advocating, for the County's position on legislation, appropriations and matters of interest, including, but not limited to:
 - a. Direct contact and communication with the executive branch;
 - b. Direct contact and communication with state legislators and staff;
 - c. Direct contact and communication with representatives of state agencies;
 - d. Draft letters and talking points on legislation as necessary; and
 - e. Testify on behalf of the County at hearings before legislative committees.
2. Providing regular weekly (more frequently if required) written briefing reports during conference and legislative sessions for the County on key issues and legislative activity.
3. Providing briefings in-person as requested by the County.
4. Advising the County on an ongoing basis to identify State issues and State revenue sources which would benefit the residents of Lake County including, but not limited to, the availability of State funding in grant programs or otherwise.
5. Providing analysis and make recommendations in areas such as finance and taxation, the appropriations process, State regulation, growth management, planning, and any and all other legislative subject matters as directed or may come to the attention of the vendor.
6. Arranging for sponsors in support of the County's legislative program and working diligently to attain the passage of the County's proposals

7. Providing information concerning the status of the individual bills and rules affecting the County and render advice and opinions as to strategy.
8. Informing the County's designated representative of the necessity or desirability for participation by the County Chairman, County Commissioners and County staff in the legislative or rulemaking processes to secure the implementation of the County's programs.
9. Attending meetings with the Board of County Commissioners and County staff as needed and requested by the County.
10. Preparing and presenting oral reports to the Board of County Commissioners or to County staff, as needed or requested, and deliver a final report on regular legislative sessions and any special sessions, as requested, including detailed information on legislation which has an impact on the County. The vendor shall provide to the County on a continuing basis, an analysis and a presentation of any pending legislation and appropriations affecting the County, directly or indirectly.
11. Advocating for the positions of the County before State agencies and the Florida Legislature.
12. Scheduling and coordinating a legislative delegation visit for County officials early in the legislative session, for County officials to meet with the legislative delegation and present the County's legislative program.
13. Perform other pertinent tasks as directed by the County.

FIRM shall Maintain a close working relationship with the COUNTY and COUNTY staff throughout the term of this Agreement.



REQUEST FOR INFORMATION

Intent to Utilize Lake County BCC Contract for Lobbyist Services

CONTACT INFORMATION: Freddy L. Suarez, MPA, CPPB Purchasing Director EMAIL: fsuarez@clermontfl.org Phone: (352) 241-7350	RFI No. 1611-001	ISSUED DATE: November 2, 2016
	NOTICE OF INTENT TO PIGGYBACK A CONTRACT NOTICE END DATE: <u>November 10, 2015 at 2:00 P.M. (EST)</u> DEADLINE FOR WRITTEN QUESTIONS: <u>Not Applicable</u>	

SOLICITATION RESPONSE: Responses will be received until the notice end date specified above or as otherwise amended. No late responses will be accepted.

Responses may be submitted electronically to the Purchasing Director by email.

Hardcopy responses may be delivered to: City of Clermont Purchasing Department, 685 West Montrose Street, 2nd Floor, Clermont, FL 34711.

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

1 – PIGGYBACK CONTRACT INFORMATION

(a) Department: City Manager's Office

(b) Company Information: GrayRobinson, P.A.

(c) Contract Number and Title: 16-0203 / Lobbyist Services

(d) Length of Contract: One (1) year w/optional four (4) one-year renewals.

(e) Product or Service Provided: State governmental lobbying services which includes, but not limited to, monitoring legislation and policy, securing public sector funding, maximizing to the City regarding current legislation.

2 – ACTION TO BE TAKEN

If you're a local vendor, please contact the Purchasing Director by email or by mail prior to the "Notice End Date" indicated above to advise whether your company can provide any of the product or service mentioned above.

Prospective local vendor respondents are requested to provide information regarding their ability to provide the product or serve described. **Respondents are not to provide pricing.** All responses will be evaluated by the Purchasing Department and the Department requesting the product or service which will be the sole determining power in establishing the approved equal status of the commodity offered by the respondent.

TABULATION SHEET

Request for Statement of Qualifications (RSQ) 16-0203, Lobbyist Services

Opening Date and Time: 11 Sep 15, 3:00 PM

Contracting Officer: B. Schwartzman

Vendor	Location
Lisa Miller & Associates, LLC	Tallahassee, Florida
The Advocacy Group at Cardenas Partners, LLC	Tallahassee, Florida
Capital City Consulting, LLC	Tallahassee, Florida
Pittman Law Group	Tallahassee, Florida
Capital Insight, LLC	Tallahassee, Florida
GrayRobinson, P.A.	Orlando, Florida
Buchanan Ingersoll & Rooney	Tallahassee, Florida

Notes:

- No Pre-Proposal Conference



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date					
Tuesday, November 10, 2015					
Agenda Item Name					
Legislative Priorities					
Requested Action					
Motion to approve the City of Clermont's list of Legislative Priorities to include the Master Plan Projects, as well as potential alternative water supply projects.					
Staff Report					
The City of Clermont has recently revised its list of Legislative Priorities to include the potential Master Plan Projects as adopted by City Council, in March of this year. In addition, alternative water supply projects have been identified as an area of potential development and funding. Staff recommends approval of this list of legislative priorities. <u>Legislative Priorities</u> - The Promenade - West Lake Stormwater - Minneola Green Street Project - Downtown Front Door Improvements - Alternative Water Supply through Lower Floridan Aquifer Wells					
Additional Analysis					
Fiscal Impact Summary					
Fiscal Impact		Fund Number and Description		Available Budget Amount	
Exhibits Attached (copies of original agreements)					



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date						
Tuesday, November 10, 2015						
Agenda Item Name						
First Amendment to Facility Management and Promotion License Agreement						
Requested Action						
Approve amendment.						
Staff Report						
The City of Clermont & E&M Theatrical Inc. entered into an agreement in which E&M would manage the city's theater with the idea that the City would eventually take over the sole management. The City and E&M wish to establish a date for the transition. The City requests that the Council approve the amendment, which also includes an exhibit of shows.						
Additional Analysis						
Fiscal Impact Summary						
Fiscal Impact	Fund Number and Description	Available Budget Amount				
Exhibits Attached (copies of original agreements)						
<table border="0"> <tr> <td>1. Amendment one</td> <td>First Amendment.rtf</td> </tr> <tr> <td>2. Exhibit a</td> <td>First amend Exh A.docx</td> </tr> </table>			1. Amendment one	First Amendment.rtf	2. Exhibit a	First amend Exh A.docx
1. Amendment one	First Amendment.rtf					
2. Exhibit a	First amend Exh A.docx					

FIRST AMENDMENT TO FACILITY MANAGEMENT

AND PROMOTION LICENSE AGREEMENT

THIS AMENDMENT is to that certain agreement of January 27, 2015 (hereinafter referred to as the "Agreement") between the City of Clermont, hereinafter referred to as "CITY" and E&M Theatricals Inc., a Florida For-profit corporation, hereinafter referred to as "Licensee," whose address is 5973 Chesapeake Pk, Orlando, FL 32819. The parties, in exchange for the mutual covenants contained herein and in the Agreement, agree as follows:

1. This Amendment expressly modifies the Agreement and in the event of a conflict, the terms and conditions of this Amendment shall prevail.

2. Section 1, Term and Termination, of the Agreement is amended to provide that the Agreement shall terminate effective November 11, 2015. Thereafter, except as may be provided herein and those obligations contained in the Agreement ~~and~~ specifically intended to survive termination of the Agreement, the Agreement shall be terminated without further consequence, obligations or rights of any kind inuring to the benefit or obligation of either party ~~including, but not limited to the right of either party to maintain a claim for damages arising out of the Agreement.~~ Specifically, by execution of this Amendment, the parties agree, on behalf of themselves, their officers, officials, employees and assigns to mutually release each other from any and all claims of any kind for damages of any kind arising out of, or related to, in any manner, the Agreement, including, but not limited to, any claim for monetary damages, reimbursement, expenses and/or attorney fees existing, whether known or unknown as of the date of this Amendment..

3. Additional Terms. The Parties agree to the following additional terms and conditions:

a. Licensee agrees to consent to the assignment to CITY of the performance- related agreements between third party performers and Licensee as more particularly described in Exhibit “A” attached hereto and incorporated herein, hereinafter referred to as the “Third-Party Agreements”. Nothing herein shall obligate CITY to accept assignment of any ~~agreement~~ Third Party Agreement, other than the “Third Party Agreements” set forth in Exhibit “A”. As a condition of acceptance of assignment of any Third Party Agreement, CITY agrees to perform all obligations of Licensee contained in or associated with the Third Party Agreement, except and not including any deposit or partial payment made by Licensee prior to November 11. It is expressly agreed that CITY shall not be obligated to reimburse Licensee for any deposits or partial payments paid by Licensee, except as set forth in paragraph 3d, below. On or before November 9, 2015~~October 30, 2015~~, Licensee shall provide to CITY any and all documents, data, information of any kind on a per performance basis, including, but not limited to:

(1) ticket sales information, to include number of tickets sold, contact information for ticket purchasers, number of complimentary tickets distributed, and revenue received from ticket sales including all fees paid to Licensee by the purchaser, for each performance or show referenced in the Third Party Agreements;

(2) production, marketing and advertising costs expended to date for each performance or show referenced in the Third Party Agreements;

(3) information, including amount of sponsorship, sponsorship contact information and sponsorship agreement, if any, for all sponsors related to the Clermont Performing Arts Center and obtained by or on behalf Licensee;

(4) a complete list,

with contact information, of all season ticket purchasers; and

(5) a complete list, with contact information, of all independent contractors, volunteers or other staff used by Licensee as part of any performance at CITY's facility.

The assignment of all Third Party Agreements and acceptance by CITY shall be completed by November 11, 2015. ~~Unless otherwise agreed to by the Parties, the failure to complete the assignment and acceptance by CITY prior to November 11, 2015, will act as CITY's waiver of any right to assignment of a Third Party Agreement.~~

b. On or before November 11, 2015 CITY shall enter into a contract for ticket selling and related, ~~printing and~~ box office services with www.tixs.com and www.authorize.net as may be required by CITY. Licensee agrees to reasonably cooperate with CITY to ensure transition to CITY of all information and services maintained, provided or obtained by the above referenced ticket services providers with regard to the shows and performances included in Exhibit "A". Licensee's cooperation shall include, but not be limited to, executing any aiuthorization that may be required, including granting any password access required to accomplish the transfer of information. Licensee agrees that CITY may continue to use until December 11, 2015, at no cost to CITY, the ticketing equipment owned by Licensee and more particularly described in Exhibit "B" attached hereto and incorporated herein. At its option and on or before December 11, 2015, CITY may purchase the equipment from Licensee for the costs as set forth in Exhibit "B". Upon payment of the purchase price, if elected by CITY, Licensee shall execute and deliver to CITY a Bill of Sale, acceptable to CITY, for the equipment purchased.

c. Ticket Sales.

~~————— (1) — All sales of tickets by Licensee occurring between October 27, 2015 and November 11, 2015, shall be transferred to CITY by Licensee on or before November 12, 2015. Licensee shall transfer one hundred percent (100%) of the ticket price and related fees received by Licensee.~~

~~————— (2) — All sales of tickets and rental fee payments received by Licensee which occurred prior to ~~October 27, 2015, for performances to occur after~~ November 11, 2015 and for which CITY has accepted assignment of the applicable Third Party Agreements, shall be transferred to CITY by Licensee on or before November 11, 2015. Licensee shall transfer one hundred percent (100%) of the ticket price and related fees and rental payments received by Licensee to CITY less Licensee's reasonable production, marketing and advertising expenses as documented in the records referred to in paragraph 3 a (1) & (2) above, per show or performance and not to include deposits or partial payments to performers, as more particularly described in Exhibit "C" attached hereto and incorporated herein. ~~marketing and advertising expenses as documented in the records referred to in paragraph 3 a (1) & (2) above.~~~~

Licensee shall not transfer any ticket revenue and fees to CITY for performances or shows for which CITY has not accepted assignment of the applicable Third Party Agreement. Licensee shall be responsible for all refunds of ticket sales, including a prorated share of season ticket sales if applicable, for any show cancelled or not accepted for assignment by CITY. CITY shall be responsible for any such refunds for ticket sales in the event any performances or shows set forth in the Third Party Agreements are canceled by CITY.

d. For each Third Party Agreement assigned to and accepted by CITY, the Parties agree that CITY shall reimburse Licensee for all deposits or partial payments paid prior to October 27, 2015 by Licensee under the

applicable Third Party Agreement. CITY shall reimburse the deposits and partial payments amounts set forth herein with thirty (30) days of the date of performance of the applicable show. Nothing herein, or any where else in this Amendment, shall obligate or require CITY to reimburse Licensee for any deposit or partial payments made for any performance or show cancelled by Licensee or noty subject to a and/or any Third Party Agreement. ~~not accepted by assignment by CITY.~~

e. On or before November 11, 2015, Licensee shall assign to CITY all website authorization necessary for CITY to own, control and maintain any and all websites related to the Clermont Performing Arts Center, including but not limited to the following website addresses: www.clermontpac.com; www.clermontperformingarts.com and www.clermontperformingartscenter.com. Thereafter CITY shall have exclusive rights to the websites.

4. Licensee acknowledges that certain obligations contained herein of CITY can only be authorized and approved by the Clermont City Council. The Parties acknowledge and agree that the City Manager has authority to authorize the exchange of information and records herein and the negotiation of the assignment of the Third Party Agreements and by execution of this Amendment below does hereby agree to the subject terms contained herein.

5. All other terms and conditions set forth in the Agreement shall remain in full force and effect and unchanged as agreed to by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day of _____ 2015.

The City of Clermont

By: _____
Darren Gray, City Manager
Subject to approval by City Council

Attest:

Clermont City Council

By: _____
Tracy Ackroyd, City Clerk

By: _____
Mayor Gail Ash.
Approved at its Meeting of
November 10, 2015

Attest:

E&M Theatricals, Inc.

By: _____
Title _____

By: _____
Jeanette C. Linders, President
Date: _____

Exhibit "A" to

FIRST AMENDMENT TO FACILITY MANAGEMENT

AND PROMOTION LICENSE AGREEMENT

Third Party Agreements to be assigned to City:

1. GFour Productions LLC - *Menopause the Musical*
2. Starbrite Musical Productions – *Best of Broadway*
3. *Motortown Christmas*
4. United Entertainment Company, LLC f/s/o *New Shanghai Circus*



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, November 10, 2015		
Agenda Item Name		
East Avenue Study Grant		
Requested Action		
Move to approve.		
Staff Report		
The Lake Sumter MPO has submitted an application to the FDOT for a \$109,752.18 grant to perform a study to determine the best contextual design for East Avenue from Minnehaha Avenue to Grand Highway. There is no match required. The planning study will determine the viability of safety improvements on East Avenue from Grand Highway to Minnehaha Avenue. This corridor includes an elementary school, a middle school, a public ball field, a passive park, and is a gateway to the City's Waterfront Park. The goals of the study is to understand the challenges related to and identify solutions to vehicular, bicycle, and pedestrian safety, and visually improve the corridor.		
Additional Analysis		
Fiscal Impact Summary		
No fiscal impact to the City.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	East Ave Study Grant Application	East Avenue Complete Streets - Planning Study Application.pdf



**THIS FORM SHALL BE SUBMITTED FOR ALL PROJECTS
NOT CURRENTLY IN THE FDOT WORK PROGRAM.
FDOT PROJECT INFORMATION APPLICATION FORM**

DATE: 10/5/2015

1. Project Information:

Project ID (SR, CR, Etc...): East Avenue

From/At (South or West Termini): Grand Highway

To (North or East Termini): Minnehaha Avenue

County: Lake

Project Length (Miles): 1.09

Project Type: Traffic Operations If *other*, please specify:

2. Title of Project Priority List and Project Ranking:

Central Florida MPO Alliance List and Project Ranking (if applicable):

3. Managing Agency Contact Information:

Applicant: City of Clermont

Contact Person: Terry Dykehouse

Title: City Engineer

Address: 400 12th Street

Phone Number: 352-394-7177

E-mail Address: tdykehouse@clermontfl.org

4. Phase(s) Being Requested (double click on box to select appropriate box):

☒ Study

☐ PD&E

☐ Design

☐ Right-of-way

☐ Construction

☐ Other:

5. Project Description:

- a. Project Scope/Description (please be as detailed as possible):

The City of Clermont is requesting a planning study to determine the viability of safety improvements on East Avenue from Grand Highway to Minnehaha Avenue. This corridor includes an elementary school, a middle school, a public ball field, a passive park, and is a gateway to the City's Waterfront Park. The goals of the study are to understand the challenges related to and identify solutions on vehicular bicycle, and pedestrian safety, and visually improve the corridor.

- b. What fiscal year will this project be ready for production/construction:

Work Type	Requested Fiscal Year (July 1-June 30)
Planning Development (Corridor or Feasibility Study)	FY 2016
Project Development and Environment Study (PD&E)	
Design	
Right-of-way Acquisition	
Construction/CEI	
Other	

- c. Please state the purpose and need for this project.

East Avenue experiences heavy vehicular, pedestrian and bicycle traffic during school hours. Cars queue up on the road in the morning and the afternoon. School buses also enter and exit the schools via East Avenue. East Avenue is also a gateway to the City's Waterfront Park which is its premier recreational area, with a playground, sandy swimming beach, picnic areas, fishing piers, pavilion, observation dock, splash pad, restrooms, basketball, open fields, and bike and board rentals. The corridor also provides access to Clarence Bishop Memorial Park, a baseball field and batting cages, and Azalea Park. This study is intended to define the issues that currently limit multimodal travel and access, and to identify possible solutions to improve multimodal safety and enhance the aesthetics of the corridor. This planning study will help the City identify the purpose and need for the potential future roadway improvement.

- d. What data from the statement above was obtained and/or used to support this analysis?

Note: If a study was done, then please provide a copy of the study. If no study was done, please provide documentation to support the need of the project and that the proposed improvements will address the issue.

This application is for a study which will document the need for the project.

- e. Is this project within 5 miles of a Public Airport? If yes, which one(s)?

No

- f. Is this facility a designated SIS corridor, connector, or hub or adjacent to a SIS facility?
No
- g. Is this project on a transit route? If yes, which one(s)?
No
- h. Is this project within the Federal Aid system? Yes
(If yes, FDOT staff needs to verify and check here ☐)

6. Consistency with Local and MPO Plans

- a. Is this project consistent with the Local Government Comprehensive Plan? Yes
If yes, please attach a copy of the page in the Comprehensive Plan.
If no, please state when an amendment will be processed to include the project in the Plan.
- b. Is the project in an MPO Cost Feasible component of the Long Range Transportation Plan (LRTP)?
Yes
If yes, please attach a copy of the page in the LRTP.
If no, please state when an amendment will be done to include the project in the LRTP (if applicable).

Objective 1.1 and 2.1 support a more multi-modal transportation network.

