



**CITY OF CLERMONT
CITY COUNCIL MEETING
LOCATION: CLERMONT CITY HALL
AGENDA
6:30 PM, Tuesday, May 25, 2021**

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. Each speaker will be permitted 3 minutes to address the Council. These time limits may be extended by the Mayor or by majority vote of the Council. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PROCLAMATION

Mens Health Month

PRESENTATIONS

Fiscal Year 2021 Quarterly Budget Update

PUBLIC COMMENTS

REPORTS

Chairman Parks, Lake County Board of County Commissioners, District 2

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.

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| Item No. 1 - Meeting Minutes | Consider approval of the April 27, 2021 Council Meeting minutes. |
| Item No. 2 - Contractor Name Change | Consider request for contractor name change from Curry Controls Company to Revere Control Systems, Inc. |
| Item No. 3 - Contractor Name Change | Consider request for contractor name change from Reiss Engineering, Inc. to CHA Consulting, Inc. |
| Item No. 4 - Clermont Historic Village Use Agreement First Amendment | Consider approval of the Grace Chapel and Replica Outhouse addition to the Historic Village site. |

UNFINISHED BUSINESS

- | | |
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| Item No. 5 - Ordinance No. 2021-013 <i>Final Disston Duplexes PUD</i> | Consider rezoning from R-3 Residential, C-1 Light Commercial and C-2 General Commercial to a Planned Unit Development for vacant parcels located at the corner of Disston Avenue and Almond Street. |
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Item No. 6 - Ordinance No. 2021-014 *Final
Speed Zones*

Consider no wake zone/idle speed of canoe and kayak launching area of Lake Hiawatha and Boat Ramp.

Item No. 7 - Variance Request *Withdrawn
DWW Squared*

The applicant has withdrawn this request.

NEW BUSINESS

Item No. 8 - Resolution No. 2021-027R
Rental Depot CUP

Consider request for a Conditional Use Permit to allow outside storage and display of equipment for vacant property located between US Hwy 27 and south of the Irish Trails Farm and Pet Store.

Item No. 9 - Resolution No. 2021-028R
Right at Home Health Agency CUP

Consider a Conditional Use Permit request to allow for a professional office for property located at 792 E. Montrose Street.

Item No. 10 - Variance Request
New Jacob Chapel Church

Consider request to allow for connection to the potable water system for irrigation services instead of a private well for the property located at 410 W. Highway 50.

Item No. 11 - Ordinance No. 2021-015
*Introduction
Skorman Multi-family PUD*

Consider rezoning a Planned Unit Development for 17 +/- acres southwest of the Hooks Street and Excalibur Road intersection for 204 apartment units.

Item No. 12 - Ordinance No. 2021-016
*Introduction
Commercial Watercrafts*

Consider ordinance to amend Chapter 70 Waterways, creating a required permit for commercial operators.

ADJOURN

Public Notice

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City

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Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Meeting agendas are available on the city website and are posted within the first floor of City Hall.

Should any person desire to appeal any decision of the City Council with respect to any matter to be considered at this meeting, that person shall ensure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in this proceeding may contact the Office of the City Clerk at (352) 241-7331 (Voice) no later than two (2) business days prior to the proceeding or by contacting the City Clerk's Office at cityclerk@clermontfl.org. TTY users may call via 711 (Florida Relay Service) no later than two (2) business days prior to the proceeding.

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.

PROCLAMATION

Whereas, despite advances in medical technology and research, men continue to live an average of five years less than women with Native American and African-American men having the lowest life expectancy; and

Whereas, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and

Whereas, men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings; and

Whereas, fathers who maintain a healthy lifestyle are role models for their children and have happier, healthier children; and

Whereas, Men's Health Network worked with Congress to develop a national men's health awareness period as a special campaign to help educate men, boys, and their families about the importance of positive health attitudes and preventative health practices; and

Whereas, the City of Clermont actively promotes Men's Health among employees through the employment of a workforce wellness coordinator who helps male employees on a broad range of men's health issues, including heart disease, mental health, diabetes, and prostate, testicular and colon cancer; and

Whereas, all male citizens of Clermont are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical check-ups.

Now, Therefore, I, Tim Murry, Mayor of the City of Clermont in the State of Florida, do hereby proclaim the Month of June, Two Thousand and Twenty One as:

Men's Health Month

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Clermont to be affixed this 25th Day of May in the year Two Thousand and Twenty One.

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 27, 2021

The City Council met in a regular meeting on Tuesday, April 27, 2021 in the Clermont Arts and Recreation Center. Mayor Murry called the meeting to order at 6:30pm with the following Council Members present: Council Members Pines, Entsuah, Bates, and Purvis.

Other City officials present were Interim City Manager Dauderis, City Attorney Mantzaris, and Deputy City Clerk Lueth.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was provided by Pastor Jonathon Brinkley with Vision Church Groveland followed by the Pledge of Allegiance.

PROCLAMATION

Public Service Recognition Week

Deputy City Clerk Lueth read the proclamation into the record; it was received by Interim City Manager Dauderis.

National Occupational Health and Safety Week

Deputy City Clerk Lueth read the proclamation into the record; it was received by Beth Brick of the Walt Disney Company.

PRESENTATIONS

Drop Savers Poster Contest Winners

Lee Vandever, Assistant Director of Public Services introduced the contest and explained the history to those in attendance. The goal of the contest is to stress the importance of water conservation. Participants are provided a blank poster and asked to draw an image about what water conservation means to them.

Adam Swanson, Public Services Manager for Water Distribution introduced the contest winners. Mr. Swanson introduced Christopher Gonzalez to the Council as the City's Water Conservation Officer. Mr. Swanson informed the Council that of the three schools that participated over 200 posters were received.

There were two rounds of judging, the first by public services staff, and the second by City Hall staff.

Competition Winners:

Jordon Maldonado 3rd place, Division 1, 1st Grade.

Gianna Barga 2nd place, Division 2, 3rd Grade

Campbell Evans, 1st place, Division 3, 5th Grade.

Mr. Swanson informed the Council that Ms. Evan's poster will be placed on the 2nd floor of City Hall with all the other former winners.

PUBLIC COMMENTS

Paula Hoisington, 564 East Desoto Street, Clermont – concerned about speeding in the neighborhood. Her neighborhood is 30 miles per hour, but people are going 35 or 40. She would like to see it at 20 or 25 mph. She lost her brand new mailbox. Complimented Clermont Police Department.

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Donald Hubert, 4250 Caplock Street, Clermont – concerned about the amount of building and development in the City.

Cindy Emely, 2633 Hartwood Pines Way – concerned about the amount of building and development in the City and the lack of infrastructure.

City Attorney Mantzaris reminded the Council that the City Code states that applause is a distraction to those in attendance and a deterrent to those who may wish to voice opposing views.

Alan Mejac, 3960 Longbow Drive, Hunters Run, Clermont – the addition of more traffic on Hartwood Marsh is a nightmare. The Imagine School has made the area much worse.

Vincent Niemiec, Barrister Drive, Clermont – asked if there is an update on the Titan Land Mine situation.

Dani Page, Tuscany Ridge, Clermont – Asked the Council to impose more stringent criteria and higher impact fees on developments in Clermont.

Charlene Forth, 939 W. Desoto Street, Clermont – Against roads in environmentally strategic areas.

Jack Sweeney, Regency Hills – Decisions need to be coordinated with Lake County government. There is traffic congestion on Hartwood Marsh.

REPORTS

INTERIM CITY MANAGER REPORT

Interim City Manager Dauderis informed the Council about several changes to the agenda. The changes were considered and voted upon. Interim City Manager Dauderis then proceeded to thank City staff who had worked on putting together the Arts and Recreation Center to accommodate the meeting being held.

CITY ATTORNEY REPORT

City Attorney Mantzaris – No Report

CITY COUNCIL REPORT

Council Member Bates

- Thanked the public for being in attendance and getting involved.
- Provided update on Winter Garden/Hartwood Marsh Road issue.
- Commented on legislature's consideration of Home Based Business bill.

Council Member Purvis

- Attended the Celebration of Education

Council Member Entsuh

- Attended the Celebration of Education
- Attended the Celebration of Earth Day at the Lake Hiawatha Cleanup
- Expressed appreciation for the Drop Savers competition
- Asked the Interim City Manager to draft a resolution to keep Clermont in an age of energy conservation and make better decisions for the future.
- Asked the Interim City Manager to create an internship program to learn more about government.

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- Asked the Interim City Manager to consider hiring a grant writer for the City.

Regarding the internship program, Interim City Manager Dauderis informed the Council that the City has had an active internship program in place since 2015, but City staff are willing to have a discussion to expand it. An expanded program would most likely require additional funding and resources.

Regarding the grant writer, Interim City Manager Dauderis recommended that the Council review the request as part of the budget process. Council Member Purvis asked if the City had any outside designated grant writer contracts. Interim City Manager Dauderis responded that there is a consultant agreement in place to assist with Community Development Block Grants; each department handles their own grants.

Council Member Pines

- Discussed the April 20th City Council Workshop. Announced that beginning on May 15th, the Clermont Police Department will be patrolling the lake.

Mayor Murry

- Asked Interim City Manager Dauderis to provide an update on the boat ramp.
- Attended the Police update at the Clermont City Center.
- Thanked Fire Department for their vaccinations strategy.
- May 21st is diversity day and he is looking to do something for diversity day.
- Announced that the City will have a 4th of July celebration this year.
- Attended multiple new ribbon cuttings.

Regarding the boat ramp, Interim City Manager Dauderis informed the Council that the boat ramp parking lot was changed into a vehicle with trailer only. A barrier was installed on both sides of the boat ramp.

Regarding the diversity day activity, Interim City Manager Dauderis stated that they would be bringing a proclamation to the Council on May 11 along with the energy proclamation.

Regarding the 4th of July, Clermont is moving forward with a scaled down event.

Lake County Board Chair Sean Parks

Sean Parks, District 2, Lake County Board Chair

- The County is having budget conversations, he encouraged residents to contact their Commissioner regarding their funding desires.
- Regarding the Hartwood-Marsh sand truck issue, they decided not to pursue legal action against Winter Garden at this time. The option is still on the table for a later date if required.
- Regarding the American Recovery and Restoration Act (ARRA), Lake County is receiving about \$72 Million of which Clermont will receive roughly \$16 million.
- The Lake County Manager is working through some issues with the Clermont City Manager on communication and intergovernmental coordination.
- Regarding vaccines, Lake County will close the old Sears location in Leesburg at the end of May.

Regarding the Hartwood-Marsh issue, Council Member Purvis asked Chairman Parks to explain to those in attendance how jurisdiction works in regards to the maintenance, expansion, and oversight of the road. Chairman Parks explained very generally that many of the roads that are collector and arterial roads are managed by Lake County and are a county liability. The City has the right to voice concerns about infrastructure.

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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.

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| Item No. 1 – Minutes Approval | Consider the April 6, 2021 and April 13, 2021 Council Meeting Minutes. |
| Item No. 2 – Piggyback Agreement | Consider request to piggyback State of Florida contract with WEX Bank to provide Fuel Card Services in the estimated annual budgeted amount of \$285,000 |
| Item No. 3 – Event & Open Container Request | Consider request for Clermont’s Sips & Salsa cultural event co-hosted by the South Lake Chamber of Commerce at Waterfront Park on Sept. 18, 2021. |

Member of the public, Samii Taylor requested that Item 1 be pulled.

MOTION TO APPROVE the consent agenda items 2 and 3 for April 27, 2021 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Ms. Taylor apologized for pulling the item as she thought they were the minutes for April 20, 2021.

MOTION TO APPROVE the consent agenda item 1 for April 27, 2021 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

UNFINISHED BUSINESS

Item No. 4 - Ordinance No. 2020-16 Final – *Hartwood Marsh CPA*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTING THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FOR THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR THE ADOPTION OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Lueth read the ordinance into the record by title only.

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Director Henschel made the presentation. The applicant is asking for a Comprehensive Plan Amendment (CPA) and a Planned Unit Development (PUD) rezoning of the six (6) acre parcel. The City Council approved a Conditional Use Permit for the church along with accessory ministry uses. The site plan did mention an assisted living facility as a possible use, however an assisted living facility is not an available use under the current zoning category or City's comprehensive plan. The assisted living facility is not part of the church and will be developed separately. City staff has reviewed the plan and has determined that the project is consistent with the City Code and recommends approval. The Planning & Zoning Board recommended denial on a 2-4 vote.

Cecilia Bonifay, Ackerman Law Firm – *Applicant Representative*. Requested the combined discussion of agenda items 4 and 5. The City Council consented and Deputy City Clerk Lueth read the legal title for Ordinance No. 2020-17 into the record.

Ms. Bonifay explained to the Council that their plan for this evening is to provide an overview of what has been requested and what has been done to meet the requirements set forth by the City. Christopher Germana will provide an engineering analysis. Dr. San Hada Sata will provide a transportation analysis and study which is a requirement of the PUD. Pastor Ben Bond will follow on how the church will serve as an extension of ministry, and Mr. Don Lawson of the assistant living facility will conclude. Ms. Bonifay is concerned about the amount of misinformation that is being propagated in the community. She plans to present facts and science. She argued this is not a true change in density as she has seen on flyers. The applications if for a small scale comprehensive plan. They are not asking for a large scale development which would require a large scale comprehensive amendment which would be reviewed by the state. Regarding zoning, there is no level of zoning that accommodates a small scale use like they are proposing. City staff has provided them with the high density commercial designation to accommodate the use.

Ms. Bonifay objected for the record to the use of public comments as an extension of the conversation of this agenda item. She addressed a concern that this could be flipped to an apartment complex saying that they are prohibited from changing this without going through the process again. She addressed the concern of traffic saying that what they will present is fully compliant with the rules and regulations put forth by the City. She addressed the concern of ongoing continuances saying that the plan was changed numerous times during the interim period between continuances. She addressed the concern about the Winter Garden trucks. Ms. Bonifay disclosed that she been approached by Titan Mining for representation. She informed the Council that implementation of enforcement is dependent on the will of the Winter Garden City Manager. Titan America has gone through a lot of changes to reduce their traffic. Ms. Bonifay stressed to the Council that the impact of the project is insignificant in regards to traffic impact. Ms. Bonifay came down Hartwood Marsh to the meeting tonight and did not experience an overwhelming level of traffic. She then proceeded to introduced Chris Germana as the projects civil engineer.

Christopher Germana, Germana Engineering – *Applicant Representative*. Mr. Germana provided a history of the project. In 2019, they made a submittal and after hearing concerns and comments on that submittal, they made substantive changes to the site plan and design. They are now 420 ft. from the east property line. They were previously 52 feet. Landscape buffers were also improved as they are going from 31 to 85 feet, and the City's code only asks for 10 feet. They want to keep the existing trees where they are as part of the landscape. In the submitted concept plan, they had 112 parking spaces which is in excess of the code, so they are considering a reduction.

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Dr. Hatem Abou-Senna – *Applicant Representative*. Dr. Abou-Senna presented a video PowerPoint to the Council. He explained that the Hartwood Marsh access entrance/exit is right turn in and right turn out. There is no left in or left out. He reviewed with the Council how traffic trips are estimated and he gave a review of their methodology. He stated how many trips would be entering and exiting. The project is considered to have an insignificant impact on the traffic. The level of service from the Metropolitan Planning Organization (MPO) during peak hours is a C and D. For the purposes of the presentation, they included the traffic generated from the 321 homes being built and the traffic generated from the church. He stressed to the Council that the residents of assisted living facility cannot drive, so traffic will be generated only from staff and a few visitors. Dr. Abou-Senna concluded by stating that this analysis was conducted as a tier 1 study, and the result is that the projected traffic impact is considered de minimis.

Pastor Ben Bond, 11902 Herring Cove, Clermont – *Applicant*. Pastor Bond stated they are here for the community. They left a campus that they have been at for 132 years downtown. He gave a history of the project. They have always intended this site to be an extension of their ministry. They are a multi-generational church. They bought their campus before most of the subdivisions were built. They will not own or operate the facility, but they will be a significant partner with the center.

Don Lawson, 4910 Lakewood Ranch Blvd – *Applicant*. Mr. Lawson introduced himself as the potential developer and owner of the property. He is also an architect and will be working on the design of the project. They choose churches who they can partner with. He described the layout and design of the facility. They are presently developing similar projects throughout Florida and Georgia. All of their projects are located adjacent to residential neighborhoods and adjoining churches. He spoke to the demand. He said there are multiple independent analysis stating that there is a significant need in the Clermont Community for assisted living facilities.

Ms. Bonifay informed the Council that this concludes the applicant presentation. Ms. Bonifay requested that since not all of those in support of the project would be addressing the Council that those members of the public stand. Members of the public stood. City Attorney Mantzaris cautioned Ms. Bonifay stating that it is the Mayor and Councils decision whether or not to allow congregated representation and it is inappropriate for her to ask for a group to stand without their consent.

Mayor Murry announced a 10 minute recess. City Attorney Mantzaris informed the Council that members of the public should not approach members of the Council to preserve the integrity of the process.

Recess began at 8:28pm; the meeting resumed at 8:38pm.

Mayor Murry gave instructions to the public and opened the floor for comments from the public.

The following members of the public spoke in favor of the project.

- Brian Blue
- Mike Unknown
- Cheryl Anderson, 9725 Crenshaw Circle

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- Bob Anderson, 9725 Crenshaw Circle
- Albert Bond, 2233 Kingsnoll Way, Kings Ridge
- Billy Lawson, 940 W. Lakeshore Drive
- Mike Conrad, 3524 Richfield Drive
- Gordon Boswell, 3600 Solana Circle
- Norman Cummings, 16400 Lakeshore Blvd., Minneola

The following members of the public spoke against the project:

- Mike Lapis, 4500 Barrister Drive, Regency Hills, Clermont
- Greg Benge, 2800 Valiant Drive, Regency Hills, Clermont
- David Wood, 2768 Valiant Drive, Regency Hills, Clermont
- Unknown (FEMALE)
- Tom Slayton, 300 S. Orange Avenue - Representing Regency Hills and Hartwood Pines
- Carl Shoopert, 10069 Cove Lake Drive, Orlando, Property Manager for Regency Hills.
- Joe Morganelli, Hunters Run HOA President
- Nancy Estivato, 4533 Barrister Drive, Regency Hills, Clermont
- Nicholas Rodriguez, Barrister Drive

For purposes of the record, City Attorney Mantzaris clarified for the public that they are taking part in a quasi-judicial proceeding. He asked if Mr. Rodriguez was introducing the video as evidence. Mr. Vincent Niemiec stated that he created the video and that Mr. Rodriguez had trouble hearing. City Attorney Mantzaris again asked Mr. Rodriguez if he was introducing the video as evidence. Mr. Rodriguez said that he was.

Continuation of members of the public speaking in opposition to the request:

- Vincent Niemiec, Barrister Drive, Regency Hills
- Unknown (MALE), Valiant Drive, Regency Hills
- Matthew Zini, Caplock Street, Hunters Run
- Darlene Niemiec, Barrister Drive, Regency Hills
- Tim Beckkoncourt, Majestic Isle Drive, Regency Hills
- Ray Suarez, Regency Hills
- Marcie Boyle, 2694 Retriever Drive, Hunters Run
- Juan Suarez, 3540 Barrister Drive, Regency Hills
- Dani Page, Tuscany Ridge
- Joe Gate, 2744 Kingston Ridge Drive, Regency Hills
- Wesley Miller, 2728 Kingston Ridge Drive, Regency Hills
- Randy Everdeen, 2430 Woodward Hill Court

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- Charlene Forth, 939 W. Desoto Street
- Elaina Kramer, 2771 Valiant Drive, Regency Hills
- Tom Sohn, 2929 Majestic Isle Drive, Regency Hills
- Cindy Emilee, 2633 Hartwood Pines Way, Hartwood Pines
- Kim Day, 2646 Hartwood Pines Way
- Samii Taylor, 4484 Powderhorn Place Drive, Regency Hills
- John Langford, 2660 Valiant Drive, Regency Hills
- Mark McFall, 2840 Majestic Isle Drive, Regency Hills
- Armando Guerra, 2847 Majestic Isle Drive, Regency Hills
- Mike Stenzel, 4200 Foxhound Drive, Hunters Run
- Joseph Yakovetic, 4484 Powderhorn Place Drive, Regency Hills
- Shiek Ali, 4585 Barrister Drive, Regency Hills
- John Norford, 2646 Hartwood Pines Way, Hartwood Pines

The following members of the public spoke neither for nor against the project:

- Jack Sweeny, Valiant Drive, Regency Hills – Clarified that his comments in Public Comments were not for or against the assisted living facility. He is against traffic on Hartwood Marsh.

Seeing no further comments, the floor was closed.

Cecelia Bonifay – *Applicant Representative*. Ms. Bonifay addressed the Council stating that she listened to the comments put forth by the public and identified several things they are asking. The points can be summed up as the residents want no change and that they are arguing for nothing to happen. Ms. Bonifay also objected to the video that was displayed and argued that each zoning case is supposed to be independent, and cannot be based upon the decision of another jurisdiction. She reminded the Council that quasi-judicial proceedings require confident substantial evidence. The only studies entered into evidence for consideration were done by the applicant. The public presented no evidence, only emotion. Ms. Bonifay reminded the Council that City staff has made a recommendation for approval based on the fact that all requirements have been met to satisfy the City code. She concluded her rebuttal by making the argument that this project is consistent and compatible with the City code. She expressed concerns that there was discussion about land swaps without contact made to the applicant. She urged the Council to vote for approval.

Mayor Murry announced a short 10 minute recess.

Recess began at 10:33pm; the meeting resumed at 10:43pm.

Council Member Bates stated that lots of emotions and opinions were expressed this evening. It is a difficult decision. He disclosed he had a conversation with Mr. Bond. His main concern is in regards to traffic.

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Council Member Purvis stated that he respects every person who came out tonight. He has several issues he wants to address. The first is traffic. He agreed that the traffic generated by the Imagine School is a nightmare. He reminded the public that the City cannot stop progress. He reminded the public that the City of Clermont is not in the street building business. The second issue is sand trucks. He informed the public that the sand mine built the road and finds it ironic that the organization the built the road and donated is now banned from using it. He addressed the email that was submitted by a member of the public. He felt this was an attack on his integrity. He read the email in its entirety into the record and explained the context of the email. Finally, Council Member Purvis was against the video that was presented into evidence. He believed it was full of inconsistencies and the comments were taken out of context.

Council Member Entsuah disclosed he met with the applicant while he was a Planning & Zoning member. He cannot support due to traffic.

Council Member Pines said that the video was very misrepresentative and it did not have anything to do with this applicant. It is unfair to the Council Members, and it is unfair to the applicant. She stated that this was tabled consistently not as a chess move, but because they went back to the drawing board and listened to citizen concerns. She reminded the public that just because one applicant gets an approval does not mean that there is a blanket approval.

Mayor Murry addressed his comments in the video while he sat on the Planning & Zoning Board. He disclosed that he met with the applicant while on the Planning & Zoning Board. He reviewed several issues that he has with the project mostly focused on traffic. He is for this facility, but not at this location.

The Council asked the projects traffic engineer to return to the podium where they asked for clarification on several questions. During the dialogue with the traffic engineer, Ms. Bonifay approached the podium and announced that on behalf of the applicant, they are withdrawing the project at this time. She thanked the Council for their time.

Item No. 5 - Ordinance No. 2020-17 Final – *Hartwood Marsh Zoning*

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; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, RECORDING, AND PUBLICATION.

This item was considered with agenda item no. 4.

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Item No. 6 - Ordinance No. 2021-010– *Graff Building*

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; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR CONFLICT, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

This item was heard out of order and was considered during the Interim City Manager's Report.

Deputy City Clerk Lueth read the legal title into the record.

MOTION TO TABLE consideration of Ordinance No. 2021-010 to May 11, 2021 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 7 - Ordinance No. 2021-013 – *Disston Duplexes Rezoning*

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; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, AN EFFECTIVE DATE AND PUBLICATION.

This item was heard out of order and was considered during the Interim City Manager's Report.

Deputy City Clerk Lueth read the legal title into the record.

MOTION TO TABLE consideration of Ordinance No. 2021-013 to May 11, 2021 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 27, 2021

NEW BUSINESS

Item No. 8 – Variance Request – *Sonic at Governors Lake*

City Planner Kruse provided the staff analysis. The applicant is requesting a variance to allow for a canopy structure setback less than the 30-foot requirements of the Land Development Code, Section 122-342, Special Setbacks, the proposed canopy structure overhang will encroach into the 12-foot side yard setback. The applicant is requesting the variances to allow for construction of a Sonic Restaurant with outside ordering and drive up dining services. The vacant parcel is located on the Southeast corner of US Highway 27 and Citrus Tower Blvd. The current zoning is Planned Unit Development (PUD) with C-1 Light Commercial permitted uses. The Sonic Restaurant provides a unique dining experience that allows patrons to park in designated areas and order from the outdoor menu boards, with food delivery services to their vehicles. The applicant has indicated the two proposed canopy structures will provide protection and shelter for the employees, customers, and patrons from the weather elements as they enjoy their dining experience. Upon review, City staff finds the requested variance is the minimum variance allowed to make reasonable use of the property, and the proposed canopy structure is not intrusive and out of character with other similar restaurant canopy structures permitted in the city. The proposed development is consistent with the Clermont Comprehensive Plan goals, objective and policies for Commercial Land Use and so staff recommends approval.

Rick McCoy, Project Engineer – *Applicant Representative*. Mr. McCoy concurs with the staff presentation. He explained that the variance is not for the big canopy, but the overhang by the menu.

Mayor Murry opened the floor for comments from the public; seeing no public come forth, the floor was closed.

Council Member Bates said that for consistency he feels they need to approve this as they approved it across the street at Chick-fil-A.

Kevin Briggs, Mount Dora – *Applicant*. Informed the Council that Sonics have been in his family since the 1970s.

Council Member Purvis says that he has an issue approving a variance on a virgin piece of land, but they have approved it elsewhere, so he will support it.

MOTION TO APPROVE the variance request for Sonics at Governors Lake made by Council Member Bates. Seconded by Council Member Pines. Passed unanimously with all members present voicing aye.

Item No. 9 - Resolution No. 2021-015R – *Florida Discount Self Storage CUP*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE EXPANSION OF AN EXISTING SELF-STORAGE FACILITY IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT; AND, PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 27, 2021

Deputy City Clerk Lueth read the legal title into the record. City Planner John Kruse provided the presentation.

The applicant is requesting a Conditional Use Permit (CUP) to allow for the expansion of an existing self-storage facility. The proposed expansion to the site would include four additional warehouse/storage buildings and outside parking/storage for large vehicles including recreational vehicles, boats and other commercial vehicles. The C-2 General Commercial zoning category, Section 122-224 of the Land Development Code requires a Conditional Use Permit to allow a residential self-storage permitted use, including any expansions to the site. The City Council approved a Utility Service Agreement in February 2005, as part of the JPA review process and the property was granted final approval for a development permit in Lake County's jurisdiction. On July 25, 2006 the subject parcel was annexed into the City of Clermont's boundaries as approved and existing with Lake County development entitlements.

The applicant is also requesting a variance to allow up to 20 feet of cut and fill because of the existing topography grade changes on the parcel. The Land Development Code, Section 94-195, allows elevation changes in topography shall be limited to a 15 feet maximum for commercial development, the applicant has indicated the maximum cut and fill that exceed the code requirements will be approximately 18.7 percent of the overall total parcel. The request for a variance shall be presented concurrently with the Conditional Use Permit at a meeting before the City Council.

The proposed project will be required to comply with Clermont Land Development Regulations and all buildings shall be designed in accordance to Clermont Architectural Standards. Staff has reviewed the application and recommends approval. The Planning & Zoning Board also recommended approval.

John Fritz, Orlando – *Applicant Engineer*. Concurs with the staff presentation.

Mayor Murry opened the floor for comments from the public.

Ron Thomas, 3394 Sandborn Street – expressing concern with significant vibration.

Lavonte Rogers, 667 W. Oseloa Street – Approve for consistency.

Seeing no further comments the floor was closed.

The Council asked Mr. Fritz to address the comment. Mr. Fritz said this is the first they have heard of the vibration issue and they will review with the contractor.

Council Member Purvis said they are a good neighbor.

Council Member Bates asked about traffic impact. Mr. Fritz said it will be minimal.

