



**CITY OF CLERMONT
CITY COUNCIL MEETING
LOCATION: CLERMONT CITY HALL
AGENDA
6:30 PM, Tuesday, June 8, 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

PRESENTATIONS

Police Department Awards 2020

PUBLIC COMMENTS

REPORTS

CONSENT AGENDA

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

Item No. 1 - Minutes Approval

Consider approval of minutes of the April 20, 2021 Workshop and May 25, 2021 Council Meeting.

Item No. 2 - Clermont Historic Village Use Agreement First Amendment

Consider approval of the Grace Chapel and Replica Outhouse addition to the Historic Village site.

UNFINISHED BUSINESS

Item No. 3 - Ordinance No. 2021-013 *Final Disston Duplexes PUD*

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.

Item No. 4 - Ordinance No. 2021-015 *Final 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. 5 - Ordinance No. 2021-016 *Final Commercial Watercrafts*

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

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NEW BUSINESS

Item No. 6 - Resolution No. 2021-036R
Comprehensive Fee Schedule Amendment

Consider establishing a fee of \$500 for an annual watercraft rental business permit as required by City Code.

Item No. 7 - Variance Request
Modern Orthodontics

Consider additional wall signage in the form of a mural at 1455 E. Highway 50.

Item No. 8 - Mural Request
705 W. Minneola Avenue

Consider allowing a mural artwork project in the Central Business District.

Item No. 9 - Sidewalk Café Permit Request
Twisted Sugar

Consider request to use the public walkway to provide outdoor seating within the Central Business District located at 756 W. Montrose Street.

Item No. 10 - Administrative Appeal

Consider request for an administrative appeal to determine the extent of Commercial uses at the Highland Ranch/Black West PUD project.

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 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.

City of Clermont
MINUTES
COUNCIL WORKSHOP
April 20, 2021

CALL TO ORDER

The Clermont City Council met in a Council Workshop on Tuesday, April 20, 2021, in the Council Chambers. Mayor Murry opened the workshop at 6:30pm with the following Council Members present: Pines, Entsuah, Purvis, and Bates.

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

OPENING STATEMENTS

Mayor Murry made a statement regarding the nature of workshops and that they are fact finding sessions for the City Council; no decisions will be made.

AGENDA

1. Wellness Way Follow-up

Dr. Richard Levey, Levey Consulting, made a staff presentation via PowerPoint to the City Council. As part of his presentation he reviewed the process of comprehensive planning in Florida and the process for implementing a comprehensive plan. He continued by providing a high-level overview of the Wellness Way plan which is a master-planned area in collaboration with Lake County. He highlighted the design guidelines and standards for open space, mobility and connectivity. He concluded his presentation by stating that the next step is for the City Council to accept the deliverables which includes a Comprehensive Plan Amendment to both the City's and Lake County's comprehensive plans. He recommended that the Council direct staff to begin the normal planning process. Regarding timing, the City will follow Lake County's lead and modify plan deliverables to conform to the City's adopted regulations for Comprehensive Planning and Land Development.

Council Member Bates asked if Dr. Levey could provide a map showing what had already been annexed by the City. Dr. Levey said they would provide maps to City staff who could forward them on to the Council Members. He made an additional comment that the conservation lands could be annexed by the city as well, but there is no need to do so as there is no need for development. He said that it is possible that there may be a gap in City boundaries for quite some time.

City Attorney Mantzaris reviewed the purpose of the Interlocal Service Boundary Agreement. He clarified that the purpose of the agreement is related to the administration of municipal services.

Council Member Purvis asked if any thought had been given to the reservation of land for municipal future use. Dr. Levey said that they did not get down to that level granularity.

Council Member Pines asked how the map would look as she is sure some land owners would not sell right away. Dr. Levey responded that agriculture and residential can coexist and there will come a time when the agriculture will sell and through this process they will have the land use categories in place.

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Council Member Entsuaah inquired about the naming of the land use categories. Dr. Levey provided background information on the six new future land use categories.

Mayor Murry asked how close the team was to acquiring land for the road ways and road extensions. Dr. Levey pointed to Hancock, Wellness Way and CR455 have all crossed into Conserv land and the team has negotiated an option agreement to purchase Right-of-Way.

Interim City Manager Dauderis asked about the time frame and in what form would the Council see it on an agenda. Dr. Levey responded that the County anticipates going to Planning & Zoning in June. He suggested that the City should consider a July or August Planning & Zoning hearing with a 30 day gap before being heard by the Council. They are looking for final adoption in October or November.

2. Water Authority Presentation

Ron Hart, Lake County Water Authority (LCWA), Executive Director – Mr. Hart made a PowerPoint presentation which discussed three different topics.

Mr. Hart stated that he came before the Council in February 2020 to discuss algal bloom on Lake Minneola. Since then, LCWA funded a nutrient loading study to find where nutrients are originating. He reviewed Lake Minneola Potential future projects:

- Investigative sampling,
- experimental algal treatment program
- Future joint storm water projects
- Resident Lakes Education

Mr. Hart informed the Council that another project LCWA is working on is the navigation system for the chain of lakes. They are considering a potential lock construction at the Cherry Lake Dam. The lock structure will allow navigation to allow boats to go from one chain to the other chain. The LCWA Board approved funding for a survey. The survey would target 5,000 respondents on whether they are supportive of a structure. It will be randomly selected people in those zip codes who are registered boat owners and property owners within 500 feet of water bodies. The survey will also target business owners located near the lakes. Mr. Hart informed the Council that they will return in December to announce the results of the survey.

The final topic Mr. Hart discussed with the Council was a comprehensive plan change proposed to Lake County to address a request by group of mining association members to change the county's comprehensive plan to eliminate the open space requirement in the Green Swamp. The LCWA board took a position on the issue by resolution. The Green Swamp is an Area of Critical State Concern and it is important to maintain the hill structure as the hills are what contribute to the lakes in Lake County. The lakes would otherwise be much smaller as there are evaporative locations.

Council Member Purvis stated that Clermont has taken a lead position in the current algal problem.

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The City created Victory Pointe to collect runoff, but he thinks that other communities in Lake County need to contribute with both input and cash. Mr. Hart wishes other communities would do what Clermont does. The LCWA appreciates all what Clermont has done.

Council Member Entsuaeh asked the Council if they would support a resolution opposing the sand mining in the Green Swamp. The Council expressed consensus that they would support that resolution. City Attorney Mantzaris stated that staff would work on a resolution.

3. Boat Ramp Use and Parking

Parks and Recreation Director Scott Davidoff provided a staff presentation via PowerPoint. He discussed the challenges and potential solutions of the Clermont Boat Ramp.

Director Davidoff described the facilities available at the City's Boat Ramp. He discussed the parking challenges stating that the parking lot reaches capacity on most weekends and holidays. The former City Manager had directed that both vehicles with trailers and without were to use the boat ramp lot as it was built on Waterfront Park overflow parking. Director Davidoff informed the Council that solutions to the challenge could include allowing only vehicles with trailers to park in the lot; allow vehicles without trailers only on weekdays, excluding holidays; continue with current policy allowing both. Staff recommends only allowing vehicles with trailers. This frees 20 to 40 spaces daily and reduces confusion.

Regarding lake enforcement, the Lake County Sheriff Office (LCSO) has jurisdiction on Lake Minneola. Recently, the Clermont Police Department (CPD) signed a Memorandum of Understanding with LCSO allowing CPD to enforce regulations on the lake. CPD plans to start patrolling the lake and enforcing state statutes on Lake Minneola on May 15.

With regards to enforcement, Director Davidoff reviewed the no wake zone areas and buoyed areas. He informed the Council that Florida Wildlife Commission has approved only the boat ramp and the Lake Hiawatha docks. An updated ordinance will be forthcoming.

Director Davidoff reviewed jet ski complaints and commercial operators which are received on a weekly basis. The City has allowed the beaching of jet skis at both Lake Hiawatha and behind the splash pad area. However, jet skiers have been using the area west of the boat ramp in more recent times. The City does have notices and buoys in the area, but they have been continually ignored by users. The prior City Manager did allow for beaching to the east and west of the boat ramp as operators have stated that they need to beach as they cannot carry certain items and equipment on a jet ski. They have also had issues using the finger docks; especially with stand up jet skis.

With regards to commercial operators, staff has been in contact with those that rent both jet skis and boats. The City Attorney has reviewed the situation and the transactions are taking place off site, and so there is very little the City can do to prohibit commercial operations and rentals. Commercial operations are very common throughout the state. Staff has put in place some procedures to assist with enforcement. These regulations began in late March.

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Since late March 2021, staff has spoken with multiple vendors and provided guidelines. Staff keeps a running list of violations and warnings. To date, there have not been any violations of the new regulations. However, with that being said, enforcement is very difficult without ongoing monitoring. Staff is recommending a dedicated staff to be hired.

Council Member Purvis expressed a concern that the City gives to CPD all the tools they need.

Interim Director Dauderis said that those items would be forthcoming in the budget process.

The Council discussed options to make sure the City was properly equipped.

The Council discussed fees at the boat ramp and how they could be adjusted for different users.

City Attorney Mantzaris stated that with the direction of the Council, staff can explore more stringent regulations. It will be an enforcement issue and would be difficult for staff. The lakes are open to the public, and it is difficult to identify whether it is for personal use or for a business activity. Business activity does allow for the city to be able to do something. There could be something like franchise agreements, but there also arises enforcement issues.