7. Other Information:

- a. Has the Applying Agency been certified by FDOT to perform the work under the Local Agency Program (LAP) process? No

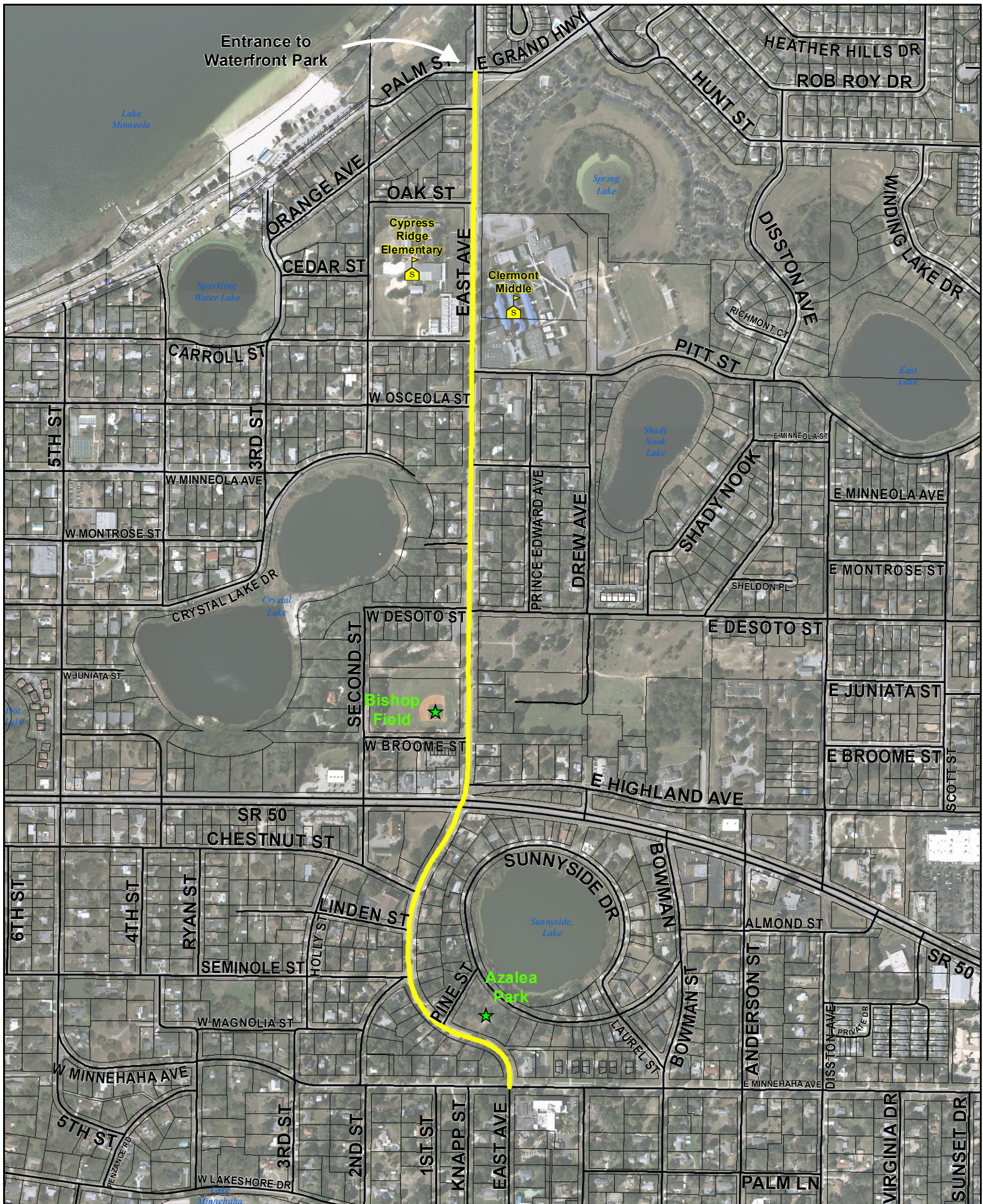
What year was the agency last certified?

- 8. If this is a non-state road project, to be located outside of State Right-of-Way, is there sufficient right-of-way for the project is currently owned by the local government entity? Yes
If yes, please provide proof of right-of-way ownership (right-of-way certification, right-of-way maps or maintenance maps).

Provide an estimate of the total cost of the project phase(s) and attach supporting documents that supports the requested phase estimate (i.e. man-hour estimate and rates, equipment cost and right of way cost).

Work Type	Phase Complete? Yes/No/NA	Responsible Agency (Who performed or who will perform the work?)	Procurement Method? In-house/Advertise	Project Cost Estimate
Planning (Corridor or Feasibility Study)	No		Choose an item.	\$110,000
Project Development and Environment Study (PD&E)	Choose an item.		Choose an item.	\$
Design	Choose an item.		Choose an item.	\$
Right-of-way Acquisition	Choose an item.		Choose an item.	\$
Construction	Choose an item.		Choose an item.	\$
CEI	Choose an item.		Choose an item.	\$
Other:	Choose an item.		Choose an item.	\$
Total Project Cost Estimate:	\$110,000			

- **Include a map showing location of the area of interest. Label important features, roadways, or additional description to help FDOT identify the location and understand the nature of the project.**
- **When requesting the Construction phase please include the following documents, if available:**
 - Signed and sealed plans
 - Engineer's estimate
 - Bid Documents and Specifications Package
 - Signed LAP Construction Checklist
 - Right of Way Certification
 - Environmental Certification
 - All necessary permits





CITY OF CLERMONT
COMPREHENSIVE PLAN

CHAPTER II
TRANSPORTATION ELEMENT

Adopted June 23, 2009

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CHAPTER II TRANSPORTATION

GOAL 1: Provide a safe, efficient and convenient transportation system for motorized and non-motorized users of the Clermont transportation network, while reducing, to the extent possible, greenhouse gas emissions and other environmental impacts.

Objective 1.1: Level of Service. The City shall adopt and adhere to level of service standards for arterial and collector streets.

Policy 1.1.1: The City shall use the most recent Florida Department of Transportation (FDOT) Generalized Peak Hour Level of Service criteria as a general basis for the City's level of service standards.

Policy 1.1.2: The minimum level of service (LOS) standards for roads/traffic circulation are as follows:

- Principal arterials: US 27 (SR 25), which is part of the Strategic Intermodal System, shall be LOS "C"; SR 50 shall be LOS "D"
- Minor arterials and collectors shall be LOS "D."

Policy 1.1.3: The FSUTMS (Florida Standard Urban Transportation Modeling System) and the standard FDOT methods for evaluation of level of service and capacity shall be used, subject to modifications based on travel speed studies.

Policy 1.1.4: The Lake-Sumter Metropolitan Planning Organization's (MPO) Transportation Concurrency Management System (TCMS) and Traffic Impact Study Methodology Guidelines Volume I: Lake County Checkbook TCMS dated May 28, 2008, and as amended, shall serve as the City's transportation concurrency management system.

Policy 1.1.5: As part of the TCMS, the City shall, through the development review process, review proposed new developments for their impact on adopted LOS, interior circulation needs and vehicle parking.

Policy 1.1.6: The City shall initiate studies to identify specific geographic areas abutting US 27 and SR 50 for designation and management as Transportation Concurrency Exception Areas or Transportation Concurrency Management Areas, in order to promote multi-modal transportation and to encourage urban redevelopment, infill development and downtown revitalization.

Policy 1.1.7: The City shall continue to partner with local developers, Lake-Sumter MPO and other government agencies to construct new corridors to relieve arterial and collector road congestion.

Objective 1.2: Roadway Network. The City shall undertake measures designed to assist in the free flow of traffic along major roads and strive to maintain and improve the LOS on those roadways if at any time they operate at an LOS lower than the adopted standard.

Policy 1.2.1: The City shall coordinate with Lake-Sumter MPO and FDOT on a traffic flow management system (signal synchronization) for all future signalization along SR 50 and US 27.

Policy 1.2.2: The City shall coordinate with Lake-Sumter MPO and FDOT on all connections and access points of driveways and roads to county and state roadways, respectively.

Policy 1.2.3: The City shall maintain a record of traffic counts and traffic-related accidents for major roadways in the City's network, and update those records on an annual basis.

Policy 1.2.4: The City shall continue to monitor any future collector and arterial roadway access for any future deficiencies, and shall devise methods and budget funds to alleviate those deficiencies.

Policy 1.2.5: The City shall update its disaster preparedness plan by addressing evacuation procedures, the need for signage, and the availability of emergency shelters.

Objective 1.3: Future Land Use, Housing and Population. The City shall coordinate the transportation system with the adopted Future Land Use Map series and shall ensure that existing and proposed population densities, housing and employment patterns, and land uses are consistent with the transportation modes and services proposed to serve these areas.

Policy 1.3.1: The City shall review roadway improvements, new construction and roadway extensions proposed by other agencies for consistency with the Future Land Use Map series of the comprehensive plan.

Policy 1.3.2: Applications for future land use amendments to more intensive designations shall be accompanied by a traffic impact study analyzing the impacts of the development allowed by the new category on the City-wide transportation system.

Policy 1.3.3: The City's Site Review Committee shall review all future land use and zoning map amendments to determine the impact of the amendment on the level of service for all roadways directly and indirectly affected by the amendment.

Policy 1.3.4: The City shall require that new development be compatible with and further the achievement of Goals, Objectives and Policies of the Transportation Element. Requirements for the compatibility of new development may include, but are not limited to:

- Where appropriate, locating parking to the side or behind the development to provide pedestrian accessibility to building entrances and walkways to the street, rather than separating the building from the street by parking.
- Providing clearly delineated pedestrian routes through parking lots to safely accommodate pedestrian and bicycle circulation and to minimize potential bicycle/pedestrian and automobile interaction.

Policy 1.3.5: Proposed development that is required to follow the site plan review process shall be required to submit a traffic analysis which identifies the development's impact on the City's transportation system.

Policy 1.3.6: Annexations and amendments to the Future Land Use Element shall be reviewed for their potential impacts upon the City's transportation network in order to identify any concurrency required improvements.

Objective 1.4: Reduction of Greenhouse Gas Emissions. The City shall develop strategies through transportation decisions and planning to address the reduction of greenhouse gas emissions, energy conservation and energy-efficient design.

Policy 1.4.1: The City shall coordinate with LYNX to promote car-pooling opportunities for commuters with the same destination.

Policy 1.4.2: The City's Land Development Code shall require new and infill development and redevelopment when feasible to provide interconnections and access to existing and planned multi-modal transportation facilities, including sidewalks and bicycling and transit facilities.

Policy 1.4.3: The City shall coordinate with Lake County, the Lake-Sumter MPO and adjacent municipalities to:

- Initiate a marketing campaign to promote bicycle, pedestrian and other non-motorized transportation options.
- Provide additional multi-modal transportation facilities, including sidewalks and bicycle paths/lanes and the expansion of transit service to include a circulator route in the City and vicinity if warranted by ridership and vehicular usage trends.
- Upgrade existing and provide new transit facilities as warranted such as park and ride lots, bus stops, bus shelters and signage.

Policy 1.4.4: In order to discourage urban sprawl, encourage infill development, reduce greenhouse gases and congestion, the City shall evaluate several strategies for alternatives to transportation concurrency including, but not limited to a Transportation Concurrency Management Area (TCMA), Multi-modal Transportation District (MTD), Transportation Concurrency Exception Area (TCEA) and Long Term Transportation Concurrency Management System (LTCMS).

Policy 1.4.5: The City shall include landscaping and streetscaping as roadway design components in order to enhance the aesthetic and safety of roadways for all users.

Policy 1.4.6: The City shall continue to pursue grant opportunities for median landscaping and road beautification.

Objective 1.5: Intergovernmental Coordination. The City transportation system shall be coordinated with the work plans and programs of Lake County, FDOT, the Florida Transportation Plan, and the Lake-Sumter MPO.

Policy 1.5.1: The City shall coordinate its future transportation needs by attending, when necessary, public hearings and workshops on the FDOT's Five-Year Transportation Plan and Adopted Work Program.

Policy 1.5.2: The City Planning & Zoning and Engineering departments shall review subsequent versions of the FDOT Five-Year Transportation Plan and Adopted Work Program to update or modify this element, as necessary.

Policy 1.5.3: The City shall use county and state numerical indicators for measuring the achievement of City mobility goals. Numerical indicators shall include:

- Modal splits;
- Annual transit trips per capita; and
- Automobile occupancy rates.

Objective 1.6: Connectivity. The City shall provide for the protection of existing and future right-of-way (R-O-W).

Policy 1.6.1: The City shall develop a priority listing of needed R-O-W for the purpose of orderly and economical land acquisition.

Policy 1.6.2: The City Engineering Department shall compile and maintain a listing of existing and projected needs for R-O-W within the urban area.

Policy 1.6.3: The City shall require additional building setbacks for new construction on roadway corridors identified as needing additional R-O-W.

Policy 1.6.4: The City shall establish standards for donation/dedication of R-O-W by developers.

Policy 1.6.5: County roads with inadequate R-O-W shall be inventoried and the City shall coordinate with Lake County for reservation of adequate R-O-W.

Policy 1.6.6: Wherever possible, the City shall require that future development reserve R-O-W in a gridded street network that ensures connectivity.

Policy 1.6.7: For new development, the use of cul-de-sacs shall be limited and gated communities discouraged, to promote connectivity within the development and allow more access points to arterials and collectors.

Policy 1.6.8: The City shall require that roadways be dedicated to the public when there is a compelling public interest for the roadways to connect with existing public roadways.

Policy 1.6.9: The City shall require that future subdivisions with 25 units or more, at a minimum, have at least two points of access open to motor vehicle traffic.

Policy 1.6.10: New subdivisions shall be required where possible to “stub-out” to internal streets and adjoining undeveloped lands to promote road connectivity, and to connect to existing roadways that are “stubbed-out” at their boundaries.

Policy 1.6.11: The City shall establish access management standards in the land development regulations to ensure appropriate access to the City’s transportation system. Standards may include the requirement of joint-use driveways and/or cross-access easements to access sites.

Policy 1.6.12: The City shall preserve the movement function of the major thoroughfare system by requiring development of parallel roads or cross-access easements to connect developments as they are permitted along major roads.

Objective 1.7: Multi-modal System. The City shall promote alternative modes of transportation to provide a safe and efficient multi-modal system and to provide for a possible reduction of individual motor vehicle travel.

Policy 1.7.1: All major roadways shall be designed as complete transportation corridors incorporating transit, bicycle and pedestrian features, and planning for transit features to start creating a true multi-modal system.

Policy 1.7.2: Within the planning timeframe, the City shall prepare a bicycle plan or adopt the Lake-Sumter MPO bicycle plan.

Policy 1.7.3: The City should provide adequate R-O-W and construct bicycle ways along corridors to be specified in the bicycle plan.

Policy 1.7.4: Bike-paths or dedicated bike lanes shall be established along arterial and collector streets in accordance with the City.

Policy 1.7.5: Sidewalks, on both sides of the right-of-way, shall be established on all arterial and collector streets.

Policy 1.7.6: Sidewalks, on both sides of the right-of-way, shall be mandatory on all new roadway construction.

- Sidewalks shall be constructed, concurrently with new non-residential development, by the developer.
- New residential developments with densities of one or more dwelling units per acre shall provide sidewalks on both sides of every street.

Policy 1.7.7: A pedestrian improvement plan shall be prepared, adopted and implemented within the planning timeframe.

Policy 1.7.8: Capital funding priority will be given to those sidewalks in the downtown CRA, projected heavy recreational use areas, and along roadways between residential areas and schools.

Policy 1.7.9: The City will encourage wider sidewalks in high pedestrian/bicycle traffic areas.

Policy 1.7.10: Within the planning timeframe, the City shall develop standards in the land development regulations for access to bicycle and pedestrian systems (such standards shall apply to new developments, substantial improvements of existing developments, and to road improvements).

Policy 1.7.11: Within the planning timeframe, the City shall review the land development regulations and address the provision of bicycle parking and circulation, pedestrian walkways, and handicap-accessible facilities within new developments and existing developments undergoing substantial improvements.

Policy 1.7.12: Intersections shall be made pedestrian-friendly by limiting the pedestrian crossing width; use of adequate lighting; adequate timing for traffic signals; and the provision of facilities for the handicapped.

Policy 1.7.13: The City shall develop standards, for new non-residential development, to establish a maximum number of parking spaces allowed in excess of the parking space requirements of the City's land development regulations, in order to encourage walking, bicycling, ridesharing, and shared parking, and to minimize the creation of excess impervious surface area.

Policy 1.7.14: Adequate pedestrian circulation and safety shall be considered as a required component of roadway system management.

Policy 1.7.15: The City shall protect the Florida Intrastate Highway System (FIHS) by establishing strategies to facilitate local traffic to use alternate routes or modes.

Policy 1.7.16: Within the planning timeframe, in coordination with the Lake-Sumter MPO, the City shall evaluate the need for additional public transit routes in conjunction with the LYNX bus system and major trip generators and attractors.

Policy 1.7.17: Within the planning timeframe, the City shall update the land development regulations to include site and building design standards for development in exclusive public transit corridors to assure the accessibility of new development to public transit.

Objective 1.8: Wayfinding. The City shall implement mechanisms to give direction and prevent confusion for all types of transportation system users.

Policy 1.8.1: Within the planning timeframe, the City shall develop a comprehensive wayfinding system with appropriately scaled information for both vehicular and pedestrian travel routes that also includes the location of major civic uses.

GOAL 2: To develop a financially feasible transportation system that meets the accessibility needs of the City residents.

Objective 2.1: Capital Improvement Program. Implement a capital improvement plan, methods of funding, and fiscal controls for all major traffic and roadway projects.

Policy 2.1.1: The City will maintain and prioritize a project list of major repair and maintenance for existing roadways and include in the Capital Improvements Program (CIP).

Policy 2.1.2: Annually, the City shall program needed capital transportation projects and improvements in the City's CIP and send updates of any changes to previously programmed improvements to the Florida Department of Community Affairs.

Policy 2.1.3: The City does hereby adopt by reference the Lake-Sumter MPO's five-year list of regionally significant county road needs, for those roads within or having a direct impact on Clermont, as formally adopted by the Lake-Sumter MPO on an annual basis into the City of Clermont's Five-Year Schedule of Capital Improvements.

Objective 2.2: Financing Mechanisms. The City shall investigate new financing alternatives to overcome shortfalls of transportation funding.

Policy 2.2.1: The City shall continue to coordinate with Lake County to collect transportation impact fees for new development and to prioritize capital projects needed to

serve the demands for transportation services and facilities associated with new development.

Policy 2.2.2: The City may require the owner/developer of any site to participate in the requirements of Transportation Proportionate Fair Share, should the required traffic impact study show such participation is warranted.

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Objectives and Strategies

The following objectives and strategies outline the key initiatives and actions the MPO will undertake to achieve its stated goals.

Goal 1 - Mobility

Objective 1.1 Improve traffic movement through the region by encouraging the use of transportation options other than the single occupant vehicle.

Strategies to accomplish Objective 1.1

Strategy 1.1.1 Promote efforts to increase transit ridership.

Strategy 1.1.2 Support and promote FDOT's commuter assistance program, rethink.

Strategy 1.1.3 Strive to ensure that all LakeXpress and LYNX vehicles and facilities have bike racks on all buses and bike racks at all park and ride lots.

Strategy 1.1.4 In addition to riders, seek input from local businesses on ways transit can be enhanced to allow for increased ridership and broaden their access to employees.