MOTION TO APPROVE and adopt Resolution No. 2021-015R granting a conditional use permit made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 10 – Variance Request – *Florida Discount Self Storage*

MOTION TO APPROVE the variance request for Florida Discounts Self Storage made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
April 27, 2021

ADJOURN: With no further comments, this meeting adjourned at 11:39 pm.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 25, 2021		
Agenda Item Name		
Contractor Name Change		
Requested Action		
Recommend to approve contractor name change from Curry Controls Company to Revere Control Systems, Inc.		
Staff Report		
It is recommended that the Council approve consent of assignment to agreement with Curry Controls Company (hereinafter referred to as "CURRY"). The company CURRY, company under contract who provides Supervisory Control and Data Acquisition (SCADA) services, was acquired by Revere Control Systems, Inc. (hereinafter referred to as REVERE). The company providing current services is now under the name of REVERE and acquired all CURRY contractual responsibilities. REVERE is bound to and agrees to the price, terms and conditions set forth in the original agreement. The current agreement expires July 4, 2021.		
Additional Analysis		
Fiscal Impact Summary		
There is no fiscal impact.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Company Name Change Letter	Company Name Change Letter.pdf	



May 3, 2021

Kevin Adams
City of Clermont, FL
3335 Hancock Road
Clermont, FL 34711

Reference: Statement of Acquisition of Curry Controls Company
Transfer PO No. 2020-0155
Clermont Wonderware to VTScada

Dear Mr. Adams:

Revere Control Systems, Inc. acquired Curry Controls Company on May 3, 2021. Please consider this as a formal notification that the contract agreement or purchase order has been transferred for the referenced project to Revere Control Systems, Inc. The contracted scope of work will continue as scheduled with the same personnel who are now employees of Revere Control Systems, Inc.

Please issue payment for outstanding Curry Controls Company invoices and pay applications to Revere Control Systems, Inc. at the address below. If you prefer processing via ACH payment, please contact our Accounting Department via accounting@reverecontrol.com to request ACH payment instructions.

Attn: Accounts Receivable
Revere Control Systems, Inc.
2240 Rocky Ridge Road
Birmingham, AL 35216

We look forward to continuing the working relationship through the completion of this project.

Respectfully Submitted,

Nan Johnson, PMP
Vice President of Municipal System
Revere Control Systems, Inc.

Danny Curry
President
Curry Controls Company



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 25, 2021		
Agenda Item Name		
Contractor Name Change		
Requested Action		
Recommend to approve contractor name change from Reiss Engineering, Inc. to CHA Consulting, Inc.		
Staff Report		
It is recommended that the Council approve consent of assignment to agreement with Reiss Engineering, Inc. (hereinafter referred to as "REISS"). The company REISS, under contract for on-call professional engineering services, was acquired by CHA Consultant, Inc. (hereinafter referred to as "CHA"). The company providing current professional engineering services is now under the name of CHA and acquired REISS contractual responsibilities. CHA is bound to and agrees to the price, terms and conditions set forth in the original agreement. The current agreement expires December 7, 2023 and contains three, one-year, renewal periods at the option of the City.		
Additional Analysis		
Fiscal Impact Summary		
There is no fiscal impact.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Company Name Change Letter	Company Name Change Letter.pdf	



April 30, 2021

Via E-mail Only

Freddy L. Suarez, MPA, CPPB Procurement Services Director
City of Clermont
685 W. Montrose Street
Clermont, Florida 34711
fsuarez@clermontfl.org

Dear Mr. Suarez:

As you may know, Reiss Engineering, Inc. ("Reiss") was acquired by CHA Consulting, Inc. ("CHA") in early 2021, expanding CHA's water resources team and capabilities to support the growing infrastructure needs of our collective clients. CHA is an innovative, full-service engineering consulting and construction management firm that has been providing professional engineering services for more than a half-century. Over the past few years, CHA has grown significantly, and was ranked 53rd of the top 500 design firms in the United States in 2021 by Engineering News Record. Now, with more than 1,300 staff in 40 offices throughout the United States and Canada, CHA and its family of companies offers engineering, architectural, survey, construction phase and other services necessary to complete projects on time and within budget.

The former Reiss staff have been fully integrated and will soon rebrand as CHA. As soon as practicable, CHA and Reiss would like to assign Reiss' active contracts to CHA. The professionals providing the services under those contracts will remain the same; the resources they can call upon, however, will expand significantly. If you consent to the assignment, please have the appropriate person execute the attached document and return a PDF copy to Nikki C. Dames, Assistant General Counsel, via e-mail at ndames@chacompanies.com. She is also available to answer any assignment-related questions you may have.

Our goal is to make this transition as seamless as possible for you. If you have any questions regarding CHA's acquisition of Reiss or the services CHA can offer, please contact Robert Reiss by e-mail at crreiss@reisseng.com or by telephone at (407) 679-5358.

Sincerely,

CHA CONSULTING, INC.

A handwritten signature in blue ink, appearing to read "John Hensley, Jr.", written over a light blue horizontal line.

John Hensley, Jr.
Infrastructure Sector President
Executive Vice President

REISS ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "Robert Reiss", written over a light blue horizontal line.

C. Robert Reiss
President

CONSENT TO ASSIGNMENT OF CONTRACTS

City of Clermont hereby consents to the assignment of the following agreement(s) from Reiss Engineering, Inc. to CHA Consulting, Inc., effective April 1, 2021:

Agreement Name	Date
Continuing Services Agreement No. 2020-93 for On-Call Professional Civil Engineering Services	December 8, 2020

City of Clermont

By: _____
(Signature)

Name: _____

Title: _____

Date: _____





CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 25, 2021		
Agenda Item Name		
Clermont Historic Village Use Agreement First Amendment		
Requested Action		
Consider approval of the Grace Chapel addition to the Historic Village site.		
Staff Report		
The Historic Village is requesting approval to add the Grace Chapel and replica outhouse to the site. There is no cost to the City of Clermont for this project. There is also an amendment to the "Agreement" between the City of Clermont and the Historic Village to add the Grace Chapel and the outhouse building.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Historical society first amend to 2013 agreement	Historical society first amend to 2013 agreement.pdf	
2. GRACE CHAPEL SIGNED 5-1-21 Seal	GRACE CHAPEL SIGNED 5-1-21 Seal.pdf	

**FIRST AMENDMENT BETWEEN CITY OF CLERMONT AND THE SOUTH LAKE
COUNTY HISTORICAL SOCIETY, INC.
CLERMONT HISTORIC VILLAGE USE JUNE 11, 2013 AGREEMENT**

This Amendment is to that certain agreement of June 11, 2013, (hereinafter referred to as the “Agreement”) between the City of Clermont, hereinafter referred to as "CITY" and The South Lake County Historical Society, Inc., hereinafter referred to as “HISTORICAL SOCIETY”. 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. Grace Chapel and Replica Outhouse Addition. HISTORICAL SOCIETY, shall be permitted to construct at its sole expenses and fully consistent with and in accordance with all applicable laws, codes, regulations and policies of any and all Federal, State and local jurisdictions, a building to be known as the Grace Chapel and a Replica Outhouse. Contemporaneously hereto and as a condition of this Amendment, HISTORICAL SOCIETY shall deed and/or transfer to City in a form and based on title information, acceptable to City in its sole discretion, all rights, title and interest that HISTORICAL SOCIETY has or may have in Grace Chapel and a Replica Outhouse constructed on the Property. The HISTORICAL SOCIETY shall retain at all times, exclusive ownership of the contents, other than those affixed to the premises of Grace Chapel and the Replica Outhouse.

3. Use of Property, of the Agreement is amended to provide that the Grace Chapel and Replica Outhouse buildings constructed on the Property by the HISTORICAL SOCIETY shall be part of, and included as Site buildings as referenced in the Agreement and therefore, to the extent applicable any of the terms and conditions related thereto as to the obligations, responsibilities and duties shall be applicable to and govern the use, maintenance and operation of the Grace Chapel and Replica Outhouse

buildings.

4. 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 25th day of May 2021.

Attest:

The City of Clermont,

By: _____
Tracy Ackroyd Howe, MMC
City Clerk

By: _____
Mayor Tim Murry

Date: _____

Attest:

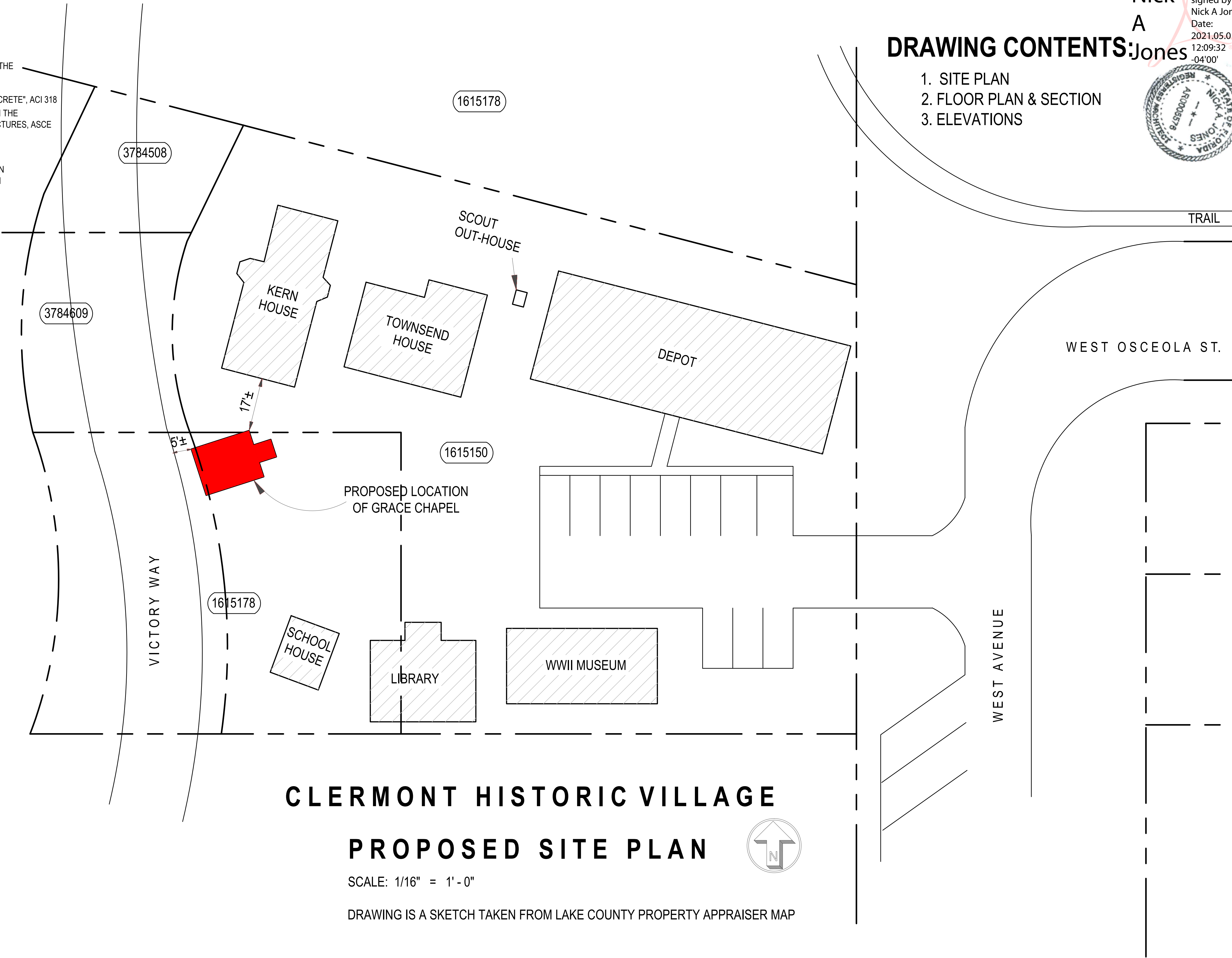
South Lake Historical Society, Inc.

By: _____
Title _____

By: _____
Chairman
Date: _____

GENERAL STRUCTURAL NOTES

1. THE STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE FOLLOWING CODES:
 - A. FLORIDA RESIDENTIAL BUILDING CODE, 2020, 6th ed.
 - B. "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE", ACI 318
2. STRUCTURAL DESIGN FOR WIND FORCES SHALL COMPLY WITH THE MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES, ASCE
3. DESIGN LOADS FOR THE STRUCTURE ARE AS FOLLOWS:
 - A. DESIGN WIND VELOCITY 140 MPH
USE FACTOR = 1.0. ALL VALUES OF COEFFICIENTS G_{Cp} IN FIGURE 1205.2E "ROOF" SHALL BE INCREASED BY 0.20 (IN ABSOLUTE SENSE)
 - B. ROOF DEAD LOAD 25 PSF
 - C. ROOF LIVE LOAD 28 PSF
0-200 S.F. TRIBUTARY AREA 20 PSF
201-600 S.F. 16 PSF
OVER 600 S.F. 16 PSF
WIND CLASSIFICATION - EXPOSURE "C"
INTERNAL PRESSURE COEFFICIENT ± 0.18
RISK CATEGORY II
 - D. FLOOR LIVE LOAD - 50 PSF



CLERMONT HISTORIC VILLAGE
PROPOSED SITE PLAN

SCALE: 1/16" = 1' - 0"

DRAWING IS A SKETCH TAKEN FROM LAKE COUNTY PROPERTY APPRAISER MAP

- DRAWING CONTENTS:**
1. SITE PLAN
 2. FLOOR PLAN & SECTION
 3. ELEVATIONS

Nick A Jones
Digitally signed by Nick A Jones
Date: 2021.05.01 12:09:32 -04'00'



NICK A. JONES
Architect, LLC
1320 Bowman St.
Clermont, FL 34711
(352) 394-4700
FAX (352) 394-2226

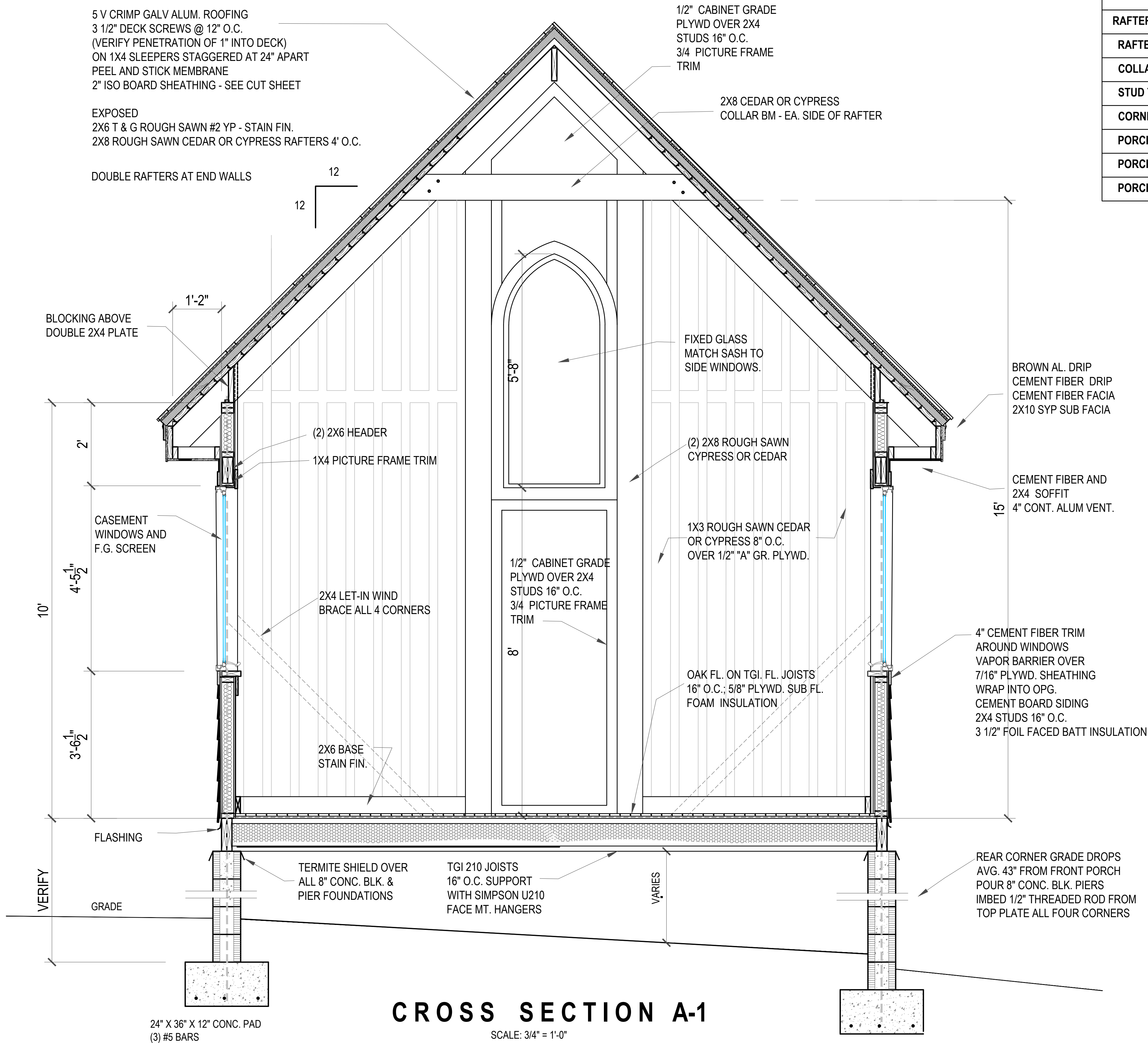
date: _____
FL REG. #0005576

Revisions	
No.	Date

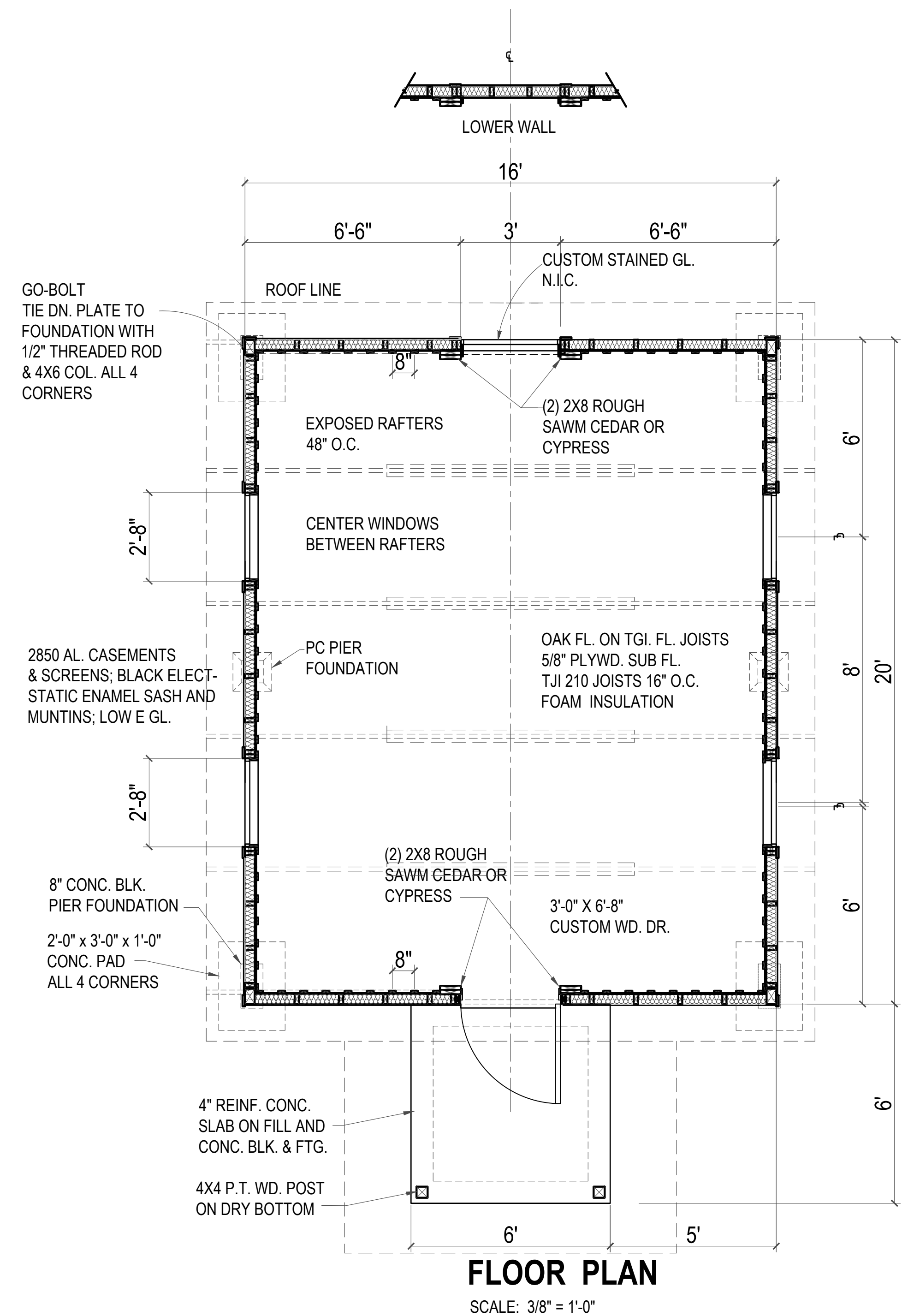
GRACE CHAPEL
CLERMONT HISTORIC SOCIETY
CITY OF CLERMONT, FLORIDA

Job No.
5-1-21

Sheet No.
A-1
OF 3



CONNECTOR SCHEDULE				
SIMPSON				
	CONNECTOR	MAX LOAD	TO RAFTER	TO PLATE
RAFTER TO DOUBLE PLATE	H10A	1,040	(9) 0.148 X 1.5	(9) 0.148 X 1.5
RAFTER TO RIDGE BEAM	H2.5	495	(4) 0.131 X 2.5	(4) 0.131 X 2.5
COLLAR BEAM	(2) 1/2" M.B.			
STUD TO FL. PLATE	RSP4	390	(4) 0.131 X1.5	(4) 0.131 X1.5
CORNER TIE DN. RODS	1/2" GO-BOLT OR EQ.			
PORCH RAFTER TO BM.	H2.5	495	(4) 0.131 X 2.5	(4) 0.131 X 2.5
PORCH BM TO POST	RSP4	390	(4) 0.131 X1.5	(4) 0.131 X1.5
PORCH POST BASE	ABW44Z	1,900	(12) 0.162 X3.5	



Nick
A
Jones

Digitally
signed by
Nick A Jones
Date:
2021.05.01
12:10:04
-04'00'



NICK A. JONES
Architect, LLC
1320 Bowman St.
Clermont, FL 34711
(352) 394-4700
FAX (352) 394-2226

Revisions	
No.	Date

GRACE CHAPEL
CLERMONT HISTORIC SOCIETY
CITY OF CLERMONT, FLORIDA

Job No.
5-1-21

Sheet No.
A-2
OF 3



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, May 25, 2021	
Agenda Item Name	
Ordinance No. 2021-013 <i>Final</i> <i>Disston Duplexes PUD</i>	
Requested Action	
Recommend denial of Ordinance No. 2021-013	
Staff Report	
The applicant is requesting a rezoning to a Planned Unit Development (PUD) to allow for development of six (6) two-family styled housing units, with the maximum not to exceed 12 units for the entire site. The applicant has provide a Conceptual Site Plan prepared by Germana Engineering, showing the proposed buildings, parking, landscape areas and access points for the property. The conceptual site plan identifies that each unit will be two bedrooms with an attached single car garage and provides approximately 1,300 square feet of living space. The Land Development Code, Section 98-14 requires two parking spaces for each two-bedroom residential unit. The applicant has identified the garages and a driveway to meet the parking requirements. The proposed project layout as designed does not comply with the Land Development Codes. The Future Land Use is Commercial, which allows the maximum of 12 units per acre. The proposed project is similar in design and comparable to a smaller apartment community, which is required to provide onsite dumpsters with enclosures to meet the refuse and collection needs of the proposed housing development. The project as designed does not provide any onsite dumpsters. The applicant is requesting the 12 housing units to use curbside pickup from the adjacent streets, therefore, each week the residents would be required to place City trash containers and recycling bins at the curbside of the local streets for collection. The very large containers located curbside each week may be considered a nuisance to adjacent property owners and the community. In addition, the proposed development concept plan has proposed the internal access streets and curbs are 21 feet wide, and the code requires all internal access streets/egress points including the curb must be a minimum of 24 feet wide. The proposed 21 feet width for the internal streets are less than the permitted development standards and may not be able to accommodate large trucks and emergency vehicles in the community. The code requirements for the minimum 24 feet width for streets and access points will provide a safe traffic flow pattern, which allows vehicles the ability to safely maneuver and exit the property. <u>STAFF RECOMMENDATION:</u> Staff has reviewed the application and proposed project in regards to Section 122-315 Review Criteria for a Planned Unit Development. The proposed project as designed does not comply with the Land Development Regulations and general requirements for granting a Planned Unit Development (PUD). The Code requires all PUD Site Development Plans be designed in a manner that provide a complete living environment that is designed to provide quality development that will enhance and creates a uniform development pattern that complies with the general requirements and regulatory process for approval of the project. Staff recommends denial of Ordinance No. 2021-013, or Staff can make a recommendation to approve the PUD with the conditions contained in the PUD Ordinance which requires the proposed development shall be constructed in compliance with all building and fire safety code requirements and all provision of the Land Development Regulations.	

The Planning and Zoning Commission at their meeting, voted 7-0 to make a recommendation of denial for Ordinance No. 2021-013.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

Fund Number and Description

Available Budget Amount

Exhibits Attached (copies of original agreements)

1.	Staff Analysis Disston Duplexes PUD -	Staff Analysis Disston Duplexes PUD -.pdf
2.	Ord 2021-013 - Disston Duplexs PUD (03.31.2021 V1)	Ord 2021-013 - Disston Duplexs PUD (03.31.2021 V1).pdf
3.	Disston Duplexes Maps	Disston Duplexes Maps.pptx
4.	Final Almond Street Multi-Family - Concept Plan	Final Almond Street Multi-Family - Concept Plan.pdf
5.	Boundary Survey	Boundary Survey.pdf
6.	Elevation - Disston ST. DUPLEX-OPTION 03.24.21	Elevation - Disston ST. DUPLEX-OPTION 03.24.21.pdf
7.	Application	Application.pdf
8.	Disston Duplexes Legal Ad PROOF	Disston Duplexes Legal Ad PROOF.pdf



CITY OF CLERMONT

Staff Analysis Report

OWNER: Lake Acquisitions Inc.

APPLICANT: Robert Thompson

PROJECT NAME: Disston Duplexes PUD

REQUESTED ACTION: Consider a request for a rezoning to Planned Unit Development (PUD) for six (6) two-family duplex-style housing units, not to exceed the maximum of 12 units for the site.

SIZE OF PARCEL: 1.39 +/- acres

LOCATION: Vacant parcel located at the corner of Disston and Almond Street, adjacent to the Suntrust Bank Building.

EXISTING ZONING: R-3 Residential/Professional, C-1 Light Commercial and C-2 General Commercial.

EXISTING LAND USE: Vacant property

FUTURE LAND USE CATEGORY: Commercial

ANALYSIS:

The applicant is requesting a rezoning to a Planned Unit Development (PUD) to allow for development of six (6) two-family styled housing units, with the maximum not to exceed 12 units for the entire site. The applicant has provide a Conceptual Site Plan prepared by Germana Engineering, showing the proposed buildings, parking, landscape areas and access points for the property.

The conceptual site plan identifies that each unit will be two bedrooms with an attached single car garage and provide approximately 1,300 square feet of living space. The Land Development Code, Section 98-14 requires two parking spaces for each two-bedroom residential unit. The applicant has identified the garages and a driveway to meet the parking requirements. The proposed project layout as designed does not comply with the Land Development Codes. The Future Land Use is Commercial, which allows the maximum of 12 units per acre. The proposed project is similar in design and comparable to a smaller apartment community, which is required to provide onsite dumpsters with enclosures to meet the refuse and collection needs of the proposed

housing development. The project as designed does not provide any onsite dumpsters. The applicant is requesting the 12 units use curbside pickup from the adjacent streets, therefore, each week the residents would be required to place City trash containers and recycling bins at the curbside of the local streets for collection. The very large containers located curbside each week may be considered a nuisance to adjacent property owners and the community.

In addition, the proposed development concept plan has proposed the internal access streets and curbs are 21 feet wide, and the code requires all internal access streets/egress points including the curb must be a minimum of 24 feet wide. The proposed 21 feet width for the internal streets are less than the permitted development standards and may not be able to accommodate large trucks and emergency vehicles in the community. The code requirements for the minimum 24 feet width for streets and access points will provide a safe traffic flow pattern, which allows vehicles the ability to safely maneuver and exit the property.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to Section 122-315 Review Criteria for a Planned Unit Development. The proposed project as designed does not comply with the Land Development Regulations and general requirements for granting a Planned Unit Development (PUD). The Code requires all PUD Site Development Plans be designed in a manner that provide a complete living environment that is designed to provide quality development that will enhance and creates a uniform development pattern that complies with the general requirements and regulatory process for approval of the project.