The Council discussed additional staffing for ongoing enforcement.

The Council discussed with the City Attorney different options for enforcement of commercial businesses including identification, permitting, and/or business licensing.

The Mayor opened the floor for comments from the public.

Donald Sinto, 108 Nautical Mile Drive – Concerned about jet skis on the water at night.

Mark Raid, 845 Forest Wood Drive – Recreational jet skier. Asked questions of the Council. Concerned about buoys not being permitted.

Dana Unknown, 135 Blackstone Creek Road, Groveland – Jet Ski business owner. Spoke about their business and running a Jet Ski business. Would like to see a permit issued to companies for operation on the Clermont chain of lakes.

Seeing no further comments, the floor was closed.

The City Attorney informed the Council that the City Manager can implement some changes immediately with no formal action needed with consensus from the Council.

The Council asked for staff to return with a comprehensive proposal for all the issues discussed.

Seeing a comment from the public, the floor was reopened.

Donald Sinto, 108 Nautical Mile Drive – Concerned about hours of operation.

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Seeing no further comments, the floor was closed.

Director Davidoff asked for clarification if the Council would like any changes to occur administratively. The Council agreed that action should be taken to address the picnic area and beaching and that something should be done about parking, otherwise no other changes should occur. The City Attorney informed the Council that the City Manager's Office can address the parking issue without formal approval by the Council.

Interim City Manager Dauderis recapped the items in motion. Staff will create a solution for the yellow section and address parking right away. Staff will then create a comprehensive solution and return to Council at a future date. She also reminded the Council that beginning on May 15, CPD will be starting law enforcement in designated areas.

City Attorney Mantzaris recommended that the Council allow staff to move forward with an ordinance to address commercial permitting for business activity on the water. The Council provided a consensus to allow staff to move forward with the drafting of the ordinance.

Council Member Pines asked about penalties. City Attorney Mantzaris responded that enforcement would occur through the Code Enforcement process and users could be fined up to \$250 per day per violation.

4. Other

Interim City Manager Dauderis briefly introduced the Waterfront Activation Zone. The property has been in discussion since 2015. Over a year ago, an RFP process was presented to the Council at a workshop. There were a number of presenters. The City Council at the time did not provide interest in moving forward with a project. However, the City has a new Council now and staff is seeking direction if this is something the Council would like to move forward on.

Mayor Murry stated that they have three (3) new members and feels this needs a better update. He wants to see this on the next workshop agenda for a more serious discussion.

CLOSING COMMENTS

No other closing comments were made by the staff or Council Mmembers.

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Adjourn: The workshop concluded at 9:06pm with no further comments.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

City of Clermont
MINUTES
REGULAR COUNCIL MEETING
May 25, 2021

CALL TO ORDER

The City Council met in a regular meeting on Tuesday, May 25, 2021 in the Clermont City Council Chambers. 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 City Clerk Howe.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Drew Marshall of Clermont Presbyterian provided the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS

Men's Health Month

Mayor Murry read a summary of the proclamation into the record. There was no presentation.

PRESENTATIONS

The mid-year budget presentation was made by Finance Director Brosonski via PowerPoint. This presentation provides the Council with an overview of the 1st and 2nd quarter for fiscal year 2021. Overall the budget is in a healthy position.

Director Brosonski also provided information on the American Rescue Plan. One of the programs within the federal legislation provides relief funds for state and local government. After conducting some calculations, the City is anticipating it will receive approximately \$16,000,000. Director Brosonski highlighted the restricted uses placed on the funds by the federal government. Staff is reviewing the possible uses as part of the budget process currently underway.

Council Member Purvis asked if the city has recovered its reserves. Director Brosonski answered that the reserves have returned to the 25 percent required.

Council Member Entsuah asked if the \$16,000,000 is becoming part of the budget or will be a separate entity all of its own. Director Brosonski said that the money will be tracked separately, but they are including it as part of the overall budget.

Council Member Entsuah asked if there is a way to involve the public into how the City uses the money. Interim City Manager Dauderis informed the Council that currently staff has very limited information at this time, and is looking at how the City can use those funds to restore frozen positions and other items. She stated that directors are going through their budgets to prepare ideas.

City Attorney Mantzaris cautioned the Council about involving the public as what these funds can be used for are restricted and very specific.

Director Brosonski told the Council that the funds will be good through 2024.

Interim City Manager Dauderis provided an update on the budget process telling the Council that the Directors have gone through a first review and are soon going to go through a second review.

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PUBLIC COMMENTS

Dani Page, Tuscany Ridge – Talked about Jayson Stringfellow. Asked the Council to revoke all permits provided to The Art District. Asked for the Council to conduct an internal agency investigation for collusion between City staff and developers.

Sharon Keys, 644 West Oseloa – Representing Lincoln Park South Lake Alliance. Asked the Council to support the designation of the school as a community center.

Paula Hoisington, 564 East DeSoto Street – Representing Lincoln Park South Lake Alliance. Asked the Council to support the designation of the school as a community center.

Pastor Chris Walker, 100 E. Minnehaha – Representing Lincoln Park South Lake Alliance. Asked the Council to support the designation of the school as a community center.

Dale Mac, 540 E. Desoto Street – Asked the Council to support the designation of the school as a community center. Stated that the South Lake Rotary Club endorses the development of this project.

Jimmy Crawford, 702 W. Montrose – Asked the Council to support the designation of that school as a community center. He is donating his time pro bono to assist this group.

REPORTS

LAKE COUNTY REPORT

Sean Parks, Board Chairman, Lake County Board of County Commissioners

- The County is in the middle of their budget planning.
- The County is drafting an ordinance to have any new developments fund roads and maintenance inside of the communities.
- CFX made a presentation to the County Commission and informed them that traffic is higher today than it was pre-covid.
- The County is trying to figure out the American Recovery Act and the funding. They are getting about \$72 million.
- Provided the Council with a “How Did We Grow” notice announcing public input sessions.
- Announced that on June 24 the County Commission meeting will be held in District 2 at the Clermont City Center at 1:00 PM.
- Nothing new to report on Winter Garden.
- Announced a Liberty Tree event. The County is writing a proclamation for the blessings of liberty and for the public to be involved in history. A tree has been donated by Cherry Lake Nursery. The site will be in front of the round building in Taveres.
- Announced that there will most likely be a contribution from the general fund to the roads fund in the next fiscal year.

Council Member Purvis asked a question about an additional tax on gas up to 5 pennies. Chairman Parks said it is possible to be supported by the Commissioners, but there has to be an aggressive workshop and public engagement effort. The money raised would need to be specific and be sunsetted. It has to be a 4/5s vote or a ballot vote for approval.

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INTERIM CITY MANAGER REPORT

Interim City Manager Dauderis

- Changes to the agenda were made and voted upon.
- Campbell property has been negotiated for a price of \$150,000.
- There will be workshops in June, July and August to discuss ongoing items.
- Provided an update on City Manager recruitment process.
- On the proposal by Lincoln Park South Lake Alliance, direction from the Council was requested.
- City offices will be closed on Monday (5/31) in observance of Memorial Day.

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

MOTION TO APPROVE the purchase of Campbell property in the amount of \$150,000 made by Council Member Purvis. Seconded by Council Member Bates. Passed unanimously with all members present voicing aye.

Regarding the Lincoln Park South Lake Alliance, Council Member Entsuah said that he is in support of the project and asked staff to reach out and work with the alliance. He feels this would be a benefit to the community.

Council Member Purvis stated that while he is in support of the general idea, he is still in the dark on many details of this project; he needs to know what the ask of the City is.

Council Member Bates said he has had multiple meetings with the project organizers, and he also supports the idea, but like Council Member Purvis is also confused as to what they are asking of the City.

Council Member Pines said that there are a lot more questions than answers, and these questions need answers before the City jumps into this full on. She has spoken with the organizers, but there is a vagueness as to what the expectations of the City are right now.

Mayor Murry expressed full support for the project. He disclosed that he was on the board, but has now resigned. He expressed frustration that there is not one community center for a city of near 50,000 population. He believes that the City needs to be the one building community centers not a non-profit group. He is in support of the Council giving them money. He wants to invite the alliance to a workshop.

Council Member Bates cautioned the Council about wearing staff out with too many workshops. He stated that workshops should be scheduled for emergency type situations.

Council Member Pines said that there are so many issues that the City needs to address. The City is growing exponentially. Regarding frequency of workshops, she stated that they are necessary, and unfortunately City staff will have to deal with it.

Council Member Purvis and Bates proposed an all-day Council retreat to address Council priorities and asked if that would affect staff less. Interim City Manager Dauderis said a conversation about priorities would be wonderful, and if the Council wants an all-day retreat, staff would make it happen.

The Council asked Interim City Manager Dauderis to provide the Council with a list of their outstanding priorities and to select dates in June when they could do an all-day retreat.

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CITY ATTORNEY REPORT

City Attorney Mantzaris

- Regarding the Art District point raised during Public Comment, due to the complexity of the situation, any action would need to be reviewed as there is pending litigation with The Art District as well as the situation with VP Development. He stated that he is in support of action against The Art District.
- In compliance with Florida Statutes, he requested/announced a closed litigation session for the 2nd meeting in June. He would then be able to provide the Council with an appropriate report.