Strategy 1.1.5 Educate the general public and local decision makers on the importance of public transportation and the need for local financial support.

Strategy 1.1.6 Promote land use and urban design policies that make walking, biking and transit viable options to the automobile in selected areas.

Strategy 1.1.7 Implement projects along designated Multimodal Corridors to support increased transit efficiency and strengthen multimodal conditions for walking and biking along these corridors.

Objective 1.2 Improve the availability and level of service of public transit.

Strategies to accomplish Objective 1.2

Strategy 1.2.1 Improve frequency of service and hours of operation for fixed route buses.

Strategy 1.2.2 Promote regional passenger rail service as a viable alternative to other modes of transportation to reach regional destinations.

Strategy 1.2.3 Periodically reevaluate and adjust route structure to achieve greatest efficiency.

Strategy 1.2.4 Pursue additional funding opportunities for transit.

Strategy 1.2.5 Implement premium transit options (bus rapid transit) along select Multimodal Corridors.

Strategy 1.2.6 Coordinate the development of the Sumter Transit Development Plan and continue updates to the Lake Transit Development Plan.

Strategy 1.2.7 Increase availability of park and ride facilities and bike parking for increased efficiency and effortless alternative transportation.

Goal 2 - Accessibility

Objective 2.1 Develop pedestrian friendly streets and corridors

Strategies to accomplish Objective 2.1

Strategy 2.1.1 Advocate for sidewalk improvements to be included in roadway projects where appropriate.

Strategy 2.1.2 Place a priority for funding on sidewalk links either missing or in disrepair that will lead to a complete sidewalk network in urbanized areas and along Multimodal Corridors.

Strategy 2.1.3 Promote a Complete Streets policy that ensures consistent design and operating standards for the entire roadway network with all users in mind.

Strategy 2.1.4 Provide connections between neighborhoods, schools and town centers.

Strategy 2.1.5 Foster bicycle and pedestrian access and mobility considerations in transportation and development projects for all project phases.

Strategy 2.1.6 Install best available pedestrian safety devices and signage in both new installations and as retrofits.

Strategy 2.1.7 Promote the use of the MPO Bicycle Suitability Map

Strategy 2.1.8 Ensure accessibility to non-motorized facilities within new developments.

Strategy 2.1.9 Incorporate bicycle/pedestrian facilities at all intermodal connection points.

Strategy 2.1.10 Ensure that Safe Routes to School and Complete Streets principles are followed when planning for transportation facilities within two miles of all schools.

Objective 2.2 Improve ADA compliance

Strategies to accomplish Objective 2.2

Strategy 2.2.1 Educate member governments that ADA design features must be included in street improvement projects.

Strategy 2.2.2 Encourage communities to use sidewalk inventories to identify the presence or absence of ADA requirements.

Strategy 2.2.3 Assess ADA compliance of paved trail networks.

Strategy 2.2.4 Continue to bring existing sidewalks and curb ramps into ADA compliance.

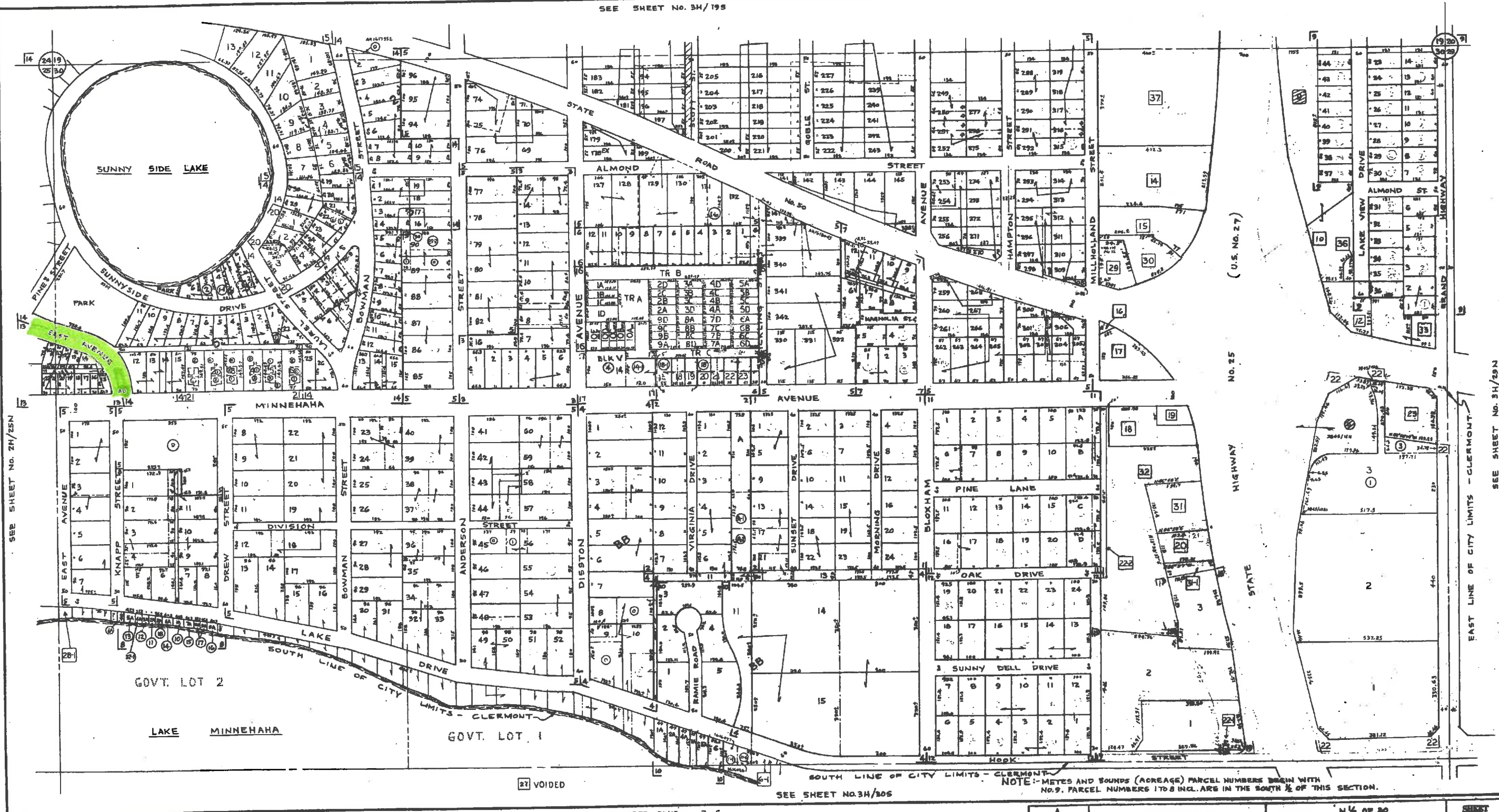
Strategy 2.2.5 Increase coordination between jurisdictions and with other agencies on projects, safety issues, identification of transportation barriers for low-income populations, elderly, disabled and transportation related public welfare.

Strategy 2.2.6 Develop a regional ADA policy for all new and 3R projects (Resurfacing, Rehabilitation and Restoration) including county and local roads.

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11-27-97
10-7-08 U
1-12-09 U
11-19-09 U
12-10-09 U
4-2-10 U
7-29-10 U
12-7-10 U
1-12-10 U
1-18-10 U
4-14-11 U
4-15-11 U
6-15-11 U

SEE SHEET NO. 34/195



CLERMONT SUBDIVISION INDEX

NO.	NAME	P.B.	P.E.
1.	ALTA VISTA	12	3
2.	ALTA VISTA ADDITION	12	70
3.	BOWMAN & BROWN REPLAT	11	45
4.	CLERMONT	3	5
5.	CLERMONT HEIGHTS	4	1
6.	FAIRVIEW PLACE	9	6
7.	FORTY PINES	12	99

8.	LAKE HIGHLAND ESTATES	12	100
9.	LAKE VIEW HEIGHTS	12	83
10.	MIDDLETON PARK	13	44
11.	OAK VIEW	12	59
12.	SUNNY DELL MANOR	12	90
13.	SUNNYSIDE UNIT	8	66
14.	SUNNYSIDE UNIT	8	67
15.	SUNNYSIDE TERRACE	26	47
16.	THE WILLOWS	29	15

17.	CLERMONT LETTERED BLKS	3	9
18.	HUNTER'S TRACE COMMERCIAL CENTER	39	24
19.	HUNTER'S TRACE COMMERCIAL CENTER REPLAT	39	42
20.	AMANDA'S PLACE	41	96
21.	MINNEHAHA OAKS	46	76
22.	OAK HILL COMMONS-UNIT I	62	87-89

SEE SHEET NO. 34/205



ASSESSMENT MAP
LAKE COUNTY, FLORIDA
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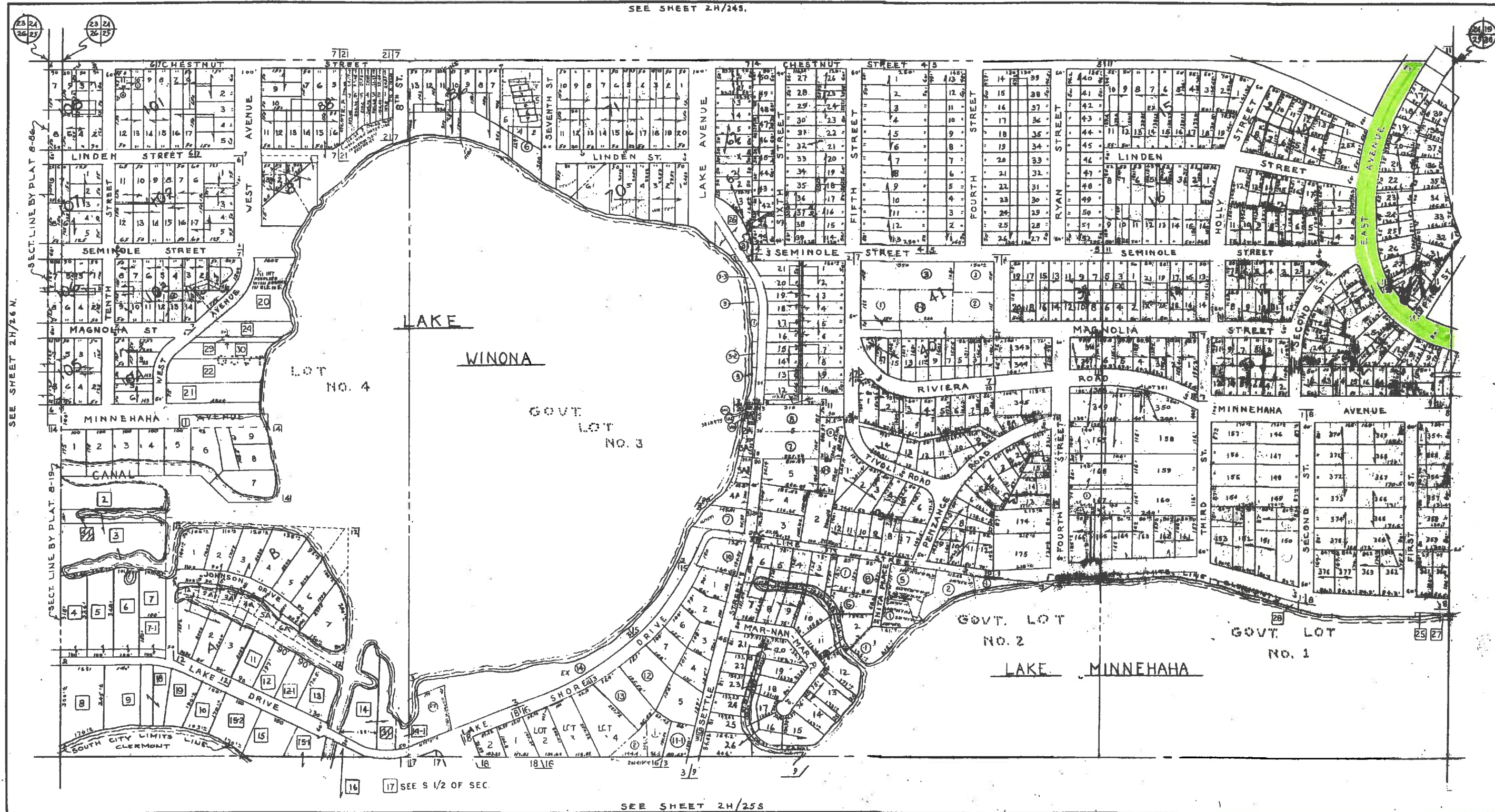
SECTION N 1/2 OF 20
TOWNSHIP 22 S.
RANGE 26 E
COMPILED & DRAWN, 1991
REVISION DATES
TRACING PRINT

SHEET NUMBER
34

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3-17-08 U
10-9-08 U
3-16-09 U
6-30-11 U

SEE SHEET 24/243.



NO	NAME	PB	PG
1	CLERMONT HEIGHTS	4	1
2	DAZZLING SUNSET	8	21
3	HERRING HOOKS ESTATE	4	28
4	HIGHLAND TERRACE	5	47
5	HIGHLAND ESTATES	6	107

NO	NAME	PB	PG
6	INDIAN HILLS	8	86
7	CLERMONT	3,4,5,8	17 to 23
8	ORANGE PARK	3	88
9	POINT PLACE	14	28
10	RIVIERA HEIGHTS	8	49

NO	NAME	PB	PG
11	SUNNYSIDE UNIT	8	66-67
12	WINONA SHORES	14	6
13	BOWMAN & BROWN	11	45
14	WINONA BAY SUB	16	45
15	DICKSON SHORES	22	30

NO	NAME	PB	PG
16	DICKSON SHORES W/AND 25 55	11	45
17	MARGAREE GARDENS 25 59	11	45
18	BOONE'S REPLAT 27 30	11	45
19	EAST AVE CONDO ORB 833 2423	27	53
20	WINONA HEIGHTS	27	53
21	MARINA COVE	41	89



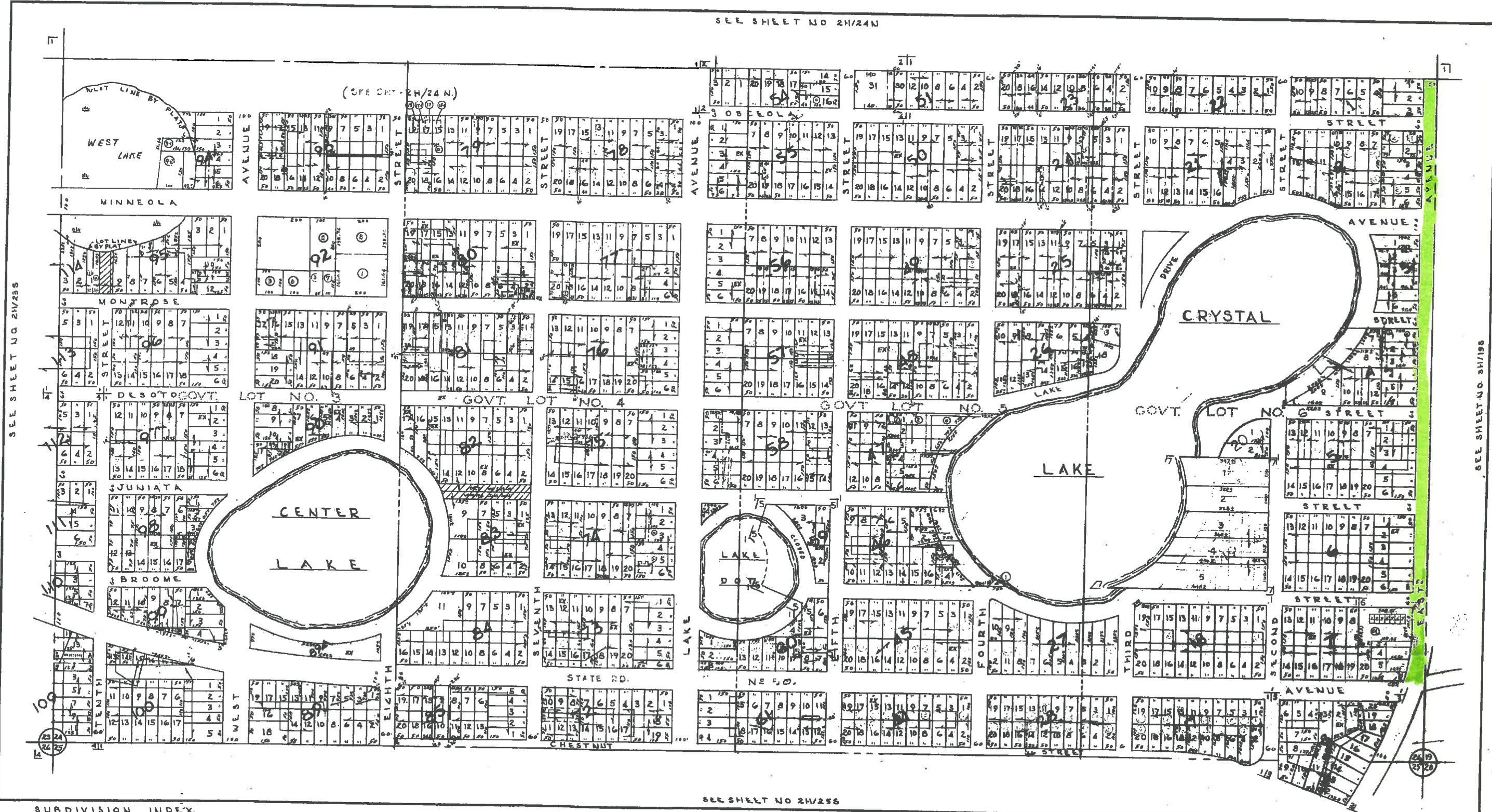
ASSESSMENT MAP
LAKE COUNTY, FLORIDA
COMPILED & DRAWN BY
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ST. PETERSBURG, FLORIDA

SECTION **N 25**
TOWNSHIP **22 S**
RANGE **25 E**
COMPILED & DRAWN, 1961
REVISION DATES
TRACING PRINT

SHEET NUMBER
24/25N
24-94

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SEE SHEET NO 2H/24N



SUBDIVISION INDEX

NO.	NAME	P.B.P.
1	CITY OF CLERMONT	17
2	CLERMONT	19, 20, 21
3	CRESTVIEW	5
4	ELLA VISTA HEIGHTS	21
5	SUNSET PARK	19
6	LAKE DOT VILLAS (CONDO)	ORB 745 236E
7	MARUS CENTER OFFICE CONDO	ORB 1366 926-952