Staff recommends denial of Ordinance No. 2021-013, or Staff can make a recommendation to approve the PUD with the conditions contained in the PUD Ordinance that requires the proposed project complies with the Land Development Regulations for parking, onsite dumpster requirements, street width and other requirements as identified in Ordinance No. 2021-013.



CITY OF CLERMONT
ORDINANCE NO. 2021-013

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; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, AN 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 127 and 128, CLERMONT HEIGHTS, according to the plat thereof, as recorded in Plat Book 4, Page 1, Public Records of Lake County, Florida AND

Lots 11 and 12 and the West 1/2 of Lot 10, FAIRVIEW PLACE, according to the plat thereof, as recorded in Plat Book 9, Page 6, Public Records of Lake County, Florida

LOCATION

Vacant property Southeast of Almond Street and
Disston Avenue Intersection, adjacent to SunTrust Bank
(Alternate Key 1617995, 1618002, and 2827092)
1.393+/- acres

**FROM: “R-3” Residential /Professional, “C-1” Light Commercial
And “C-2” General Commercial**

**TO: Planned Unit Development (PUD)
To allow up to six (6) two-family style dwelling units (duplex)**

SECTION 2: GENERAL CONDITIONS

This application is for a Planned Unit Development (PUD) to allow up to six (6) two-family duplex style-housing units; that may be developed on the 1.393 +/-acre parcels, not to exceed the maximum of 12 dwelling units for the entire site; shall be granted subject to the following conditions:

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.

CITY OF CLERMONT
ORDINANCE NO. 2021-013

2. The property shall be developed in substantial accordance with the Conceptual Site Plan prepared by Germana Engineering and Associates, identified as (Exhibit A). Formal construction plans incorporating all conditions stated in this permit must be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The Conceptual Site Plan does not grant any development entitlements.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

SECTION 3: LAND USES AND SPECIFIC CONDITIONS

1. This application is for a Planned Unit Development (PUD) to allow up to six (6) two-family duplex style-housing units; and not to exceed the maximum allowed of 12 dwelling units for subject property.
2. All Building setbacks shall comply with R-3-A Residential/Professional zoning Land Development Regulations.
3. The maximum building height shall be up to 35 feet, measured at the highest point.
4. The developer will be required to comply with City vehicular and pedestrian circulation requirements for the project. Internal streets and access points must meet the minimum pavement width (including curb) of 24 feet as required in the Land Development Code, Section 110. The City Engineer will review any required driveway permits at the time of final Engineering.
5. The maximum height of any retaining walls shall be up to 6 feet in height as allowed by the Land Development Regulations. Any fences shall be decorative and meet the requirements of the code.
6. The project will be required to comply with Clermont Solid Waste Collection and Disposal requirements for any onsite dumpsters and refuse collection to meet the solid waste demands for the project. The project will require a minimum of one (1) onsite dumpster and enclosure that comply with the Land Development Regulations.
7. The site may be developed to allow up to six (6) two family (duplex) style housing units, not to exceed the maximum of 12 units per acre. The two family one bedroom dwelling units must provide a minimum of 700 square feet of living space per dwelling unit, exclusive of any garages, carports, and screened areas. The two bedroom units must provide a minimum of 1,000 square foot of living space for each unit, exclusive of any garages, carports, and screened areas.



CITY OF CLERMONT
ORDINANCE NO. 2021-013

8. The buildings shall be constructed to meet the City of Clermont's Architectural Design Standards.
9. The developer may be required to provide installation of fiber optic conduit and pull boxes in the utility easements to extend the City's fiber optic network. The City's Information Technology Director will work with the developer at the time of site plan review to determine the extent of fiber optic conduit. The City will reimburse the developer at 100 percent for all costs including design, permitting, materials, and construction of the fiber optic conduit and pull boxes.
10. The residential project must meet school concurrency requirements before final site plan approval in accordance with the Comprehensive Plan and Land Development Codes for Concurrency Management.
11. The project shall be developed according to the R-3-A Residential/Professional zoning designation in the Land Development Code, unless expressly stated above. The site may be used for any other permitted uses in the R-3 A Residential/Professional zoning district.
12. Sidewalks and pedestrian cross access shall be designed and constructed to meet ADA requirements and provide pedestrian safety within the project. Sidewalks are required for all street rights of way for the entire length of the subject parcels.
14. Street lighting is required for this project to provide pedestrian safety. A photometric plan that includes the location and foot candle at ground level will be reviewed during final site plan approval.

SECTION 4: CONFLICT

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

SECTION 5: SEVERABILITY

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 6: ADMINISTRATIVE CORRECTION

This Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: RECORDING

This Ordinance shall be recorded in the Public Records of Lake County, Florida.



CITY OF CLERMONT
ORDINANCE NO. 2021-013

SECTION 8: PUBLICATION & EFFECTIVE DATE

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

CITY OF CLERMONT
ORDINANCE NO. 2021-013

Location map:





CITY OF CLERMONT
ORDINANCE NO. 2021-013

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 11th day of May.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map – Disston Duplexes

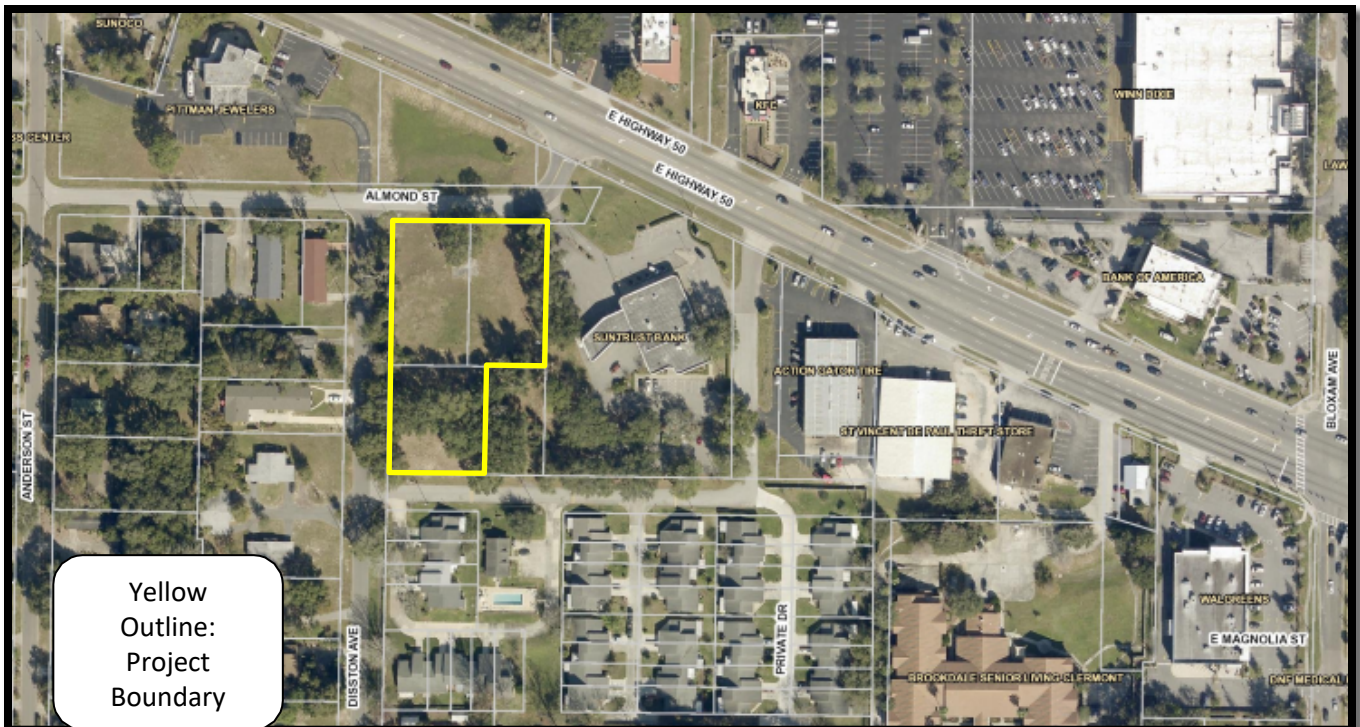
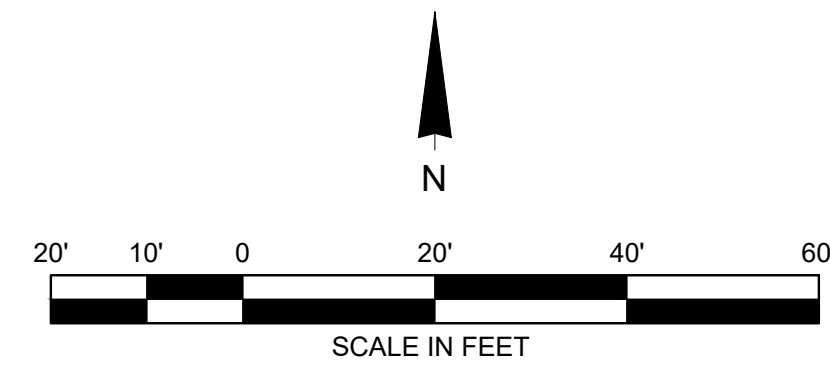


Exhibit – Zoning – Disston Duplexes

Current
Zoning

Proposed
Zoning

ALMOND STREET
(50' RIGHT OF WAY)



NOTES

1. THE SITE CONSTRUCTION STAKEOUT SHALL BE PERFORMED UNDER THE DIRECTION OF A FLORIDA REGISTERED SURVEYOR. AUTOCAD FILE WILL BE PROVIDED TO AID IN THE SITE CONSTRUCTION STAKEOUT. ANY DISCREPANCIES FOUND BETWEEN THE AUTOCAD FILES SHALL BE BROUGHT TO THE ENGINEERS ATTENTION FOR CLARIFICATION PRIOR TO THAT STAKEOUT.
2. PROJECT SITE SHALL COMPLY WITH THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION (FBC) 2017 EDITION

SITE DATA

1. **TOTAL SITE AREA** = 60,683 SF (1.39 AC)
2. **SITE LOCATION**
501 ALMOND STREET
CLERMONT, FLORIDA 34711
TAX PARCEL: ALT KEY # 1617995 / # 1618002 / # 2827092 / # 2795425
SECTION 30, TOWNSHIP 22 SOUTH, RANGE 26 EAST
3. **SITE DESCRIPTION**
EXISTING ZONING: C-1 LIGHT COMMERCIAL / C-2 GENERAL COMMERCIAL / R-3 RESIDENTIAL/PROFESSIONAL
FUTURE LAND USE: COMMERCIAL
PROPOSED ZONING: PUD
4. **SITE REQUIREMENTS**
MAXIMUM ISR: 80%
MAXIMUM BUILDING HEIGHT: 55 FEET
ALMOND STREET LANDSCAPE BUFFER: 15 FEET
DISSTON AVENUE (WEST) LANDSCAPE BUFFER: 15 FEET
DISSTON AVENUE (SOUTH) LANDSCAPE BUFFER: 10 FEET
EAST LANDSCAPE BUFFER: 10 FEET
SOUTH LANDSCAPE BUFFER: 10 FEET
ALMOND STREET SETBACK: 25 FEET
DISSTON AVENUE (WEST) SETBACK: 25 FEET
DISSTON AVENUE (WEST) SETBACK: 25 FEET
EAST SETBACK: 12 FEET
SOUTH SETBACK: 12 FEET
5. **BUILDING DATA**
USE TYPE: DUPLEX RESIDENTIAL
UNIT COUNT: 12 UNITS
CONSTRUCTION TYPE:
FINISHED FLOOR: TBD
BUILDING AREA: 1,330 SF PER UNIT
MAXIMUM HEIGHT: 25'
6. **PARKING DATA**
(2 SPACES PER TWO BEDROOM UNIT)
REQUIRED PARKING = 24 SPACES
PROVIDED PARKING = 26 SPACES
7. **IMPERVIOUS DATA**
BUILDING FOOTPRINT = 15,960 SF
ASPHALT (PARKING) = 9,429 SF
CONCRETE = 420 SF
TOTAL IMPERVIOUS = 25,809 SF (42.53% ISR)
TOTAL OPEN SPACE = 34,874 SF (57.47% ISR)

LEGEND

- PROPERTY LINE
- EXTERIOR PARCEL LINE
- BUILDING SETBACK
- LANDSCAPE BUFFER
- PROPOSED CONCRETE

CONCEPT PLAN

ALMOND STREET
MULTI-FAMILY

CLERMONT, FLORIDA

PROJECT # GE0312020

GERMANA ENGINEERING
AND ASSOCIATES, LLC

1120 WEST MINNEOLA AVENUE
CLERMONT, FL 34711
(352) 242-9329
WWW.GERMANAENGINEERING.COM
CERTIFICATE # 2618
COPYRIGHT © 2018

SCALE: 1" = 20'

DATE:

SHEET

CONCEPT

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
03-29-21

CHRISTOPHER M. GERMANA, P.E.
FLORIDA PROFESSIONAL ENGINEER # 61682
FIRM CERTIFICATE OF AUTHORIZATION # 29279

Description:

Lots 127 and 128, CLERMONT HEIGHTS, according to the plat thereof, as recorded in Plat Book 4, Page 1, Public Records of Lake County, Florida.

AND

Lots 11 and 12 and the West 1/2 of Lot 10, FAIRVIEW PLACE, according to the plat thereof, as recorded in Plat Book 9, Page 6, Public Records of Lake County, Florida.

Notes:

- Bearings based on the East R/W of Disston Ave. as being N 00°43'48" E, FL State Plane East.
- Legal description supplied by client.
- No title commitment or abstract has been provided for the subject property. There may be recorded or unrecorded documents which could affect this parcel.
- No adjacent or underground improvements, other than those shown, located this date.
- Subject property contains 1.393 acres, more or less, and is subject to any rights of way or easements of record.

LEGEND:

- Denotes found 4"x4" concrete monument unless otherwise noted.
- Denotes set #5 iron rod & cap marked "LB 6980"
- FH denotes fire hydrant
- R/W denotes right of way
- UP denotes utility pole

City of Clermont

I hereby declare that based on my examination of the Flood Insurance Rate Map number 12069C 0590 E dated Dec. 18, 2012, and that to the best of my knowledge, belief and my professional opinion that the subject property lies within flood zone X.

Surveyor's Certification

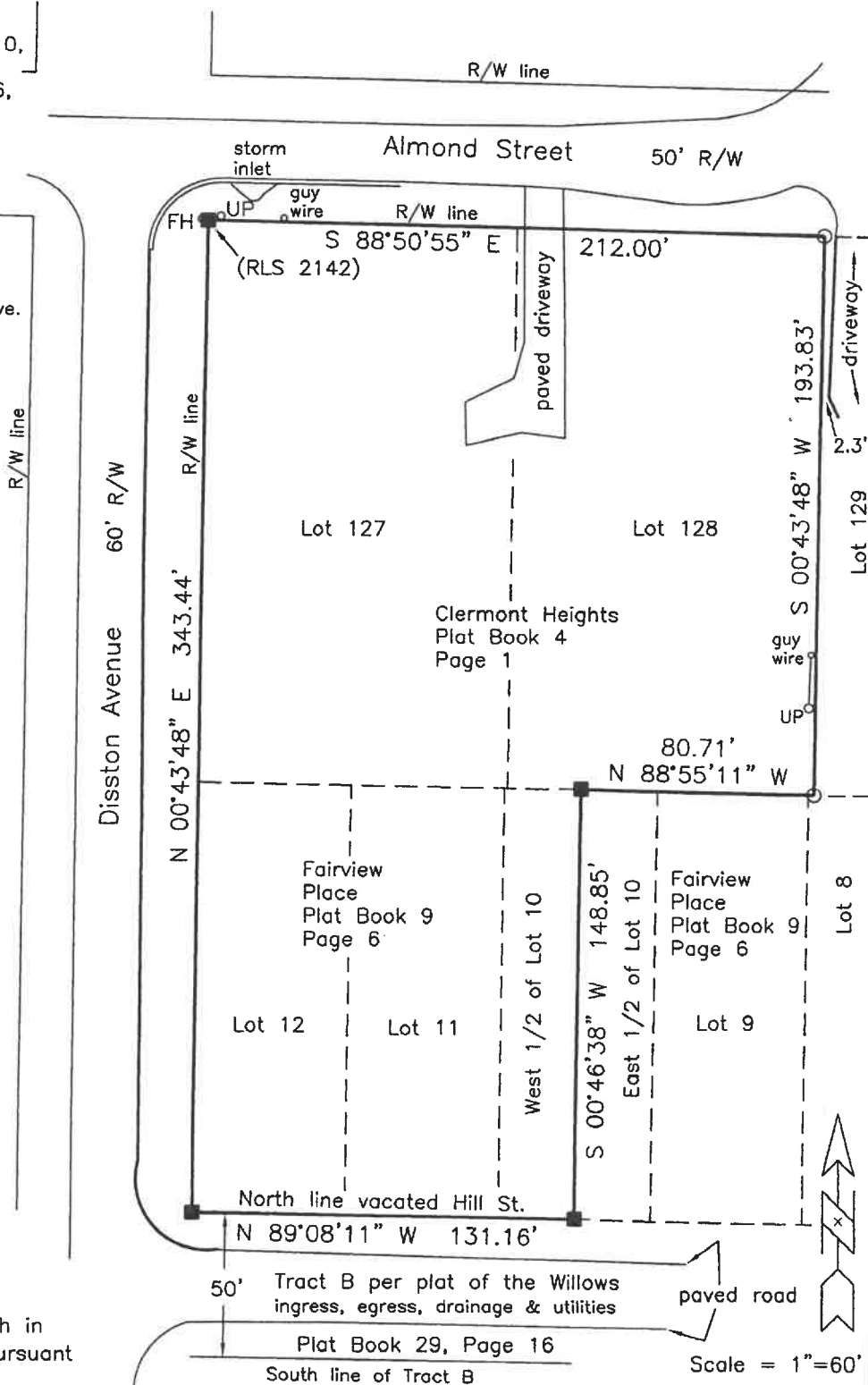
I hereby certify to Lake Construction that this Map of Boundary Survey meets the Standards of Practice for surveys as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jeffrey P. Rhoden
JEFFREY P. RHODEN PSM #5322
STATE OF FLORIDA

11/18/2020

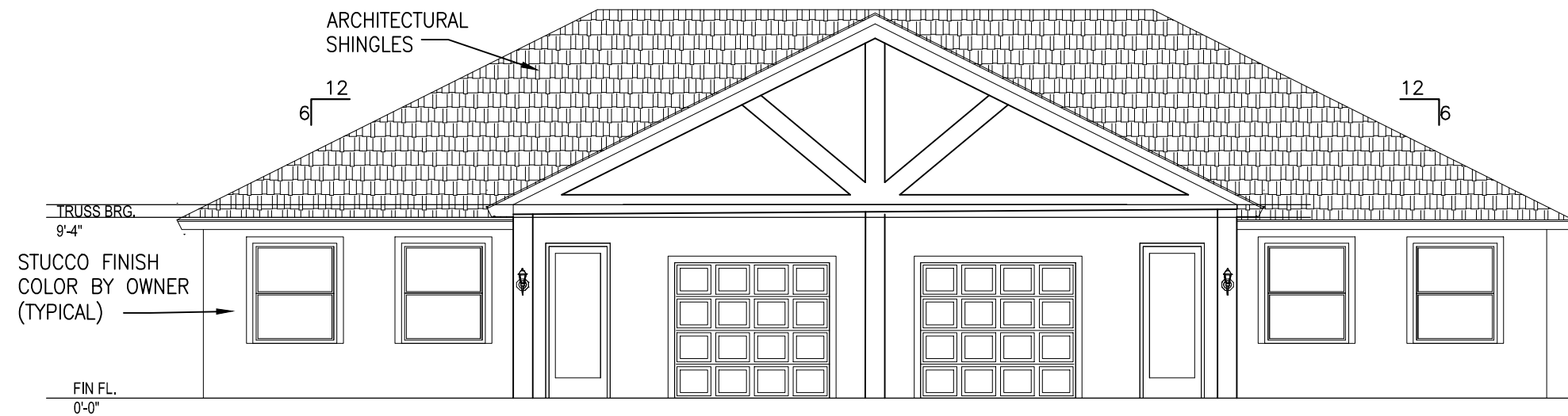
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

Map of Boundary Survey

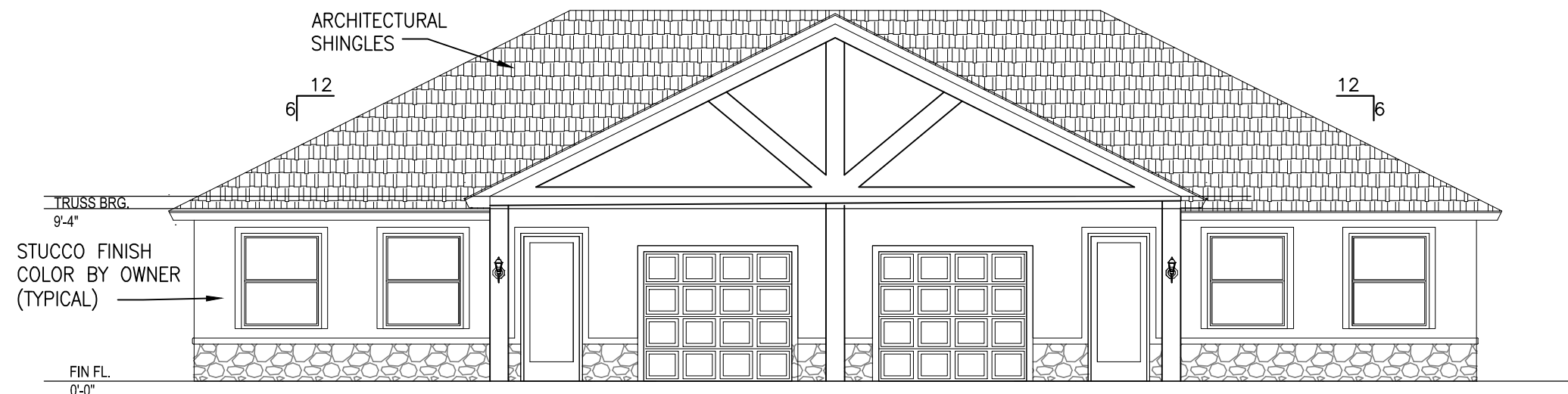


Prepared for: 20048.001
Lake Construction

Rhoden Land Surveying, Inc.
LB #6980
420 E. Minnehaha Ave.
Clermont, FL 34711
352-394-6255



FRONT ELEVATION (OPTION A) 1



FRONT ELEVATION (OPTION B) 2



CITY OF CLERMONT REZONING APPLICATION

DATE 2-17-2021		FEE: \$542.00 + cost of advertisement	
Project Name (if applicable) Disston Duplexes			
Applicant Robert Thompson			
Contact Person Brandi Stewart			
Address 11905 Egret Bluff		City Clermont	State FL Zip 34711
Telephone 321-689-5785		Fax 321-689-5789	
Email robertdavisonthompson@gmail.com ; brandi.realtor@gmail.com			
OWNER INFORMATION			
Owner's Name Lake Acquisitions Inc.			
Owner Address 11905 Egret Bluff		City Clermont	State FL Zip 34711
Telephone 352-394-5477		Fax	
PROPERTY INFORMATION			
Address of Subject Property 501 Almond St.		City Clermont	State FL Zip 34711
Legal Description (include copy of survey) Clermont, Clermont Heights Lot 127 PB4 PG1 ORB 649 PG 2004			
Alt Key #'s 1618002, 1617995, 2827092			
Acreage 1.39		Land Use (City verification required)	
Present Zoning (City verification required) C2-C1-R3		Proposed Zoning PUD	



CITY OF CLERMONT REZONING FILING INSTRUCTIONS

Any person requesting a Rezoning shall file a complete application and pay a fee as established by resolution of the City Council in the Development Services Department on or before the 1st day of the month; Complete applications may then be scheduled for Public Hearings the following month – on the 1st Tuesday (Planning & Zoning Commission), 2nd Tuesday (City Council first reading only) and 4th Tuesday (City Council adoption). All applications must be complete, and include applicable site plans and/or pertinent descriptive materials in order to be processed. Dependent upon the scope and/or magnitude of a particular project, scheduling of one or more City Council workshop(s) may also be necessary and additional time may be required prior to being schedule for public hearings.

A Pre-Application meeting with the Development Services Director (or designated staff) may be required prior to submittal of the application. Please check with the Development Services Department staff.

The Applicant shall provide the following information with this application:

- Completed application. Include all signatures:
 - Applicant's signature (if different from owner of record)
 - Owner's signature (owner of record) unless power of attorney or notarized letter authorizing the applicant to act as the duly authorized agent for the owner is submitter with the application.
- Proof of ownership – (i.e. Lake County Property record card, tax receipt, or deed)
- Plot plan (drawn to scale) of the property involved showing the location of existing building or structures and the location of proposed building or structures which specifically delineates and illustrates the extent of the rezoning request. Maximum size for plans 11" x 17" (two full size copies for detail as needed, depending on rezoning)
 - a. Name, address and phone number of the applicant.
 - b. North arrow, date and scale.
 - c. Property lines, existing structures, proposed structures and contiguous streets.
 - d. A short description of the proposed structural usage.
 - e. A topographical map with five (5) foot contour lines (if deemed necessary for clarification purposes by City staff).
- Fee: \$542.00 plus the cost of the advertisement



CITY OF CLERMONT
REZONING
APPLICATION

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

What are you proposing to do that would require a rezoning?

Construction of Duplexes.

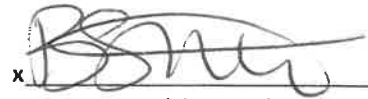
Brandi Stewart

Applicant Name (print)

x 
Applicant Name (signature)

Lake Acquisitions

Owner Name (print)

x 
Owner Name (signature)

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

03/04/2020

LEGAL NOTICE

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

ORDINANCE NO. 2021-013

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; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW, PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, AN EFFECTIVE DATE AND PUBLICATION.

LOCATION:

Vacant property southeast of Almond Street and Disston Avenue Intersection,
Adjacent to Suntrust Bank
AK 1617995, 1618002, 2827092
1.39 +/- Acres

LEGAL DESCRIPTION

LOTS 127 AND 128, CLERMONT HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 1, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

AND

LOTS 11 AND 12 AND THE WEST 1/2 OF LOT 10, FAIRVIEW PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 6, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA



FROM: R-3 Residential/Professional, C-1 Light Commercial, and C-2 General Commercial

**TO: Planned Unit Development (PUD) for
6 two-family units (duplex) for 12 living units total.**

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, April 6, 2021 at 6:30 P.M.

A public meeting to consider this ordinance will be held before the City Council on Tuesday, April 27, 2021 for final enactment.

All meetings will be held in the City Council Chamber inside Clermont City Hall, located at 685 W. Montrose Street, Clermont FL 34711.

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Clermont FL, 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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 25, 2021		
Agenda Item Name		
Ordinance No. 2021-014 <i>Final</i> <i>Speed Zones</i>		
Requested Action		
Staff Report		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord 2021-014 - Idle Speed No Wake Zones Repeal and Replace (05.17.2021 V3) (FWC Reviewed) - R&F BL	Ord 2021-014 - Idle Speed No Wake Zones Repeal and Replace (05.17.2021 V3) (FWC Reviewed) - R&F BL.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2021-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 70 “WATERWAYS” OF THE CODE OF ORDINANCES, AMENDING ARTICLE I “SPEED LIMITS”, SECTION 70-1 “AUTHORITY”, SECTION 70-2 “DEFINITIONS”, SECTION 70-3 “IDLE SPEED NO WAKE ZONES, SECTION 70-4 “ADOPTION OF SPEED LIMITS” AND SECTION 70-5 “ENFORCEMENT AND PENALTY”; PROVIDING FOR THE ERECTION OF SIGNS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS boating safety concerns were brought to the attention of the City of Clermont around the boat ramps and within the City of Clermont waterways; and

WHEREAS, in 2008, the Florida Legislature transferred the authority for permitting speed zones to the Florida Fish and Wildlife Conservation Commission making the permitting of waterway speed zones more stringent and requiring all new speed zones to be adopted by ordinance as per Florida Statutes 327.46(1)(b); and

WHEREAS, Florida Statutes 327.46(1)(b)1(a) authorizes the City of Clermont to establish Idle Speed/No Wake boating safety zones by ordinance without additional agency approval within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not more than 500 feet in width; and

WHEREAS, the City Council of the City of Clermont, Lake County, Florida adopted Ordinance No. 2020-31 on September 22, 2020 amending Chapter 70 of the Clermont Code of Ordinances by creating Article 1, Sections 70-1 thru 70-4; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission upon review of adopted Ordinance No. 2020-31 requires changes to the adopting language from the City of Clermont in order to be compliant with Florida statutes;

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

SECTION 1: RECITALS

The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2:

Chapter 70 “Waterways”, Article I “Speed Limits, Section 70-1 “Authority”; Section 70-2 “Definitions”; Section 70-3 “Idle Speed/No Wake Zones”; Section 70-4 “Adoption of Speed



CITY OF CLERMONT
ORDINANCE NO. 2021-014

Limits” and Section 70-5 “Enforcement and Penalty” is hereby created to read as follows (note strikethrough indicates removed words and underlined indicates added):

Article I “Speed Limits”

Section 70-1 “Authority”

The Clermont City Council is authorized by Florida Law and the Charter of the City of Clermont and empowered to regulate vessel speed at which motorboats and vessels of all kinds may be operated within the restricted zones.