Regarding the Art District, Council Member Purvis does not want to get in an argument over the lawsuit. He wants to know what actions can be taken today against The Art Walk. City Attorney Mantzaris said that the use of the Art Walk as defined by the contract is part of the lawsuit, so the City has to work within the confines of those agreements.

Council Member Purvis said he wants the City to take action to put an immediate stop regarding permits and starting businesses within The Art District.

Mayor Murry stated that he is in agreement with Council Member Purvis. He is frustrated that the City has been named a party in this lawsuit. He does not understand why the Council cannot meet with their attorney until the end of June to discuss litigation.

City Attorney Mantzaris explained to the Council the Sunshine Law's restrictions for having a closed session meeting and the conditions that need to be met. He informed the Council that they cannot meet just because they have been sued; a closed door session must be related to settlement negotiation or litigation expense discussion.

Mayor Murry continued to express frustration that he has been told since December that a resolution is being worked on, but no results has come to fruition. He said that he is not familiar with the Sunshine Law well, but he does know that Council Members need to meet to discuss their game plan. He disclosed that he has met with and spoken to the other parties in the lawsuit individually, and is frustrated that he got more information from those parties than he gets from the City.

City Attorney Mantzaris cautioned the Council about having a public discussion and creating adverse situations. He said that they could provide the Council and confidential litigation report within two weeks that may address what they are requesting.

Council Member Purvis proposed hiring outside legal counsel to conduct an investigation of the contract and report back to the Council on their options. He also would like outside legal counsel to conduct an investigation beginning with the Building and Permitting Services department.

Mayor Murry stated that he agrees with Council Member Purvis and despite our legal departments efforts to keep us out of litigation, it seems the City is getting in more litigation situations.

MOTION TO HIRE outside legal counsel to conduct an investigation into the contract with The Art District and to conduct an internal investigation between City staff and developers for collusion made by Council Member Purvis. Seconded by Council Member Bates. Motion and second was withdrawn.

Council Member Bates asked what the process for hiring outside counsel would look like.

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City Attorney Mantzaris gave the Council insight into the process for hiring outside legal counsel. City Attorney Mantzaris stated that it is extremely problematic for the rights of the City that the Council not engage outside legal services during ongoing litigation.

Council Member Pines stated that she believes things are too sensitive right now to move forward with the motion on the floor. She stated that staff is stressed right now and they do not need the additional stress of an outside legal investigation. She believes that the Council is walking a fine line even discussing the topic right now.

Council Member Bates suggested waiting an additional month and give staff time to sit down with the Council in closed session.

Council Member Entsuaah stated that he is in agreement with Council Member Pines and feels that the Council should wait to see what staff is able to prepare for the closed session.

Council Member Purvis stated he is aware that staff is burning out, but he also feels that if the Council would stand up and do their job that staff would have it easier.

Mayor Murry stated that he is totally disappointed in our legal advice, and he finds this whole situation disturbing.

Council Member Purvis asked that there be a discussion item in four weeks on the agenda for the Council to announce if they are taking action on the contract. The Council did not have a consensus on the request.

Council Member Pines reminded the Council that the City Attorney has already committed to providing them a confidential memo prior to the litigation session.

CITY COUNCIL REPORT

Council Member Bates

- No Report

Council Member Purvis

- No Report

Council Member Entsuaah

- Asked what the process was if something has been noticed on SR50.
- Concerned about the entry to Winn-Dixie and people dangerously merging into traffic.

Regarding SR50, Interim City Manager Dauderis said that Council Members can inform staff and staff will talk to contacts at the state level.

Council Member Pines

- No Report

Mayor Murry

- Concerned about people running in the street on Minnehaha. He would like to see sidewalks installed on the south side.

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CONSENT AGENDA

Mayor Murry 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 – 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 – Contract 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 | Withdrawn by Staff |

MOTION TO APPROVE items 1, 2, and 3 of the Consent Agenda for May 25, 2021 made by Council Member Purvis. Seconded by Council Member Pines. Passed unanimously with all members present voicing aye.

UNFINISHED BUSINESS

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

Item No. 5 – Ordinance No 2021-013 – FINAL – *Disston Duplexes PUD*

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.

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

MOTION TO TABLE for future consideration Ordinance No. 2021-013 until June 8, 2021 made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

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Item No. 6 – Ordinance No. 2021-014 – FINAL – *Speed Zones*

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.

Deputy City Clerk Lueth read the legal title of the ordinance into the record. Public Services Director Stoney Bronson made a brief staff presentation.

Director Bronson displayed maps and showed the Council where the permitted buoys would be located. He told the Council that Lake Hiawatha would not be approved for buoys until the docks are built.

Interim City Manager Dauderis clarified for the Council that the boat ramp buoys will be placed sooner than those at Lake Hiawatha. Council Member Purvis asked when the buoys would go in. Director Bronson replied that they would go after the state has a 30 day review.

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

MOTION TO APPROVE and adopt Ordinance No. 2021-014 made by Council Member Entsua. Seconded by Council Member Pines. Passed 5-0 on a roll call vote with all members present voting aye.

Item No. 7 – Variance Request – *DWW Squared* – This item was withdrawn.

NEW BUSINESS

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

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.

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

Planning Manager John Kruse provided the 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. 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.

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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 has reviewed the application and proposed project and determined that 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 and the Planning & Zoning Board also recommends approval.

Mayor Murry invited the applicant to the podium.

Jim Kirk, 9069 Grayhorn Circle, Orlando – *Applicant*. Stated he is available for questions.

Mayor Murry opened the floor for comments from the public; seeing not public the floor was closed.

Council Member Purvis asked if this is an equipment rental location. Mr. Kirk gave an overview of his business. Council Member Purvis asked if the equipment would be facing US 27. Mr. Kirk said no. Council Member Purvis asked what the area in the back was designated as. It was identified as a retention pond.

Council Member Bates cautioned the applicant due to a past situation and suggested the applicant invest in security.

Council Member Entsuah asked about access to the property. Planner Kruse stated there is a cross-access easement in place.

Council Member Purvis asked the applicant to agree to take his small items inside at night for safety and security. City Attorney Mantzaris asked the Council to clarify “small items”. The Council said they would be small or easily portable equipment pieces. The applicant agreed to take smaller items on the front of the building inside.

MOTION TO APPROVE the adoption of Resolution 2021-027R granting a conditional use permit with the additional condition that small items be relocated inside the facility after closing made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

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

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, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

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

Planning Manager John Kruse made the staff presentation. The applicant is requesting a Conditional Use Permit (CUP) to allow for a professional/administrative office use in the R-3 Residential/Professional zoning district. The subject property is located at 792 E. Montrose Street and the Future Land is Low Density Residential. 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 has indicated that the business will utilize the existing building and since the previous use was comparable, no major changes are required to operate 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.

Staff has reviewed the application and proposed project and determined that 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 the CUP and the Planning & Zoning Board recommended approval 4-2.

Mayor Murry invited the applicant to the podium.

Glenn and Emily Feckenberg, 7092 Eastmont Road – *Applicant*. Mr. Feckenberg gave an overview of their work history and an overview of their business. He said that there was a concern with parking, but they had a professional consultant come out and do a study and they have determined they have eight (8) parking spots available.

Mayor Murry opened the floor for comments from the public.

Dale Mac, 540 E. Desoto – adjacent owner to the property. Opposed to the project.

Dani Page, Tuscany Ridge – spoke in favor of the project.

Seeing no further comments the floor was closed.

Council Member Bates asked about parking and if the recently passed state law on home based business comes into play.

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City Attorney Mantzaris said that the home based business law would not apply as the location was not being used as a residence and the business use is an ancillary use to primary residence. The applicant agreed to not park on the streets or on adjacent properties.

Council Member Pines asked if they had customers coming to the location. The applicant replied no. She felt that there is ample parking there as she visited the property.

Council Member Purvis said he has been dealing with this property for multiple years. He strongly suggested the applicant clearly mark their property line for the neighbor to the west. The applicant agreed.

Mayor Murry asked City staff about the parking area due to sloping property. He also wants it stipulated that the location is for only professional and administrative office; no patients should be seen at the site. City Attorney Mantzaris stated that the resolution stipulates that it is for administrative and/or office use, but that they will add a prohibitive clause for seeing patients. The applicant clarified that training may occur at the property, but not with patients, only nurses. They do 1-on-1 training for their nurses.

MOTION TO APPROVE the adoption of Resolution No. 2021-028R granting a conditional use permit with the conditions that parking on adjacent properties be prohibited and that the site cannot be used for patient meetings, treatments, or other made by Council Member Bates. Seconded by Council Member Purvis. Passed unanimously with all members present voicing aye.

Item No. 10 – Variance Request – New Jacobs Chapel Church

Mayor Murry announced the agenda item and disclosed that he does sit on the board of trustees for the church, but has no financial connection to the church, so he will not be recusing himself from a vote.

Planning & Development Services Director Curt Henschel provided the 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 W. 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 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 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. Upon review it has been determined that the volume of water needed for the landscaping is de minimis. The property owner will be required to maintain all landscaping to ensure a healthy and orderly appearance at all times.

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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 has reviewed the application as presented and finds the application does meet a positive finding for the granting of variance. Therefore, staff recommends approval of the variance request.

Alfred Cheesboro, 519 Pitt Street, Clermont – *Applicant*. Asked the Council to approve the project so they can start construction on the previously approved expansion.

Ricki Divinie, NewTec, Fort Meyers – *Applicant Representative*. They are anticipating construction in July pending a positive vote tonight.