7. CRYSTAL LAKE AT CLERMONT 46 19-20

SEE SHEET NO 2H/25E



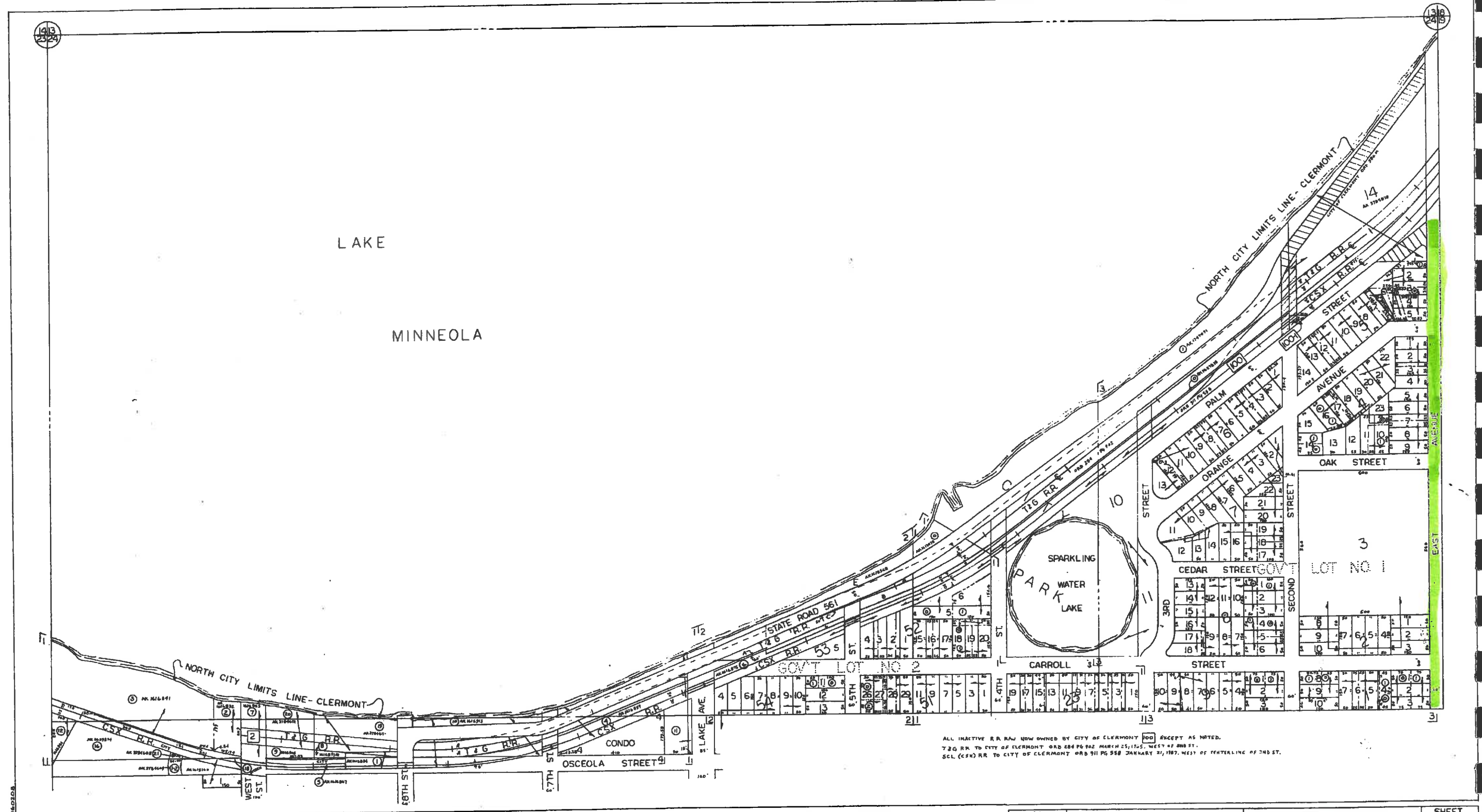
ASSESSMENT MAP
LAKE COUNTY, FLORIDA
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SECTION	81/2 OF 24
TOWNSHIP	22 S
RANGE	25 E
COMPILED & DRAWN, 1961	
REVISION DATES	
TRACING	PRINT

SHEET NUMBER
2H/24S

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AND THE PROPERTY APPRAISER'S RECORDS
AND IS NOT A GUARANTEE OF THE
ACCURACY OF ANY OF THE DATA OR
CONCLUSIONS THEREON.

06-02-08 U
4-24-09 U
6-5-09 U



ALL INACTIVE R.R. NOW OWNED BY CITY OF CLERMONT [] EXCEPT AS NOTED.
T&G RR. TO CITY OF CLERMONT ORB 284 PG 842 MARCH 25, 1905. WEST OF 2ND ST.
SCL (CSX) RR. TO CITY OF CLERMONT ORB 911 PG 558 JANUARY 21, 1907. WEST OF CENTERLINE OF 2ND ST.

NO	SUBDIVISION INDEX NAME	PB	PG
1	CITY OF CLERMONT	8	17-23
2	CREST VIEW	5	60
3	SUNSET HEIGHTS	5	42
4	LAKE MINNEOLA CONDO	ORB 800	2434

N
↑
1"=200'

LAKE COUNTY, FLORIDA

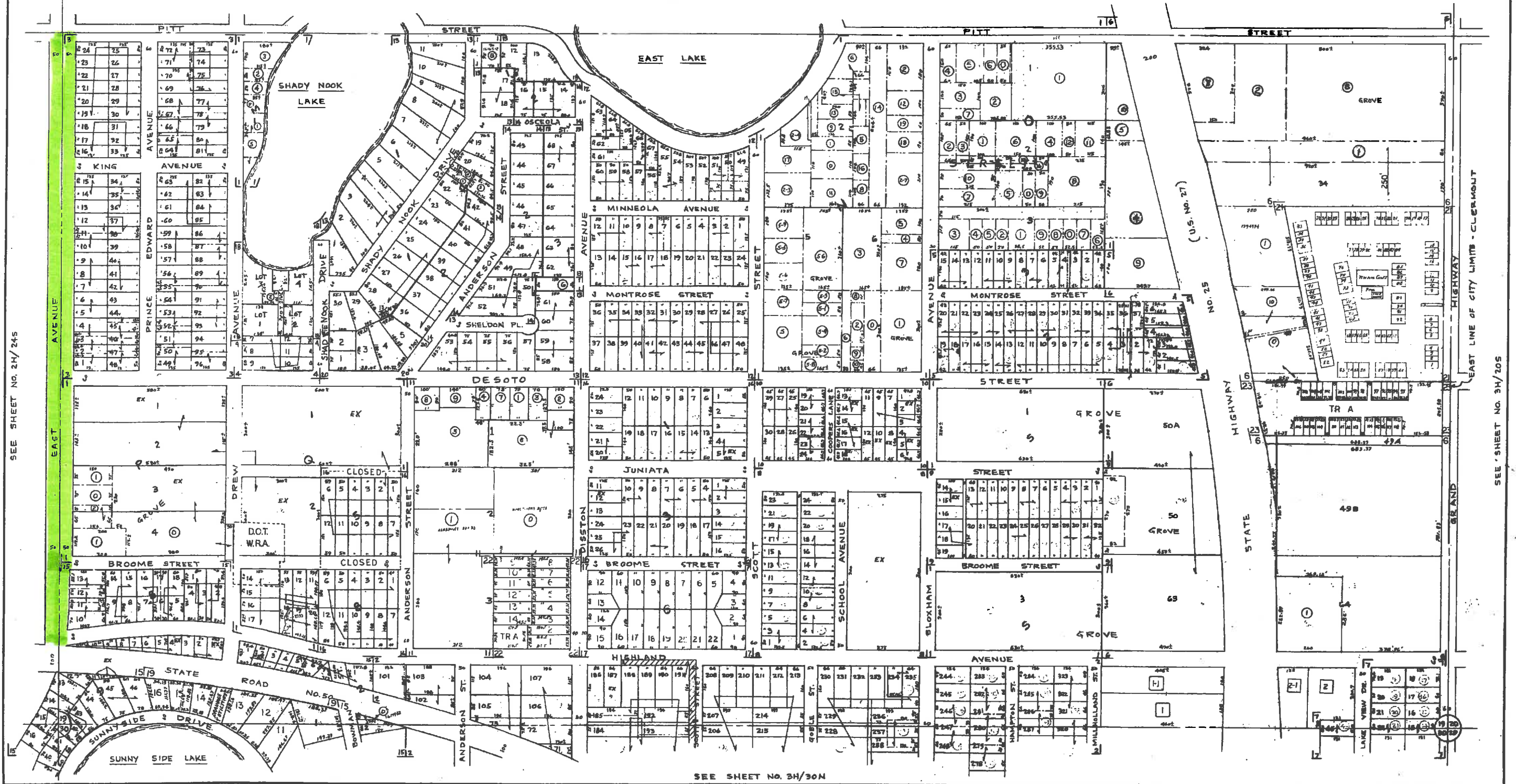
SECTION	N 1/2 24
TOWNSHIP	22S
RANGE	25E

SHEET NUMBER
2H
25N

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4-24-78
5-5-78
7-10-78
8-29-78
11-13-78
2-11-79
9-20-79
4-18-80

SEE SHEET NO. 3H/19N



CLERMONT	SUBDIVISION	INDEX
NO.	NAME	PG.
1.	CLERMONT	3
2.	CLERMONT HEIGHTS	4
3.	HILLCREST	8
4.	HILLSIDE TERRACE (CONDO)	8
5.	HOMEDALE	11
6.	LAKE HIGHLAND CO. 19-22-84	2
7.	LAKEVIEW HEIGHTS	12

8.	LINCOLN HEIGHTS SCHOOL	10
9.	LINCOLN PARK	8
10.	LINCOLN PARK ANNEX	11
11.	OAKHURST	10
12.	PINECREST	8
13.	SHADY NOOK	14
14.	SHADY NOOK UNIT 2	14
15.	SUNNYSIDE UNIT	8
16.	WOODLAWN	8

17.	WOODLAWN REPLAT	16
18.	HILLSIDE TERRACE DEVELOPMENT	25
19.	SUNNYSIDE TERRACE	26
20.	CUNNINGHAM'S REPLAT	27
21.	HILLSIDE VILLAS	30
22.	OAKHURST TOWNHOMES	34
23.	HILLSIDE VILLAS, PH II	59

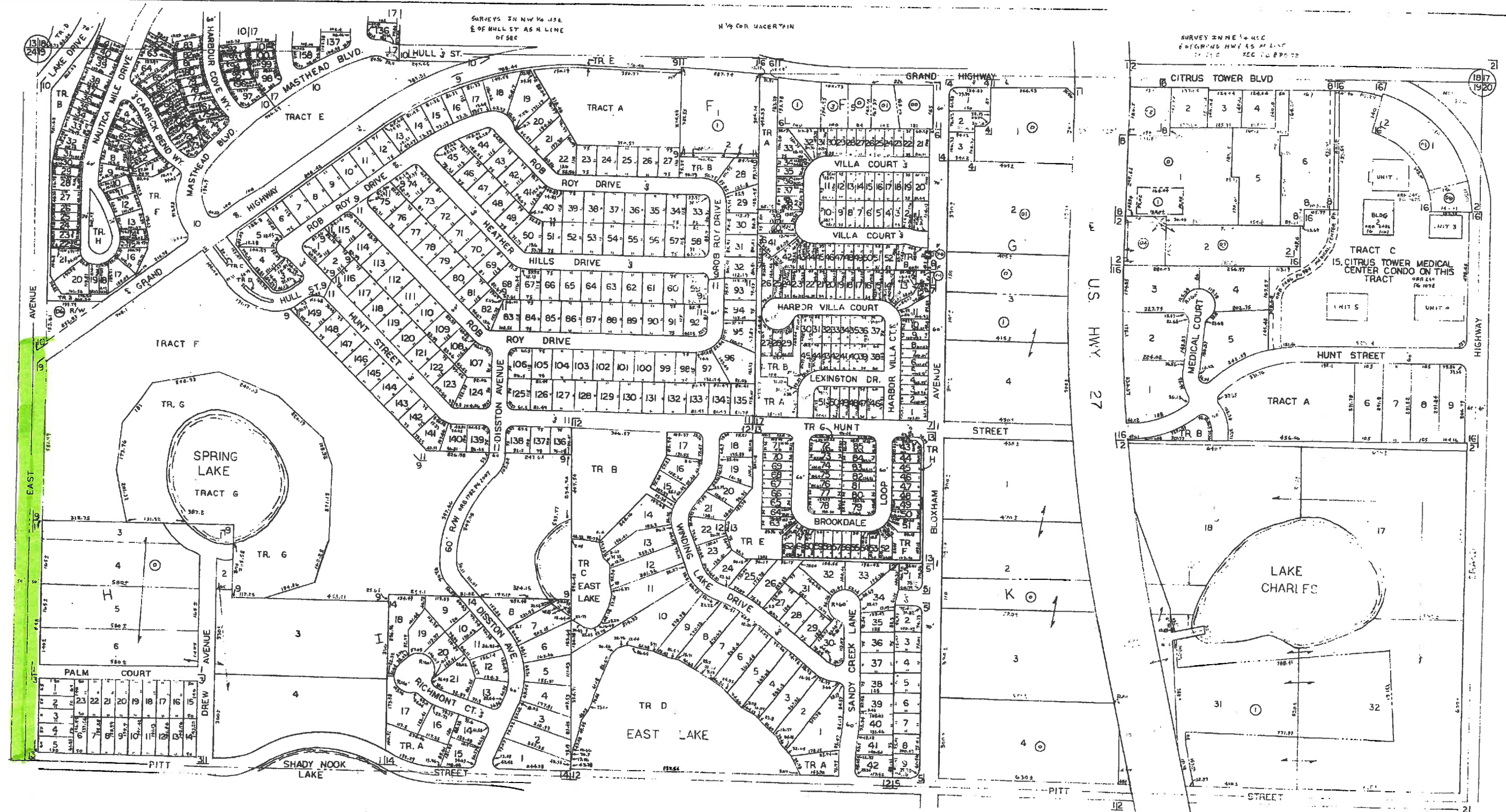


ASSESSMENT MAP
LAKE COUNTY, FLORIDA
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SECTION 5 1/2 OF 19
TOWNSHIP 22 S
RANGE 26 E
COMPILED & DRAWN, 1981
REVISION DATES
REVISIONS

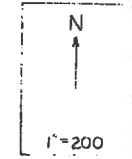
SHEET NUMBER
3H
19S

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5-79-10 14
5-6-10 14



SUBDIVISION INDEX			
NO	NAME	PB	PG
1	CLERMONT	3	5
2	LAKE HIGHLANDS CO. 19-22-26	2	38
3	PALM GARDENS	8	88
4	SUNSET VILLAS	37	46
5	EAST LAKE RIDGE	38	71
6	SOUTHERN VILLAS	38	91-92
7	TOWER GROVE	38	33-34
8	CITRUS TOWER CENTRE	41	64
9	HIGHLANDER ESTATES	44	41-43
10	CLERMONT YACHT CLUB	PB	PG
11	HIGHLANDER ESTATES TWO	44	44-46
12	EAST LAKE ESTATES PH I	48	63-64
13	EAST LAKE ESTATES PH II REPLAT	49	47-48
14	OAKMONT	55	42
15	CITRUS TOWER MEDICAL CENTER	50	91-92
16	A LANDSITE CONDO ORB 2486	107B	
17	CLERMONT PROFESSIONAL CENTER	52	60-61

17 CLERMONT YACHT CLUB PH 2 53 5-6



LAKE COUNTY, FLORIDA

SECTION N 1/2 19
TOWNSHIP 22S
RANGE 20E

SHEET NUMBER 3H
19N

Task: East Avenue Complete Streets Feasibility Study

ACTIVITY	Senior Principal RATE: \$ 205.00		Senior Engineer/Planner RATE: \$ 160.00		Engineer/Planner RATE: \$ 130.00		Engineer Intern RATE: \$ 80.00		Senior Technician RATE: \$ 80.00		Secretary/Clerical RATE: \$ 65.00		TOTAL HOURS	COST BY ACTIVITY
Task 1: Project Meetings and Admin	12	\$ 2,460.00	36	\$ 5,760.00	30	\$ 3,900.00	45	\$ 3,600.00	0	\$ -	6	\$ 390.00	129	\$ 16,110.00
Task 2: Public Involvement and Data Collection	6	\$ 1,230.00	26	\$ 4,160.00	30	\$ 3,900.00	74	\$ 5,920.00	2	\$ 160.00	4	\$ 260.00	142	\$ 21,492.18
Task 3: Existing Conditions Analysis	8	\$ 1,640.00	22	\$ 3,520.00	52	\$ 6,760.00	136	\$ 17,680.00	8	\$ 640.00	0	\$ -	226	\$ 30,240.00
Task 4: Development of Improvement Options	6	\$ 1,230.00	20	\$ 3,200.00	32	\$ 4,160.00	76	\$ 9,880.00	18	\$ 1,440.00	0	\$ -	152	\$ 19,910.00
Task 5: Corridor Recommendations and Options	8	\$ 1,640.00	20	\$ 3,200.00	40	\$ 5,200.00	92	\$ 11,960.00	0	\$ -	0	\$ -	160	\$ 22,000.00
TOTAL PROJECT	40	\$ 8,200.00	124	\$ 19,840.00	184	\$ 23,920.00	423	\$ 49,040.00	28	\$ 2,240.00	10	\$ 650.00	809	\$ 109,752.18

Task 5.1 Total	2		2	4	8			16
Task 5.2 Planning Level Cost Estimates								
Task 5.2 Total	2		2	8	24			36
Task 5.3 Comparative Evaluation								
Operational Evaluation			2	4	8			
Apply Evaluation Criteia			2	8	12			
Task 5.3 Total	0	0	4	12	20	0	0	36
Task 5.4 Corridor Assessment Report								
Task 5.5 Total	4		12	16	40			72
Task 5 Total	8	0	20	40	92	0	0	160
Sum (Columns)	40	0	124	184	423	28	10	809

**AGENDA ITEM**

Meeting Date	
Tuesday, November 10, 2015	
Agenda Item Name	
Variance Request Arby's	
Requested Action	
Motion to deny the variance requests.	
Staff Report	
This request, originally scheduled to be heard by the City Council at its Oct. 13, 2015 meeting, was postponed at the applicant's request to Oct. 27, 2015 so that it could be heard by a full Council. After Council discussion on Oct. 27, it was tabled again to Nov. 10 to allow the applicant additional time to revise the site plan and to eliminate one or more of the requested variances. <u>Due to the short turnaround required for preparing items for the Nov. 10 agenda, this staff report and its related attachments still reflect the original request for the six variances. The applicant will be presenting a revised site plan at the meeting on Nov. 10.</u> The applicant, Arby's, is requesting six variances to the Land Development Code (LDC) in order to build a new restaurant on an out parcel in the Clermont Landing shopping center. The subject parcel is a little more than an acre in size. The applicant has indicated that the subject parcel has many disadvantages that make the site a challenge to develop. Existing retaining walls on three of the four sides and the irregular shape of the lot are a few challenges the applicant is dealing with. The requested variances include: 1) To allow for a western landscape buffer less than 20 feet – rather than a 20 foot wide landscape buffer as required by the Land Development Code, Section 118-37(e) 2) To allow for elimination of a northern landscape buffer between abutting properties– rather than the requirements in the Land Development Code, Section 118-37(d) 3) To allow for a reduction in the parking space depth to 18 feet – rather than a 20 foot depth as required by the Land Development Code, Section 98-3(a) 4) To allow for the elimination of wheel stops and use raised curbs to protect landscape areas – rather than the requirements in the Land Development Code, Section 118-38(d) 5) To allow a ground sign to exceed 10 feet in height – rather than the requirements in the Land Development Code, Section 102-15 (a)(1)(a)(5) 6) To allow for a reduction in square footage of the interior landscape terminal island to be less than 300 square feet and no canopy tree – rather than the requirements in the Land Development Code, Section 118-38 (b) & (c) Staff acknowledges that this site presents some unusual development challenges. However, staff cannot support this request since Section 86-174 of the LDC requires a positive finding on eight criteria in order to grant a variance, and staff believes that three of the eight do not meet these findings.	
Additional Analysis	

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Application	Variance-Application-Editable arbys-2015-9-22 printed as submitted to city.pdf
2.	Location Map	Location Map.pdf
3.	Variance Locations	Variance Locations Arbys.pdf
4.	Review Criteria	Arbys Review Criteria and Finding.docx
5.	Exhibits	Arbys Exhibits.pdf
6.	Legal ad	VAR Legal AD.docx



CITY OF CLERMONT

VARIANCE

Filing Instructions

Any person requesting a Variance shall file a complete application in the Development Services Department at least thirty (30) days prior to the hearing date of the City Council. All applications must be complete, to include applicable site plans and/or other pertinent descriptive materials in order to be processed.