Section 70-2 “Definitions”

As used in this Article, unless the context clearly requires a different meaning:

- a) *Vessel* is synonymous with boat and means a motor or artificially propelled vehicle and every other description of watercraft, whether motor propelled or not, including barges and airboats, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- b) *Motorboat* means any boat or vessel propelled or powered by machinery.
- c) *Operator or Operation* means to navigate or otherwise use such a boat or vessel.
- d) *Waters of the city* means all waters lying within the boundaries of the City of such a proportion to allow thereupon the operation of a vessel or a motor boat.
- e) *Idle speed – No Wake* means that a vessel must proceed at a speed no greater than that which will maintain steerage and headway.

Section 70-3 “Idle Speed/No Wake Zones”

(a) The following areas on Lake Minneola located within the incorporated waters of the City of Clermont with non- restricted public access are declared Idle Speed. The waters within 500 feet of the City of Clermont Boat Ramp and Lake Hiawatha on Lake Minneola are idle speed. The following areas are public launching or landing facilities, and the distances the boating restricted areas are granted under F.S.

- (1) Area within 500ft. around the City of Clermont Boat Ramp more particularly described and delineated by buoy markers/signs.

and

- (2) Area within 500ft. around the Lake Hiawatha public landing facilities more particularly described and delineated by buoy markers/signs.

(b) This section shall not apply in case of emergency nor to any law enforcement or emergency services patrol or rescue boat.



CITY OF CLERMONT
ORDINANCE NO. 2021-014

Section 70-4 “Adoption of Speed Limits”

Speed limits, and subsequent amendments, shall be adopted by ordinance of the City Council and shall not exceed or diminish speed limits set by the Lake County Board of County Commissioners.

- a) After adoption of such speed limit, slow speed or no-wake signs shall be posted at all public boat-entrance ramps and public launching points along the portion of the waterway specified in the resolution. Additional signs may be posted as deemed necessary by the City Council and upon the approval of the required county, state and federal regulatory agencies.
- b) No person shall operate a boat at a rate of speed in excess of the slow speed sign posted.

Section 70-5 “Enforcement and Penalties”

Enforcement and penalties shall be as provided by applicable law.

SECTION 3: SIGNS

The City of Clermont is hereby authorized to place such signage as it deems necessary in order to notify the public of any Idle Speed/No Wake or other restrictive zones, and is authorized to coordinate the production of such signage.

SECTION 4: CONFLICT

All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: SEVERABILITY

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 6: CODIFICATION

The text of Section 2 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.



CITY OF CLERMONT
ORDINANCE NO. 2021-014

SECTION 7: ADMINISTRATIVE CORRECTION

Regardless of whether such inclusion in the Code as described in Section 6 is accomplished, section of the Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 8: PUBLICATION & EFFECTIVE DATE

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.

First Reading this 11th day of May, 2021.

Second Reading this 25th day of May, 2021.



CITY OF CLERMONT
ORDINANCE NO. 2021-014

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida
on this 25th day of May, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

LEGAL IN FORM AND

VALID AS ADOPTED

Daniel F. Mantzaris, City Attorney

EXHIBIT A







CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 25, 2021		
Agenda Item Name		
Variance Request Withdrawn <i>DWW Squared</i>		
Requested Action		
Recommend to withdraw variance application.		
Staff Report		
The applicant is requesting the following five (5) variances to the Land Development Code: (1) to allow an 8 foot perimeter landscape buffer instead of the 10 foot code requirement for Section 118-37; and, (2) to allow a 10 foot landscape buffer instead of the required 20 foot wide buffer along State Road 50, Section 118-37; (3) to eliminate the 3 foot wide building perimeter landscape buffer as required by the code, Section 118-37; (4) to allow for an 8 foot side yard setback (east) instead of the 12-foot requirements for Section 122-206; and, (5) to allow a 10-foot rear yard setback instead of the 25 foot requirement for the "C-1" Light Commercial Zoning District, Section 122-206. City Staff is currently working with the Applicant on the final Conceptual Site Plan. The applicant has requested this item be withdrawn.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. DWW SQUARE VARIANCES-LEGAL AD	DWW SQUARE VARIANCES.pdf	

Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10101837
Phone: (352) 241-7331
Date: 04/29/21
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the Clermont City Council will con	05/04/2021	05/04/2021	\$131.55

LEGAL NOTICE

Notice is hereby given that the Clermont City Council will consider a request for the following five (5) variances: (1) to allow an 8 foot perimeter landscape buffer instead of the 10 foot code requirement for Section 118-37; and, (2) to allow a 10 foot landscape buffer instead of the required 20 foot wide buffer along State Road 50 as required by code, Section 118-37; and, (3) to eliminate the 3 foot wide building perimeter landscape buffer as required by the code, Section 118-37; and, (4) to allow for an 8 foot side yard setback (east) instead of the 12 foot requirement for Section 122-206; and, (5) to allow a 10 foot rear yard setback instead of the 25 foot requirement for the "C-1" Light Commercial Zoning District, Section 122-206; at the following location:

LOCATION:

Vacant parcel located on Highway 50,
West of Second Street and north of
Chestnut Street.
(Alternate Key 1611547)

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

The Clermont City Council will consider this request at a public hearing to be held on Tuesday, May 11, 2021 at 6:30 P.M. in the Clermont City Hall located at 685 West Montrose Street, Clermont, FL

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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10101837
May 04, 2021

Payment Info	
Ad Price	\$131.55
Tax	\$0.00
Sub Total	\$131.55
Prepaid Amount	\$0.00
Balance Due	\$131.55



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, May 25, 2021	
Agenda Item Name	
Resolution No. 2021-027R <i>Rental Depot CUP</i>	
Requested Action	
Recommend approval of Resolution No. 2021-027R	
Staff Report	
The applicant would like to construct an equipment rental business with an outdoor storage and display area on property located in the C-2 General Commercial zoning district. Under Section 122- 224 of the Land Development Code, a Conditional Use Permit for this type of use and the outside storage of equipment is required. The subject property is located south of the Irish Trails Farm and Pet Supply store, between Bloxom Avenue and US Highway 27. The Future Land Use is Commercial. The applicant is proposing construction of a 7,000 square feet single-story building consisting of an office and light warehouse uses. The applicant has provided a conceptual site plan that indicates the layout of the proposed building, landscape buffers, dumpsters, parking, and the outside storage and display areas for the project. The plan identifies one access point off Bloxam Avenue and cross-access from US 27 through the Irish Trails Farm Supply property. The proposed development will be required to provide an additional 30 percent plant materials for the landscape buffers adjacent to the rights of way to ensure an opaque screening from the streets. The applicant is not requesting any variances to the Land Development Codes and the building will be required to comply with the Clermont Architectural Design Standards. The proposed project will not be permitted storage or display of any large rental equipment or machines adjacent to US Highway 27. The applicant has indicated the project traffic generation is insignificant and the project impact is de minimis because of the limited special services and products offered at this location. The business hours of operation will be Monday through Saturday from 7:00 am to 6:00 pm, and closed on Sundays to help minimize any noise and adverse impacts to the adjacent properties. STAFF RECOMMENDATION: Staff has reviewed the application and proposed project in regards to Section 86-144 Review Criteria for a Conditional Use Permit. The proposed use will not be detrimental to the health, safety and general welfare of the community. The use of the site is not out of character with the existing neighborhoods or adjacent properties. The Conditional Use Permit will not be in conflict to the Clermont Comprehensive Plan goals, objective and policies for the current land use designation. The proposed use will comply with the regulations and conditions specified in the codes and provisions of this resolution. Staff recommends approval of Resolution No. 2021-027R. <i>The Planning and Zoning Commission at their meeting, voted 6-0 to make a recommendation of approval for Resolution No. 2021-027R.</i>	

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Rental Depot Staff Analysis Report	Rental Depot Staff Analysis Report.pdf	
2. 2021-027R - Rental Depot CUP (04.29.2021 V2) - R&F BL	2021-027R - Rental Depot CUP (04.29.2021 V2) - R&F BL.pdf	
3. LOCATION MAP	LOCATION MAP.pdf	
4. Conceptual Site Plan	Prelim Site Plan.pdf	
5. Landscape Plans	Landscape Plans.pdf	
6. Application	Application.pdf	
7. Legal AD	Legal AD.pdf	



CITY OF CLERMONT

Staff Analysis Report

OWNER: Tower Commercial Land Trust

APPLICANT: Dale J. Ladd

PROJECT NAME: Rental Depot CUP

REQUESTED ACTION: A Conditional Use Permit (CUP) to allow an outside storage and display equipment rental business.

SIZE OF PARCEL: 1.89 acres +/-

LOCATION: Vacant property located between US Highway 27 and Bloxam Avenue, just south of the Irish Trails Farm

EXISTING ZONING: C-2 General Commercial

EXISTING LAND USE: Vacant Commercial Property

FUTURE LAND USE CATEGORY: Commercial

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The applicant would like to construct an equipment rental business with an outdoor storage and display area on property located in the C-2 General Commercial zoning district. Under Section 122- 224 of the Land Development Code, a Conditional Use Permit for this type of use and the outside storage of equipment is required. The subject property is located south of the Irish Trails Farm and Pet Supply store, between Bloxom Avenue and US Highway 27. The Future Land Use is Commercial. The applicant is proposing construction of a 7,000 square feet single-story building consisting of an office and light warehouse uses.

The applicant has provided a conceptual site plan that indicates the layout of the proposed building, landscape buffers, dumpsters, parking, and the outside storage and display areas for the project. The plan identifies one access point off Bloxam Avenue and cross-access from US 27 through the Irish Trails Farm Supply property. The proposed development will be required to provide an additional 30 percent plant materials for the landscape buffers adjacent to the rights of way to ensure an opaque

screening from the streets. The applicant is not requesting any variances to the Land Development Codes and the building will be required to comply with the Clermont Architectural Design Standards.

The proposed project will not be permitted storage or display of any large rental equipment or machines adjacent to US Highway 27. The applicant has indicated the project traffic generation is insignificant and the project traffic impact is de minimis because of the limited special services and products offered at this location. The business hours of operation will be Monday through Saturday from 7:00 am to 6:00 pm, and closed on Sundays to help minimize any noise and adverse impacts to the adjacent properties.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to Section 86-144 Review Criteria for a Conditional Use Permit. The proposed use will not be detrimental to the health, safety and general welfare of the community. The use of the site is not out of character with the existing neighborhoods or adjacent properties. The Conditional Use Permit will not be in conflict to the Clermont Comprehensive Plan goals, objective and policies for the current land use designation. The proposed use will comply with the regulations and conditions specified in the codes and provisions of this resolution.

Staff recommends approval of Resolution No. 2021-027R.



CITY OF CLERMONT
RESOLUTION NO. 2021-27R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR OUTDOOR STORAGE AND DISPLAY OF RENTAL EQUIPMENT IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT; AND PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENORS ERROR, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the granting of this Conditional Use Permit will not adversely affect the officially adopted Comprehensive Plan of the City; such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; the proposed use will comply with the regulations and conditions specified in the codes for such use; and the proposed use may be considered desirable at the particular location;

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held May 4, 2021 recommended approval of this Conditional Use Permit to allow for an outside storage and display of rental equipment use in the C-2 General Commercial Zoning District; at the following location:

LOCATION:

Vacant property located on the south of the Irish Trails Farm and Pet Supply store,
between US Highway 27 and Bloxam Avenue
(Portion of Alt. Key 3781935)

WHEREAS, from the evidence presented at the public hearing and after consideration of the factors set forth in Sec. 86-144 (d) of the Land Development Code, the city council finds, that: (1) granting the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city; (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity; (3) The proposed use will comply with the regulations and conditions specified in the codes for such use; and (4) The proposed use may be considered desirable at the particular location

WHEREAS, the City Council determines that the application for a conditional use permit meets the criteria set forth in the Land Development Code and otherwise it is in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that based on the findings stated above and incorporated herein:

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

This application for a Conditional Use Permit to allow outside storage and display rental equipment use in the C-2 General Commercial Zoning District; shall be granted subject to the following conditions:



CITY OF CLERMONT
RESOLUTION NO. 2021-27R

CONDITIONAL USE PERMIT CONDITIONS:

SECTION 1: GENERAL CONDITIONS

1. This Resolution shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor in title or interest, and shall be subject to each condition herein set out.
2. Upon approval of the resolution, the aforementioned property shall only be used for the purposes described herein. No further expansion of the use or additions to this project shall be permitted except as approved by another Conditional Use Permit. Any other proposed uses shall be specifically authorized by an amendment and must be approved by the Clermont City Council.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the City of Clermont Site Review Committee. The site plans shall meet all submittal requirements and comply with the conditions of this Resolution, applicable City Codes, Regulations, Ordinances, and provide compliance with the adopted City Comprehensive Plan, as amended.
5. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
6. The Conditional Use Permit must be executed and processed by the Clermont City Clerk's office within 90 days of its date of grant by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. The Fire Marshal shall inspect the structure for life safety requirements. All requirements must be in compliance prior to the issuance of any Certificate of Occupancy.



CITY OF CLERMONT
RESOLUTION NO. 2021-27R

9. The City Building Inspector shall inspect the structure and all building code violations must be in compliance prior to the issuance of any Certificate of Occupancy.
10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.
11. This permit shall become null and void if substantial work has not begun within two (2) years of the date of issuance of this Conditional Use Permit.
12. Should the outside storage and display of rental equipment use cease operation for more than 180 days, a new Conditional Use Permit shall be required for a same or similar operation.
13. In the event that parking at this site proves inadequate, the City reserves the right to open the Conditional Use Permit for further review and additional conditions, which may include additional parking requirements or revocation of the Conditional Use Permit.

SECTION 2: LAND USE

1. This Conditional Use Permit shall grant approval to allow for an outside storage and display of rental equipment business shall be located within the C-2 General Commercial Zoning District. The construction of any buildings on site must comply with the Land Development Regulations for C-2 General Commercial zoning district.
2. The property may be used for any permitted uses in the C-2 General Commercial Zoning District. All uses must adhere to the requirements of the Land Development Codes.
3. The business hours of operation shall be limited to Monday through Saturday from 7am to 6 pm. to help minimize any adverse impacts and noise to the adjacent properties.
4. The site must comply with all Land Development Codes for parking and shall provide an additional 30 percent of plant materials to ensure an opaque screen for the Landscape Buffers that abuts US Highway 27 and Bloxam Avenue to ensure adequate screening for the property.
5. The site shall be required to comply with Clermont Land Development Regulation, Chapter 98 – Parking and Vehicle Use Areas.
6. All Fences and walls for the property shall be constructed to meet code and shall be decorative ornamental vinyl, metal or wrought iron, or brick, and must be approved by the Site Review Committee.
7. The property is required to provide site lightening that comply with Clermont Land Development Regulations.



CITY OF CLERMONT
RESOLUTION NO. 2021-27R

8. The installation of sidewalks are required along any rights-of-way for the entire length of the property and shall be coordinated with the appropriate jurisdiction.
9. The outside storage and display of large equipment shall be limited to the rear of the property behind the building and cannot be stored or displayed on US Highway 27.
10. The subject property equipment and machines shall be arranged and kept in an orderly manner and state of maintenance so the appearance of the property will not be considered a nuisance.

SECTION 3: CONFLICT

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4: SEVERABILITY

If any portion of this Resolution is declared invalid, the invalidated portion shall be severed from the remainder of the Resolution, and the remainder of the Resolution 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 Resolution as a whole.

SECTION 5: ADMINISTRATIVE CORRECTION

This Resolution may be re-numbered or re-lettered, and/or corrected for typographical and/or scrivener's errors which do not affect the intent of said resolution, as authorized by the City Manager or designee, without need of public hearing, by filing a corrected copy of same with the City Clerk.

SECTION 6: PUBLICATION & EFFECTIVE DATE

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



CITY OF CLERMONT
RESOLUTION NO. 2021-27R

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 25th day of May 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

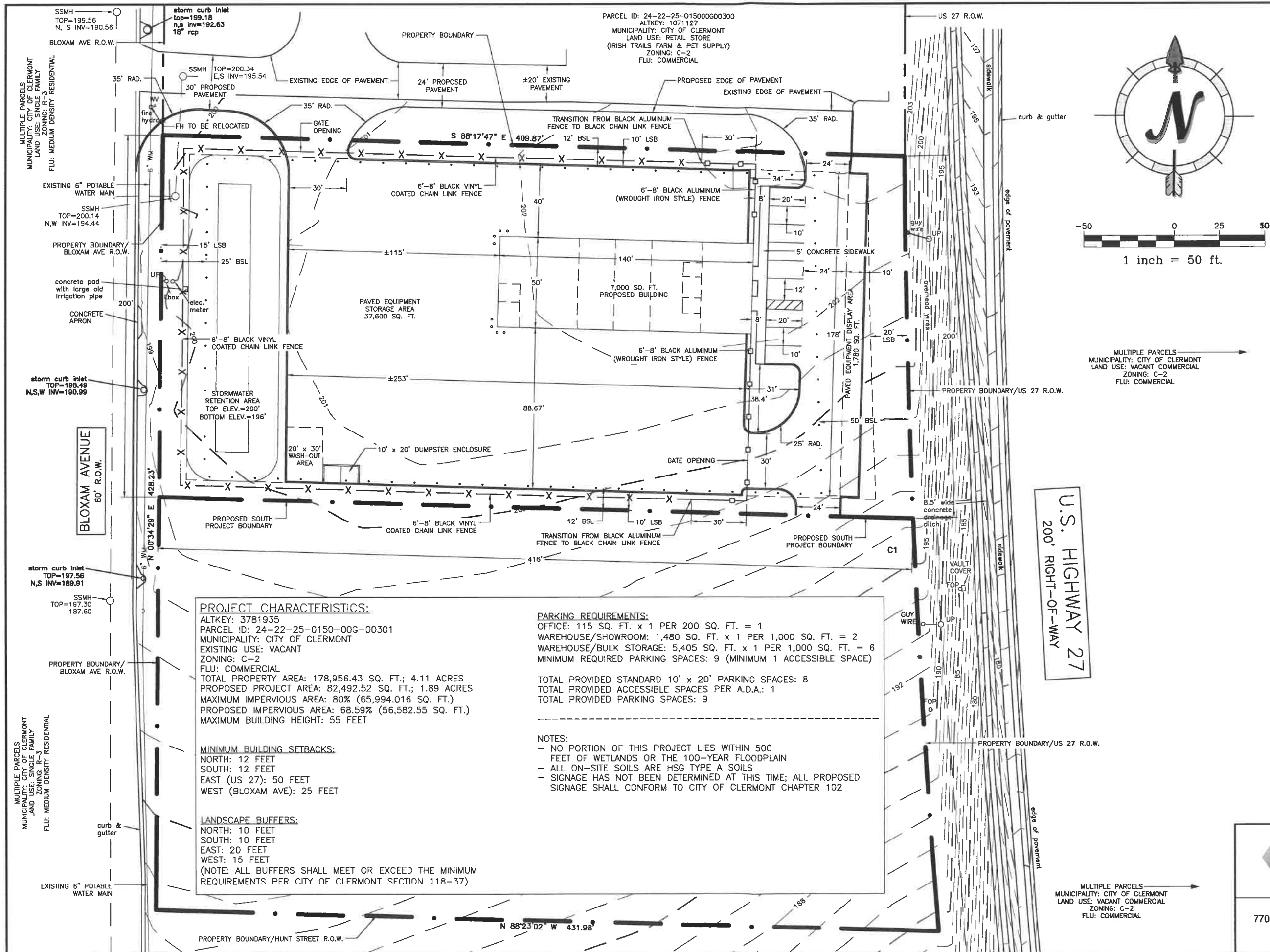
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

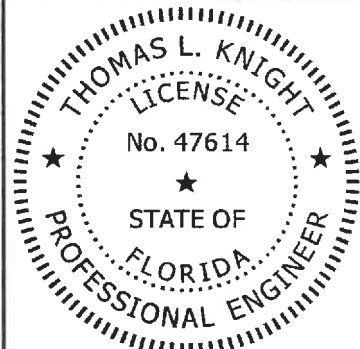
LOCATION MAP





RENTAL DEPOT
CUP PRELIMINARY SITE PLAN
SECTION 24, TOWNSHIP 22S, RANGE 25E
CITY OF CLERMONT, LAKE COUNTY, FLORIDA

OWNER/DEVELOPER: TOWER COMMERCIAL LAND TRUST
1135 EAST AVENUE, CLERMONT, FLORIDA 34711
(352) 394-8686



THOMAS L. KNIGHT, P.E.
FLORIDA REGISTRATION #47614

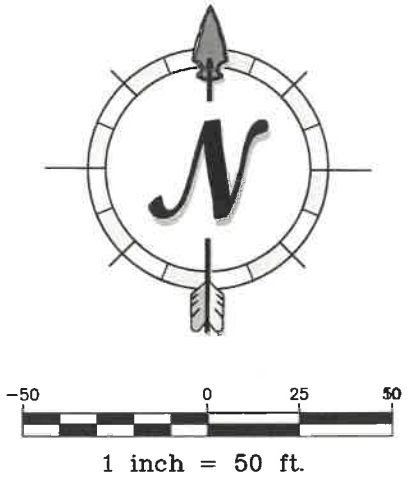
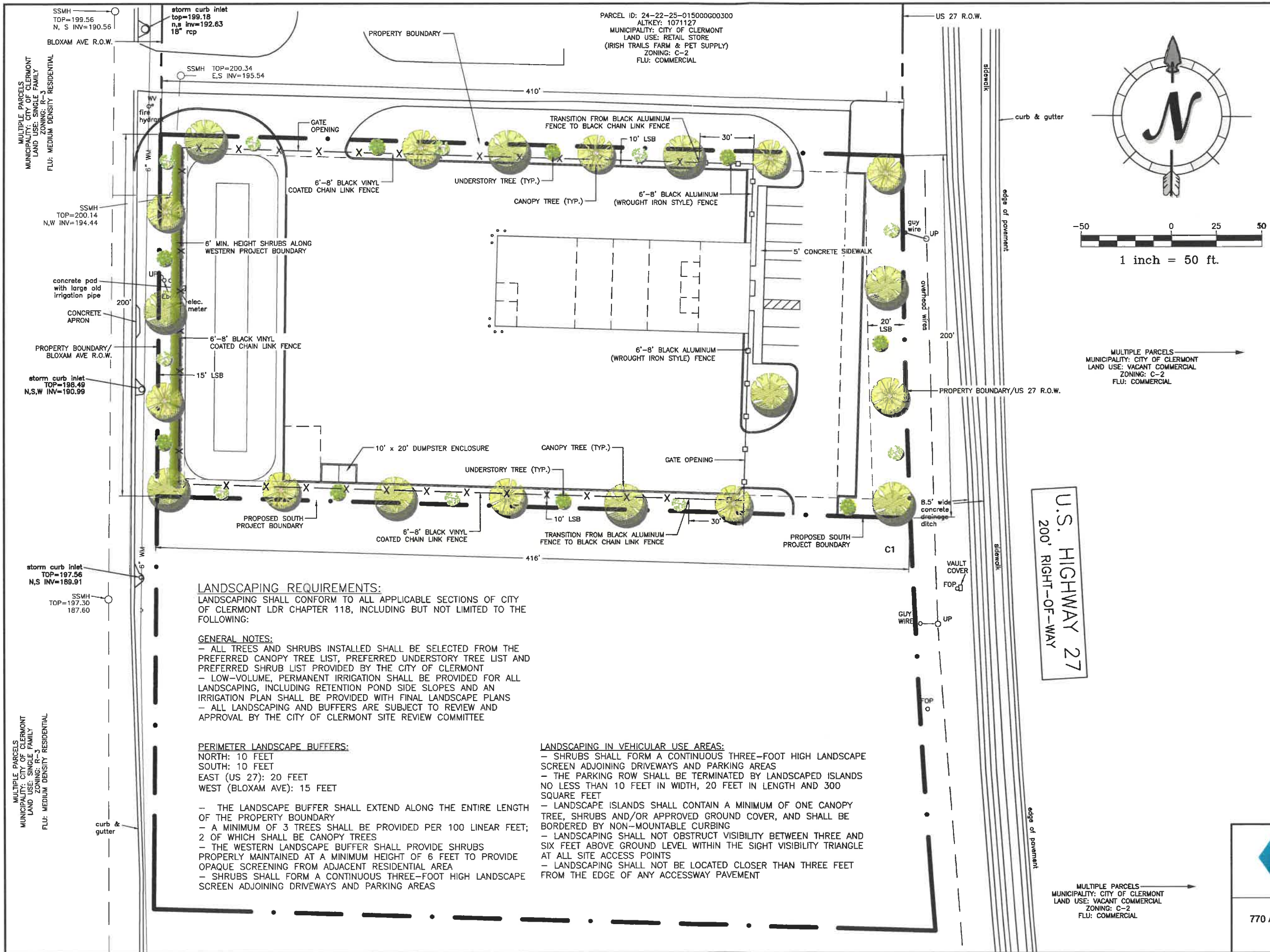
DATE
March 2021

DRAWN BY
TLK

SCALE
1" = 50'

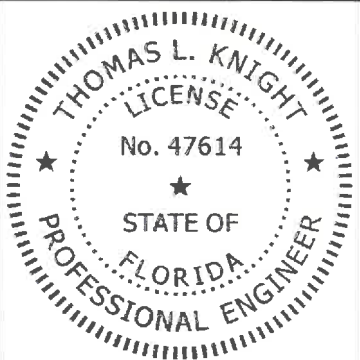


Planning, Design, Permitting, Inspection
770 Almond Street, Suite B, Clermont, Florida 34711
Phone: (352) 394-8514
Certificate of Authorization No. 00029972



RENTAL DEPOT
CUP PRELIMINARY LANDSCAPE PLAN
SECTION 24, TOWNSHIP 22S, RANGE 25E
CITY OF CLERMONT, LAKE COUNTY, FLORIDA

OWNER/DEVELOPER: TOWER COMMERCIAL LAND TRUST
1135 EAST AVENUE, CLERMONT, FLORIDA 34711
(352) 394-8686



THOMAS L. KNIGHT, P.E.
FLORIDA REGISTRATION #47614

DATE
March 2021

DRAWN BY
TLK

SCALE
1" = 50'



Planning, Design, Permitting, Inspection
770 Almond Street, Suite B, Clermont, Florida 34711
Phone: (352) 394-8514
Certificate of Authorization No. 00029972



CITY OF CLERMONT CONDITIONAL USE PERMIT APPLICATION

Date 3-22-21		FEE: \$845 + cost of advertisement + cost of traffic review (if necessary)	
Project Name (if applicable)			
Applicant Dale J. Ladd			
Contact Person Dale J. Ladd			
Address 1135 East Ave	City Clermont	State FL	Zip 34711
Telephone 352-394-8686	Fax 352-394-5971		
Email dladd@highlandrealestate.biz			
OWNER INFORMATION ☐ (Check box if owner information is same as applicant)			
Owner's Name Tower Commercial Land Trust			
Owner Address 1135 East Ave	City Clermont	State FL	Zip 34711
Telephone 352-394-8686	Fax 352-394-5971		
PROPERTY INFORMATION			
Address of Subject Property	City Clermont	State FL	Zip 34711
General Location South of and adjacent to 102 S. Highway 27			
Legal Description & Alternate Key (include copy of survey) Portion of AK 3781935 - legal attached			
Land Use (City verification required) Commercial			
Zoning (City verification required) C-2			



CITY OF CLERMONT
**CONDITIONAL USE PERMIT
APPLICATION**

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

Construct 7000 SF retail building. To consist of 2000 SF retail and 5000 SF warehouse.