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

Council Member Purvis asked Director Henschel to clarify what “De Minimis” means and what the number is that equals that. Director Henschel replied that he is not able to provide that number, but restated that the impact is very minimal. Council Member Purvis expressed a concern about setting a precedent regarding these types of requests. He would like to see a policy to help guide the Council.

MOTION TO APPROVE the variance request for New Jacob Chapel made by Council Member Bates. Seconded by Council Member Entsua. Passed unanimously with all members present voicing aye.

Item No. 11 – Ordinance No. 2021-015 – INTRODUCTION – Skorman Multi-Family PUD

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.

Deputy City Clerk read the ordinance title into the record.

Council Member Entsua asked the City Attorney to explain to the public why this item is back on the agenda.

City Attorney Mantzaris provided a history of this request stating that the Council in February denied the applicant’s request for a Planned Unit Development. The applicant then utilized its rights under Florida Statutes and sought relief from the Council’s decision. They entered mediation as a pre-step to the appointment of a special magistrate process where the case would be reheard by the appointee. In mediation, the City and the applicant discussed revisions to their application based on concerns heard at the Council meeting where the development was denied. It is being brought back to the Council under the applicants rights in the dispute process.

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Mayor Murry asked what would happen if the Council denies the introduction of the ordinance. City Attorney Mantzaris explained that the mediation process is done to avoid litigation. If the Council denies the ordinance there would inevitably be litigation between the property owner and the City.

MOTION TO INTRODUCE for future consideration Ordinance No. 2021-015 made by Council Member Purvis. Seconded by Council Member Pines. Passed unanimously with all members present voicing aye.

Item No. 12 – Ordinance No. 2021-016 – INTRODUCTION – *Commercial Watercrafts*

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 AN EFFECTIVE DATE.

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

MOTION TO INTRODUCE for future consideration Ordinance No. 2021-016 made by Council Member Bates. Seconded by Council Member Pines. Passed unanimously with all members present voicing aye.

City of Clermont
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ADJOURN: With no further comments, this meeting adjourned at 9:07 pm.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, June 8, 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 Clermont Historical Society, Inc. 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.rtf	
2. GRACE CHAPEL SIGNED 5-1-21 Seal	GRACE CHAPEL SIGNED 5-1-21 Seal.pdf	

**FIRST AMENDMENT BETWEEN CITY OF CLERMONT AND THE CLERMONT
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 Clermont Historical Society, Inc., f/k/a The South Lake County Historical Society, Inc. and 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. CITY acknowledges and agrees that The South Lake County Historical Society, Inc. changed its legal entity name to The Clermont Historical Society, Inc. The parties therefore agree that any and all references to The South Lake County Historical Society, Inc. in the Agreement, shall be construed as references to The Clermont Historical Society, Inc. and all obligations and entitlements therein shall be transferred and assigned to, and accepted by, Clermont Historical society, Inc.

3. 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.

4. 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. Notwithstanding the foregoing, to the extent that the Grace Chapel is to be utilized for events, services or meetings of any kind, it shall be made available to groups of any and all religious and spiritual denominations, subject to reasonable restrictions as established by society for use of any of the site buildings.

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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this ____ day of June 2021.

Attest:

The City of Clermont,

By: _____
Tracy Ackroyd Howe, MMC
City Clerk

By: _____
Mayor Tim Murry

Date: _____

Attest:

Clermont Historical Society, Inc.