A Pre-Application meeting with the Development Services Director (or designated staff) is required prior to submittal of the application. The Development Services Director shall determine if the application is complete and properly filed.

APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST

Notification of Public Hearing

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- (1) The City shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time and place of the public hearing before the City Council, along with a clear and concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties within 150 feet of the subject property even when separated from the subject property by a road, canal, easement, right-of-way or similar barrier.
- (2) Notice of public hearing shall be published in a newspaper of general circulation within the City no less than five (5) days prior to the date set for hearing the variance request.

Conditions of Approval and Denial

- (1) When any variance is granted, construction of the structure or other variance item must be started within one year from the date the variance is granted. It shall be the obligation of the owner to file written notice with the Administrative Official and the Development Services Director that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.
- (2) A variance in the zoning regulations may be transferred along with the transfer of the property ownership, but only for the specific use and approved plan originally granted.
- (3) Variance requests which have been denied may not be resubmitted for a period of two (2) years.



CITY OF CLERMONT

VARIANCE

Filing Instructions

Page 2

Check List

The following information shall be provided:

- ☒ Proof of ownership, (i.e. Lake County Property record card, tax receipt, or deed.
- ☒ Legal description of the property – may be on information above.
- ☒ Plot plan (drawn to scale) of the property involved showing the location of existing buildings or structures and the location of proposed buildings or structures which specifically delineates and illustrates the extent of the variance request. Maximum size for plans is 11” x 17” (two full size copies for detail as needed, depending on the Variance).
- ☒ A written justification based on Sec. 86-174, which explains the conditions and circumstances of the alleged hardship and the necessity of the action. Staff will review the application based on the review criteria. Therefore, it is in the applicant’s best interest to submit the application with those eight (8) items in mind to justify the variance request.
- ☒ Visual aids that may clarify the variance request such as overhead projections, large scale drawings, etc. A location map must be included that identifies the location of the property. These will be presented by the applicant at the public hearing. (same as site plan)
- ☒ The original application and all supplemental materials.
- ☒ Fee: \$200.⁰⁰

City of Clermont

Development Services Department

685 W. Montrose St.

P.O. Box 120219

Clermont, FL. 34712-021 9

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



CITY OF CLERMONT
VARIANCE
Application

DATE: Sep 21, 2015

FEE: \$200.⁰⁰

PROJECT NAME (if applicable): Arby's Restaurant

APPLICANT: CPWG, Inc.

CONTACT PERSON: Jeff Earhart

Address: 1318 Bowman Street

City: Clermont State: Florida Zip: 34711

Phone: 407-267-8905 Fax: _____

E-Mail: jeff.earhart@cpwgengineering.com

OWNER: Weingarten I-4 Clermont Landing, LLC

Address: PO Box 924133

City: Houston City State: TX Zip: 77292-4133

Phone: 404-909-4716 Fax: MJohnson@arbys.com

Address of Subject Property: 2255 US HIGHWAY 27, CLERMONT FL 34711

General Location: The property is an outparcel located in front of JCPenny/just north of Road House. The outparcel is on US 27 1/4 mile north of Steve's Rd on the NE corner of North entry

Legal Description (include copy of survey): Lot 1 of Clermont Crossing at Lost Lake. Plat Book 64, Page 50

Land Use (City verification required): Commercial

Zoning (City verification required): PUD



CITY OF CLERMONT

VARIANCE

Application

Page 2

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

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

Landscape Buffer - Section 118-37 (e) (1), Landscape Buffers Between Abutting Properties Section 118-37(d)(1,2,3), Parking Space 98-3(a), Sign 102-15(a)(5)(iii), Terminal Islands 118-38(c)(1)

Wheel Stops 118-38(d)(2), Canopy Tree 118-38(b)(2)

What are you proposing to do that would require a variance and why? Please see attached applicant statement.

How does the Code create a hardship? Please see attached applicant statement.

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

Variance requested – subject and code section: Landscape Buffer - Sections 118-37 (e)(1) and 118-37 (d)(1,2,3), Parking Space 98-3(a), Sign 102-15(a)(5)(iii), Terminal Islands 118-38(c)(1)

Sec. 86-174. Review criteria and findings.

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

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

The property is a uniquely shaped out-parcel of a larger development with frontage along US 27. The non rectangular shape and the existing retaining walls creates problems when providing adequate vehicle circulation for cars and fire trucks. The noted landscape buffer and planting cannot be maintained.

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

The conditions mentioned above existed prior to the applicant's interest in this property



CITY OF CLERMONT

VARIANCE

Application

Page 3

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

Enforcement of the land development code requirement would limit the usability of the lot in such a way that would prevent development of this property that do not exist on similar lots and adjacent properties in the area

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

The applicant's request is not based on cost, but rather on the limiting effect the existing nature of the site and adherence to the code would place on the usable area of the property.

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

Yes, all efforts have been exhausted in order to conform to the minimum requirements of the land development code.

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

The granting of this variance would not be considered a special privilege but rather an adjustment based on the unique characteristics and hardships of this particular property that may not exist on other lands in the same zoning district.

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

No, the proposed variance will in no way negatively affect surrounding properties.



CITY OF CLERMONT
VARIANCE
Application
Page 4

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

The variance requested will be in congruence with the intent of the landscape code to provide separating and beatification between parcels. The proposed landscape measures will remain consistence with what is on existence on adjacent properties.

MERRILL S JOHNSON
Applicant Name (print)

X [Signature]
Applicant Name (signature)

7 Jeff Earhart
Owner Name (print)

X [Signature]
Owner Name (signature)

***** NOTICE *****

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

City of Clermont
Development Services Department.
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

Proof of Ownership and Legal Description

Property Record Card

General Information

Owner Name:	WEINGARTEN I-4 CLERMONT LANDING LLC	Alternate Key:	3879623
Mailing Address:	PO BOX 924133 HOUSTON, TX 77292-4133 Update Mailing Address ⓘ	Parcel Number:	29-22-26- 100000000100
		Millage Group and City:	000C (Clermont)
		Total Millage Rate:	19.09600
		Trash/Recycling/Water/Info:	My Public Services Map ⓘ
Property Location:	2255 US HIGHWAY 27 CLERMONT FL 34711 Update Property Location ⓘ	Property Name:	-- Submit Property Name ⓘ
		School Locator:	School and Bus Map ⓘ
Property Description:	CLERMONT, CLERMONT LANDING SUB LOT 1 PB 64 PG 50-54		

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT COMMERCIAL (1000)	0	0		49658	SF	\$0.00	\$645,554.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

There is no sales history information to display.

Values and Estimated Ad Valorem Taxes ⓘ

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	\$645,554	\$645,554	\$645,554	5.30510	\$3,424.73
LAKE COUNTY MSTU AMBULANCE	\$645,554	\$645,554	\$645,554	0.46290	\$298.83
SCHOOL BOARD STATE	\$645,554	\$645,554	\$645,554	4.94900	\$3,194.85
SCHOOL BOARD LOCAL	\$645,554	\$645,554	\$645,554	2.24800	\$1,451.21
CITY OF CLERMONT	\$645,554	\$645,554	\$645,554	4.65000	\$3,001.83
ST JOHNS RIVER FL WATER MGMT DIST	\$645,554	\$645,554	\$645,554	0.30230	\$195.15
LAKE COUNTY VOTED DEBT SERVICE	\$645,554	\$645,554	\$645,554	0.16000	\$103.29
LAKE COUNTY WATER AUTHORITY	\$645,554	\$645,554	\$645,554	0.25540	\$164.87
SOUTH LAKE HOSPITAL DIST	\$645,554	\$645,554	\$645,554	0.76330	\$492.75
			Total:	19.096	Total: \$12,327.51

Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

First Homestead Exemption (up to \$25,000)	Learn More	View the Law
Additional Homestead Exemption (up to an additional \$25,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to county millage - up to \$50,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to city millage - up to \$25,000) ⓘ	Learn More	View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More	View the Law
Widow / Widower Exemption (up to \$500)	Learn More	View the Law
Blind Exemption (up to \$500)	Learn More	View the Law
Disability Exemption (up to \$500)	Learn More	View the Law
Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Disability Exemption (\$5000)	Learn More	View the Law
Veteran's Total Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More	View the Law
Deployed Servicemember Exemption (amount varies)	Learn More	View the Law
Surviving Spouse of First Responder Exemption (amount varies)	Learn More	View the Law
Conservation Exemption (amount varies)	Learn More	View the Law
Tangible Personal Property Exemption (up to \$25,000)	Learn More	View the Law
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More	View the Law
Government Exemption (amount varies)	Learn More	View the Law

Exemption Savings ⓘ

The exemptions marked with a ✓ above are providing a tax dollar savings of:
\$0.00

Assessment Reduction Information (3% cap, 10% cap, Agricultural, Portability, etc.)

This property is benefitting from the following assessment reductions with a checkmark ✓

Save Our Homes Assessment Limitation (3% assessed value cap)	Learn More	View the Law
Save Our Homes Assessment Transfer (Portability)	Learn More	View the Law

Non-Homestead Assessment Limitation (10% assessed value cap)	<u>Learn More</u>	<u>View the Law</u>
Conservation Classification Assessment Limitation	<u>Learn More</u>	<u>View the Law</u>
Agricultural Classification	<u>Learn More</u>	<u>View the Law</u>

Assessment Reduction Savings

The assessment reductions marked with a  above are providing a tax dollar savings of: **\$0.00**

Copyright © 2014 Lake County Property Appraiser. All rights reserved.
Property data last updated on 23 August 2015.

Plot Plan



ZONING: PUD (C-2)
BUILDING SETBACKS:
FRONT(US. 27):
SIDE/REAR:

CLERMONT LANDING LLC
LOT 1 ARBY'S INSPIRE 2000
CLERMONT LAKE COUNTY FLORIDA

[illegible]

SITE GEOMETRY PLAN



204 East Caroline Street
Tavares, Florida 32778
Phone : 352-508-9245

Sheet 1 Of

Variance 5 -
Parking End
Landscape island
less than 300 SF

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C:\CADD Projects\Arbys Clermont\Design\Option 3 - BY-PASS.dwg
September 19, 2015



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Written Justifications

APPLICANT STATEMENT

Variance Request #1

We are requesting relief from the strict adherence to the landscaping requirements for the western property line as specified in Article II-Landscaping, Sec. 118-37 (e) Part (1).

Code Reference

Article II-Landscaping, Sec. 118-37 (e) - Buffers adjacent to rights-of-way for nonresidential uses.

Part (1) - Minimum Width

Request

1. The applicant is requesting a variance from the minimum required width of 20-ft to a width of 12.0-ft.

Hardship Summary

The applicant's subject property is at a disadvantage due to the unique shape of the property and the existing retaining walls on the west, north and south property lines. To facilitate the movement of fire trucks, delivery trucks, garbage trucks and normal vehicles a wider drive aisle is needed. Angled parking is already being used to reduce the drive isle as much as possible. This forces the applicant to encroach into the 20' landscape buffer in order to allow movement and access through the site.

Variance Request #2

We are requesting relief from the strict adherence to the landscaping requirements for the northern property line as specified in Article II-Landscaping, Sec. 118-37 (d)(1,2,3).

Code Reference

Article II-Landscaping, Sec. 118-37 (d) – Perimeter Landscape Buffers Between Abutting Properties.

Request

1. The applicant is requesting a variance from the 10-ft wide landscape buffer on the north side of the property.

Hardship Summary

The applicant's subject property is at a disadvantage due to the unique shape and topography of the property and the existing retaining walls on the west, north and south property lines. It is proposed that this 10-ft wide buffer area remain untouched. The north side of the property already has 2 retaining walls which block the view to the north property line. The slope is greater than 10 percent and it is heavily overgrown. We are proposing to provide additional landscaping at the northwest corner of the property, in an area that would be visible from US 27.

Variance Request #3

We are requesting relief from the strict adherence to the parking space size requirements as specified in Article II-Park Spaces Size, Sec. 98-3 (a) and the wheel stop requirement as specified in Article II – 118-38(d)(2).

Code Reference

Article II-Parking Spaces, Sec. 98-3 (a) – Size Part (1) – Standard Parking Spaces

Article II – 118-38(d)(2) Vehicular Use Area Interior Landscaping, Protection of landscape islands, wheel stops

Request

1. The applicant is requesting a variance from the minimum required 10-ft wide by 20-ft long parking space and to use raised curbs instead of wheel stops to protect the landscape areas.

Hardship Summary

The applicant's subject property is at a disadvantage due to the unique shape of the property and the existing retaining walls on the west, north and south property lines. To facilitate the movement of fire trucks, delivery trucks, garbage trucks and normal vehicles shorter parking spaces are needed. Angled parking is already being used to reduce the length as much as possible. This forces the applicant to request an 18-ft long parking space instead of a 20-ft long parking space. The required width of 10-ft will be provided. In most instances a 2-ft green space overhead will be provided to achieve the goal of a 20-ft parking space.

Variance Request #4

We are requesting relief from the strict adherence to the permitted sign requirements as specified in Article II-Permitted Signs, Sec. 102-15 (a)(5)(iii).

Code Reference

Article II-Permitted Signs, Sec. 102-15 (a)(5)(iii).Permitting Signs – Ground Signs – Height of Width

Request

1. The applicant is requesting a variance from the maximum height requirement of 10-ft .

Hardship Summary

The applicant's subject property is at a disadvantage due to the unique topography, shape and the existing retaining walls and fences on the west, north and south property lines. The location of the sign on the steeply slopes northwest corner. The additional height is only associated with the sign base. The goal of the variance is to bring the bottom of the actual sign to the same elevation of closest corner retaining wall. This will allow the sign to be seen and not placed in a deep depression as related to the edge of pavement of US 27 and the adjacent retaining wall. The base of the monument sign will be at approximately elevation 98. The top of the base will be at approximately elevation 111. The sign itself, which will be placed on the afore mentioned monument base, is about 4'1" tall by 9'3-1/4" wide. The height and width mentioned herein may be adjusted slightly, but the overall 60 SF for the sign itself will be maintained.

Variance Request #5

We are requesting relief from the strict adherence to the landscaping requirements for the terminal end of parking areas as specified in Article II-Landscaping, Sec. 118-38 (c)(1).

Code Reference

Article II-Landscaping, Sec 118-38 (b)(2) and (c) (1) – Vehicular Use Areas Interior Landscaping – Design of Landscape Areas – Terminal Islands.

Request

1. The applicant is requesting a variance from the 300-SF minimum area requirement, the minimum 10-ft width requirement and the canopy tree requirement.

Hardship Summary

The applicant's subject property is at a disadvantage due to the unique shape of the property and the existing retaining walls on the west, north and south property lines. To facilitate the movement of fire trucks, delivery trucks, garbage trucks and normal vehicles a wider drive aisle is needed. Angled parking is already being used to reduce the drive aisle as much as possible. The provided width may be as small as 3-ft and the area may be as small as 70 SF. The smaller size would not allow for a canopy tree. The smaller terminal island will allow one additional parking space.

Sign Information

Page 3 of 13



Scale: 3/4"= 1'-0"

36.5 SQ. FT. TOTAL

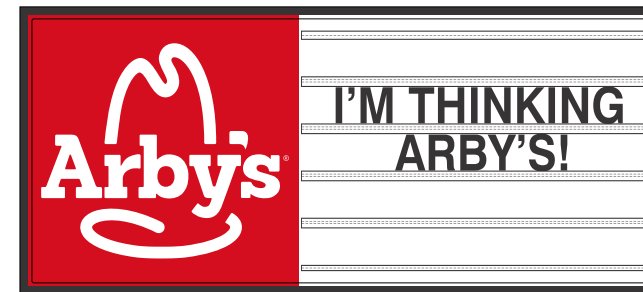
Scale: $\frac{3}{4}" = 1'-0"$

New d/f illuminated monument sign constructed from 12" Extrusion with 2" retainers. Faces to be 3/16" clear Polycarbonate, panformed to a depth of 2", second surface Decorated in project colors. With reader board panel. Sign to be Illuminated by T12 fluorescent lamps wired in sequence with External disconnect switch. Base to be .080" fabricated aluminum.

1. MODERN LETTERS & NUMERALS
2. BLACK, 302 CHARACTERS
3. 6" CHARACTER SIZE
4. CHANGER ARM W/ REGULAR CUP
5. STORAGE CABINET

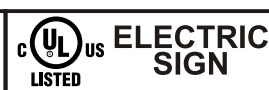
Arby's Translucent Red
White
Black

AKZO
SIGN 20643
ARBY'S RED
142701301
*5 COATS / NO WHITE



Graphic Layout - Side B

This is an original, unpublished drawing, created by Allen Industries, Inc. This drawing is submitted to you in confidence for your use solely in connection with the project being planned for you by Allen Industries, Inc. and is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. The designs shown on the drawing (except for any registered trademarks that may belong to a client of Allen Industries, Inc.) remain the property of Allen Industries, Inc.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF **ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE** AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



Photo of Existing Vegetation on North Property Line



North retaining wall showing existing vegetation of north property Line



Northwest corner of site location of sign in depressed area and additional landscaping

Location Map
Arby's



Locations of proposed variances on the site For Arby's



Variances:

- # 1: to allow for a western landscape buffer less than 20 feet – rather than a 20 foot wide landscape buffer
- # 2: to allow for elimination of a northern landscape buffer between abutting properties.
- # 3: to allow for a reduction in the parking space depth to 18 feet – rather than a 20 foot depth
- # 4: to allow for the elimination of wheel stops and use raised curbs to protect landscape areas
- #5: to allow a ground sign to exceed 10 feet in height (Red Circle)
- #6: to allow for a reduction in square footage of the interior landscape terminal island to be less than 300 square feet and no canopy tree

Arby's Variance

The requirements for a variance are as follows:

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

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

FINDINGS:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
Applicant response: The property is a uniquely shaped out-parcel of a larger development with frontage along US 27. The non rectangular shape and the existing retaining walls create problems when providing adequate vehicle circulation for cars and fire trucks. The noted landscape buffer and planting cannot be maintained.

Staff comments: This parcel does have circumstances existing which are peculiar to the land. These are (1) the existing retaining walls on 3 sides of the property, north, west, and south, and (2) possible useable area along the north property line is inaccessible and severely sloped. These circumstances are usually not present in other similarly sized parcels in the same zoning district.