Dale J. Ladd

Applicant Name (print)

x

[Signature]
Applicant Name (signature)

Dale J. Ladd

Owner Name (print)

x

[Signature]
Owner Name (signature)

*****NOTICE*****

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

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

5/26/2020

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10101775
Phone: (352) 241-7331
Date: 04/23/21
Ad Taker: shannon.agerton

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City of Clermont will consider a	04/27/2021	05/18/2021	\$179.36

LEGAL NOTICE

hours prior to the public hearings.

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

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10101775
April 27, 2021 & May 18, 2021

LOCATION

Vacant property located
on the south side of
US Highway 27 and
east of Bloxam Avenue
Portion of AK 3781953

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

The Clermont Planning and Zoning Commission will consider this request at a public hearing on Tuesday, May 4, 2021 at 6:30 P.M.

The Clermont City Council will consider this request at a public hearing on Tuesday, May 25, 2021 at 6:30 P.M.

All meetings will be held at the Clermont City Hall, first floor Council Chambers, 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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48

Payment Info	
Ad Price	\$179.36
Tax	\$0.00
Sub Total	\$179.36
Prepaid Amount	\$0.00
Balance Due	\$179.36



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, May 25, 2021	
Agenda Item Name	
Resolution No. 2021-028R <i>Right at Home Health Agency CUP</i>	
Requested Action	
Recommend approval of Resolution No. 2021-028R.	
Staff Report	
The applicant is requesting a Conditional Use Permit to allow for a professional/administrative office use in the R-3 Residential/Professional zoning district. The Land Development Code, Section 122-183, requires a Conditional Use Permit for a professional or medical office use. The subject property is located at 792 East Montrose Street and the Future Land is Low Density Residential. The Comprehensive Plan for Residential Land Use Categories allows support accessory services and uses with a Conditional Use Permit. The CUP would allow the Right at Home Health Care Agency the ability to operate a professional office use that provides administrative support services for the existing business. The applicant indicates the business will utilize the existing building and since the previous use was comparable, no major changes are required to operate the business. The Health Agency is a small business operation with approximately seven (7) office staff members that will utilize this office to provide support services for the daily operation of the business. The company's administrative support services may include employee/patients scheduling, payroll processing, human resources services, limited interviews and other various clerical support services at this location. The home health agency business provides in-home and onsite patient care services, which does not require any patients or customers to visit this location. Any proposed changes to the site will be required to comply with Clermont Land Development Regulations, including any building and fire safety codes. The site must provide sufficient onsite parking to accommodate the proposed professional office use. STAFF RECOMMENDATION: Staff has reviewed the application and proposed project in regards to Section 86-144 Review Criteria for a Conditional Use Permit. The proposed professional office use will not be detrimental to the health, safety and general welfare of the community. The use of the site is not out of character with the existing neighborhoods or adjacent properties. The Conditional Use Permit will not be in conflict to the Clermont Comprehensive Plan goals, objective and policies for the current land use. Staff recommends approval of Resolution No. 2021-028R. <i>The Planning and Zoning Commission at their meeting, voted 4-2 to make a recommendation of approval for Resolution No. 2021-028R.</i>	
Additional Analysis	
Fiscal Impact Summary	

Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	Right at Home Staff Analysis Report	Right at Home Staff Analysis Report.pdf	
2.	2021-028R - Right at Home CUP (04.29.2021 V2) - R&F BL	2021-028R - Right at Home CUP (04.29.2021 V2) - R&F BL.pdf	
3.	Location Map	Location Map.pdf	
4.	Application	Application.pdf	
5.	Existing Site Conditions-Pictures	Existing Site Conditions-Pictures.pdf	
6.	Right at Home-Legal AD	Right at Home-Legal AD.pdf	



CITY OF CLERMONT

Staff Analysis Report

OWNER: New Beginnings of Central Florida, Inc.

APPLICANT: Glem Properties, LLC.

PROJECT NAME: Right at Home Health Agency Office CUP

REQUESTED ACTION: A Conditional Use Permit (CUP) to allow for a professional/administrative office use in the "R-3" Residential/Professional zoning district.

SIZE OF PARCEL: 0.28 acres +/-

LOCATION: 792 East Montrose Street

EXISTING ZONING: R-3 Residential/Professional District

EXISTING LAND USE: Church Outreach Office

FUTURE LAND USE CATEGORY: Low Density Residential

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The applicant is requesting a Conditional Use Permit to allow for a professional/administrative office use in the R-3 Residential/Professional zoning district, the Land Development Code, Section 122-183 requires a Conditional Use Permit for a professional or medical office use. The subject property is located at 792 East Montrose Street and the Future Land Use is Low Density Residential. The Comprehensive Plan for Residential Land Use Categories allows support accessory services and uses with a Conditional Use Permit. The CUP would allow the Right at Home Health Care Agency the ability to operate a professional office use that provides the administrative support services for the existing business.

The applicant indicates the business will utilize the existing building on site and since the previous use was comparable, no major changes are required to operate the business. The Health Agency is a small business operation with approximately seven (7) office staff members that will use the office to provide administrative support services for the daily operation of the existing business. The company's administrative

support services may include employee/patients scheduling, payroll processing, human resources, limited interviews and other various clerical support services at this location.

The existing home health agency provides in home and onsite patient care services, which does not require any patients or customers to visit this location. Any proposed changes to the site will be required to comply with Clermont Land Development Regulations, including any building and fire safety codes. The site must provide sufficient onsite parking to accommodate the proposed professional office use.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to Section 86-144 Review Criteria for a Conditional Use Permit. The proposed professional office use will not be detrimental to the health, safety and general welfare of the community. The use of the site is not out of character with the existing neighborhoods or adjacent properties. The Conditional Use Permit will not be in conflict to the Clermont Comprehensive Plan goals, objective and policies for the current land use.

Staff recommends approval of Resolution No. 2021-028R.



CITY OF CLERMONT
RESOLUTION NO. 2021-28R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A PROFESSIONAL AND ADMINISTRATIVE OFFICE USE IN THE R-3 RESIDENTIAL/PROFESSIONAL ZONING DISTRICT; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the granting of this Conditional Use Permit will not adversely affect the officially adopted Comprehensive Plan of the City; such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; the proposed use will comply with the regulations and conditions specified in the codes for such use; and the proposed use may be considered desirable at the particular location;

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held May 4, 2021 recommended approval of this Conditional Use Permit to allow for a professional and administrative office use in the R-3 Residential/Professional Zoning District; at the following location:

LOCATION:

792 East Montrose Street, Clermont, FL
(Alt. Key 1621011)

WHEREAS, from the evidence presented at the public hearing and after consideration of the factors set forth in Sec. 86-144 (d) of the Land Development Code, the city council finds, that: (1) granting the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city; (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity; (3) The proposed use will comply with the regulations and conditions specified in the codes for such use; and (4) The proposed use may be considered desirable at the particular location

WHEREAS, the City Council determines that the application for a conditional use permit meets the criteria set forth in the Land Development Code and otherwise it is in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that based on the findings stated above and incorporated herein:

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

This application for a Conditional Use Permit to allow for a professional and administrative office use in the R-3 Residential/Professional Zoning District; shall be granted subject to the following conditions:



CITY OF CLERMONT
RESOLUTION NO. 2021-28R

CONDITIONAL USE PERMIT CONDITIONS:

SECTION 1: GENERAL CONDITIONS

1. This Resolution shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor in title or interest, and shall be subject to each condition herein set out.
2. Upon approval of the resolution, the aforementioned property shall only be used for the purposes described herein. No further expansion of the use or additions to this project shall be permitted except as approved by another Conditional Use Permit. Any other proposed use shall be specifically authorized by an amendment and approval of the City of Clermont City Council.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the City of Clermont Site Review Committee. The site plans shall meet all submittal requirements and comply with the conditions of this Resolution, applicable City Codes, Regulations, Ordinances, and provide compliance with the adopted City Comprehensive Plan, as amended.
5. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
6. The Conditional Use Permit must be executed and processed by the Clermont City Clerk's office within 90 days of its date of grant by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
8. The Fire Marshal shall inspect the structure for life safety requirements. All requirements must be in compliance prior to the issuance of any Certificate of Occupancy.



CITY OF CLERMONT
RESOLUTION NO. 2021-28R

9. The City Building Inspector shall inspect the structure and all building code violations must be corrected prior to the issuance of any Certificate of Occupancy.
10. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.
11. This permit shall become null and void if substantial work has not begun within two (2) years of the date of issuance of this Conditional Use Permit.
12. Should the professional/medical office cease operation for more than 180 days, a new Conditional Use Permit shall be required for a same or similar operation.
13. In the event that parking at this site proves inadequate, the City reserves the right to open the Conditional Use Permit for further review and additional conditions, which may include additional parking requirements or revocation of the Conditional Use Permit.

SECTION 2: LAND USE

1. This Conditional Use Permit shall grant approval to allow for a professional and administrative office only use for the employees to facilitate and provide administrative support services for the Right at Home Health Agency business and management team located within the R-3 Residential/Professional Zoning District.
2. The site may also be used for any permitted use in the R-3 Residential/Professional Zoning District. All uses must adhere to the requirements of the Land Development Code.
3. The conversion from residential use to professional office use must comply with any required building and fire life safety code requirements for use as a commercial structure.
4. The site must comply with all Land Development Codes for parking and Landscape Buffers to ensure adequate screening for the property.

SECTION 3: CONFLICT

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4: SEVERABILITY

If any portion of this Resolution is declared invalid, the invalidated portion shall be severed from the remainder of the Resolution, and the remainder of the Resolution 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 Resolution as a whole.



CITY OF CLERMONT
RESOLUTION NO. 2021-28R

SECTION 5: ADMINISTRATIVE CORRECTION

This Resolution may be re-numbered or re-lettered, and/or corrected for typographical and/or scrivener's errors which do not affect the intent of said resolution, as authorized by the City Manager or designee, without need of public hearing, by filing a corrected copy of same with the City Clerk.

SECTION 6: PUBLICATION & EFFECTIVE DATE

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



CITY OF CLERMONT
RESOLUTION NO. 2021-28R

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 25th day of May 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

792 W Montrose St





CITY OF CLERMONT
**CONDITIONAL USE PERMIT
 APPLICATION**

CUP2103-0002

Date 03/20/2021		FEE: \$845 + cost of advertisement + cost of traffic review (if necessary)	
Project Name (if applicable) RIGHT AT HOME			
Applicant Glem Properties, LLC.			
Contact Person Glenn Fechtenburg			
Address 21701 Rollingwood Trl.		City Eustis	State FL Zip 32736
Telephone 352-409-8011		Fax 352-835-0105	
Email glenn@RAHFL.com			
OWNER INFORMATION ☒ (Check box if owner information is same as applicant)			
Owner's Name			
Owner Address		City	State Zip
Telephone		Fax	
PROPERTY INFORMATION			
Address of Subject Property 792 EAST MONTROSE STREET		City CLERMONT	State FL Zip 34711
General Location			
Legal Description & Alternate Key (include copy of survey) CLERMONT, HOMEDALE LOT 2, BLK 3 PB 11 PG 26 ORB 4026 PG 1703 ALTERNATE KEY - 1621011			
Land Use (City verification required) CHURCH SECONDARY BUILDING (7102)			
Zoning (City verification required) R3 RESIDENTIAL / PROFESSIONAL			



CITY OF CLERMONT CONDITIONAL USE PERMIT APPLICATION

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

Right at Home is a home health agency.
This location will be used for office space, accounting, book keeping, interviews, and training.
A new employee may come to this office for an interview or to review skills or training.
Customers do not come to our office. All customer interactions are in their homes.
No alterations need to be made to the current building structure.
No alterations need to be made to the interior structures as it is already set up as offices.
Current available parking is adequate for our needs (7 spaces).

Glenn Fechtenburg

Applicant Name (print)

x 
Applicant Name (signature)

Glem Properties, LLC.

Owner Name (print)

x 
Owner Name (signature)

*****NOTICE*****

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

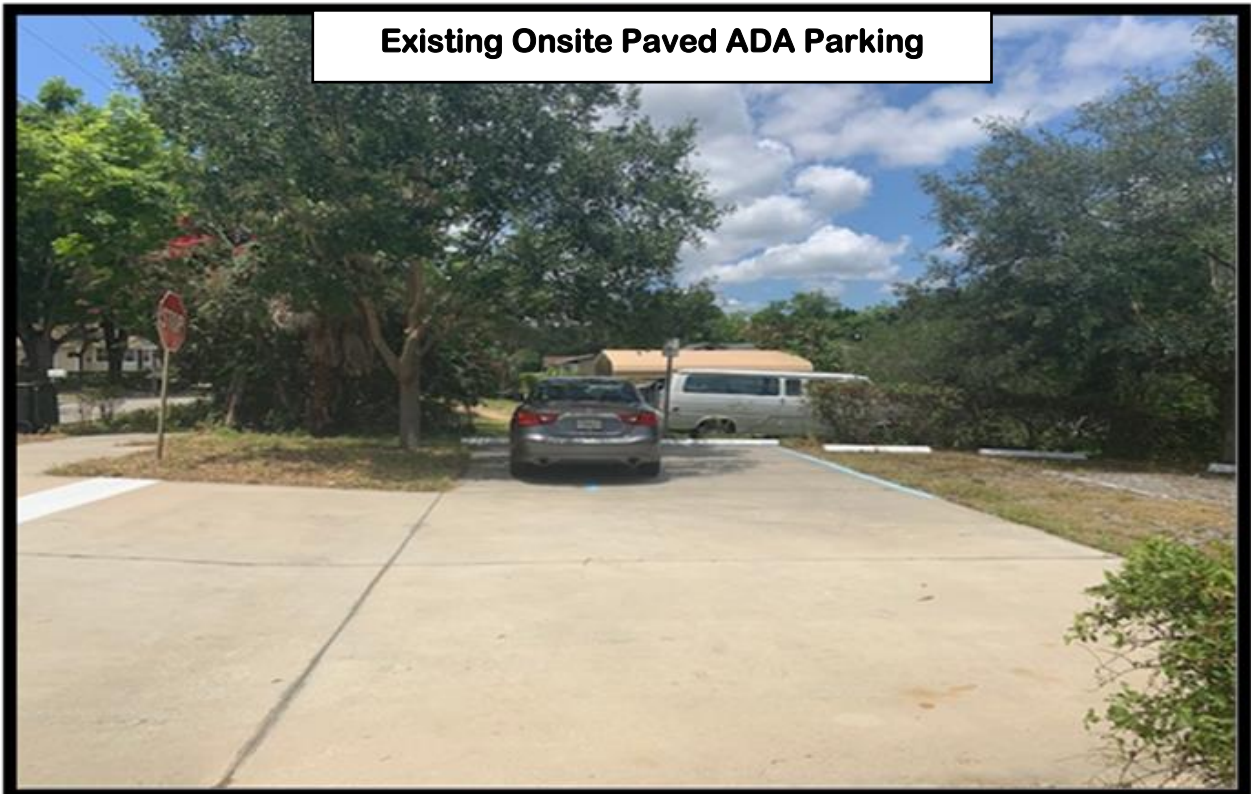
City of Clermont
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL 34712-0219
(352) 394-4083 Fax: (352) 394 3542

5/26/2020

792 East Montrose Street



Existing Onsite Paved ADA Parking





Existing Onsite Grass Parking



Existing Onsite Grass Parking

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10101773
Phone: (352) 241-7331
Date: 04/23/21
Ad Taker: shannon.agerton

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City of Clermont will consider a r	04/27/2021	05/18/2021	\$167.68

LEGAL NOTICE

Ad No: 10101773
April 27, 2021 & May 18, 2021

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow for a professional/medical office use in the R-3 Residential/Professional Zoning District, at the following location:

LOCATION
792 East Montrose Street
AK 1621011

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

The Clermont Planning and Zoning Commission will consider this request at a public hearing on Tuesday, May 4, 2021 at 6:30 P.M.

The Clermont City Council will consider this request at a public hearing on Tuesday, May 25, 2021 at 6:30 P.M.

All meetings will be held at the Clermont City Hall, first floor Council Chambers, 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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Payment Info	
Ad Price	\$167.68
Tax	\$0.00
Sub Total	\$167.68
Prepaid Amount	\$0.00
Balance Due	\$167.68



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, May 25, 2021		
Agenda Item Name		
Variance Request <i>New Jacob Chapel Church</i>		
Requested Action		
Recommend approval of requested variance.		
Staff Report		
The applicant is requesting a variance to allow a church facility to connect to the potable water system for irrigation services instead of a private well as required by the Land Development Code, Section 114-4 (5). The subject parcel is located at 410 West Highway 50 and the zoning is C-1 Light Commercial. On December 8, 2020, the City Council approved a Conditional Use Permit (Resolution 2020-71R) to allow the expansion of an existing church facility with the construction of a new 2,400 square foot multi-purpose building that is currently in review for site plan approval. The CUP conditions of approval requires some landscape improvements to the existing site. Due to the previous widening of State Road 50 in the past and some existing topography challenges, the new landscaping will be strategically located on the parcel. The property currently has some mature oak trees and existing vegetation, therefore requiring a small quantity of new landscaping. The Clermont Code, Chapter 118, requires an irrigation system for any landscape materials and the applicant must provide an irrigation plan to be reviewed and approved by the site review committee, prior to the issuance of any final development orders. In addition, the Land Development Regulations, Sections 114-4 (5), requires a private well to be constructed for irrigation purposes of any commercial development. The applicant is requesting a variance to irrigate from the existing potable water supply. The applicant has indicated the requirement to provide a private well would place an extreme hardship to the small local non-profit church organization with limited resources. In addition, the volume of water needed for the landscaping would be considered de minimis. The property owner will be required to maintain all landscaping to ensure a healthy and orderly appearance at all times. The New Jacob Church has been in the Clermont Community for many years, with the goal and collaboration to make a difference in the community by providing many outreach programs and services for the citizens and surrounding areas. STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as presented and finds the application does meet a positive finding. Therefore, staff recommends approval of the variance request to the Land Development Code.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Staff Analysis-New Jacob Chapel Variance	Staff Analysis-New Jacob Chapel Variance.pdf	
2. New 86-174 Review Criteria-New Jacob Chapel	New 86-174 Review Criteria-New Jacob Chapel.pdf	
3. LOCATION MAP	LOCATION MAP.pdf	
4. 04-Conceptual Site Plan	04-Conceptual Site Plan.pdf	

5.	06-LANDSCAPE PLANS (4)	06-LANDSCAPE (4).pdf
6.	Executed Irrigation Variance-Application-New Jacobs Chapel	Executed Irrigation Variance-Application-New Jacobs Chapel.pdf
7.	NEW JACOB CHURCH VARIANCE AD	NEW JACOB CHURCH VARIANCE AD.pdf



CITY OF CLERMONT Staff Analysis Report

OWNER: New Jacob Chapel Church

APPLICANT: Frank Kendrick, NuJak Company, Inc.

PROJECT NAME: New Jacob Chapel Church - Variance

REQUESTED ACTION: Consider a variance request to allow a church facility to connect to the potable water system for irrigation services, instead of a private well as required by the Land Development Code, Section 114-4 (5).

SIZE OF PARCEL: 1.975 +/- acres

LOCATION: 410 West Highway 50

EXISTING ZONING: C-1- Light Commercial

EXISTING LAND USE: Church Facility

FUTURE LAND USE CATEGORY: Commercial

ANALYSIS:

The applicant is requesting a variance to allow a church facility to connect to the potable water system for irrigation services instead of a private well as required by the Land Development Code, Section 114-4 (5). The subject parcel is located at 410 West Highway 50 and the zoning is C-1 Light Commercial. On December 8, 2020, the City Council approved a Conditional Use Permit with (Resolution 2020-71R) to allow the expansion of an existing church facility with the construction of a new 2,400 square foot multi-purpose building. The CUP conditions of approval requires some landscape improvements to the existing site. Because of the widening of State Road 50 and some existing topography challenges, will require the installation of any new plant materials be strategically located on the parcel. The property currently has some mature oak trees and existing vegetation, therefore requiring a small quantity of new landscaping.

The Clermont Code, Chapter 118, requires an irrigation system for any landscape plant materials and must provide an irrigation plan to the approved by the site review committee, prior to the issuance of any final development orders. In addition, The Land Development Regulations, Sections 114-4 (5), requires private wells be constructed to provide irrigation water for any commercial development. The applicant is requesting a

variance to that section of the code. The applicant has indicated the requirement to provide a private well, would provide an extreme hardship to the small local non-profit church organization with limited resources. The property owner will be required to maintain all landscaped areas to ensure a healthy, neat and orderly appearance at all times. The New Jacob Church has been in the Clermont Community for many years, with the goal and collaboration to make a difference in the community by providing many outreach programs and services for the citizens and surrounding areas.

STAFF RECOMMENDATION:

Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as presented and finds the application does meet a positive finding. Therefore, staff recommends **approval** of the variance request to the Land Development Code.

New Jacobs Church – Variance

The requirements for a variance are as follows:

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

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
Applicant response: Granting the Variance will not impact nearby property owners or negatively impact the standard of living for citizens of the City, as the proposed landscaping will actually improve the site and environmental conditions.

Staff comments: The variance request is to allow a commercial property to connect to the city’s potable water system for irrigation instead of the code requirements of connection to a private well for irrigation services as required by the Land Development Code, Section 114-4 (5). The subject parcel zoning is C-1 Light Commercial, and on December 8, 2020 was granted a Conditional Use Permit (Resolution No. 2020-71R) to allow for a 2,400 square foot multi-purpose building addition. Because of the widening of State Road 50, and existing topography changes the applicant has limited opportunities for landscape improvements, therefore requiring the clustering of plant materials to provide some type of landscape improvements to the existing property.

Positive finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: The zoning is C-1 Light Commercial, with close proximity to State Road 50, a major corridor. The addition to the building is consistent with the zoning and the variance will have no impact and is not consistent with other businesses along the SR 50 corridor.

Staff comments: The variance request is the minimum variance that will allow reasonable use of the property. The applicant will be providing some landscape improvements to the property to enhance the overall site. The variance request is not out of character with other small businesses and non-profit organizations in the surrounding area.

Positive finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: The benefits to the City of the LDC Code will not be compromised by the issuance of this variance, as the site will have negative landscape improvements that will actually enhance the corridor.

Staff comments: The requested variance to the land development code will not further any legitimate city objective, the proposed landscape improvements are considered de minimus to the overall site and shall be maintained by the property owner. .

Positive finding

- (4) The granting of the variance is consistent with the city's comprehensive plan;
Applicant response: The variance is consistent with the comprehensive plan for Light Commercial Development.

Staff comments: The variance request is consistent with the comprehensive plan goals, objectives and policies for this development.

Positive finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

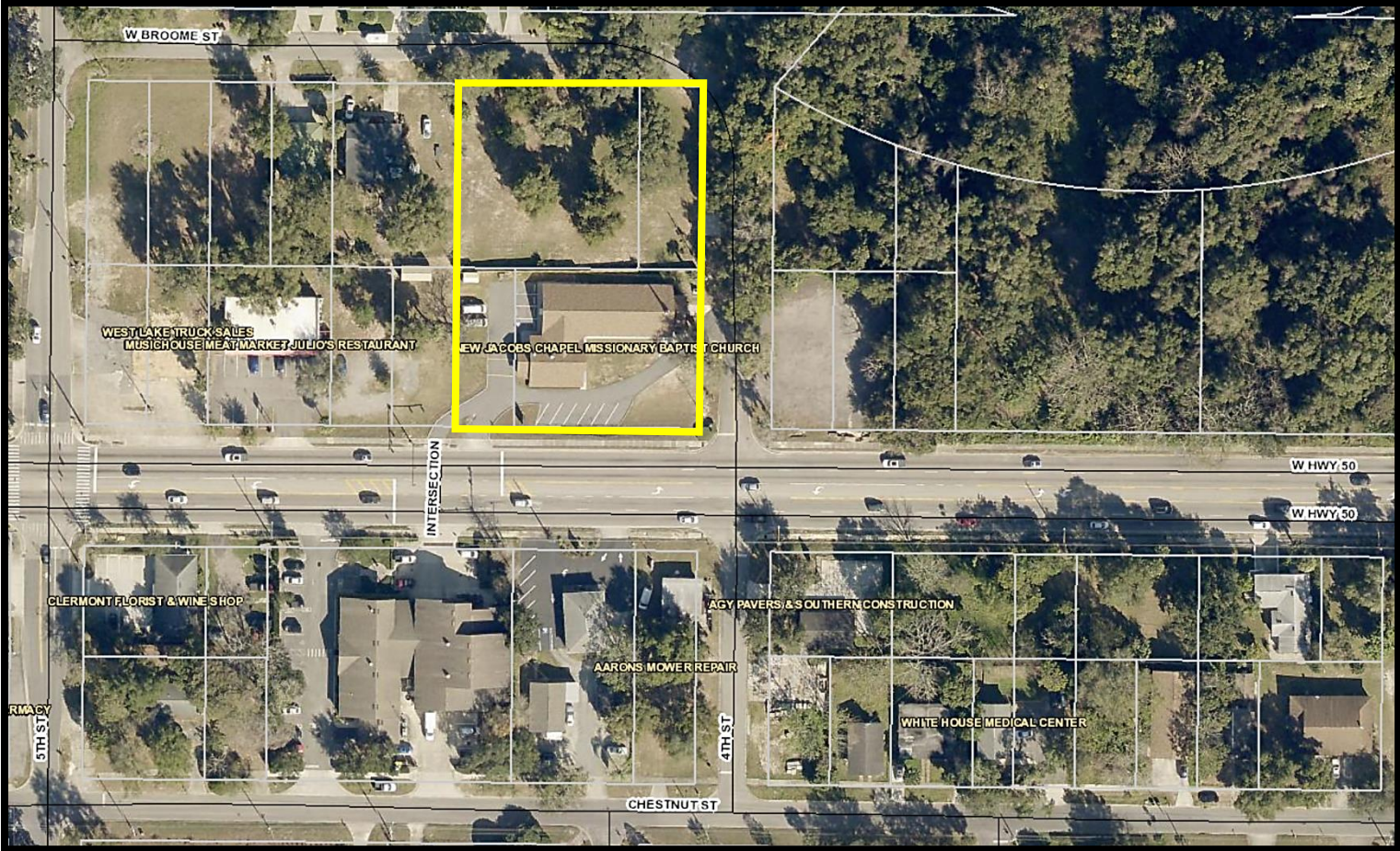
Applicant response: The benefits to the City of the existing LDC will not be compromised as it pertains to the reasonable use of the existing facility, as the owner has been at this location for 128 years.

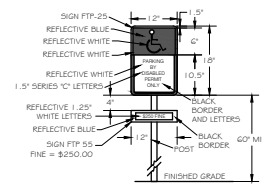
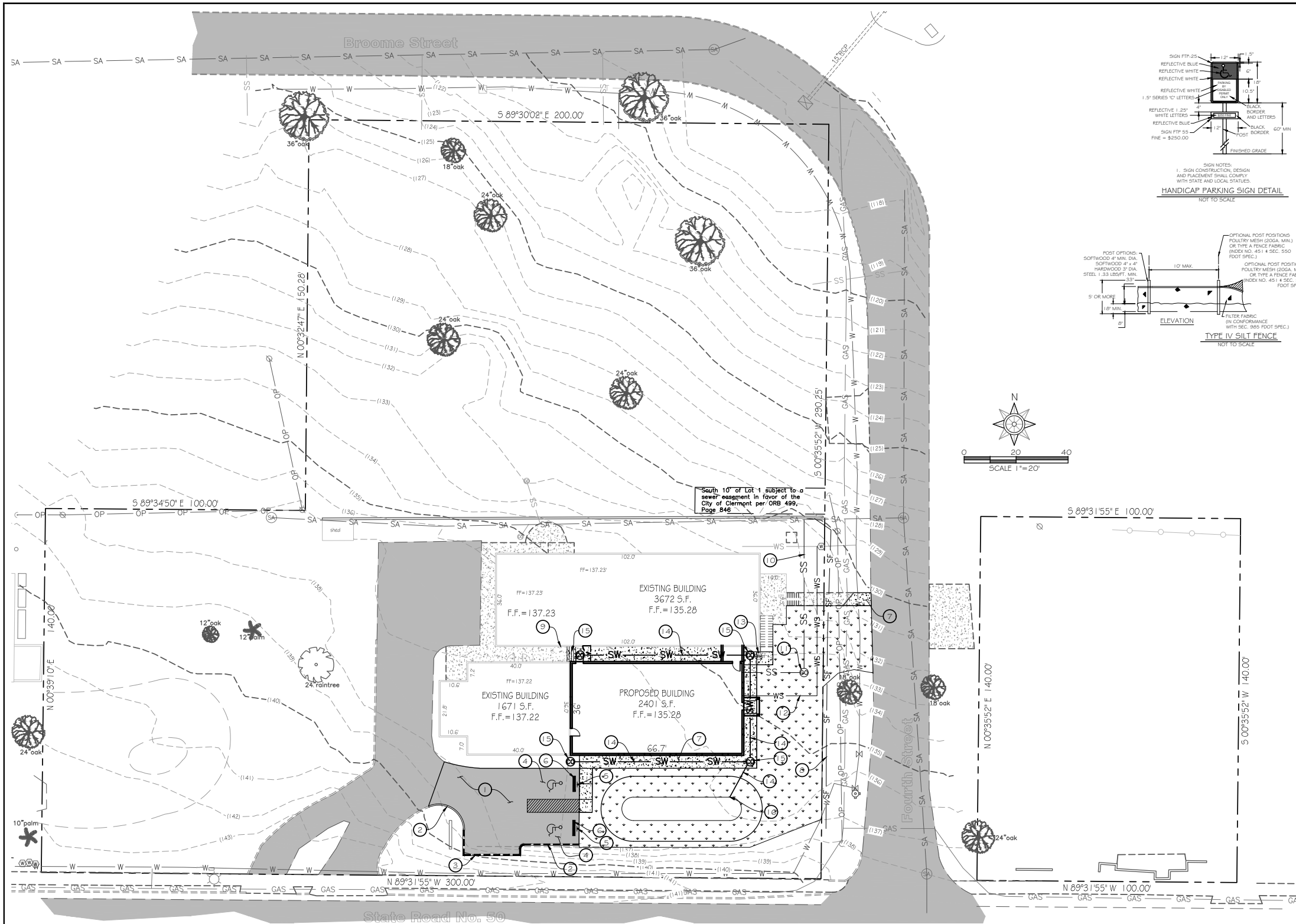
Staff comments: The requested variance is the minimum to allow reasonable use of the land. The property conditions are existing and the requested variance will allow some landscape improvements to the site, which operates a non-profit organization and church facility that provides many outreach services to the citizens in the community.