By: _____

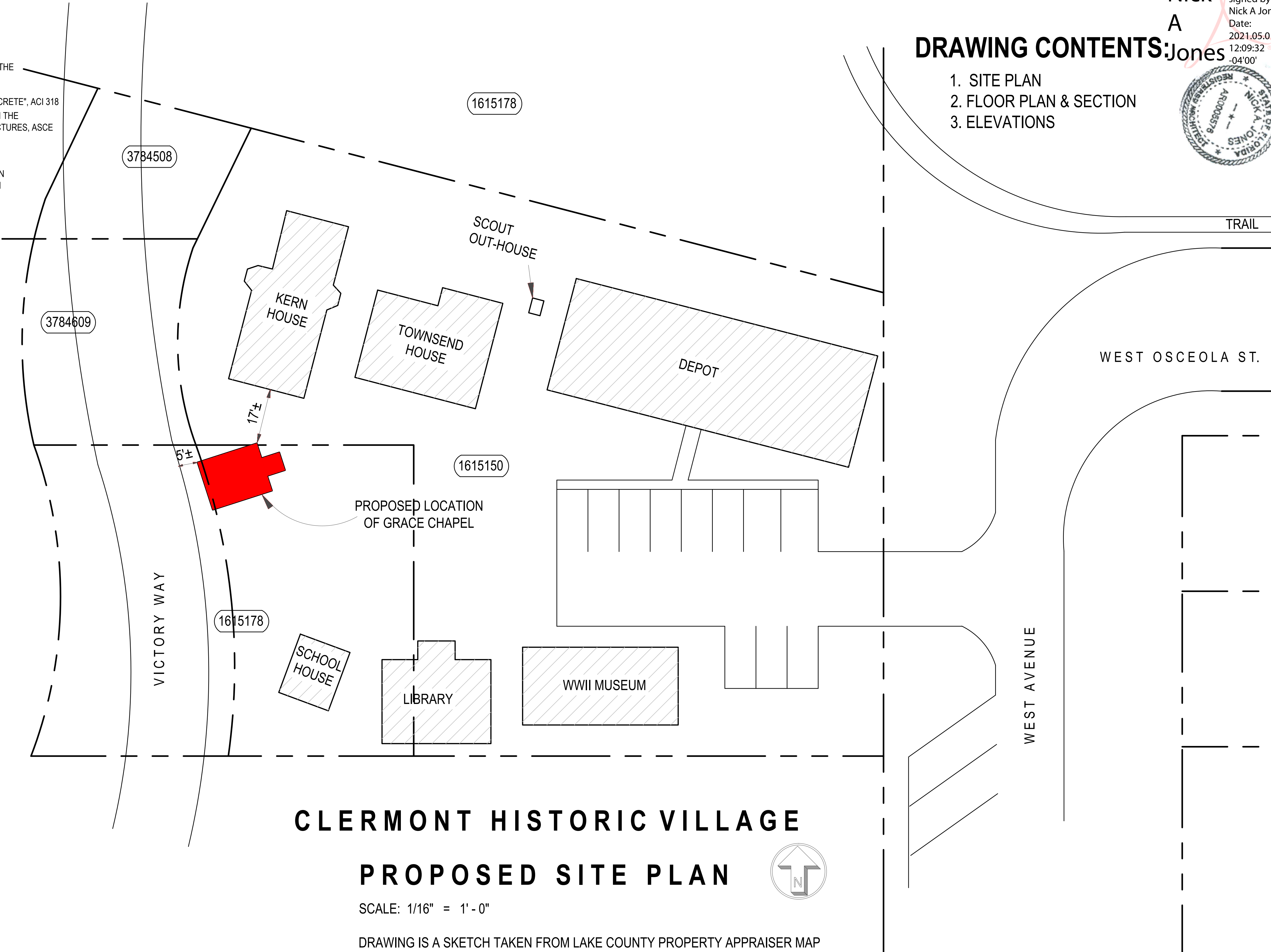
By: _____

Donna Diigennaro,
Recording Secretary

James E. Briggs, President
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 20 PSF
0-200 S.F. TRIBUTARY AREA 28 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
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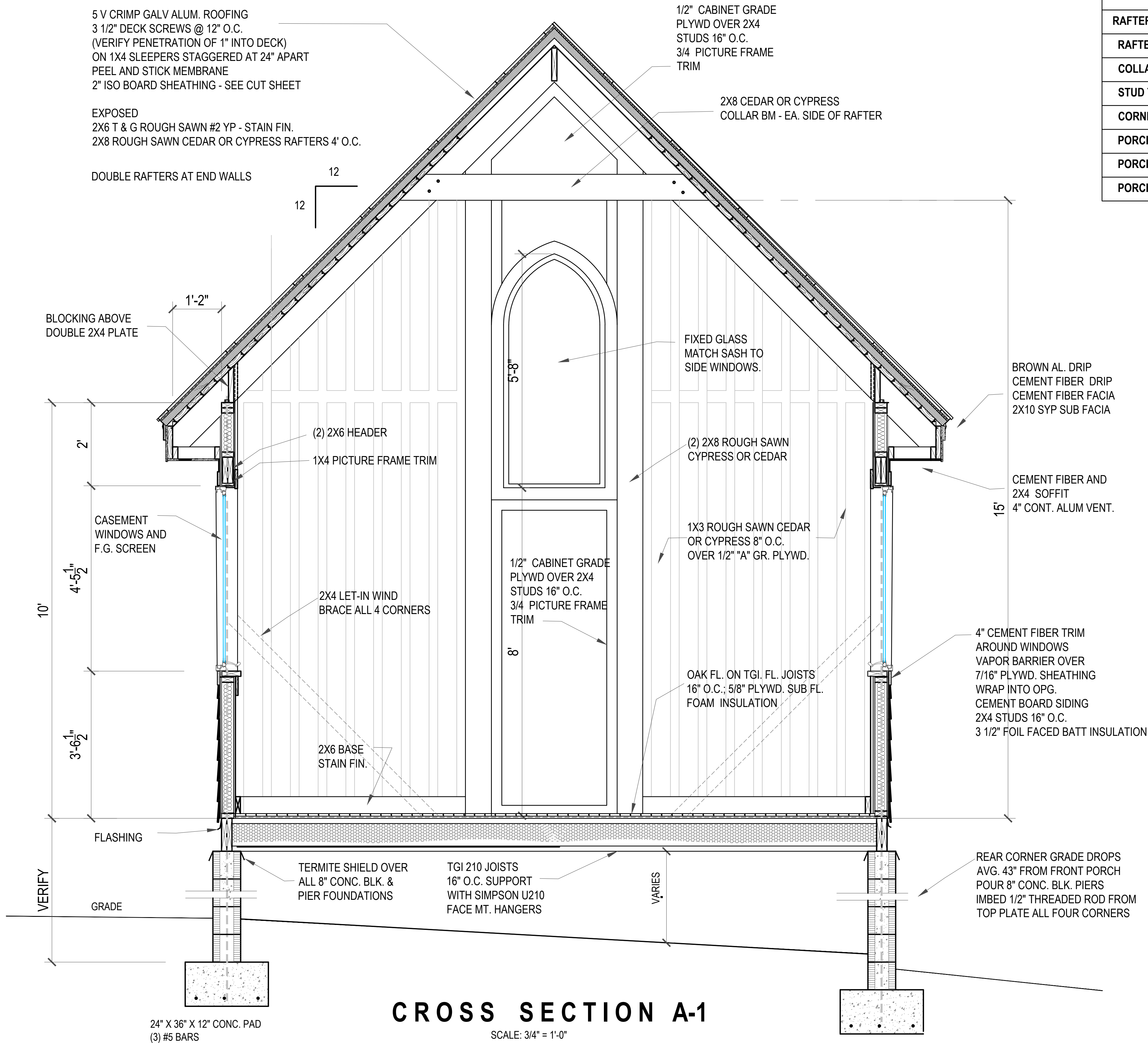
NICK A. JONES
Architect, LLC
1320 Bowman St.
Clermont, FL 34711
(352) 394-4700
FAX (352) 394-2226
date: FL REG. #0005576

Revisions	
No.	Date

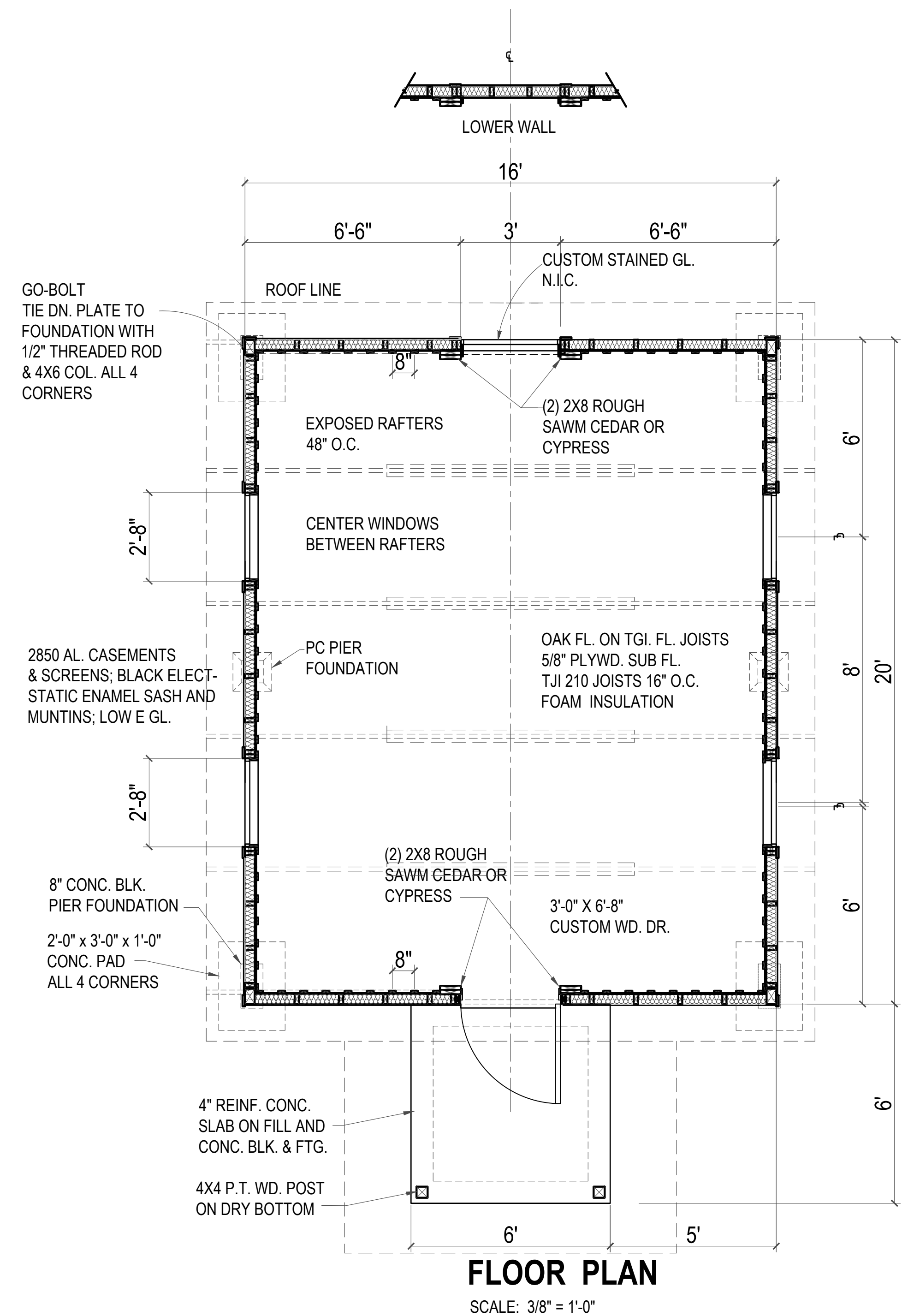
GRACE CHAPEL
CLERMONT HISTORIC SOCIETY
CITY OF CLERMONT, FLORIDA

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.
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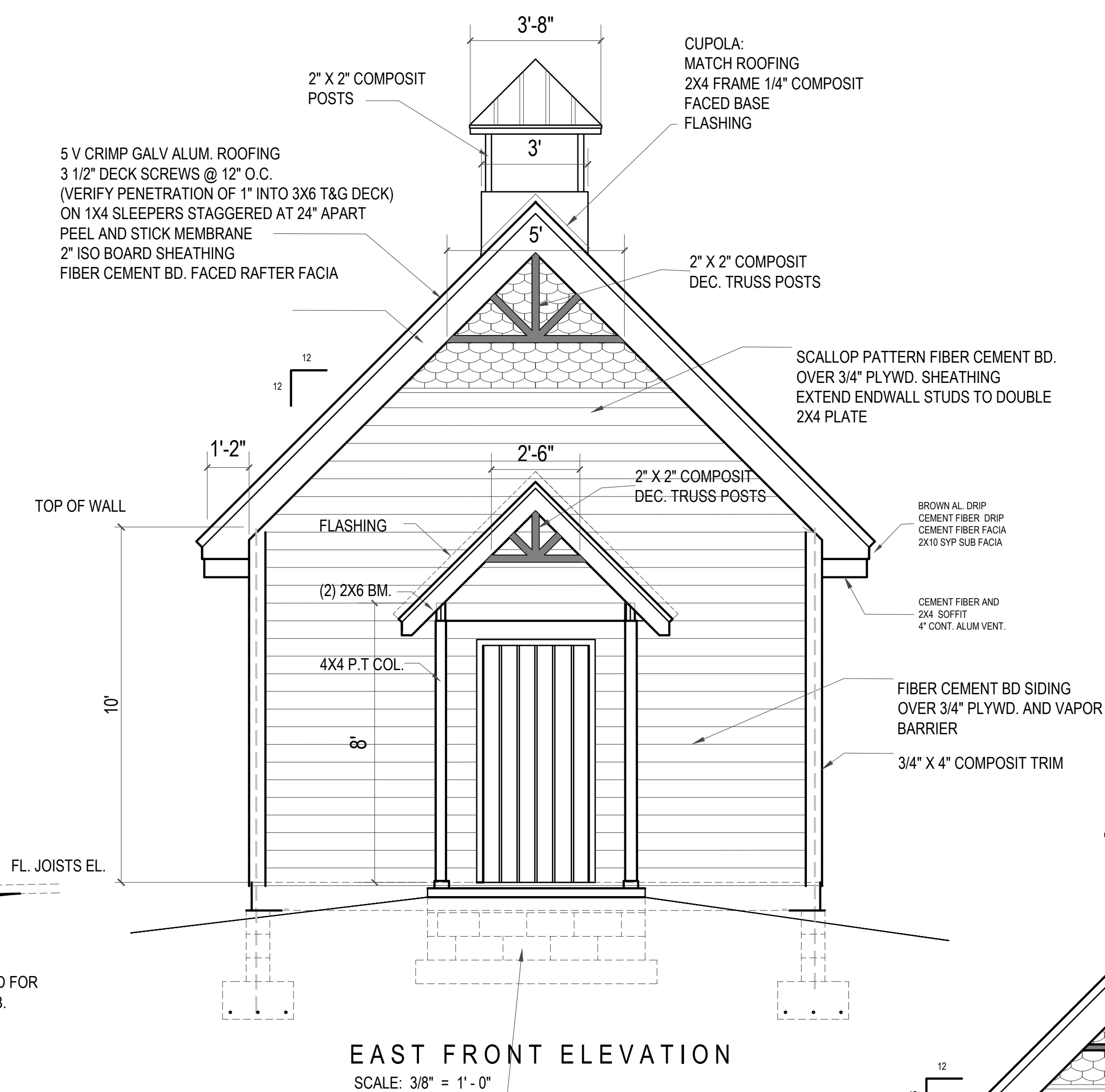
date:
FL REG. #0005576

Revisions	
No.	Date

GRACE CHAPEL
CLERMONT HISTORIC SOCIETY
CITY OF CLERMONT, FLORIDA

Job No.
5-1-21

Sheet No.
A-2
OF 3



A circular professional seal for Nick A. Jones, a Professional Engineer in the State of Florida. The seal features a rope-like border. Inside the border, the text "STATE OF FLORIDA" is at the top, "NICK A. JONES" is in the center, and "REGISTERED PROFESSIONAL ENGINEER" is at the bottom. The license number "AF0006576" is printed vertically on the left side.