Positive finding

- (2) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;
Applicant response: The conditions mentioned above existed prior to the applicant's interest in this property.

Staff comments: Staff agrees that the applicant did not create the conditions giving rise to the requested variance requests. However, the parcel may be developed by a different applicant with a smaller foot print of building and lesser parking requirements.

Negative finding

- (3) Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;
Applicant response: Enforcement of the land development code requirements would limit the useable area of the lot in such a way that would prevent development of this property that do not exist on similar lots and adjacent properties in the area.

Staff comments: With the existing conditions in place that are presenting challenges in developing the site, the applicant would be faced with undue hardship to develop the lot according to the land development code, even if it was feasible. However, the applicant may choose another parcel that does not present these challenges.

Negative finding

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

Applicant response: *The applicant's request is not based on cost, but rather on the limiting effect the existing nature of the site and adherence to the code would place on the useable area of the property.*

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

Positive finding

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

Applicant response: *Yes, all efforts have been exhausted in order to conform to the minimum requirements of the land development code.*

Staff comments: *The applicant is trying to maximize the potential use of the site by requesting the variance for landscaping requirements, parking waivers, and signage height. However, the site could be developed at a lower intensity and these variances may not be warranted.*

Negative finding

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

Applicant response: *The granting of this variance would not be considered a special privilege but rather an adjustment based on the unique characteristics and hardships of this particular property that may not exist on other lands in the same zoning district.*

Staff comments: *The City Council has granted similar variance requests in the past for landscaping requirements, parking, and/or signage that are being sought by the applicant.*

Positive finding

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

Applicant response: *No, the proposed variance will in no way negatively affect surrounding properties.*

Staff comments: *The proposed variances do not seem to substantially diminish property values or alter the essential character of the area.*

Positive finding

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

Applicant response: *The variances requested will be in congruence with the intent of the requirements landscape code to provide separation and beautification between two parcels of land. The proposed landscape measures will remain consistent with what is on existence on adjacent properties.*

Staff comments: *Staff feels that granting the variances will be in harmony with the general intent and purpose of the land development code. The intent of the landscaping is to provide a buffer between properties and roads. The applicant is proposing additional landscape alternatives to the code that will provide this buffer and allow the site to be developed.*

Positive finding

STAFF RECOMMENDATION:

Section 86-174 of the LDC requires a positive finding on eight items in order to grant a variance, and staff believes that **three** of the eight do not meet these findings. Therefore, staff recommends **denial** of the six variance requests by the applicant to the Clermont Land Development Code.

Arby's Variance



Arby's Variance



LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following six variances: (1) to allow for a western landscape buffer less than 20 feet – rather than a 20 foot wide landscape buffer as required by the Land Development Code, Section 118-37(e); (2) to allow for elimination of a northern landscape buffer between abutting properties– rather than the requirements in the Land Development Code, Section 118-37(d); (3) to allow for a reduction in the parking space depth to 18 feet – rather than a 20 foot depth as required by the Land Development Code, Section 98-3(a); (4) to allow for the elimination of wheel stops and use raised curbs to protect landscape areas – rather than the requirements in the Land Development Code, Section 118-38(d); (5) to allow a ground sign to exceed 10 feet in height – rather than the requirements in the Land Development Code, Section 102-15 (a)(1)(a)(5); (6) to allow for a reduction in square footage of the interior landscape terminal island to be less than 300 square feet and no canopy tree – rather than the requirements in the Land Development Code, Section 118-38 (b) & (c) at the following location:

LOCATION

Vacant property (Alt. Key 3879623)
¼ mile north of Steves Road and US Hwy 27 intersection
East of US Hwy 27

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

This request will be heard by the City Council at a public hearing to be held on Tuesday, October 13, 2015 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street.

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
October 6, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, November 10, 2015		
Agenda Item Name		
Ordinance No. 2015-76 <i>Introduction</i>		
Requested Action		
Move to introduce Ordinance 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 \$600,000	\$500,000 \$600,000	\$500,000 \$600,000	\$600,000	\$600,000	\$600,000
SW-2 Downtown/Waterfront Improvements. <u>Stormwater project to provide regional drainage to downtown for economic development.</u>	Stormwater Utility Fees and Grants	\$0	\$0	\$2,000,000	\$0	\$0	\$0
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	\$600,000	\$0	\$0	\$0	\$0	\$0
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 \$300,000	\$500,000 \$300,000	\$500,000 \$300,000	\$300,000	\$300,000	\$300,000
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	\$0	\$0	\$0	\$0	\$0	\$0
PW-3 Water Main Replacements (ongoing replacement of older water mains to improve system hydraulics and water quality)	Water Fund Operating Budget	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
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	\$50,000	\$500,000 \$50,000	\$500,000 \$50,000	\$50,000	\$500,000	\$500,000
PW-5 1.0 MGD Ground Storage Tank 1.0 mgd ground storage for the additional capacity needs.	Utility Fees and Water Impact Fees	\$0	\$0	\$1,500,000 \$0	\$0	\$0	\$1,400,000
PW-6 Sunburst WTP Expansion (Addition of additional ground storage to meet demand.)	Utility Fees and Water Impact Fees	\$0	\$0	\$0	\$0	\$0	\$1,500,000
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	\$0	\$0	\$0	\$1,500,000	\$0	\$0

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 10, 2015		
Agenda Item Name		
Ordinance No. 2015-77 <i>Introduction</i>		
Requested Action		
Move to approve Ordinance No. 2015-77 for the modified CRA Redevelopment Plan ~ 2015		
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. The CRA Redevelopment Plan 2015 was presented to the Planning & Zoning Commission on November 3, 2015 and there recommendation will be presented to the City Council at this meeting.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)		
1.	Ordinance No. 2015-77	Ord 2015-77 Redevelopment Plan.pdf
2.	CRA District Map	CRA Map-NEW 2015.pdf
3.	CRA Redevelopment Plan - 2015	CRA Redevelopment Plan & FON 2015.pdf
4.	Ad	2015-77 CRA.docx

**CITY OF CLERMONT
ORDINANCE NO. 2015-77**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR THE COMMUNITY REDEVELOPMENT AREA LOCATED IN THE CITY OF CLERMONT; MAKING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution No. 950 adopted by the City Council of the City of Clermont on May 27, 1997, determined that a certain area in the City of Clermont was in need of redevelopment and so designated that area as being the “Community Redevelopment Area,” in accordance with Section 163.340(10), Florida Statutes; and

WHEREAS, Resolution No. 950 adopted by the City Council of the City of Clermont on May 27, 1997, created a Community Redevelopment Agency for the Downtown Redevelopment Area, in accordance with Section 163.357, Florida Statutes; and

WHEREAS, in accordance with and pursuant to the procedures and authorizations set forth in Part III, Chapter 163, Florida Statutes (the “Redevelopment Act”), a Community redevelopment plan for the Downtown Redevelopment Area was prepared; and

WHEREAS, the City Council of the City of Clermont on August 11, 1998 approved a Redevelopment Plan for the Downtown Redevelopment Area as described in Resolution No. 950; and

WHEREAS, the City Council of the City of Clermont on September 8, 1998 approved Ordinance No. 359-M establishing the Community Redevelopment Trust Fund; and

WHEREAS, the Clermont Downtown Community Redevelopment Agency recommended approval of the revised Redevelopment Plan on January 24, 2005, and the City Council of the City of Clermont on January 24, 2005 approved a revised Redevelopment Plan as described in Resolution No. 1465; and

WHEREAS, the Clermont Downtown Community Redevelopment Agency recommended approval of the revised Redevelopment Plan on January 26, 2010, and the City Council of the City of Clermont on January 26, 2010 approved a revised Redevelopment Plan as described in Resolution No. 2010-03; and

WHEREAS, the City Council of the City of Clermont on October 13, 2015 approved Resolution No. 2015-36 for the Finding of Necessity dated August, 2015, as recommended by the Downtown Clermont Redevelopment Agency at its meeting on September 8, 2015; and

CITY OF CLERMONT
ORDINANCE NO. 2015-77

WHEREAS, the Proposed Plan has been revised and was reviewed and approved by the Community Redevelopment Agency on October 13, 2015, and found to be compliant with the Clermont Comprehensive Plan by the Planning & Zoning Commission acting as the Local Planning Agency (LPA) on November 6, 2015 and has made a recommendation to the City Council of the City of Clermont to approve the Redevelopment Plan as amended and dated December 8, 2015; and

WHEREAS, modification of the Community Redevelopment Plan, is in accordance with Section 163.361, Florida Statutes; and

WHEREAS, the City Council of the City of Clermont has received the recommendation to adopt the proposed Redevelopment Plan and has caused a public notice to be published and a notice mailed to each taxing authority as required by Section 163.346, Florida Statutes.

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

SECTION 1. Findings

Based on the information presented to it, the City Council does hereby find:

- (a) The recitals set forth above (including the definitions) are hereby adopted and incorporated herein to the full extent as if set forth in the text of this Ordinance.
- (b) The public hearing required by Section 163.361(2), Florida Statutes, has been held and closed.
- (c) Although no families are anticipated to be displaced as a result of Clermont's redevelopment activities, a feasible method exists for the location of any such families in decent, safe, and sanitary dwelling accommodations within their means and without due hardship.
- (d) The Proposed Plan conforms to the general plan of the City of Clermont as a whole.
- (e) The Proposed Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Downtown Redevelopment Area by private enterprise.
- (f) The Proposed Plan allows for the redevelopment or rehabilitation of the Downtown Redevelopment Area in accordance with Florida Statutes, Chapter 163, Part III Community Redevelopment.

CITY OF CLERMONT
ORDINANCE NO. 2015-77

SECTION 2. Adoption of Plan

The proposed CRA Redevelopment Plan as shown in “Exhibit A”, is hereby adopted and shall henceforth be and constitute the CRA Redevelopment Plan for the Downtown Redevelopment Area.

SECTION 3. Conflicts

Any and all ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

SECTION 4. Notice

Proper notice in accordance with Chapter 163.346, Florida Statutes has been given to affected taxing authorities.

SECTION 5. Effective Date

This Ordinance shall take effect immediately upon approval and adoption by the Clermont City Council.

CITY OF CLERMONT
ORDINANCE NO. 2015-77

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

Downtown Clermont Redevelopment Agency ~ District Map

- CRA – existing
- CRA – proposed expansion

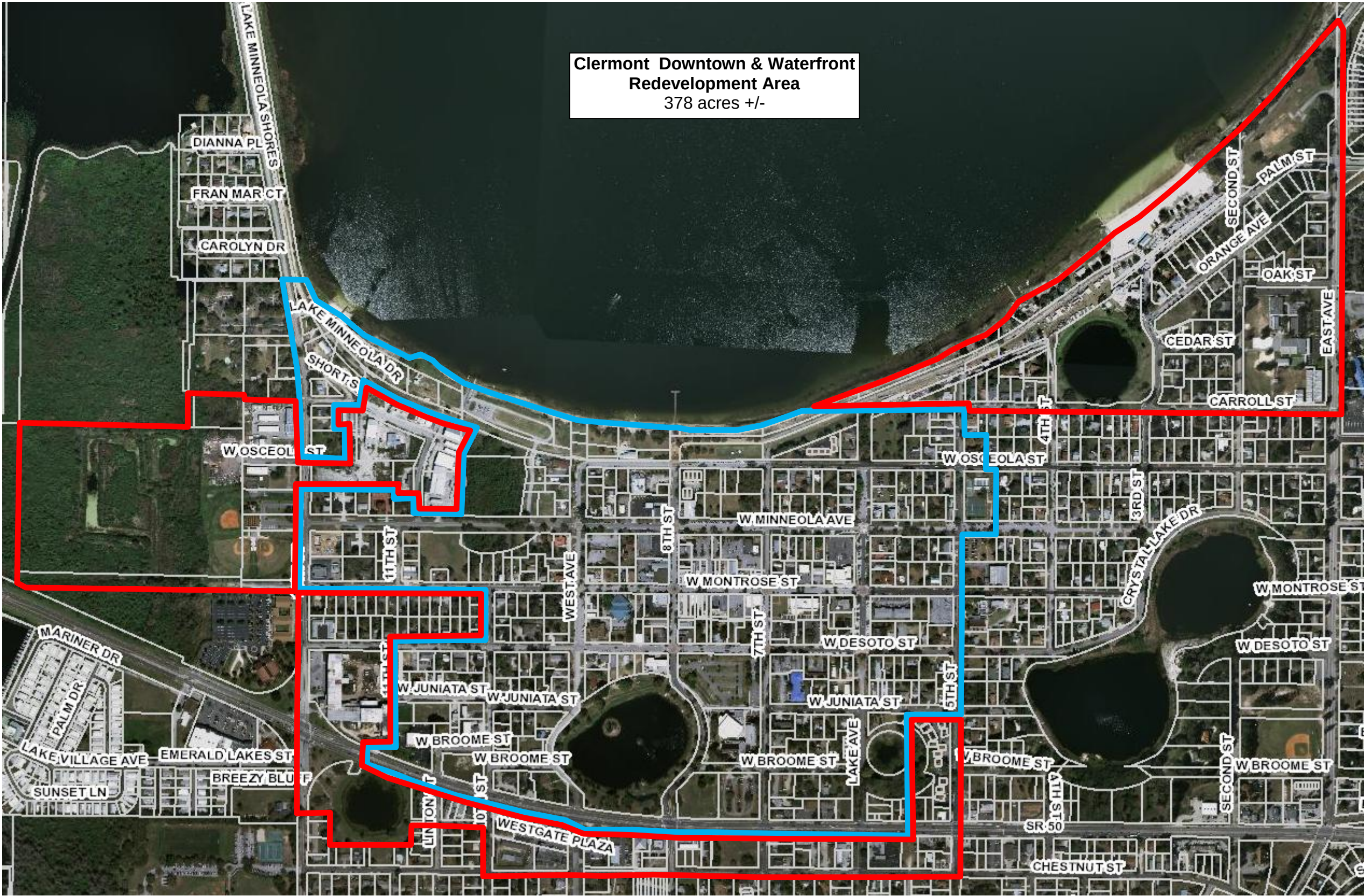


Exhibit "A"
Ordinance No. 2015-77
Adopted 12/8/2015

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.

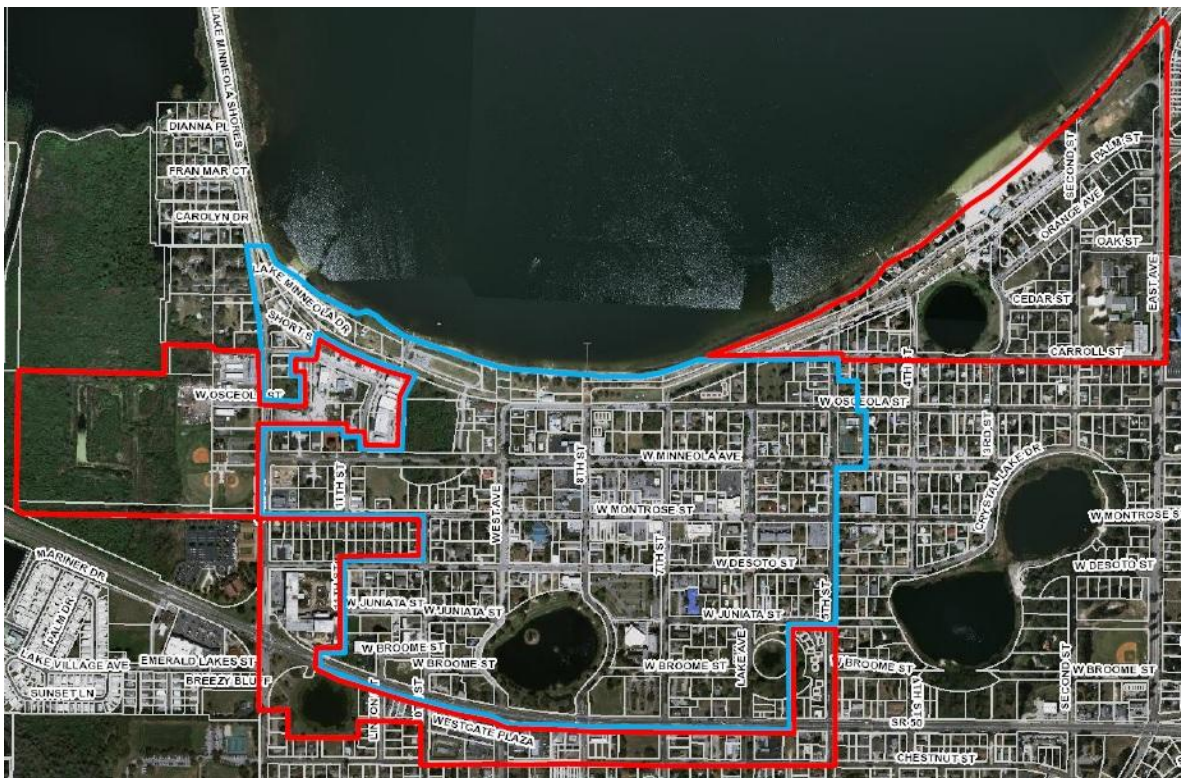
A minor update to the redevelopment plan was completed in 2010, the update incorporated incentive programs ranging from façade improvement grants and impact fee assistance to building code compliance assistance. Additionally, street lighting improvements were included for when LED lighting is integrated 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.

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.

Proposed Expansion Area

The initiative to expand the CRA from 157 acres to 378 acres 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 development activity. A redevelopment initiative to identify new market potential for the area, 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.

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

Prepared for: City of Clermont

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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.