Positive finding

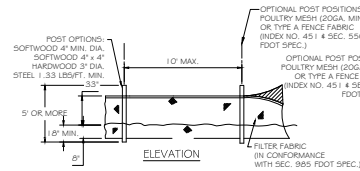
STAFF RECOMMENDATION: Section 86-174 of the Land Development Code requires a positive finding on the Review Criteria and Findings in order to grant a variance, staff has reviewed the application as presented and finds the application can meet a positive finding. Therefore, staff recommends **approval** of the variance request to the Land Development Code.

LOCATION MAP

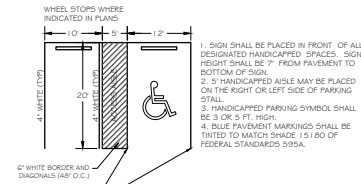




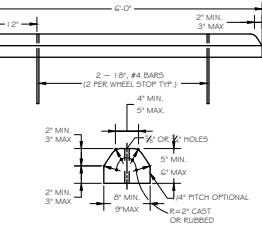
HANDICAP PARKING SIGN DETAIL
NOT TO SCALE



TYPE IV SILT FENCE
NOT TO SCALE



HANDICAP PARKING STALL DETAIL
NOT TO SCALE



WHEEL STOP DETAIL
NOT TO SCALE

CONSTRUCTION NOTES & ESTIMATED QUANTITIES

1	1.5" PAVEMENT OVER LIMEROCK BASE	1553 S.F.
2	6" CURB	42 L.F.
3	RETAINING WALL	34 L.F.
4	HANDICAP SPACE PER DETAIL ON SHEET 4	2 EA.
5	HANDICAP PARKING SIGN PER DETAIL ON SHEET 4	2 EA.
6	WHEEL STOPS PER DETAIL ON SHEET 4	2 EA.
7	4" CONCRETE SIDEWALK	800 S.F.
8	SILT FENCE PER DETAIL ON SHEET 4	93 L.F.
9	CONCRETE STEPS (10" TREAD/7" RISE) WITH LANDING	1 EA.
10	4" SEWER SERVICE	725 L.F.
11	SEWER CLEANOUT	1 EA.
12	1" WATER SERVICE LINE	86 L.F.
13	ADJUST VALVE BOX TO GRADE	1 EA.
14	8" P.V.C. HEADER PIPE	200 L.F.
15	HEADER PIPE CLEANOUT	4 EA.
16	CONCRETE COLLAR AT OUTLET	1 EA.

Carol Chadwick, PE
cn=Carol Chadwick,
PE, o=This item has
been electronically
signed and sealed
by Carol Chadwick,
PE using a digital
signature, ou,
email=ccpewyo@g
mail.com, c=US
2020.08.10 19:27:56
-0400

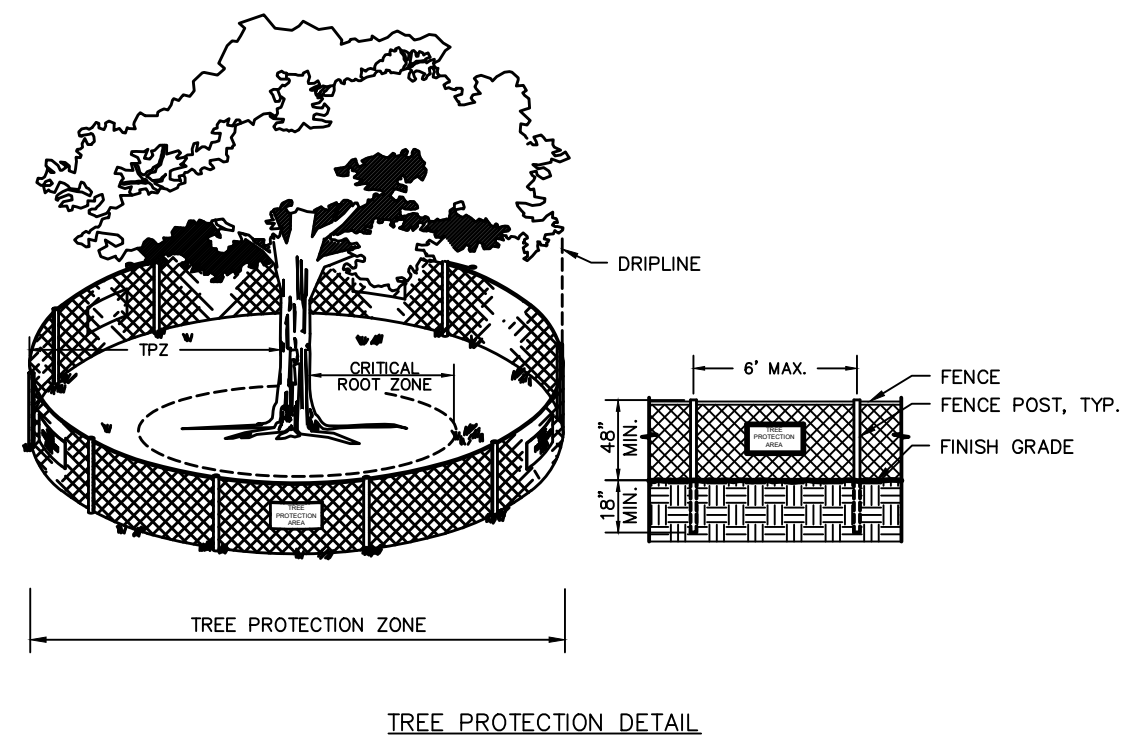
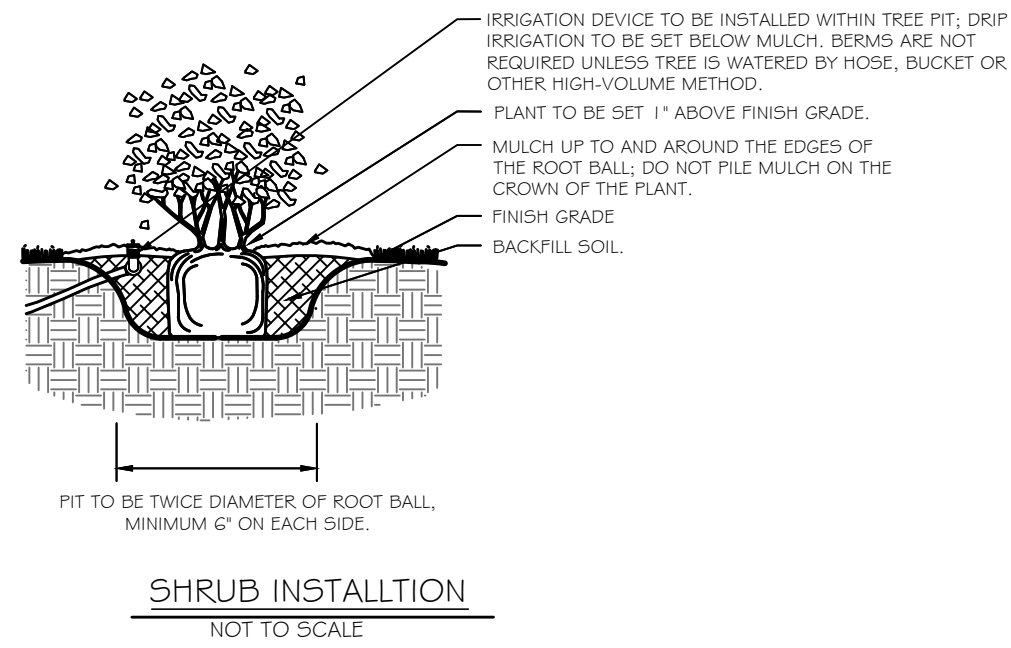
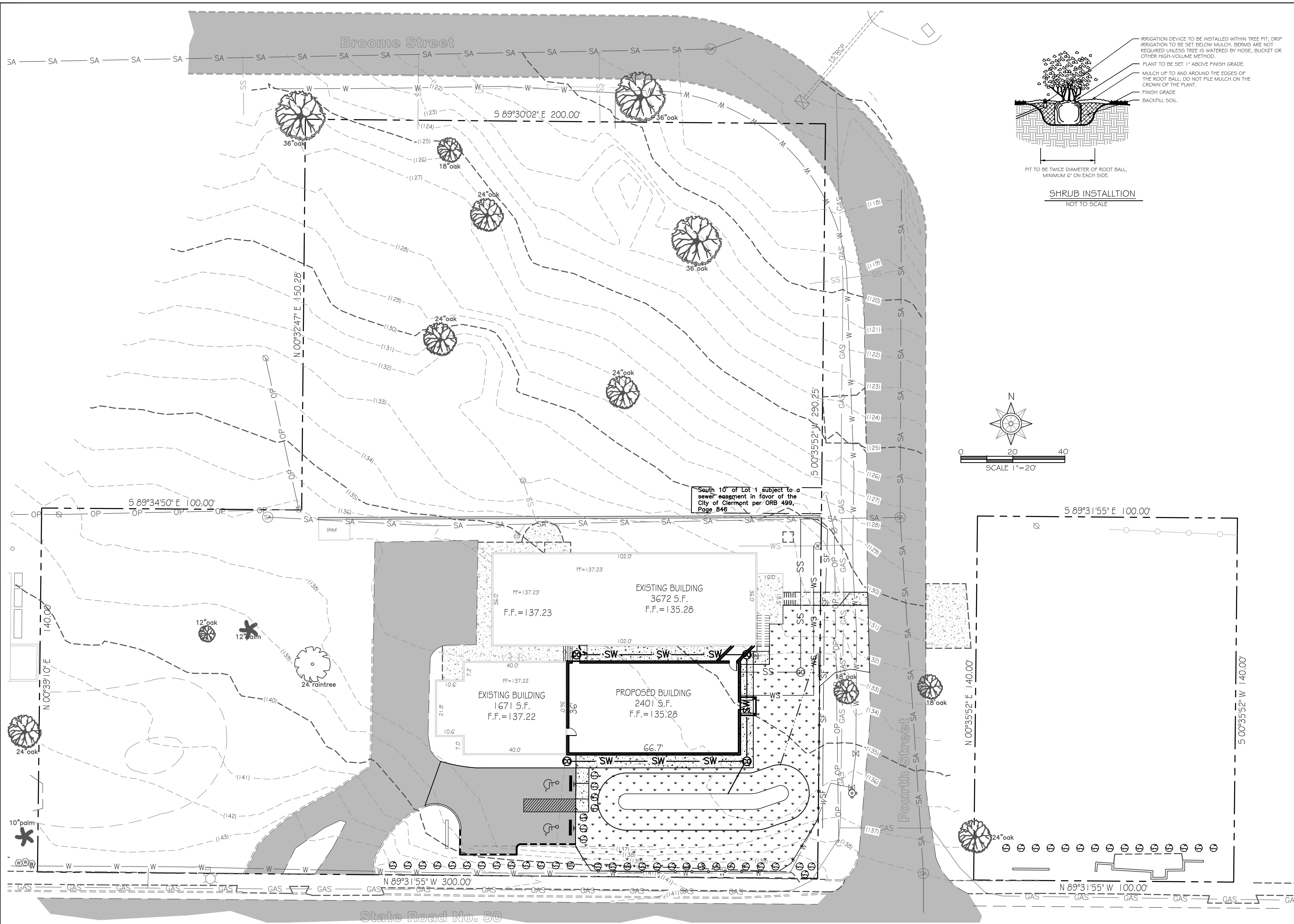
CITY OF CLERMONT, FL
JACOB'S CHAPEL
SITE & DIMENSION PLAN

APPROVED FOR
CITY OF CLERMONT, FL
410 W. HWY. 50
CLERMONT, FL 34711
352.377.0325
mchadwick@clermontfl.gov

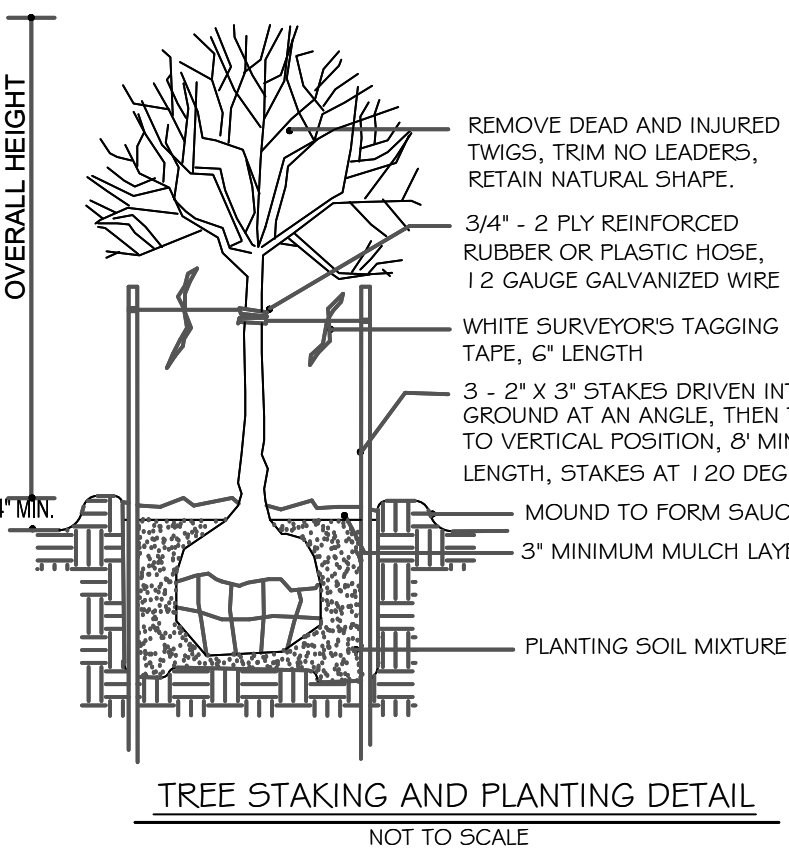
DESIGNED BY
CAROL CHADWICK, PE
CLERMONT, FL 34711
352.377.0325
mchadwick@clermontfl.gov

DATE
AUG. 4, 2020
BY
C/C

Page 97



- NOTES:
1. TREE PROTECTION BARRICADES SHALL BE INSTALLED AROUND ALL PROTECTED TREES AND GROUPS OF TREES PRIOR TO ANY CLEARING OR GRADING OPERATIONS, INCLUDING THE REMOVAL OF OTHER TREES.
 2. FOR LARGE GROUPS OF TREES, BARRICADES MAY BE PLACED BETWEEN THE PROTECTED TREES AND THE CONSTRUCTION ACTIVITY AREA.
 3. BARRICADES SHALL BE MADE OF RIGID MATERIAL CAPABLE OF SURVIVING FOR THE DURATION OF THE CONSTRUCTION.
 4. BARRICADES SHALL BE INSPECTED WEEKLY DURING THE DURATION OF CONSTRUCTION AND REPAIRED/REINSTALLED AS REQUIRED.
 5. CLEANING OF EQUIPMENT OR MATERIAL OR THE DISPOSAL OF WASTE MATERIALS, INCLUDING BUT NOT LIMITED TO, PAINT, OIL, SOLVENT, ASPHALT, CONCRETE, AND MORTAR WITHIN THE TREE PROTECTION ZONE (TPZ) OF ANY TREE IS NOT ALLOWED.
 6. THE MOVEMENT OF EQUIPMENT OR STORAGE OF EQUIPMENT, MATERIALS, DEBRIS, OR FILL WITHIN THE TPZ OF ANY TREE IS NOT ALLOWED.
 7. IF ANY TREE WHICH IS NOT PERMITTED FOR REMOVAL IS DESTROYED, OR RECEIVES MAJOR DAMAGE DURING CONSTRUCTION, WITH THE EXCEPTION OF NATURAL EVENTS, SO AS TO PLACE ITS LONG TERM SURVIVAL IN QUESTION, MUST BE REPLACED AT AN INCH-TO-INCH BASIS OF THE TOTAL (COMBINED) DBH OF THE TREE(S) SO DESTROYED OR DAMAGED. THE REPLACEMENT TREE(S) SHALL BE OF COMPARABLE SPECIES OF THE DESTROYED OR DAMAGED TREE(S) WITH A MINIMUM SIZE OF 3 1/2\"/>
 8. REQUIRED SIGNS SHALL STATE "TREE PROTECTION ZONE."



LANDSCAPE NOTES

- (a) ALL PLANT MATERIAL TO BE FLORIDA No. 1 QUALITY
- (b) A MINIMUM OF 3\"/>
- (c) 100% IRRIGATION COVERAGE REQUIRED
- (d) STAKING REQUIRED FOR ALL SINGLE-TRUNK TREES
- (e) A 3\"/>
- (f) LANDSCAPING REQUIRED AROUND ALL BACKFLOW DEVICES
- (g) UNOBSTRUCTED VISIBILITY REQUIRED WITHIN SITE VISIBILITY TRIANGLE (INDICATE WITH DIAGRAM, FIGURE 33.01)
- (h) PROTECTION REQUIRED FOR EXISTING TREES TO BE SAVED DURING CONSTRUCTION. DIAGRAM OF TREE PROTECTION PLAN REQUIRED
- (i) ALL PLANT BEDS TO BE FREE OF LIME ROCK, CONSTRUCTION DEBRIS, AND ANY IMPERVIOUS MATERIAL. EXCAVATION AND BACKFILLING MAY BE REQUIRED
- (j) THE OWNER/DEVELOPER IS RESPONSIBLE FOR THE ESTABLISHMENT AND MAINTENANCE OF ALL PLANT MATERIAL. LANDSCAPE AREAS MUST BE MAINTAINED TO PRESENT A HEALTHY, NEAT AND ORDERLY APPEARANCE AT ALL TIMES AND SHALL BE KEPT FREE OF TRASH AND DEBRIS

IRRIGATION NOTE

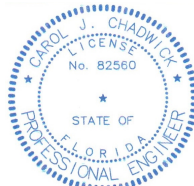
OWNER SHALL MAINTAIN LANDSCAPING UTILIZING POTABLE WATER SOURCE.

NOTES

NO TREES WILL BE REMOVED

PLANT SCHEDULE

SYMBOL	PLANT TYPE	QTY	CALIPER SIZE, IN	HEIGHT	WIDTH, FT	SIZE, GALLON
⊗	VIBURNUM SHRUB	51		18\"/>		3
	AZALEAS SHRUB					
	LOROPETALUM					



Carol Chadwick, PE
cnc=Carol Chadwick, PE. This item has been electronically signed and sealed by Carol Chadwick, PE using a digital signature. ou, email=ccpevyo@gmail.com, c=US 2021.05.01 16:45:40 -0400

CITY OF CLERMONT, FL
JACOB'S CHAPEL
LANDSCAPE PLAN

FL 19110
MAY 1, 2021
RECEIVED
OFFICE OF THE CITY CLERK

CAROL CHADWICK, PE
410 W HWY. 50
SUITE 201
ALFRED, OHIO 44803
352.976.0453
chadwickc01@gmail.com





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:

- X Proof of ownership, (i.e. Lake County Property record card, tax receipt, or deed.
- X Legal description of the property – may be on information above.
- X 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).
- X 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.
- X 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.
- X The original application and all supplemental materials.
- X Fee: \$300.⁰⁰ plus cost of advertisement for existing single-family residential
\$600.⁰⁰ plus cost of advertisement for all others

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: 5-4-21 FEE: _____

PROJECT NAME (if applicable): New Jacobs Chapel Baptist Church

APPLICANT: New Jacobs Chapel Baptist Church

CONTACT PERSON: Frank Kendrick

Address: 1720 Itchepackesassa Drive

City: Lakeland State: Florida Zip: 33810

Phone: 863-680-3437 Fax: 863-683-7874

E-Mail: Frank@NuJak.com

OWNER: New Jacobs Chapel Baptist Church

Address: 410 W. Highway 50 N.

City: Clermont State: Florida Zip: 34711

Phone: 352-978-0655 Fax: _____

Address of Subject Property: 410 W. Highway 50, Clermont, Fl. 347111

General Location: Highway 50 west of 4th street

Legal Description (include copy of survey): CLERMONT LOTS 2, 4, 6, BLK 45 PB 8

PG 17

Land Use (City verification required): C-1 LIGHT COMMERCIAL



Zoning (City verification required): COMMERCIAL

**CITY OF CLERMONT
VARIANCE
Application
Page 2**

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
LDC Section 114-4 (5) requires that all commercial development provide a private well for site irrigation and Section 66-218 requires the design of an irrigation system for site landscape requirements.

What are you proposing to do that would require a variance and why? We are requesting a variance from both Code requirements to not require the design of site irrigation and the provision of a well. The landscape buffer materials will be native plant material that does not require a lot of water.

How does the Code create a hardship? Due to the reduction of Right-of-way in the development of Highway 50, this property has inadequate space for the required buffer. The buffer being proposed is a 5' buffer and due to existing site grade, will have to be clustered. Providing a well and full irrigation would impose undue hardship on such a small amount of site landscape buffers.

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

Variance requested – subject and code section: Section 114-4(5) and Section 66-218

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) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

Granting the Variance will not impact nearby property owner or negatively impact the standard of living for citizens of the city, as the proposed landscaping will actually improve the site and environmental conditions.



(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

The zoning is C-1 Light Commercial, with close proximity to State Road 50, a major corridor.

The addition to the existing building is consistent with the zoning and the variance will have no impact and is not inconsistent with other businesses along the S.R.50 corridor.

CITY OF CLERMONT

VARIANCE

Application

Page 3

3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

The benefits to the City of the LDC Code will not be compromised by the issuance of this variance, as the site will have native landscape improvements that will actually enhance the corridor.

(4) The granting of the variance is consistent with the city's comprehensive plan; and

The variance is consistent with the comprehensive plan for Light Commercial Development.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

The benefits to the City of the existing LDC, will not be compromised as it pertains to the reasonable use of the existing facility, as this Owner has been at this location for 128 years.



CITY OF CLERMONT
VARIANCE
Application
Page 4

Frank Kendrick, NuJak Companies, Inc.

Applicant Name (print)

X

A handwritten signature in black ink, appearing to read 'Frank Kendrick', written over a horizontal line.

Applicant Name (*signature*)

Alfred Cheeseborough,
New Jacobs Chapel Baptist Church

Owner Name (print)

X

Alfred Cheeseborough

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

ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

(a) *Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape,



surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.

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

(1) Requests for variances to the adopted comprehensive plan.

(2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.

(3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building or structure which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.

(c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.

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

Sec. 86-172. Application.

Sec. 86-173. Notice of public hearing.

Sec. 86-174. Review criteria and findings.

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

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;



- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;
- (4) The granting of the variance is consistent with the city's comprehensive plan; and
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

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

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

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

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

Advertising Receipt

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10101956
Phone: (352) 241-7331
Date: 05/07/21
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	05/18/2021	05/18/2021	\$112.85

LEGAL NOTICE

City Clerk

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variance: (1) to allow connection to the potable water system for irrigation instead of a private well for commercial development as required by the Land Development Code, Section 114-4 (5), at the following location:

Ad No: 10101956
May 18, 2021

LOCATION:

New Jacobs Chapel Baptist Church
410 West Highway 50, Clermont FL
34711
(Alternate Key #1612501)

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

The Clermont City Council will consider the request at a public meeting to be held on Tuesday, May 25, 2021 at 6:30 P.M.

All meetings will be held at Clermont City Hall, first floor Council Chambers, located at 685 West Montrose Clermont, FL 34711.

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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd, MMC

Payment Info	
Ad Price	\$112.85
Tax	\$0.00
Sub Total	\$112.85
Prepaid Amount	\$0.00
Balance Due	\$112.85



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 25, 2021		
Agenda Item Name		
Ordinance No. 2021-015 <i>Introduction</i> <i>Skorman Multi-family PUD</i>		
Requested Action		
Recommend introduction of Ordinance 2021-015.		
Staff Report		
The applicant is requesting to rezone the property from Urban Estate to Planned Unit Development (PUD) for a 204-unit apartment complex. The 17 +/- acre property is located southwest of the Hooks Street and Excalibur Road intersection, adjacent to East Ridge Middle School. The future land use is Residential/Office, which permits up to 12 dwellings units per acre. The project can be served by City services. A traffic impact analysis has been conducted and showed no new roadway deficiencies because of the project. The applicant is requesting one waiver, cut/fill, up to a maximum of 13 feet over 10% of the site. Since this is a multi-family project, the maximum cut/full is limited to 10 feet. The applicant revised the conceptual plan and has reduced the volume and depth of the original cut/fill request and the request for retaining wall heights greater than six feet has been removed. Staff has reviewed the application and proposed project in regards to Section 122-315 Review Criteria for a Planned Unit Development. The location is suitable for multi-family use since the future land use of Residential/Office allows this type of land use. The property has access to major road networks. The revised conceptual plan does preserve the natural topography of the site as much as possible. An in-depth evaluation is included in the attached Staff Analysis Report. Staff is able to support the request and recommends approval of Ordinance 2021-015.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord 2021-015 - Hooks St Skorman Resubmit V1 JK Intro Draft	Ord 2021-015 - Hooks St Skorman Resubmit V1 JK Intro Draft.pdf	
2. Hooks St Skorman Staff Analysis V3	Hooks St Skorman Staff Analysis V3.pdf	
3. Skorman MF Maps	Skorman MF Maps.pdf	
4. SkormanApartments_Render	SkormanApartments_Render.pdf	
5. SkormanApartments_Plan	SkormanApartments_Plan.pdf	
6. SKORMAN PUD revised-Grading Waiver	SKORMAN PUD revised-Grading Waiver.pdf	
7. Elevations	Elevations.pdf	
8. ORDINANCE NO. 2021-015 Legal Ad Proof	ORDINANCE NO. 2021-015 Legal Ad Proof.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2021-015

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; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, AN 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

THAT PART OF TRACTS 37, 38, 43 AND 44 OF LAKE HIGHLANDS COMPANY PLAT IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 28 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 53 OF SAID LAKE HIGHLANDS COMPANY PLAT (SAID POINT ALSO BEING ON THE CENTERLINE OF A 30.00 FOOT WIDE RIGHT OF WAY AS SHOWN ON SAID PLAT); THENCE SOUTH 89°51'04" WEST ALONG THE SOUTHERLY LINE OF TRACTS 53, 54 AND 55 (ALSO BEING THE NORTHERLY LINE OF GREATER PINES PHASE 9, AS RECORDED IN PLAT BOOK 48, PAGE 80 AND THE NORTHERLY LINE OF GREATER PINES PHASE 10, AS RECORDED IN PLAT BOOK 48, PAGE 83, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA) FOR 1968.84 FEET TO THE WEST LINE OF SAID TRACT 55; THENCE NORTH 00°12'38" EAST ALONG THE WEST LINE OF TRACTS 55 AND 42 OF SAID LAKE HIGHLANDS COMPANY PLAT, FOR 1326.74 FEET TO THE NORTH LINE OF SAID TRACT 42; THENCE NORTH 89°49'40" EAST ALONG THE SAID NORTH LINE FOR 659.27 TO THE SOUTHWEST CORNER OF TRACT 38 OF SAID LAKE HIGHLANDS COMPANY PLAT AND THE POINT OF BEGINNING; THENCE NORTH 00°20'02" EAST ALONG THE WEST LINE OF SAID TRACT 38 FOR 613.51 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HOOKS STREET; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: NORTH 89°48'50" EAST FOR 51.62 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1350.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°38'08" FOR A DISTANCE OF 368.40 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 38; THENCE NORTH 89°48'50" EAST ALONG SAID NORTH LINE 158.69 FEET TO THE WESTERLY LINE OF THE PROPERTY CONVEYED TO LAKE COUNTY AND DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 830-833 FOR STEVE'S ROAD; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING FOUR COURSES: SOUTH 22°56'53" EAST FOR 440.88 FEET TO A POINT ON A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2053.62 FEET TO WHICH A RADIAL LINE BEARS NORTH 76°05'45" EAST, THENCE RUN SOUTHERLY ALONG THE ARC THEREOF, THROUGH A CENTRAL ANGLE OF 05°50'49" FOR 209.57 FEET; THENCE SOUTH 02°01'00" WEST FOR 333.32 FEET TO A POINT ON A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 1630.11 FEET TO WHICH A RADIAL LINE BEARS SOUTH 76°58'15" EAST, THENCE RUN SOUTHERLY ALONG THE ARC THEREOF, THROUGH A CENTRAL



CITY OF CLERMONT
ORDINANCE NO. 2021-015

ANGLE OF 03°14'30" FOR 92.23 FEET; THENCE DEPARTING SAID WESTERLY LINE, SOUTH 89°49'40" WEST FOR 756.48 FEET TO THE WESTERLY LINE OF TRACT 43 OF SAID LAKE HIGHLANDS COMPANY PLAT; THENCE NORTH 00°20'02" EAST ALONG THE SAID WESTERLY LINE OF TRACT 43 FOR 370.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 17.03 ACRES OF LAND, MORE OR LESS.