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

date _____
FL REG. #0005576

[illegible]

A-3
OF 3



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, June 8, 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 provided 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. <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. <i>The Planning and Zoning Commission at their meeting, voted 7-0 to make a recommendation of denial for Ordinance No. 2021-013.</i>	
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 -6-1-2021	Staff Analysis Disston Duplexes PUD -6-1-2021.pdf	
2.	Ord 2021-013 - Disston Duplexs PUD (06.01.2021 V2) - R&F BL	Ord 2021-013 - Disston Duplexs PUD (06.01.2021 V2) - R&F BL.pdf	
3.	Disston Duplexes Maps	Disston Duplexes Maps.pptx	
4.	Zoning Map	Zoning Map.pdf	
5.	Almond Street Multi-Family Concept-CONCEPT 05-12-2021	Almond Street Multi-Family Concept-CONCEPT 05-12-2021.pdf	
6.	Boundary Survey	Boundary Survey.pdf	
7.	Elevation - Disston ST. DUPLEX-OPTION 03.24.21	Elevation - Disston ST. DUPLEX-OPTION 03.24.21.pdf	
8.	Application	Application.pdf	
9.	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 up to 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 up to six (6) two-family duplex 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 up to 12 units per acre. The proposed project is similar in design and comparable to a small 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, 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.

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 patterns which complies with the general requirements and regulatory process for approval of the project.

Staff recommends **denial** of 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 (duplex) dwelling units**

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.

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 curbs) 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 not exceed 6 feet as permitted 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 shall provide 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 are required for all street rights of way for the entire length of the subject parcels. Project is required to provide pedestrian crosswalks and safety features within the residential community.
13. 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 8th day of June, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT
ORDINANCE NO. 2021-013

Exhibit A: Conceptual Site Plan

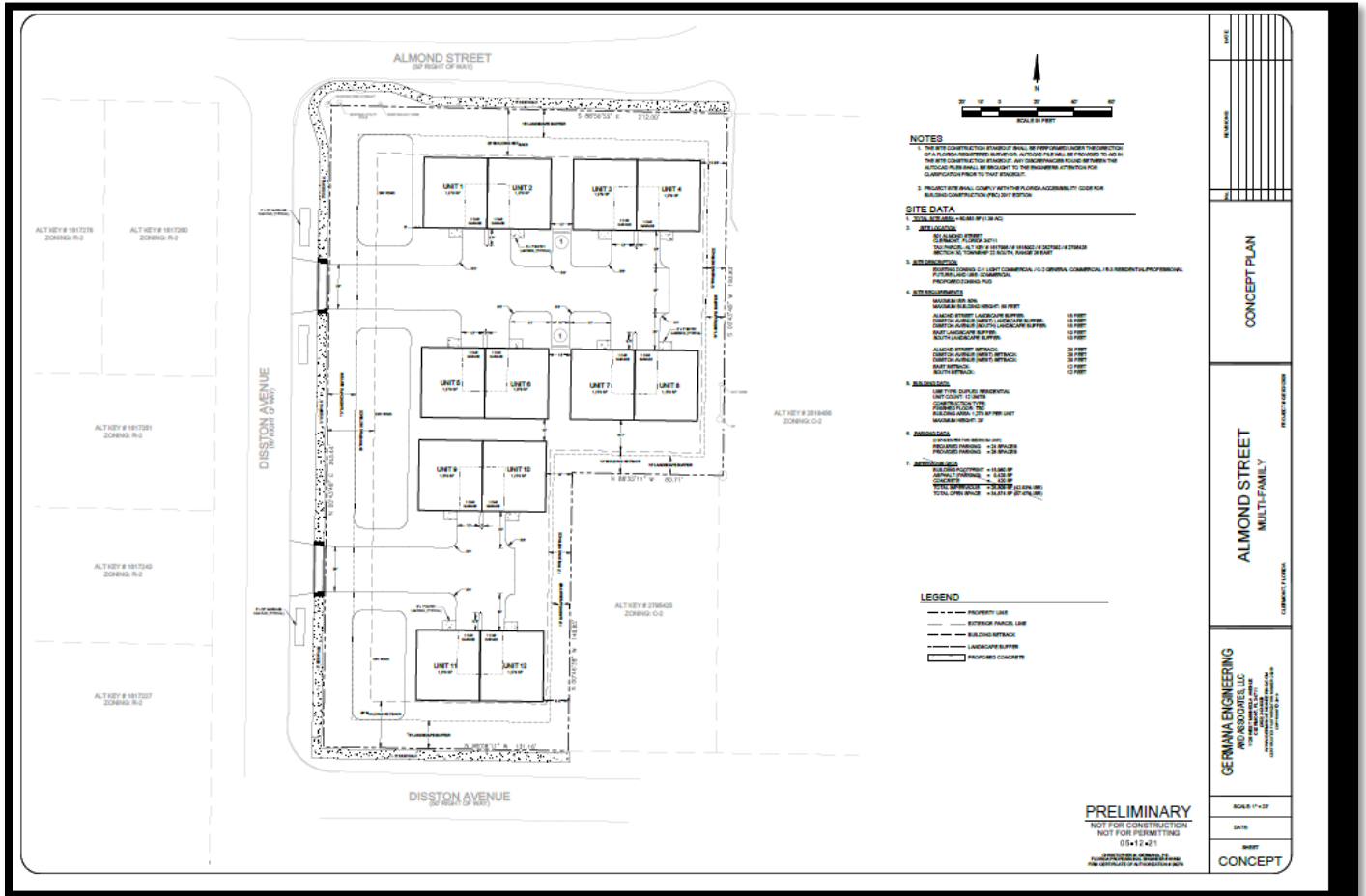
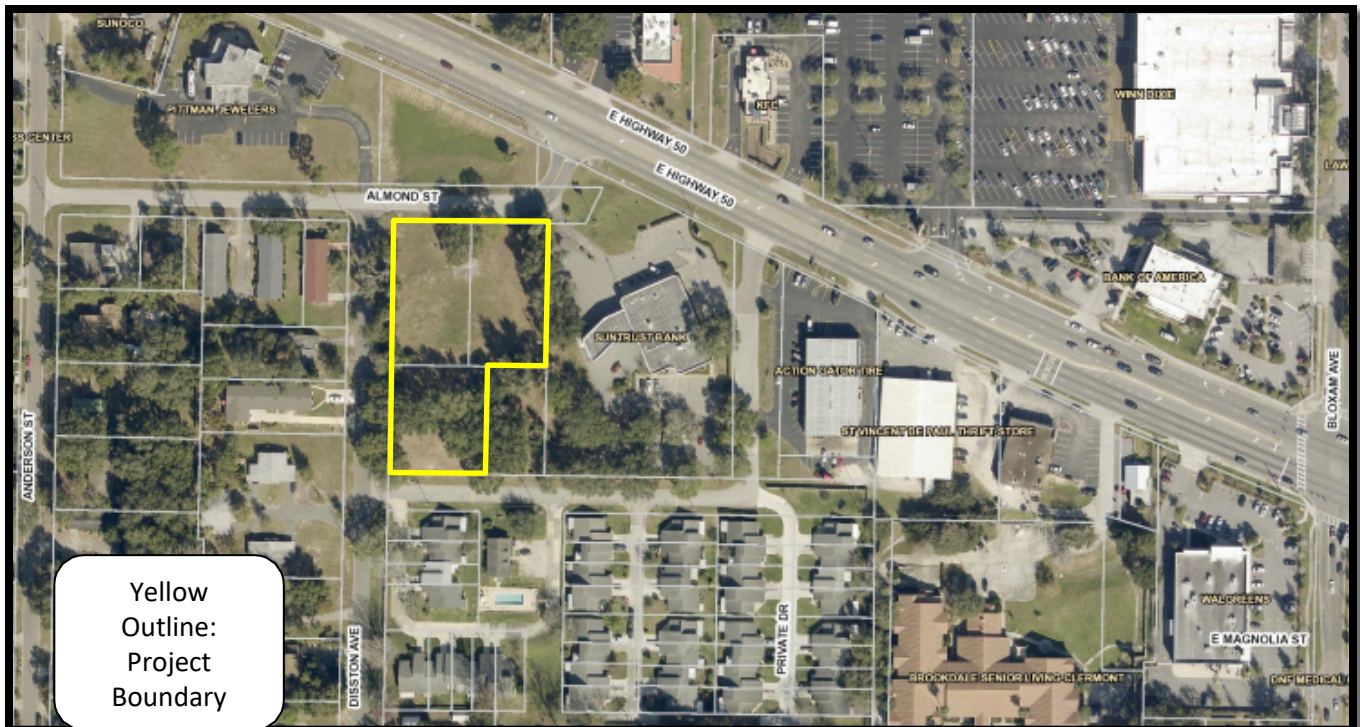
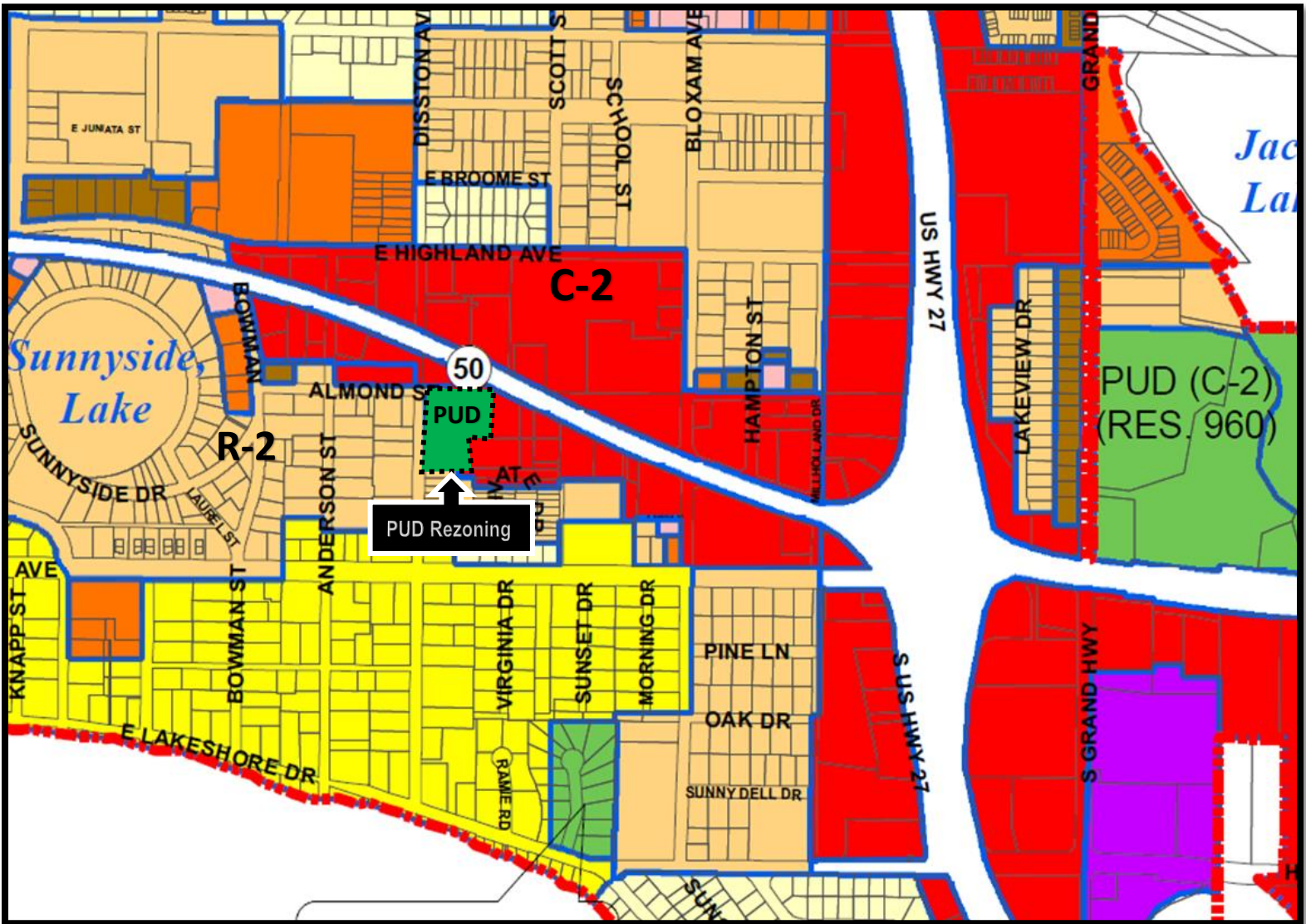