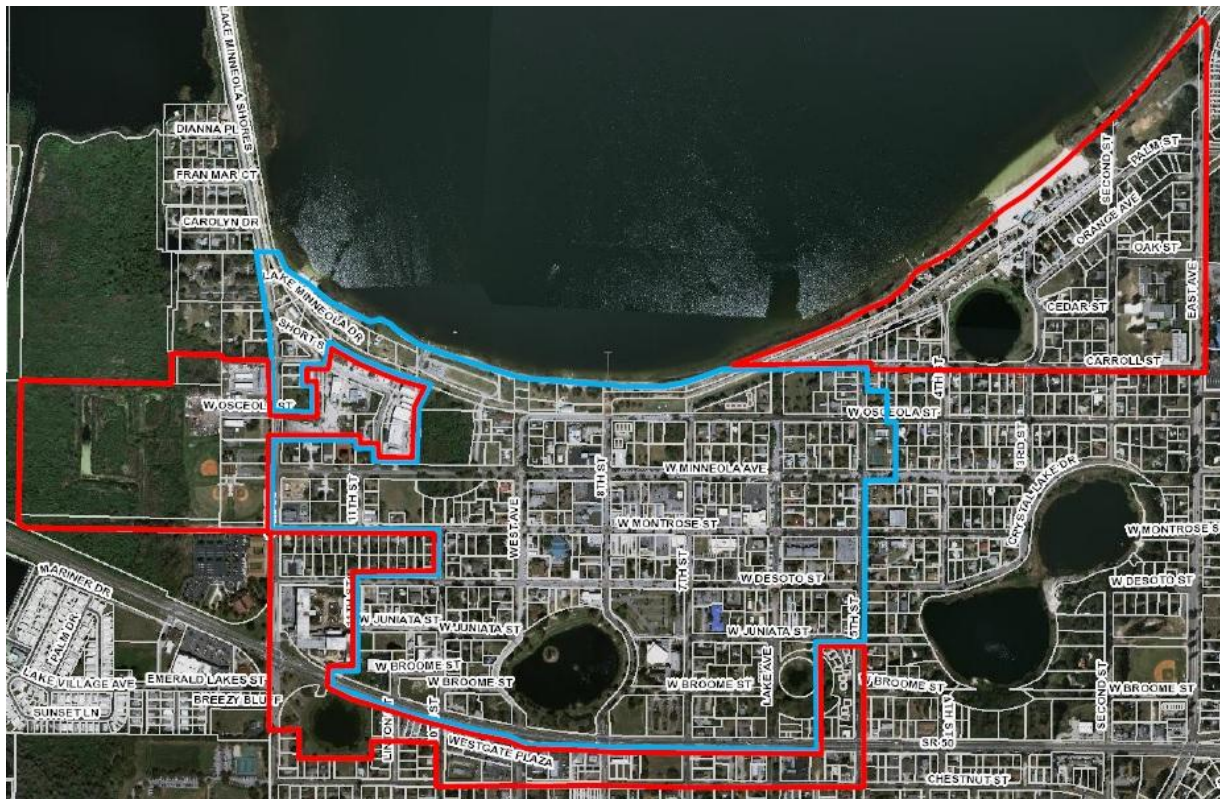
The goals and objectives of the plan were kept broad enough to allow for flexibility in the projects which would be implemented, but also realistic to ensure that they could be accomplished. As with any plan, the redevelopment plan should be updated from time to time in order to take advantage of new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

LEGAL NOTICE

The City Council of the City of Clermont will consider the enactment of the following proposed Ordinance at the regularly scheduled meeting to be held Tuesday, December 8, 2015 at 6:30 P.M. at City Hall located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2015-77

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR THE COMMUNITY REDEVELOPMENT AREA LOCATED IN THE CITY OF CLERMONT; MAKING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Tracy Ackroyd, MMC
City Clerk

Daily Commercial
November 24, 2015



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, November 10, 2015		
Agenda Item Name		
Ordinance No. 2015-78 <i>Introduction</i>		
Requested Action		
Move to introduce 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.

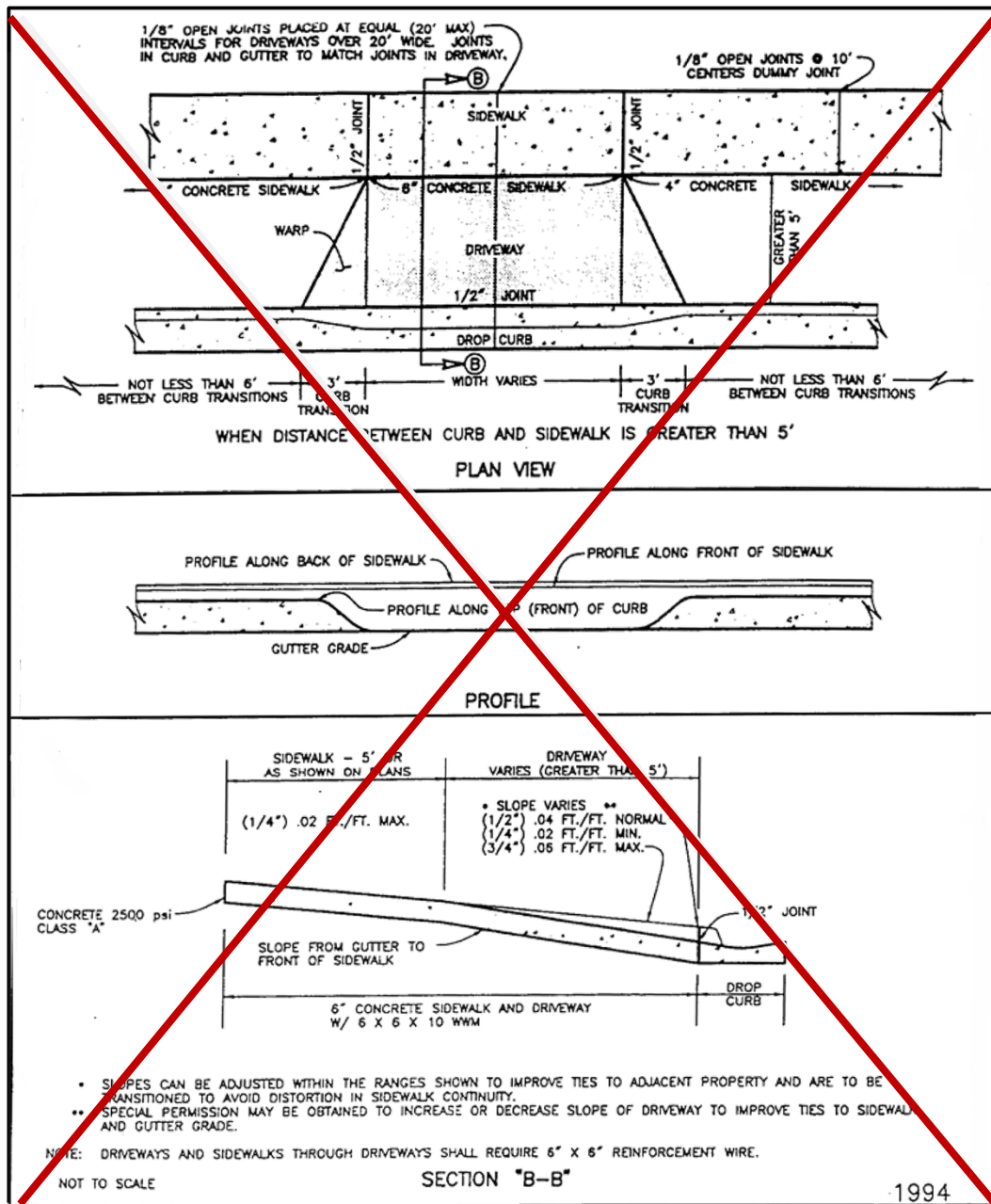
Section 110-274 – Illustrations.

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

CITY OF CLERMONT
ORDINANCE No. 2015-78

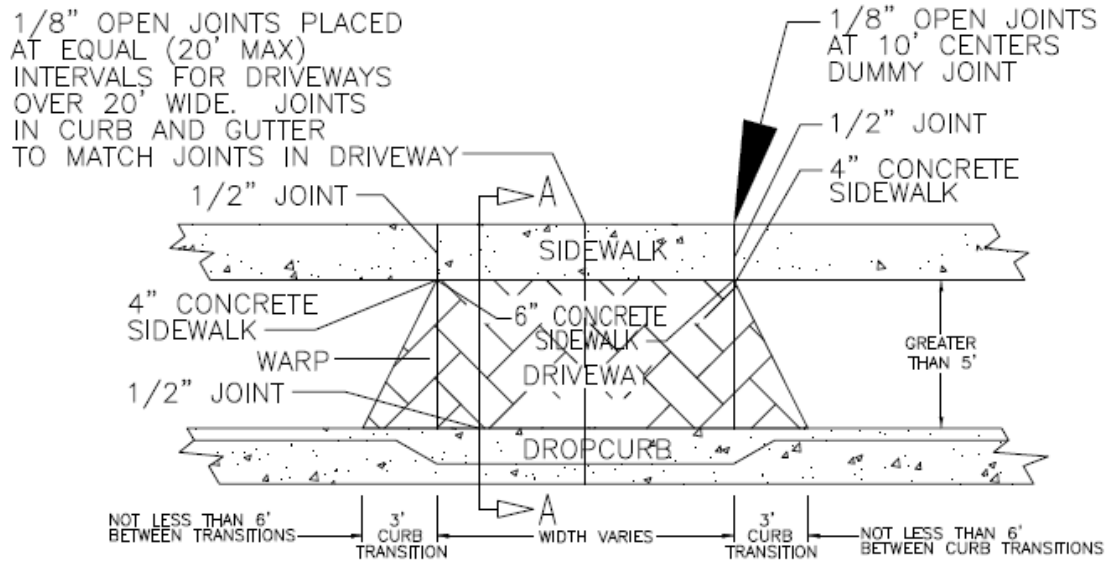
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Figure 110-274A. Detail of Sidewalk and Paved Driveway Construction



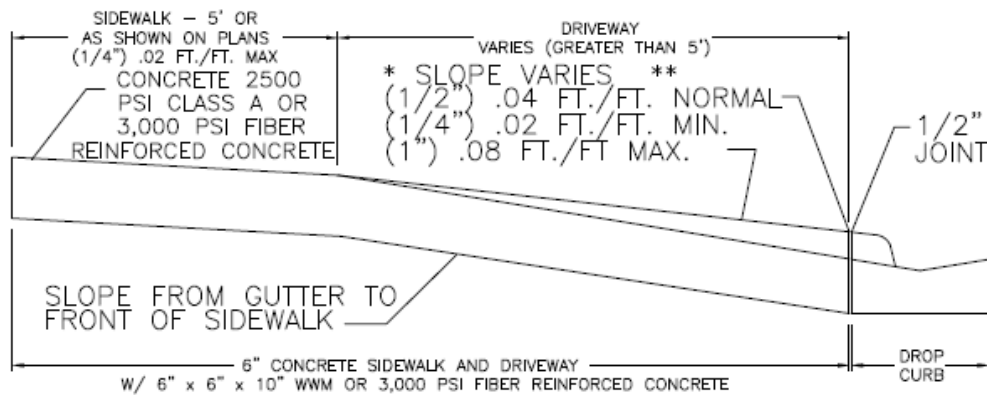
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CITY OF CLERMONT
ORDINANCE No. 2015-78



PLAN VIEW

WHEN DISTANCE BETWEEN CURB AND SIDEWALK IS GREATER THAN 5 FEET

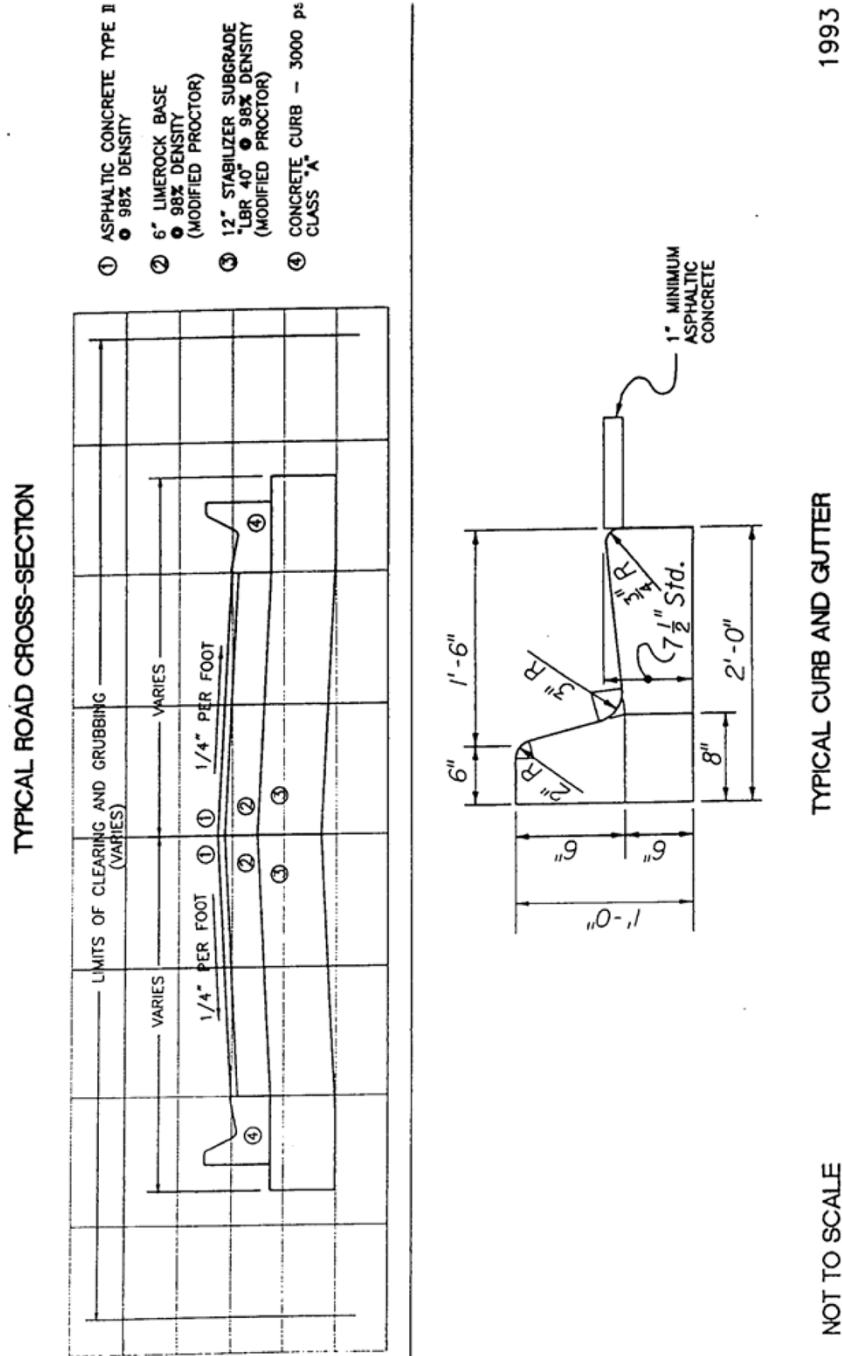


SECTION A-A

- * 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.

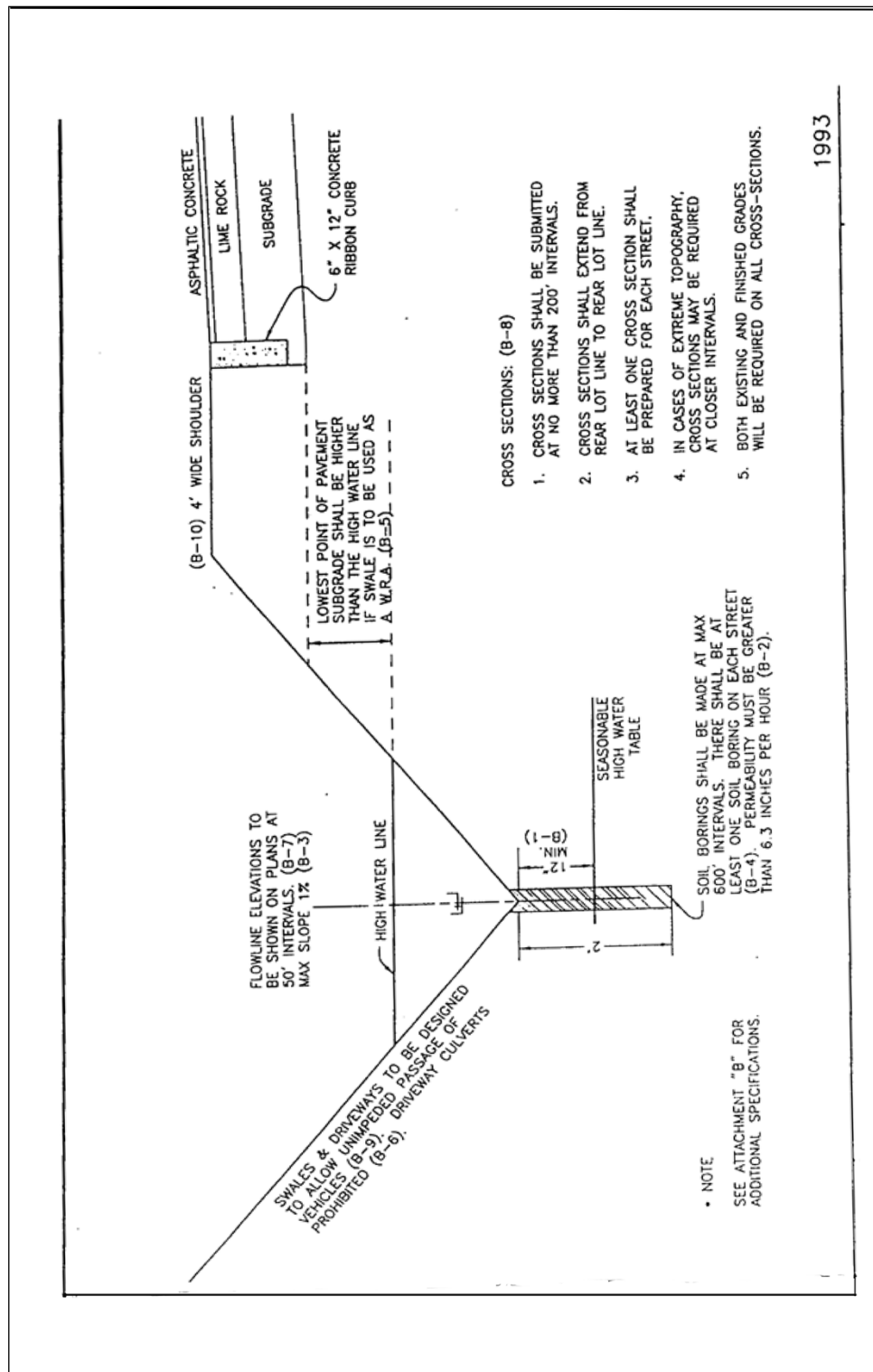
CITY OF CLERMONT
ORDINANCE No. 2015-78

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)



CITY OF CLERMONT
ORDINANCE No. 2015-78

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.

A/C

65.83'

18.33'

11.33'

3.7'

13.3'

11.33'

19.67'

62.00'

7.5' D.U.E.