LOCATION

Vacant property southwest of Excalibur Road and Hooks Street Intersection
Alt. Key 1103908, 3801505, 3815507

From: Urban Estate Low Density
To: Planned Unit Development for a 204-unit apartment complex

DRAFT



CITY OF CLERMONT Staff Analysis Report

OWNER: Richard E Bosserman Trustee & Gladys T Bosserman Trustee

APPLICANT: Kevin Skorman

PROJECT NAME: Hooks Street Multi-Family/Skorman Project

REQUESTED ACTION: A rezoning to a Planned Unit Development (PUD) to allow up to 204 apartment units.

SIZE OF PARCEL: 17 acres +/-

LOCATION: Property is southwest of the Excalibur Road and Hooks Street intersection

EXISTING ZONING: UE, Urban Estate Low Density Residential District

EXISTING LAND USE: Vacant property

FUTURE LAND USE CATEGORY: Residential/Office

SITE UTILITIES: City of Clermont Water and Sewer

ANALYSIS:

The applicant is requesting to rezone the property from Urban Estate to Planned Unit Development (PUD) for a 204-unit apartment complex. The future land use, Residential/Office, allows up to 12 dwelling units per acre with a conditional use permit or through a planned unit development (PUD). The PUD zoning category is being requested since it allows the flexibility necessary, through waivers to the Land Development Code, to develop the site and at the density necessary to construct the multi-family project. The property is located within the City of Clermont and will be served by the City's water and sewer systems.

The property is located adjacent to East Ridge Middle School and across from East Ridge High School. The project is proposing two (2) full access points, one access on Hooks Street and another access on Excalibur Road. A traffic impact analysis has been performed. The study did not identify any new roadway deficiencies as a result of the project. The study did identified a failing level of service (LOS) and delay during the AM peak hour due to existing school traffic at the full access driveway on Excalibur Road. The applicant's consultant indicated that during peak times of school traffic, it is more likely that most of the apartment complex will use the Hooks Street full access point and

avoid the access point on Excalibur Road. Lake County Public Works will have final jurisdiction of where the access points and number of access points will be developed on the site.

WAIVERS:

The applicant, as part of the proposed project, is requesting one waiver to the Land Development Code.

The applicant has requested a waiver for cut/fill over the project site that exceeds the Land Development Code, which is 10 feet for residential projects. A grading plan variance exhibit has been provided that shows the area on the site that will have more than 10 feet of cut/fill. The maximum cut/fill will be up to 13 feet. The area is approximately 10% of the site. The applicant has revised the site plan to reduce the cut/fill from the original 30 feet to 13 feet. Since the applicant has revised the site plan to incorporate the current topography into the site, through the construction of split level buildings, staff's concern over the amount and extent of cut/fill on the project site has been reduced and staff can support this waiver.

STAFF RECOMMENDATION:

Staff has reviewed the application and proposed project in regards to Section 122-315 Review Criteria for a Planned Unit Development. The location is suitable for multi-family use since the future land use of Residential/Office allows this type of land use. The property has access to major road networks. The City's water and sewer service will be required in order to develop the property and capacity is available to serve the multi-family project. The project is located within walking distance of the assigned high school and middle school. School concurrency shall be met as a requirement prior to site plan approval. The proposed project, as presented in the revised conceptual plan, does preserve the natural topography of the site as much as possible. Staff is able to support the request and recommends approval of Ordinance 2021-015.

Exhibit - Location Map – Hooks St. Multi-Family/Skorman

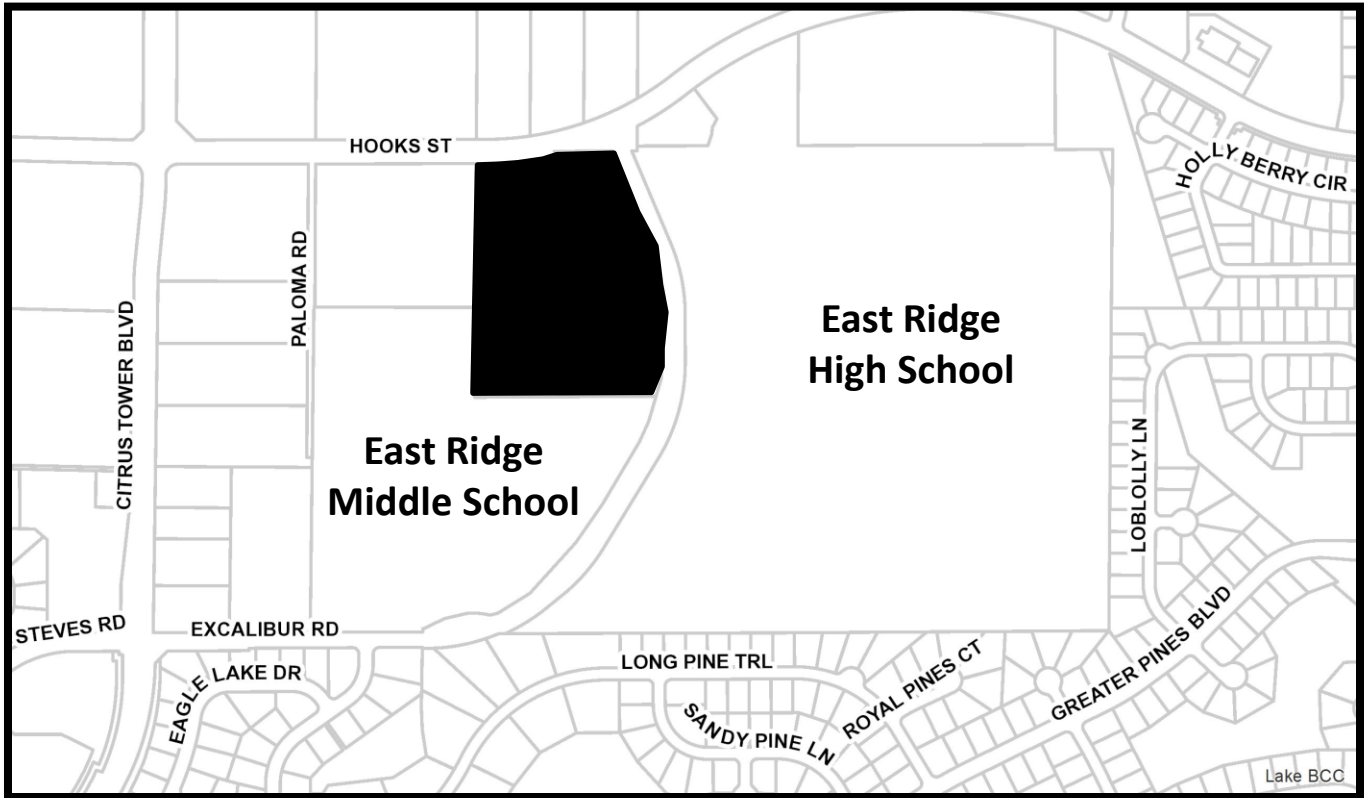
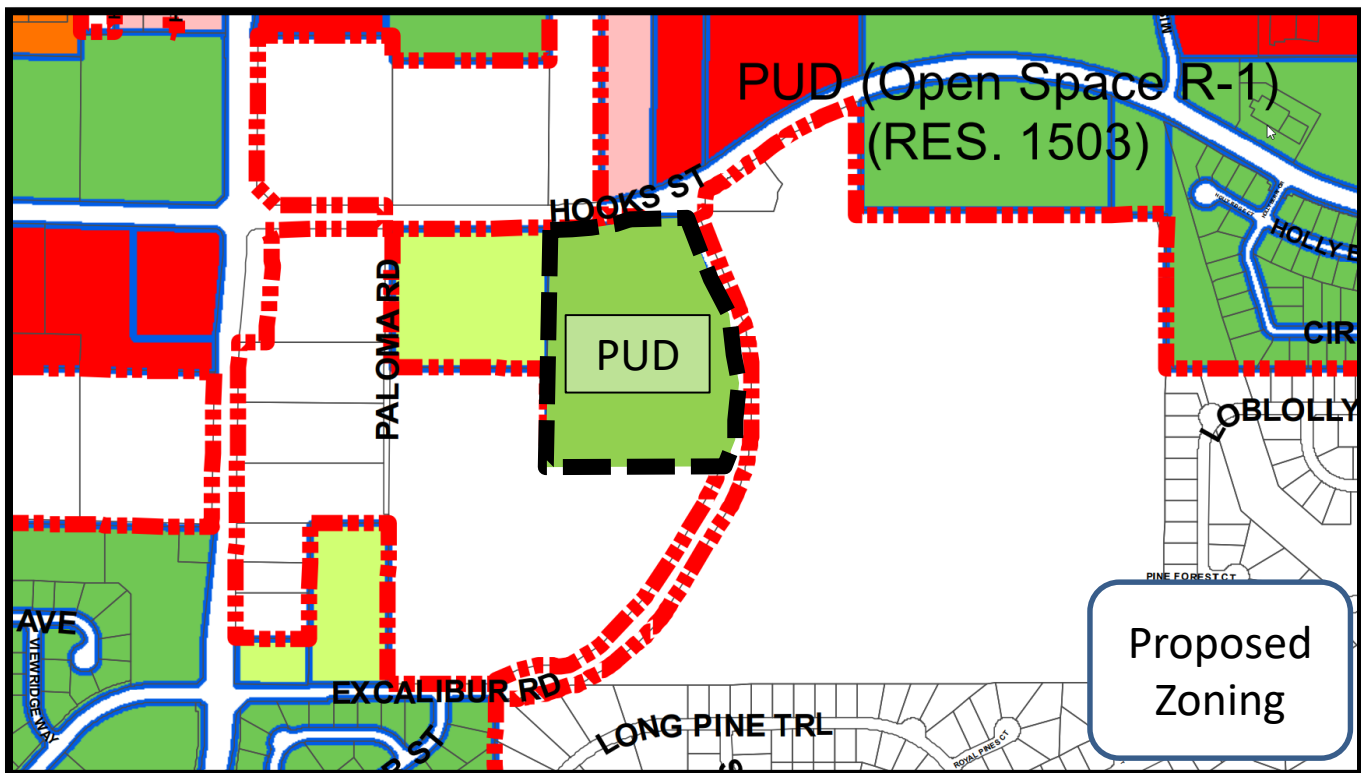
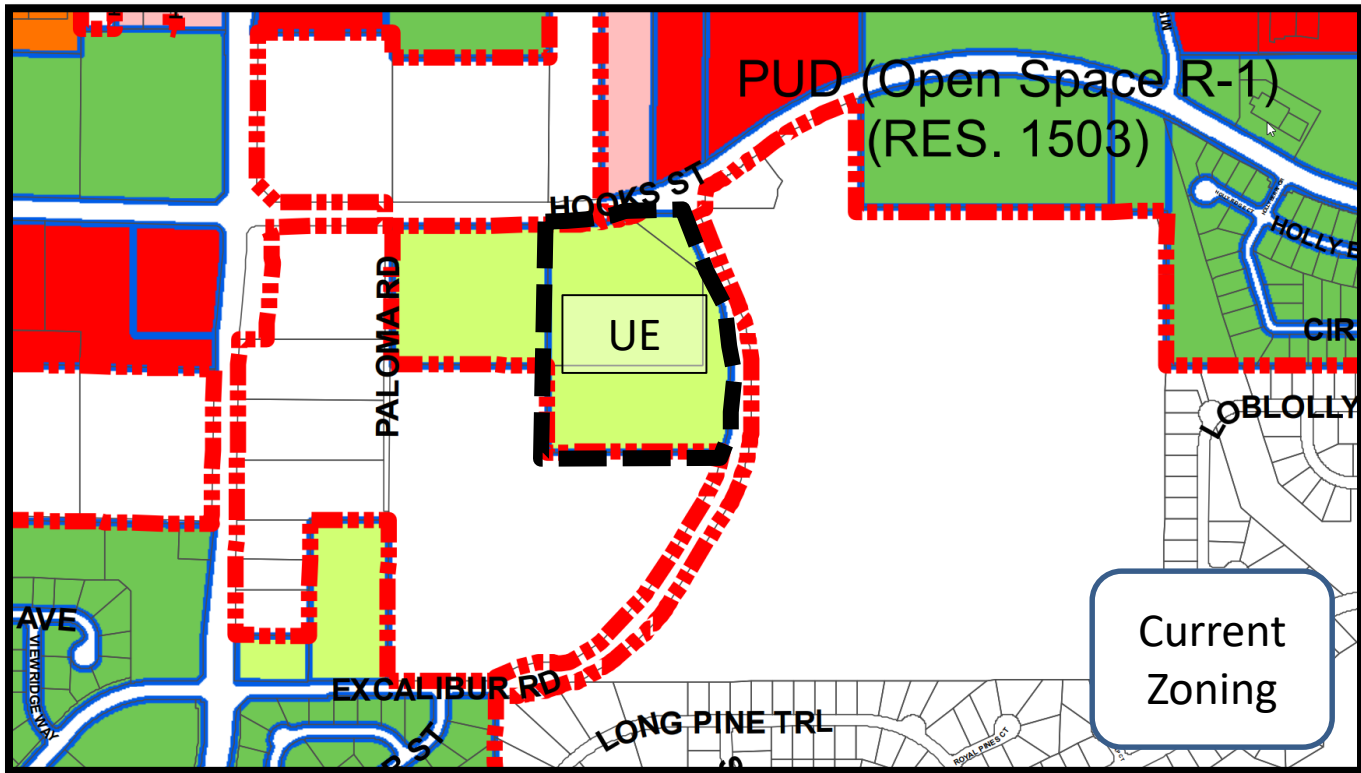


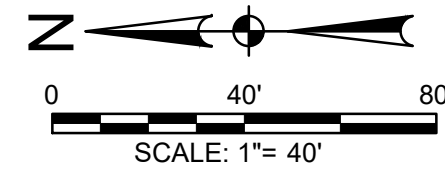
Exhibit – Zoning – Hooks St. Multi-Family/Skorman





5/13/2021 4:00:28 PM Marcus_Venon 1:\44655\003\Proposed\03\CADD\LA_Base.dwg

HOOKS STREET



RIGHT OF WAY, TYP.

PROPERTY LINE, TYP.

EXCALIBUR ROAD

(15) CRAPE MYRTLE
(15) SOUTHERN MAGNOLIA
(10) AMERICAN HOLLY

TYP. SPACING
33' O.C.

TYP. SPACING
33' O.C.

BUFFER REQUIREMENT:
MINIMUM 10' WIDE BUFFER.
BUFFER WILL BE COMPRISED
OF 3 TREES PER 100 LINEAR
FEET. 2 OF THE 3 TREES TO
BE CANOPY TREES. SHRUBS
SHALL FORM A CONTINUOUS
3 FOOT HIGH LANDSCAPE
SCREEN ADJOINING DRIVEWAYS
AND PARKING AREAS.

6' HIGH OPAQUE PVC FENCE
TO BE PLACED ALONG
PROPERTY LINE.

(4) AMERICAN HOLLY
(6) CRAPE MYRTLE
(9) SOUTHERN MAGNOLIA

6' HIGH OPAQUE PVC FENCE
TO BE PLACED ALONG PROPERTY LINE

(401) SWEET VIBURNUM

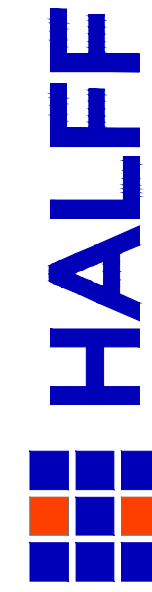
SKORMAN APARTMENTS

CLERMONT, FLORIDA

SKORMAN ENTERPRISES, LLC

Project Name

Prepared For



1000 N. ASHLEY DRIVE, SUITE 900
TAMPA, FLORIDA USA 33602
Phone 813.620.4500 Fax 813.620.4980
www.halff.com
FL CA 33380 FL LC 26000645

Revision No.	Date	Description

	Seal
	MARTIN STEFFEN, P.L.A. License Number 0667286

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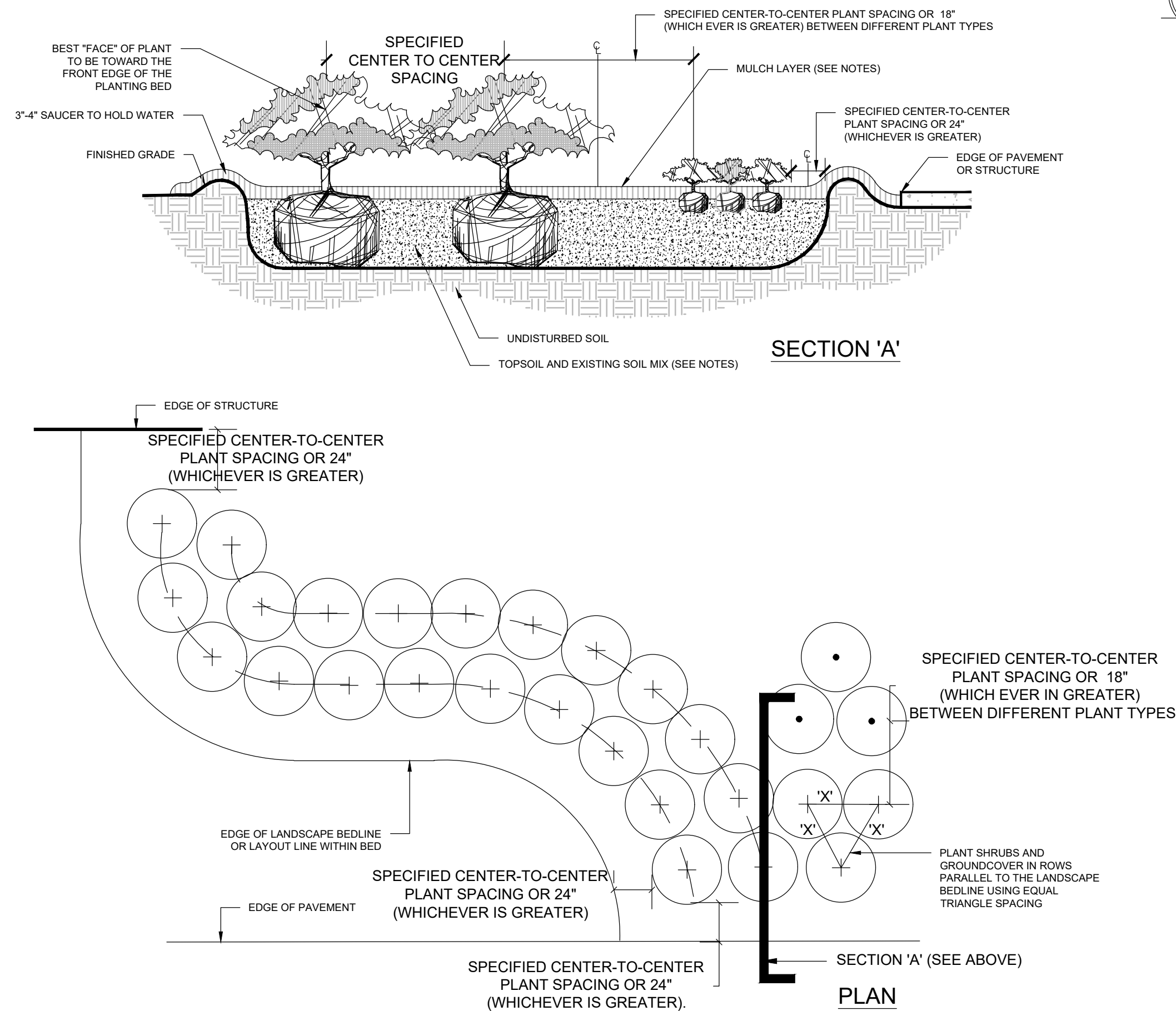
Project No.:	44655-003
Issued:	MAY 2021
Drawn By:	WEM
Checked By:	MAS
Scale:	1" = 40'

Sheet Title
LANDSCAPE PLAN

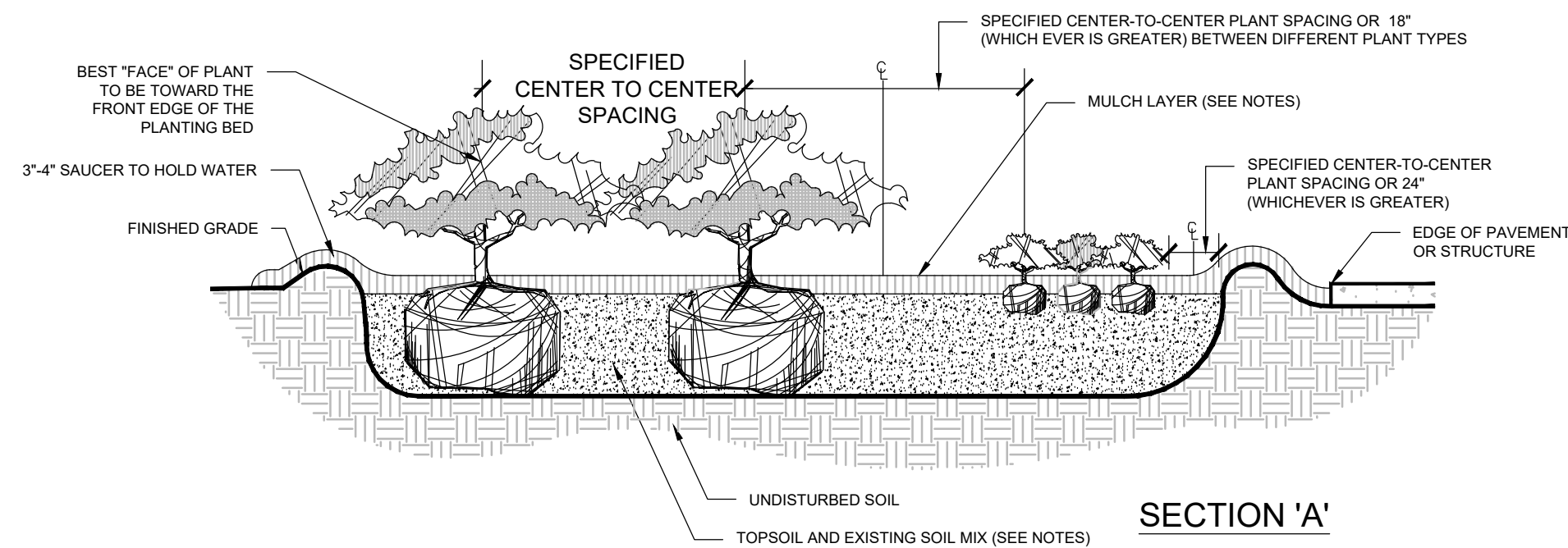
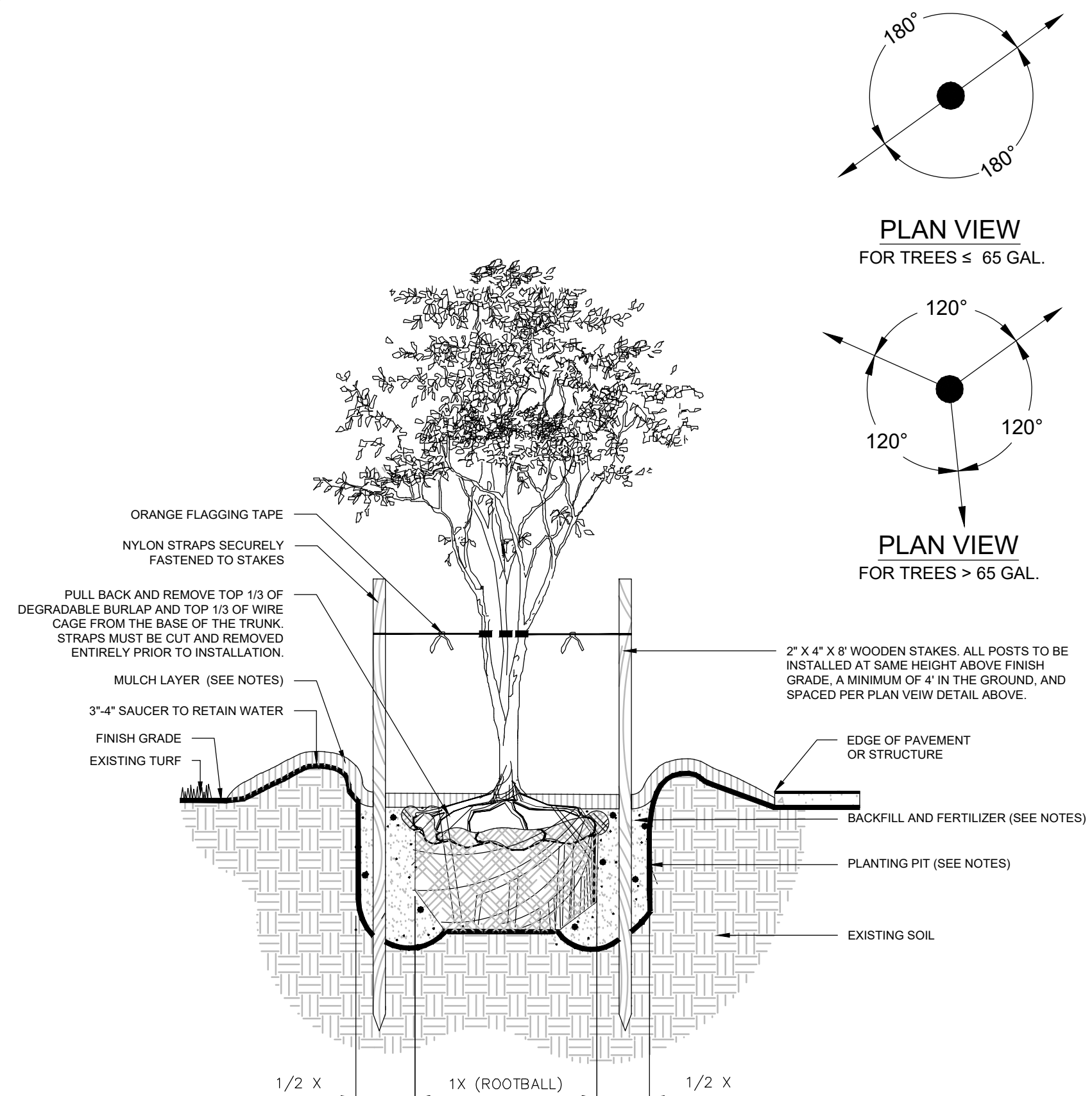
Sheet Number
LS-01

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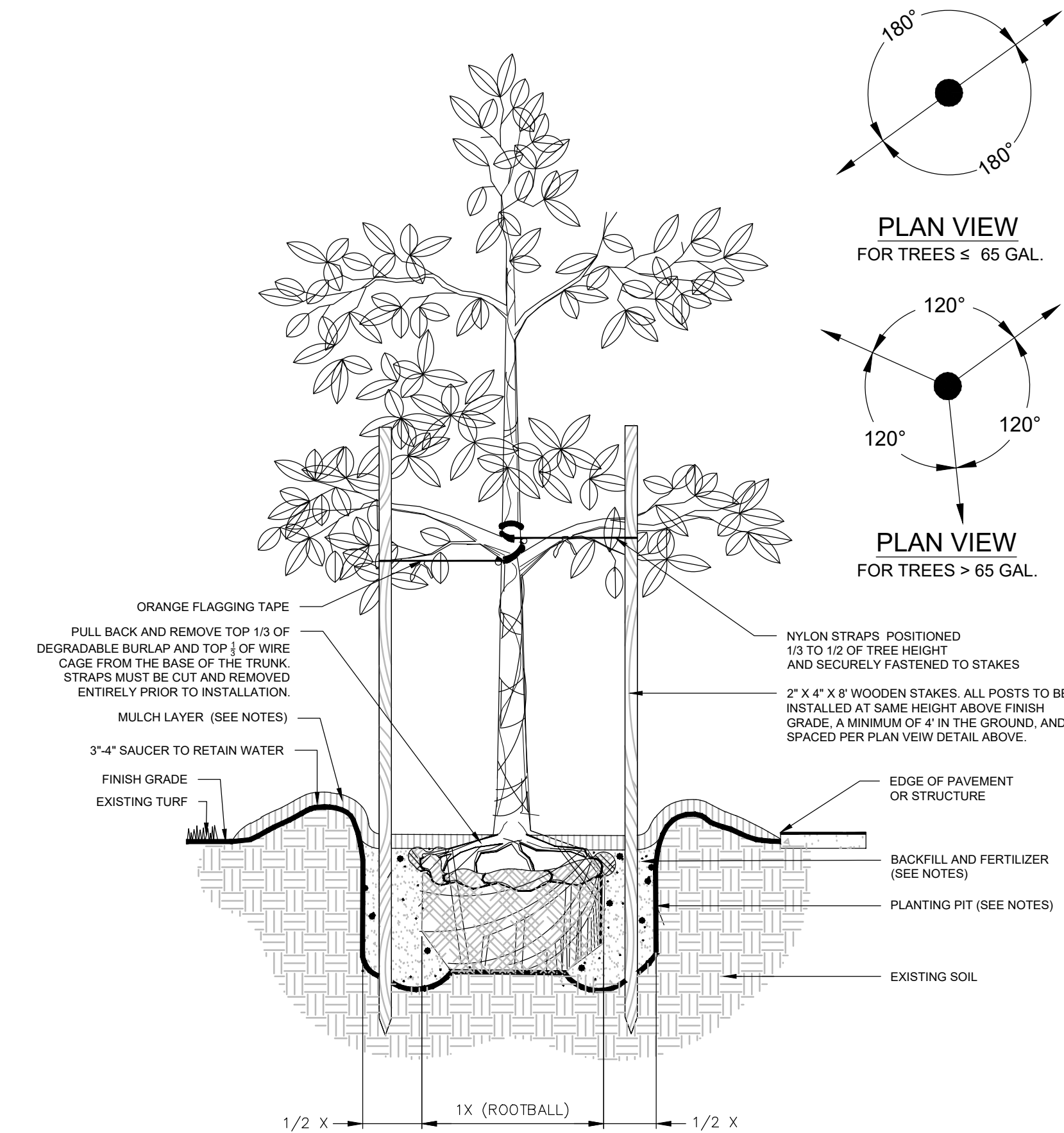
B TYPICAL SHRUB AND GROUNDCOVER INSTALLATION
SCALE: N.T.S.