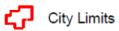
Exhibit - Location Map – Disston Duplexes



CLERMONT ZONING MAP



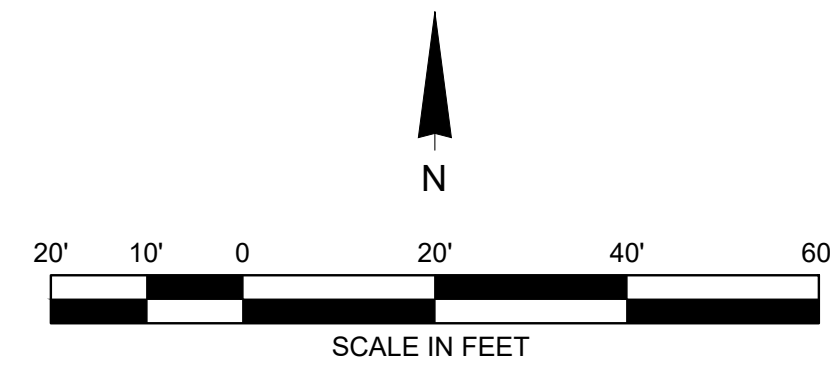
Legend



Zoning Designations

- UT URBAN TRANSITION DISTRICT
- UE URBAN ESTATE LOW DENSITY RESIDENTIAL DISTRICT
- R-1-A SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT
- R-1 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-3-A RESIDENTIAL/PROFESSIONAL DISTRICT
- R-3 RESIDENTIAL/PROFESSIONAL DISTRICT
- O-1 OFFICE DISTRICT
- C-1 LIGHT COMMERCIAL DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- CBD CENTRAL BUSINESS DISTRICT
- M-1 INDUSTRIAL DISTRICT
- CD COMMERCE DISTRICT
- PR PARKS AND RECREATION DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- AREAS NOT WITHIN THE CITY LIMITS

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: 1,279 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

PROJECT # GE0312020

CLERMONT, FLORIDA

GERMANA ENGINEERING
AND ASSOCIATES, LLC
1120 WEST MINNEOLA AVENUE
CLERMONT, FL 34711
(352) 242-9329
WWW.GERMANAENGINEERING.COM
CERTIFICATE OF AUTHORIZATION # 26719
COPYRIGHT © 2018

SCALE: 1" = 20'

DATE:

SHEET

CONCEPT

PRELIMINARY
NOT FOR CONSTRUCTION
NOT FOR PERMITTING
05-12-21

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

Map of Boundary Survey

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.

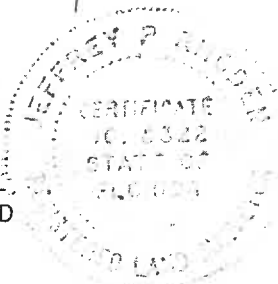
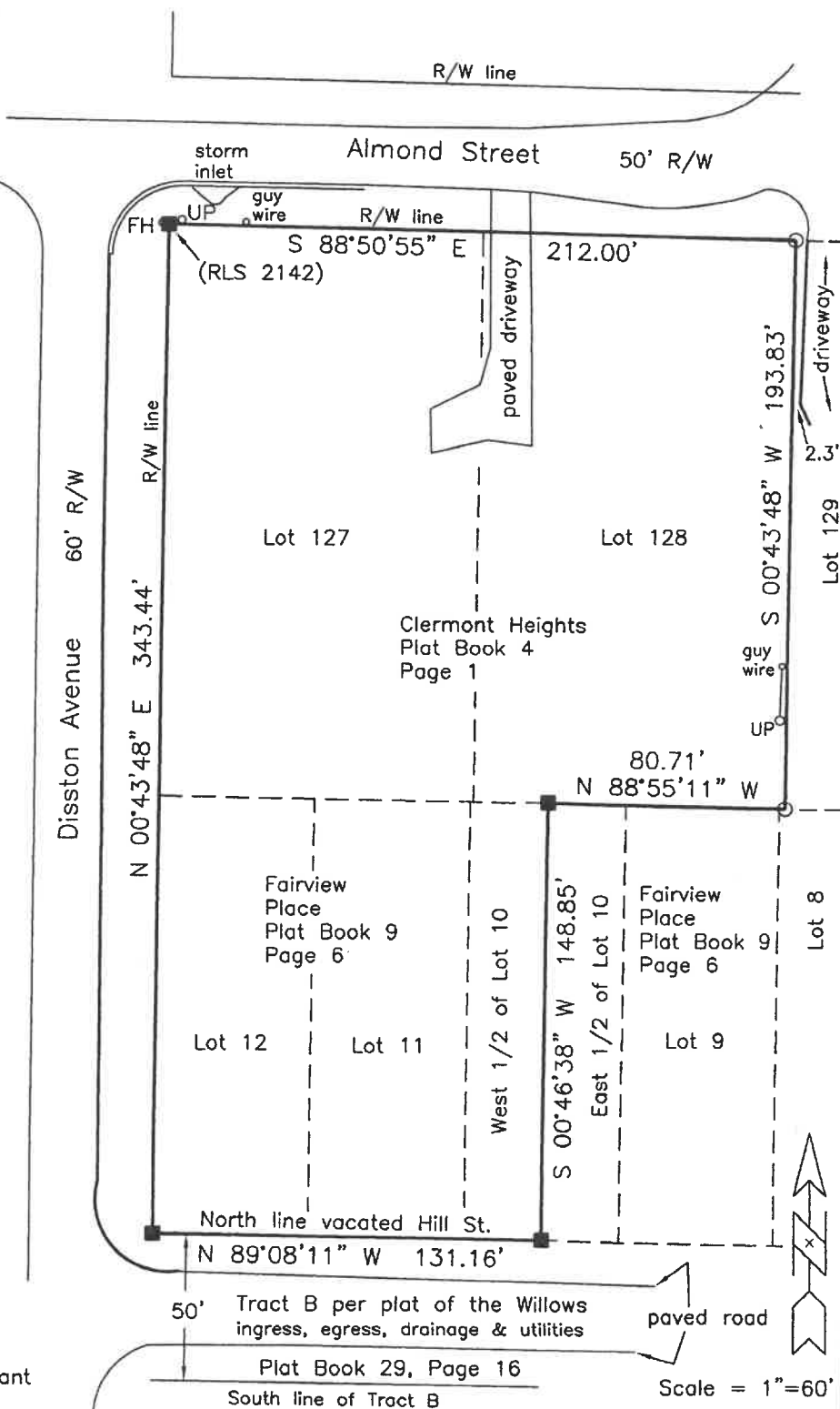
Surveyor's Certification