15.4'

15.0'

11.17'

4.6.00'

13.33'

5.0'

11.50'

15.1'

24.17'

3.17'

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'

177.3

BOX R.C. LB#6605

177.3

178.8

EL.=178.8

F.I.R.C. LB#6605

EL.=178.4

127 sf

56 sf

FND PK

C/L EL=176.79

FOXHOUND DRIVE

60' R/W PER PLAT

LOT 182 RESIDENCE

FF EL.=180.37

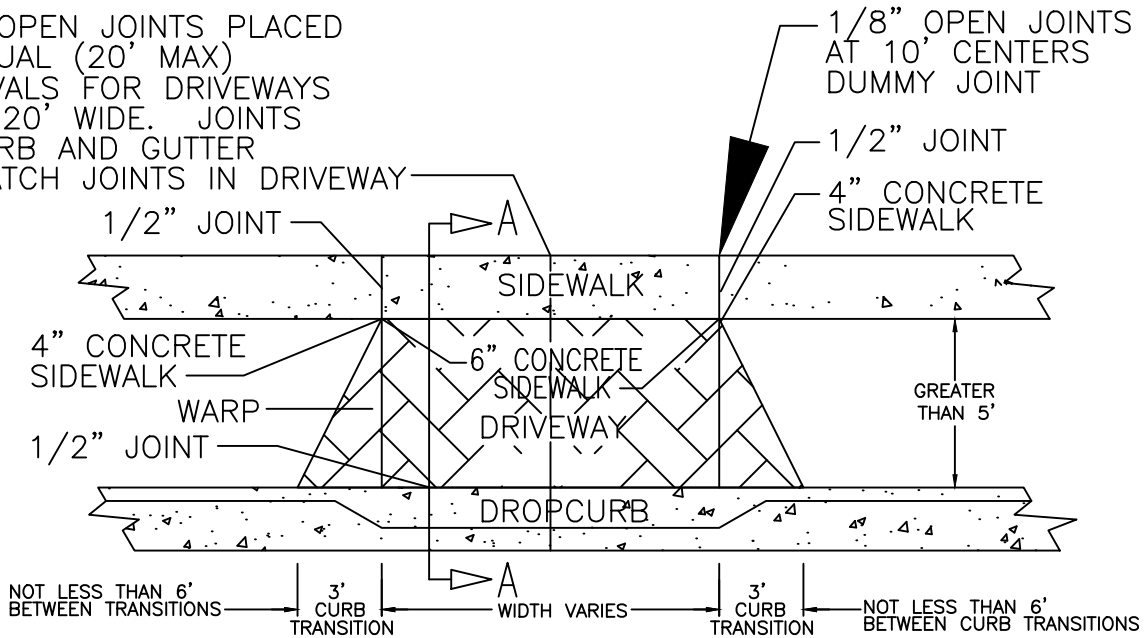
LANAI

N89°26'27"W

199.15'

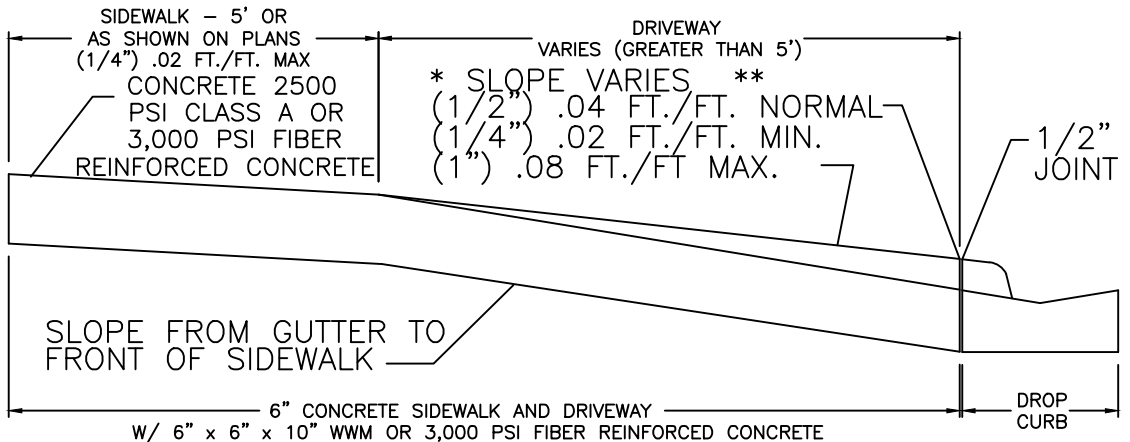


1/8" OPEN JOINTS PLACED AT EQUAL (20' MAX) INTERVALS FOR DRIVEWAYS OVER 20' WIDE. JOINTS IN CURB AND GUTTER TO MATCH JOINTS IN DRIVEWAY



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 10, 2015		
Agenda Item Name		
Ordinance No. 2015-79 <i>Introduction</i>		
Requested Action		
Move to introduce 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~~

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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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(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

- (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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ORDINANCE No. 2015-79

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 10, 2015		
Agenda Item Name		
Ordinance No. 2015-80 <i>Introduction</i>		
Requested Action		
Move to introduce 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.

CITY OF CLERMONT
ORDINANCE No. 2015-80

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

CITY OF CLERMONT
ORDINANCE No. 2015-80

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.

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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.

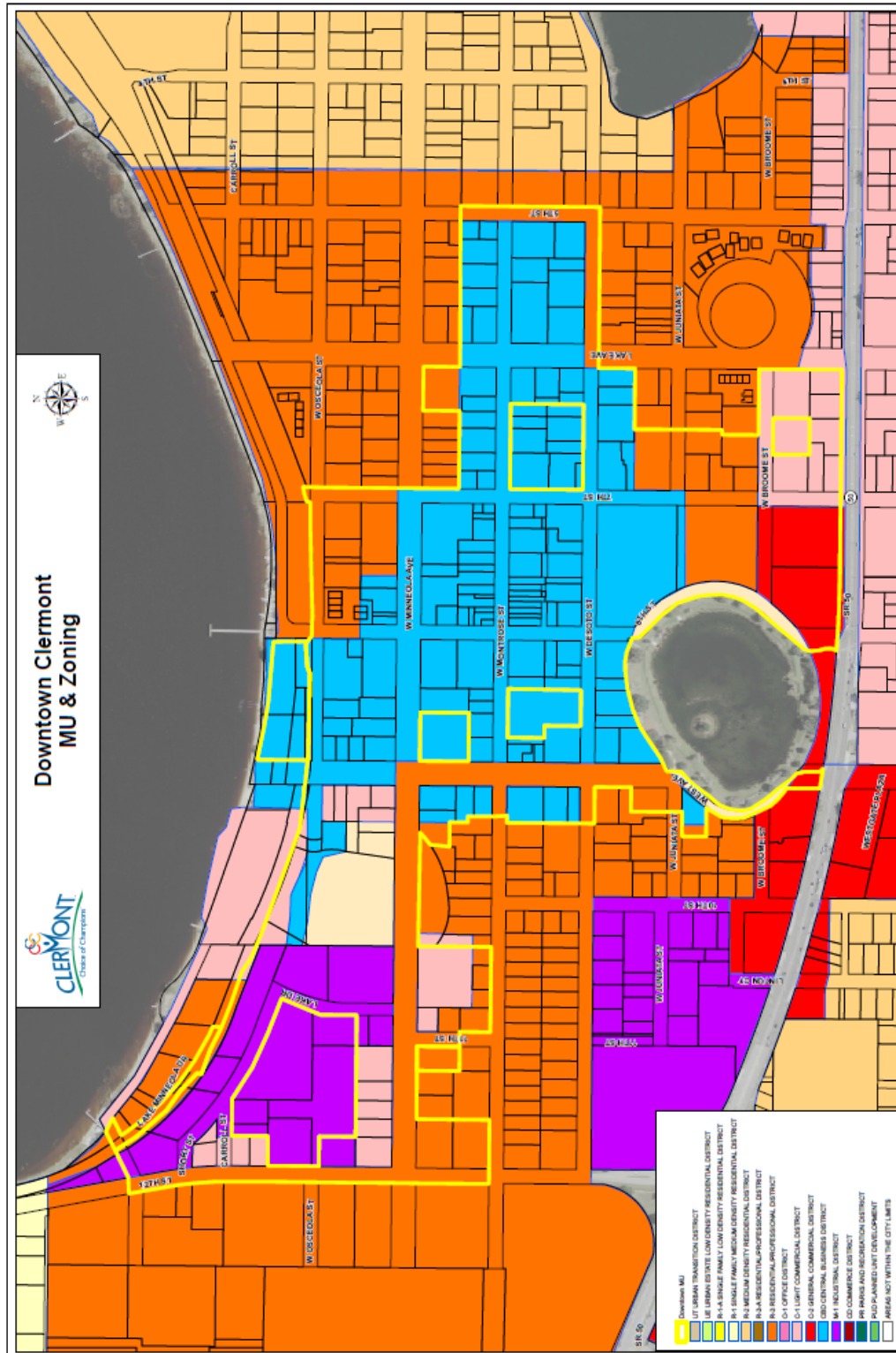
SECTION 3:

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:

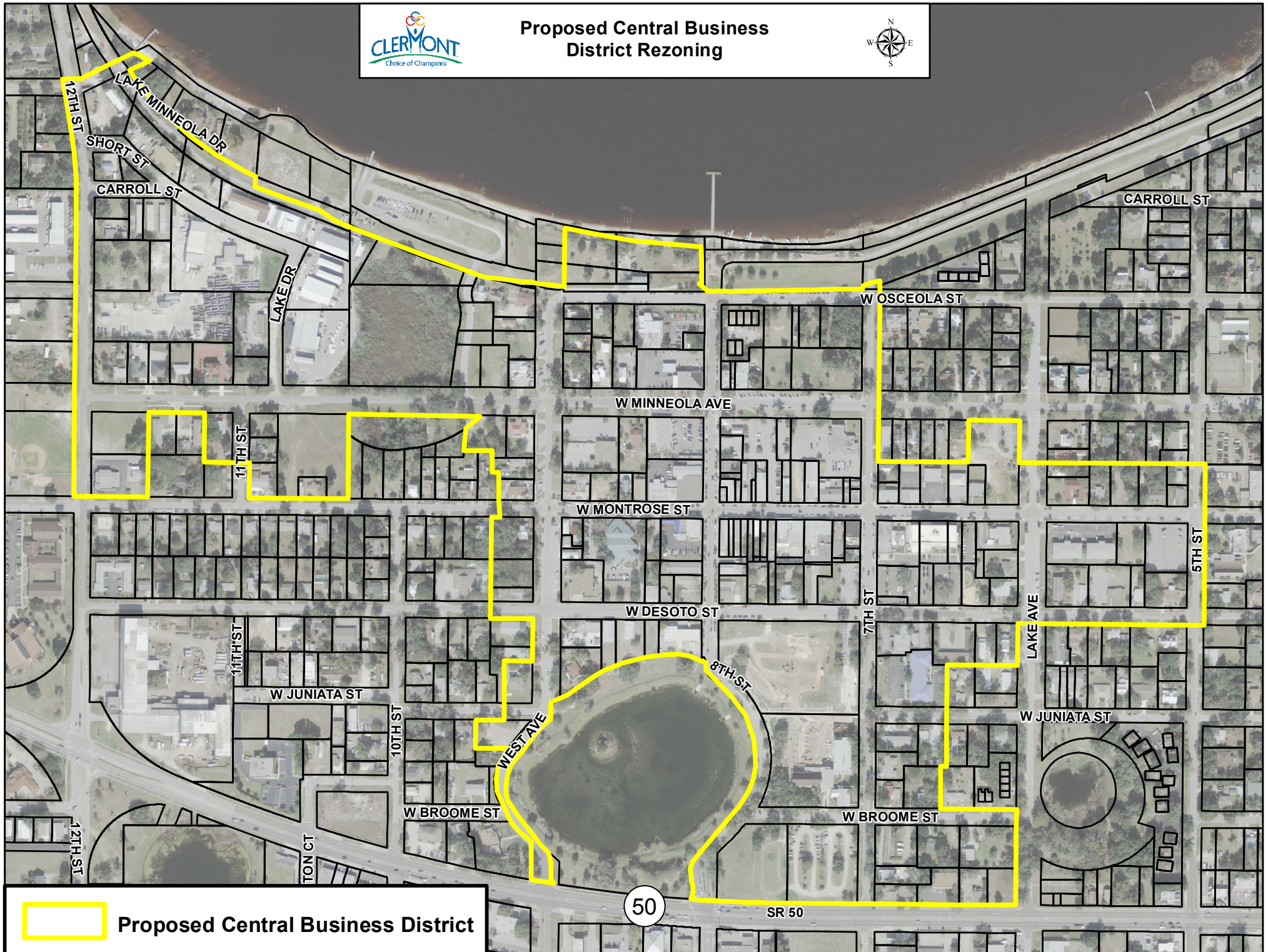
Tracy Ackroyd, City Clerk

Approved as to form and legality:

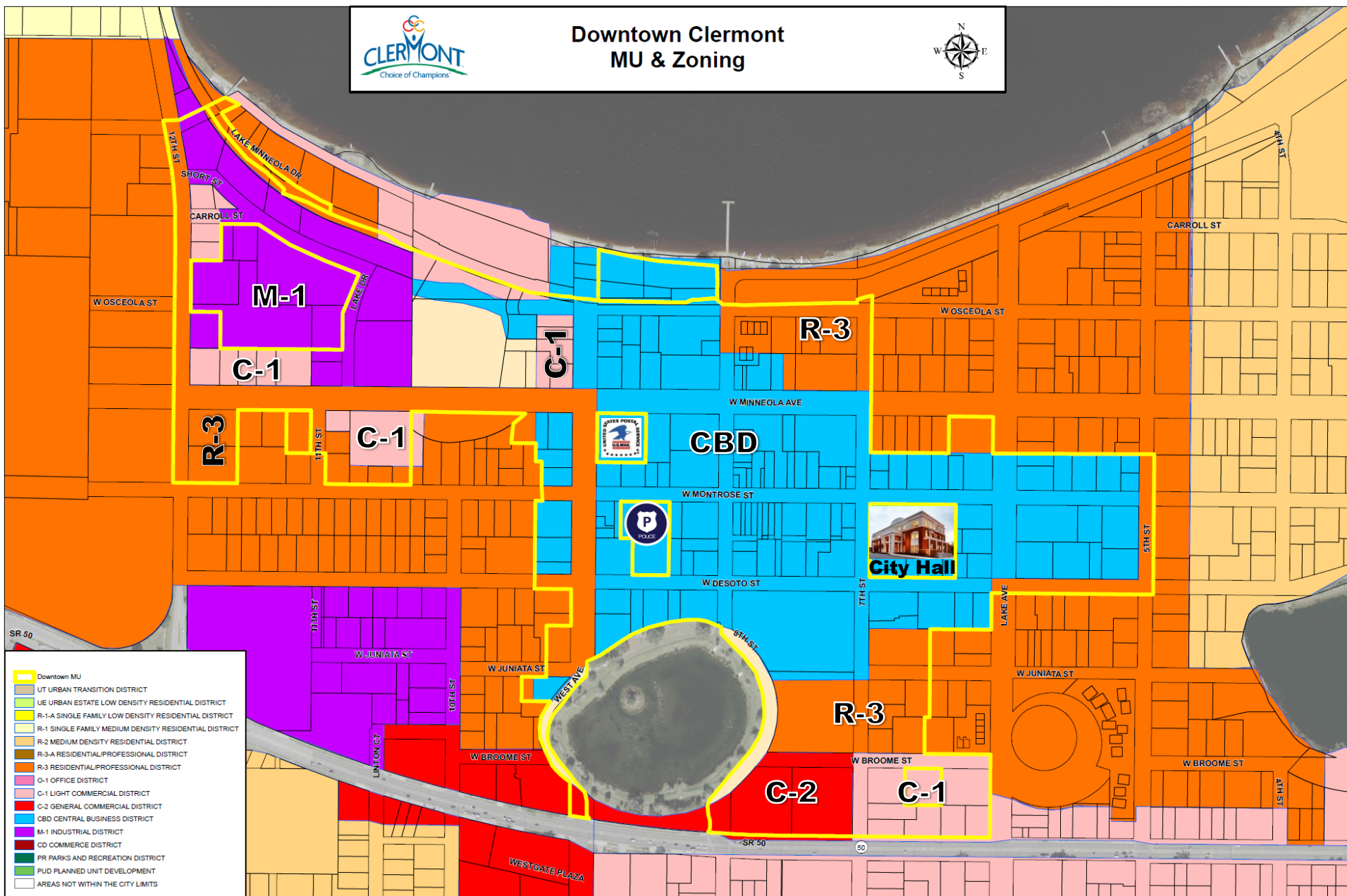
Daniel F. Mantzaris, City Attorney



Proposed Central Business District Rezoning

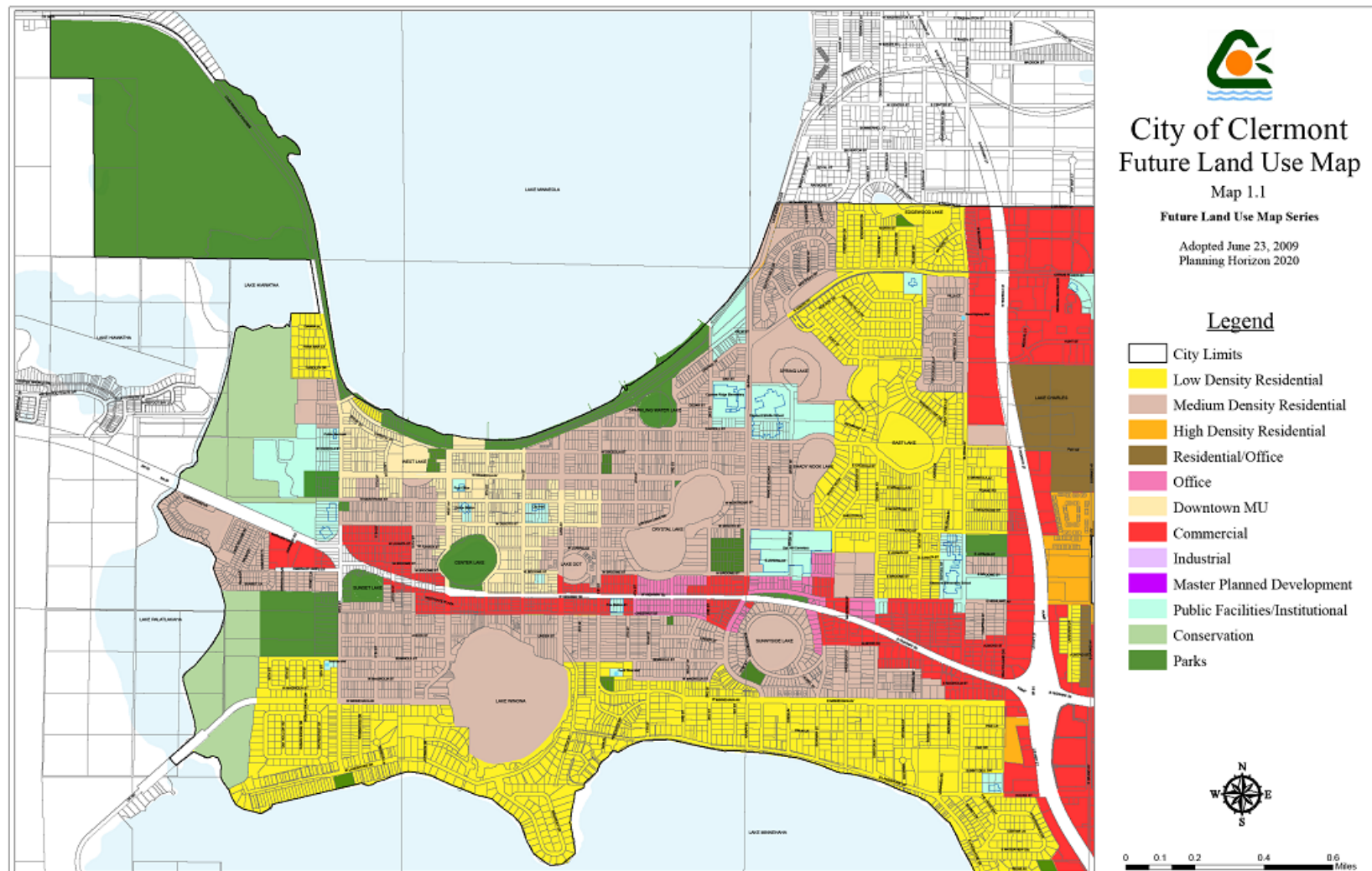


Proposed Central Business District



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 Northwestern 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