C TYPICAL MULTI-TRUNK TREE INSTALLATION
SCALE: N.T.S.



A TYPICAL TREE INSTALLATION
SCALE: N.T.S.



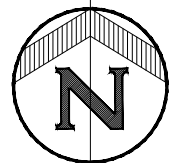
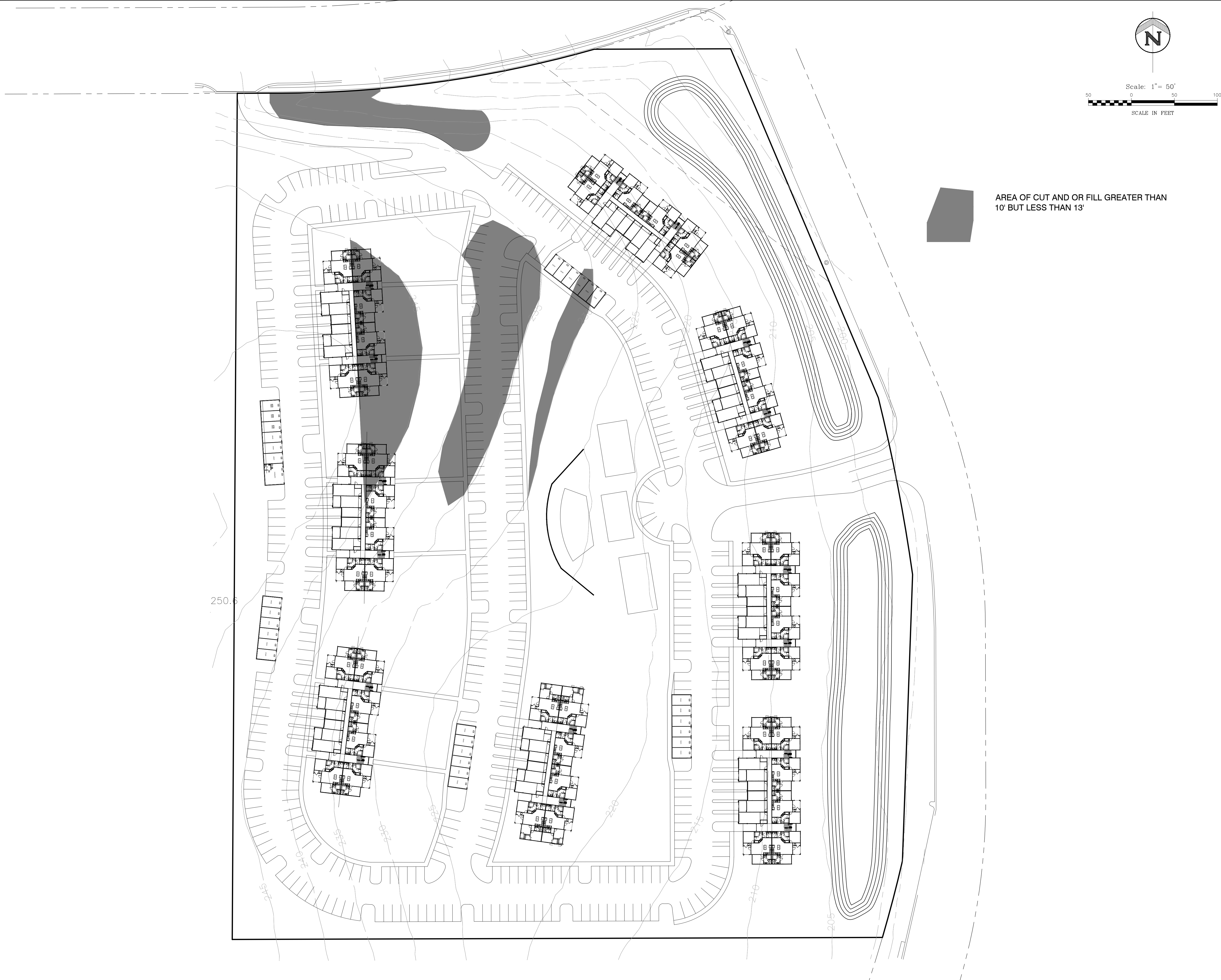
Project No.: 44655-003
Issued: MAY 2021
Drawn By: WEM
Checked By: MAS
Scale: NTS
Sheet Title
**LANDSCAPE
NOTES AND
DETAILS**
Sheet Number
LS-02

Seal
MARTIN STEFFEL, P.L.A.
License Number: 6867286

Revision No.	Date	Description

HALFF
1000 N. ASHLEY DRIVE, SUITE 900
TAMPA, FLORIDA USA 33602
Phone 813.620.4500 Fax 813.620.4980
www.halff.com
FL CA 33380 FL LC 26000645

Project Name
SKORMAN APARTMENTS
CLERMONT, FLORIDA
Prepared For
SKORMAN ENTERPRISES, LLC



Scale: 1" = 50'
50 0 50 100
SCALE IN FEET

AREA OF CUT AND OR FILL GREATER THAN
10' BUT LESS THAN 13'

SKORMAN APARTMENTS

GRADING PLAN VARIANCE



Office: 352.343.8481
Fax: 352.343.8485
Tallahassee, Florida 32378
Certificate of Authorization Number: 33390

DATE: OCTOBER 2020
DESIGNED BY: CCH
DRAWN BY: CCH
CHECKED BY: CCH
JOB NO.: 201053.0001
FILE NAME: PUD PLAN

Sheet 1

PROFESSIONAL ENGINEER NO. 00090

DATE	REVISION
	1
	2
	3
	4
	5
	6
	7
	8



BUILDING TYPE 1 & 2 - REAR ELEVATION (EXCALIBUR RD.)



FUGLEBERG KOCH

© 2020 FUGLEBERG KOCH

2555 TEMPLE TRAIL

WINTER PARK, FLORIDA 32789

TEL: 407-629-0595

FAX: 407-628-1057

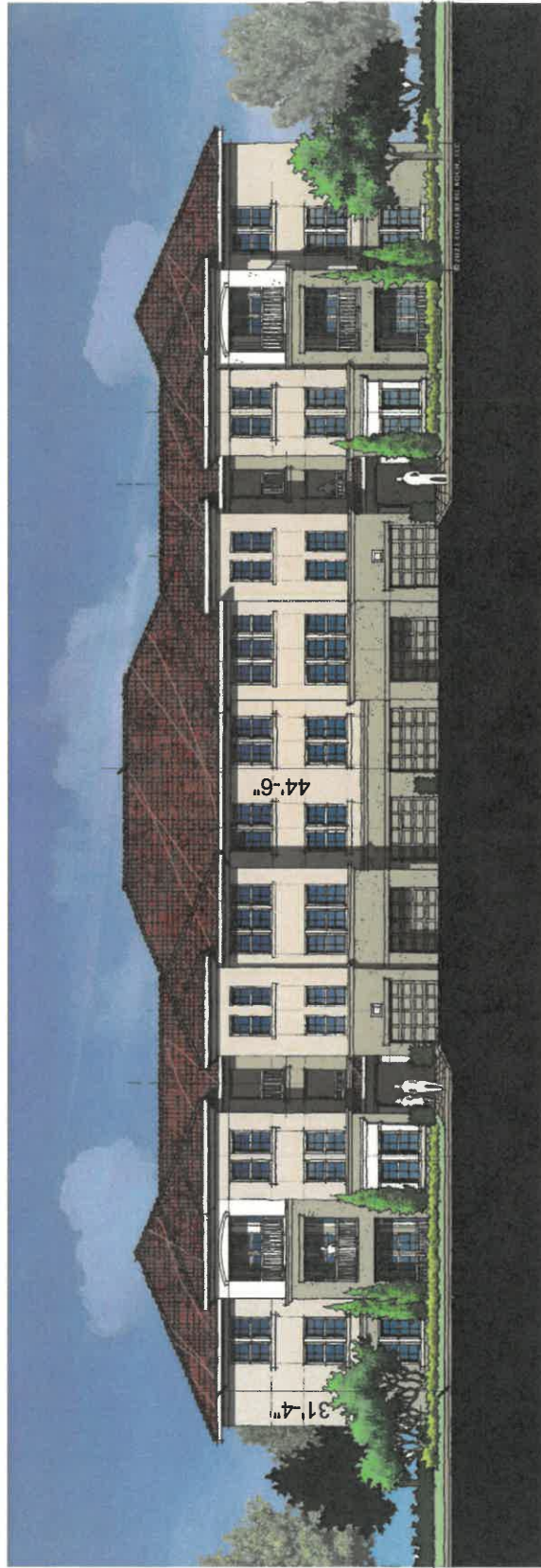
AA26002103

WWW.FUGLEBERGKCOCH.COM

EXTERIOR ELEVATIONS | SKORMAN APARTMENTS

CLERMONT, FLORIDA

PROJECT No: XXXX-01/13/2021



BUILDING TYPE 1, 2, & 3 - GARAGE ELEVATION



FUGLEBERG KOCH
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EXTERIOR ELEVATIONS | SKORMAN APARTMENTS

PROJECT No: XXXX - 01/13/2021
CLERMONT, FLORIDA

2555 TEMPLE TRAIL

WINTER PARK, FLORIDA 32789

TEL: 407-629-0595

FAX: 407-628-1057

AA26002103

WWW.FUGLEBERGKCOCH.COM



BUILDING TYPE 3 - REAR ELEVATION



FUGLEBERG KOCH

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EXTERIOR ELEVATIONS | SKORMAN APARTMENTS

PROJECT No: XXXX-01/13/2021
CLERMONT, FLORIDA

2555 TEMPLE TRAIL

WINTER PARK, FLORIDA 32789

TEL: 407-629-0593

FAX: 407-628-1057

AA26002103

WWW.FUGLEBERGKCOCH.COM

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Paola Vasquez
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10101980
Phone: (352) 241-7331
Date: 05/10/21
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City Council of the City of Cle	05/24/2021	05/24/2021	\$312.94

LEGAL NOTICE

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

ORDINANCE NO. 2021-015

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; REZONING THE REAL PROPERTIES DESCRIBED HEREIN AS SHOWN BELOW, PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIBERS ERROR, RECORDING, AN EFFECTIVE DATE AND PUBLICATION.

LOCATION:

Vacant property southwest of Excalibur Road and Hooks Street Intersection
AK 1103908, 3801505, 3815507
17.03 +/- Acres

LEGAL DESCRIPTION

THAT PART OF TRACTS 37, 38, 43 AND 44 OF LAKE HIGHLANDS COMPANY PLAT IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 28 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 53 OF SAID LAKE HIGHLANDS COMPANY PLAT (SAID POINT ALSO BEING ON THE CENTERLINE OF A 30.00 FOOT WIDE RIGHT OF WAY AS SHOWN ON SAID PLAT);

THENCE SOUTH 89°51'04" WEST ALONG THE SOUTHERLY LINE OF TRACTS 53, 54 AND 55 (ALSO BEING THE NORTHERLY LINE OF GREATER PINES PHASE 9, AS RECORDED IN PLAT BOOK 48, PAGE 80 AND THE NORTHERLY LINE OF GREATER PINES PHASE 10, AS RECORDED IN PLAT BOOK 48, PAGE 83, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA) FOR 1968.84 FEET TO THE WEST LINE OF SAID TRACT 55; THENCE NORTH 00°12'38" EAST ALONG THE WEST LINE OF TRACTS 55 AND 42 OF SAID LAKE HIGHLANDS COMPANY PLAT, FOR 1326.74 FEET TO THE NORTH LINE OF SAID TRACT 42; THENCE NORTH 89°49'40" EAST ALONG THE SAID NORTH LINE FOR 659.27 TO THE SOUTHWEST CORNER OF TRACT 38 OF SAID LAKE HIGHLANDS COMPANY PLAT AND THE POINT OF BEGINNING; THENCE NORTH 00°20'02" EAST ALONG THE WEST LINE OF SAID TRACT 38 FOR 613.51 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HOOKS STREET; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: NORTH 89°48'50" EAST FOR 51.62 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1350.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°38'08" FOR A DISTANCE OF 368.40 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 38; THENCE NORTH 89°48'50" EAST ALONG SAID NORTH LINE 158.69 FEET TO THE WESTERLY LINE OF THE PROPERTY CONVEYED TO LAKE COUNTY AND DESCRIBED IN OFFICIAL RECORDS BOOK 2574, PAGES 830-833 FOR STEVE'S ROAD; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING FOUR COURSES: SOUTH 22°56'53" EAST FOR 440.88 FEET TO A POINT ON A CURVE CONCAVE WESTERLY AND

HAVING A RADIUS OF 2053.62 FEET TO WHICH A RADIAL LINE BEARS NORTH 76°05'45" EAST, THENCE RUN SOUTHERLY ALONG THE ARC THEREOF, THROUGH A CENTRAL ANGLE OF 05°50'49" FOR 209.57 FEET; THENCE SOUTH 02°01'00" WEST FOR 333.32 FEET TO A POINT ON A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 1630.11 FEET TO WHICH A RADIAL LINE BEARS SOUTH 76°58'15" EAST, THENCE RUN SOUTHERLY ALONG THE ARC THEREOF, THROUGH A CENTRAL ANGLE OF 03°14'30" FOR 92.23 FEET; THENCE DEPARTING SAID WESTERLY LINE, SOUTH 89°49'40" WEST FOR 756.48 FEET TO THE WESTERLY LINE OF TRACT 43 OF SAID LAKE HIGHLANDS COMPANY PLAT; THENCE NORTH 00°20'02" EAST ALONG THE SAID WESTERLY LINE OF TRACT 43 FOR 370.92 FEET TO THE POINT OF BEGINNING.

FROM: Urban Estate
TO: Planned Unit Development (PUD) for a 204-unit apartment complex

A public meeting to consider this request will be held before the City Council on Tuesday, June 8, 2021 for final enactment.

All meetings will be held at City Hall, first floor Council Chambers, located at 685 W. Montrose Street, Clermont FL 34711.

This Ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Clermont FL, 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. Persons with disabilities who need as-

sistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10101980
May 24, 2021

Payment Info	
Ad Price	\$312.94
Tax	\$0.00
Sub Total	\$312.94
Prepaid Amount	\$0.00
Balance Due	\$312.94



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, May 25, 2021		
Agenda Item Name		
Ordinance No. 2021-016 <i>Introduction Commercial Watercrafts</i>		
Requested Action		
Recommend approval of Ordinance No. 2021-016		
Staff Report		
The proposed amendment to Chapter 70, Waterways addresses creating a required permit for commercial operators of rental watercraft, their regulation and enforcement.		
Additional Analysis		
Fiscal Impact Summary		
The annual fee for the permit will be set at \$500.00 through resolution.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord 2021-016 - Jet Ski & Personal Watercraft (05.18.2021 V1) - R&F BL	Ord 2021-016 - Jet Ski & Personal Watercraft (05.18.2021 V1) - R&F BL.pdf	
2. Legal AD - Ordinance No 2021-016 - Jet Ski & Personal Watercraft	Ordinance No 2021-016 - Jet Ski & Personal Watercraft.docx	



CITY OF CLERMONT
ORDINANCE NO. 2021-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 70 “WATERWAYS” OF THE CODE OF ORDINANCES TO ESTABLISH ARTICLE III; CREATING SECTION 70-34 “DEFINITIONS”; CREATING SECTION 70-35 “REQUIREMENTS FOR OPERATING PERSONAL WATERCRAFTS”; SECTION 70-36 “REGULATIONS FOR WATERCRAFT RENTAL BUSINESSES”; SECTION 70-37 “PERMITS FOR WATERCRAFT RENTAL BUSINESSES”; SECTION 70-38 “ENFORCEMENT”; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS, PUBLICATION, AND EFFECTIVE DATE.

WHEREAS, watercraft safety concerns were brought to the attention of the City of Clermont around the boat ramps and within the City of Clermont waterways; and

WHEREAS, the Clermont City Council recognizes that regulation of personal watercrafts and businesses engaging in rentals of personal watercrafts and other vessels is necessary for the health, safety, and welfare of the boating public.

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

SECTION 1: RECITALS

The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2: TERMS

Article III “Regulations for Personal Watercrafts” of Chapter 70 “Waterways” is hereby created to read as follows (not strikethrough indicates removed words and underlined indicates added words):

Article III “Regulations for Personal Watercrafts”

Section 70-34 “Definitions”

Commercial Operator. As used in this Chapter, “commercial operator” or “commercial operators” shall mean and refer to any business lawfully engaged in the rental, leasing, bailment for consideration, or other provision of transportation for remuneration of watercrafts as defined in this Section.

Personal Watercraft. As used in this Chapter, “personal watercraft” or “personal watercrafts” shall mean and refer to vessels less than sixteen feet in length that use an inboard motor powering a water jet pump as its primary source of motive power and which

is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. See Fla. Stat. § 327.02(36).

Watercraft. As used in this Chapter, “watercraft” or “watercrafts” shall mean and refer to both vessels, as defined in Florida Statutes § 327.02(46), and personal watercrafts, as defined in this Section and Florida Statutes § 327.02(36).

Vessel. As used in this Chapter, “vessel” or “vessels” shall mean and refer to every boat, barge, airboat, or other vehicle capable of being used as a means of transportation on water, except for seaplanes. See Fla. Stat. § 327.02(46).

Section 70-35 “Requirements for Individuals Operating Personal Watercrafts”

- (a) Every person operating, riding, or towing behind a personal watercraft must wear an approved non-inflatable wearable personal flotation device. Inflatable personal flotation devices are expressly prohibited for personal watercraft use.
- (b) The operator of a personal watercraft must attach the engine cutoff switch lanyard, if operating a model equipped with one, to his or her person, clothing, or personal flotation device.
- (c) Personal watercrafts shall not be operated from the half hour after sunset to the half hour before sunrise, even with the use of navigation lights. However, agents or employees of law enforcement agencies and other first responders are exempt from this subsection while performing their official duties.
- (d) A person must be at least fourteen years of age to operate a personal watercraft and at least eighteen years of age to rent a personal watercraft. Under state law, it constitutes a second-degree misdemeanor for a person to knowingly allow a person under the age of fourteen to operate a personal watercraft.
- (e) Anyone born on or after January 1, 1988, must either successfully complete a National Association of State Boating Law Administrators (NASBLA) approved boating education course, pass an equivalency course, or otherwise obtain temporary certification from these courses. In addition to successfully completing such courses, individuals must also possess a boating education identification card and photo identification card, before they may operate a vessel with a motor of ten horsepower or greater.
 - (1) Identification cards for persons completing the NASBLA course or the equivalency exam shall remain in effect for life.
 - (2) Temporary certificates shall remain valid for twelve months after the issue date.
- (f) All personal watercrafts must be operated in a reasonable and prudent manner. Failure to operate a personal watercraft in such reasonable and prudent manner shall constitute careless boating in violation of this Chapter. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property shall also constitute reckless operation

- of a vehicle in violation of this Chapter, which includes without limitation, weaving through congested vehicle traffic, jumping the wake of another vessel or watercraft in a manner unnecessarily close to such other vehicle or when obstructed in visibility around such other vehicle, and swerving at the last moment to avoid a collision.
- (g) Operators of personal watercrafts must comply with all other applicable boating and personal watercraft provisions of state law, such as those found in Florida Statutes § 327.39.

Section 70-36 “Requirements for Watercraft Rental Businesses”

Any business lawfully engaged in the rental, leasing, bailment for consideration, or other provision of transportation for remuneration of watercrafts, for use by the public on any waterway of the City of Clermont, must meet the following requirements:

- (a) Generally. No person shall offer for rent, lease, or bailment for consideration a personal watercraft which is not registered in the name of the business, which does not have a valid Florida vessel registration number affixed thereon, which does not belong to a watercraft rental business holding a valid permit for such operations, and which does not otherwise comply with the provisions of this Section. Commercial operators must keep a copy of their valid permit available at all times during which they perform business.
- (b) Operations Offices. Each watercraft rental business must obtain a business tax receipt which shall be issued to the personal watercraft operations office. The personal watercraft operations office must be located at a land-based site on property not owned by the City of Clermont. Commercial operators shall immediately provide a business card, phone number, name, and address for such operations office, upon request from any City of Clermont personnel.
- (c) Permitted Operations. Commercial watercraft businesses are only permitted to operate at the Clermont Boat Ramp to launch watercrafts, retrieve watercrafts, and perform related safety checks. Launching commercial watercrafts or conducting any aspect of business, including without limitation safety checks and retrieval, are not allowed at any other City-owned location.
- (d) Procedures. Except as otherwise provided herein, all transactions related to the watercraft rental, such as payment and reservations of rentals, must occur offsite on property not owned by the City of Clermont. Furthermore, all watercrafts must remain on their trailers until renters appear for their reserved appointment times. Commercial operators are strictly prohibited from beaching watercrafts for staging. Commercial operators also may not take on-site appointments for reservations.
- (e) Advertisements. Commercial operators are not permitted to advertise or solicit sales onsite at the Clermont Boat Ramp. This prohibition includes, without limitation, signage, tables, tents, banners, flyers, and in-person solicitation. Commercial operators

CITY OF CLERMONT
ORDINANCE NO. 2021-016

- may, however, feature the name of their company with reasonable branding on their vehicles, watercrafts, and trailers.
- (f) Parking Fees. All commercial operators remain subject to the daily parking fees and regulations posted at the Clermont Boat Ramp.
 - (g) Identification of Watercrafts. Identifying markings shall be placed on each watercraft owned or operated by a commercial operator, which must clearly and legibly feature the commercial operator's name.
 - (h) Fueling Procedures. Commercial operators may not store fuel tanks on the shoreline. Fueling of watercrafts shall require a spill-proof nozzle or other acceptable device designed for prevention of fuel overflow. Any spillage of fuel onto any City of Clermont beach or into any City of Clermont waterways violates this Chapter.
 - (i) Safe Handling Instructions. Each patron of any commercial operator shall receive rules provided by the operator, which must feature the above-stated regulations in Section 70-34 of this Chapter. All commercial operators and patrons must also comply with all other boating and personal watercraft provisions existing in state law, such as those found in Florida Statutes § 327.39.
 - (j) Violations. Commercial operators who fail to fully comply with these regulations shall receive an initial warning. A second warning shall require the commercial operator to immediately cease operations and vacate the premises for the remainder of the day. A third violation shall result in the commercial operator forfeiting its permit and its ability to operate on any City of Clermont property.
 - (k) Limitations. No person or entity shall offer for rent a watercraft or within the City of Clermont except for a commercial operator that fully complies with the regulations set forth in this Chapter.

Section 70-37 "Permits for Watercraft Rental Businesses"

- (a) Each commercial operator must annually renew its permit and pay the related fee, as set forth by the provisions of this Chapter and the City Council, respectively.
- (b) The permit provided herein shall include the name and contact information for an authorized representative of the watercraft rental business and the original or an identical copy thereof, shall be prominently displayed at all times on any vehicle, including any trailers, operated or used by the business.
- (c) The City Council shall establish, by simple resolution, the annual fee for the permit necessary to operate a watercraft rental business, as required by Section 70-35 of this Chapter.

Section 70-38 "Enforcement"

Notwithstanding anything contained herein to the contrary, the City may enforce this article by alternate means including, but not limited to: code enforcement or code citations



CITY OF CLERMONT
ORDINANCE NO. 2021-016

pursuant to Florida Statutes Chapter 162, part I or II; by civil action, including petitions to enjoin persons violating this article; or by any other means available by law.

SECTION 3: CONFLICT

All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4: SEVERABILITY

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 5: CODIFICATION

The text of Section 2 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "article" for "ordinance," "section" for "paragraph," or otherwise to take such editorial license.

SECTION 6: ADMINISTRATIVE CORRECTION

Regardless of whether such inclusion in the Code as described in Section 5 is accomplished, this section of the Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: PUBLICATION & EFFECTIVE DATE

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.

First Reading this 25th day of May, 2021.

Second Reading this 8th day of June, 2021.



CITY OF CLERMONT
ORDINANCE NO. 2021-016

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida
on this 8th day of June, 2021.

Tim Murry, Mayor

ATTESTED:

Tracy Ackroyd Howe, MMC
City Clerk

LEGAL IN FORM AND VALID AS ADOPTED:

Daniel F. Mantzaris, City Attorney

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. 2021-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 70 "WATERWAYS" OF THE CODE OF ORDINANCES TO ESTABLISH ARTICLE III; CREATING SECTION 70-34 "DEFINITIONS"; CREATING SECTION 70-35 "REQUIREMENTS FOR OPERATING PERSONAL WATERCRAFTS"; SECTION 70-36 "REGULATIONS FOR WATERCRAFT RENTAL BUSINESSES"; SECTION 70-37 "PERMITS FOR WATERCRAFT RENTAL BUSINESSES"; SECTION 70-38 "ENFORCEMENT"; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS, PUBLICATION, AND EFFECTIVE DATE.

A public meeting to consider the ordinance will be held before the Clermont City Council on Tuesday, June 8, 2021 at 6:30 P.M. for final enactment.

All meetings will be held at Clermont City Hall, first floor Council Chambers, located at 685 West Montrose Clermont, FL 34711.

This ordinance is available for public inspection in the office of the City Clerk, 2nd Floor, located at 685 W. Montrose Street Clermont, FL 34711, 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. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
May 25, 2021