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

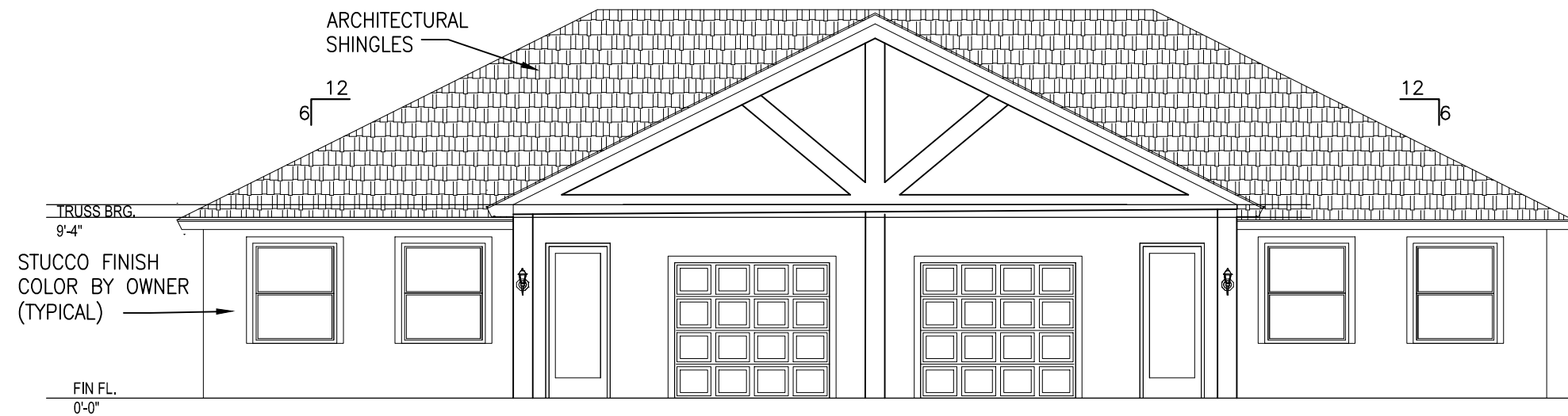
11/18/2020

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.

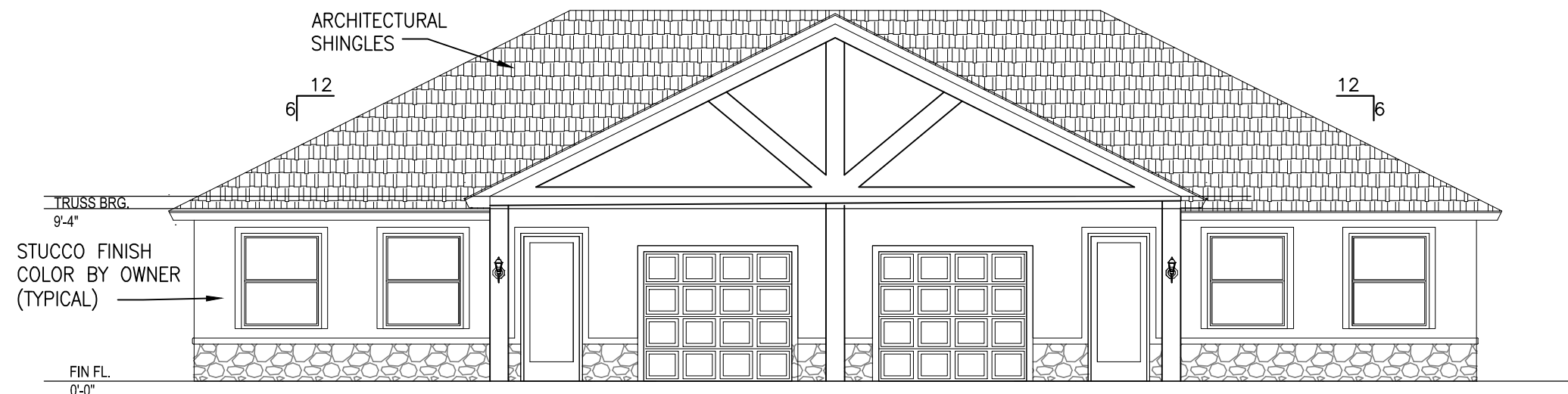


Prepared for: 20048.001
Lake Construction

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 / 321-689-5789		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.

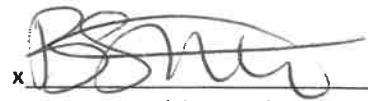
Brandi Stewart

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 2

Meeting Date		
Tuesday, June 8, 2021		
Agenda Item Name		
Ordinance No. 2021-015 <i>Final</i> <i>Skorman Multi-family PUD</i>		
Requested Action		
Recommend approval 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 (V4 05.26.2021) - R&F BL	Ord 2021-015 - Hooks St Skorman Resubmit (V4 05.26.2021) - R&F BL.pdf	
2. Order of Denial Hooks Street MF Skorman	Order of Denial Hooks Street MF Skorman.pdf	
3. Council memo 052321	Council memo 052321.pdf	
4. Mediation Settlement Agreement	Mediation Settlement Agreement.pdf	
5. Skorman Clermont Plan Letter	Skorman Clermont Plan Letter.pdf	
6. SkormanApartments Color Site Plan	SkormanApartments Color Site Plan.pdf	
7. PUD Site Plan 5-20-21	PUD Site Plan 5-20-21.pdf	
8. Elevations	Elevations.pdf	
9. grading waiver 5-20-21	grading waiver 5-20-21.pdf	
10. Skorman Landscape Plan	Skorman Landscape Plan.pdf	
11. Site Cross Section Presentation EMAIL updated 5-25-21	Site Cross Section Presentation EMAIL updated 5-25-21.pdf	

12.	Short Term Subletting or Rental Addendum	Short Term Subletting or Rental Addendum.pdf
13.	Hooks St Skorman Staff Analysis V3	Hooks St Skorman Staff Analysis V3.pdf
14.	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.

WHEREAS, on February 23, 2021, by a vote of 4-1, the City Council denied Ordinance 2021-010, rejecting a petition to rezone the property described below to Planned Unit Development;

WHEREAS, the applicant availed itself of its rights pursuant to Section 70.51, *Florida Statutes*, requesting relief from the denial of Ordinance 2021-010;

WHEREAS, in accordance with and as required by Section 70.51, City staff and the applicant mediated the matter on April 30, 2021, before an agreed-upon Special Magistrate; and

WHEREAS, the City staff agreed to recommend City Council consider a revised version of Ordinance 2021-010 to include additional conditions.

NOW THEREFORE, 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



CITY OF CLERMONT
ORDINANCE NO. 2021-015

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.

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

SECTION 2: GENERAL CONDITIONS

This application is for a Planned Unit Development to allow for a multi-family residential Planned Unit Development; 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.
2. The property shall be developed in substantial accordance with the PUD Plan, prepared by HALFF dated October 2020, Skorman Apartments. Formal construction plans incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits.
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. Fiber optic conduit and pull boxes may be required to be installed by the developer 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.

SECTION 3: LAND USES AND SPECIFIC CONDITIONS

1. A total of up to 204 multi-family dwelling units (d.u) may be permitted on the site, not to exceed a base density of 12 dwelling units/acre.
2. Building setbacks shall be 25 feet from the property lines.
3. Maximum building height shall be up to 55 feet, measured at the highest point.
4. The project may have elevation changes of up to 13 feet maximum cut and 13 feet maximum fill up to 10% of the project site, as shown on the cut and fill exhibit – Grading Plan Variance prepared by HALFF, dated October 2020. These elevation changes will be submitted to the City Engineer at the time of final engineering.
5. Individual retaining wall height up to 6 feet in height are permitted to deal with grade changes on the perimeter of the project and in the stormwater pond. A minimum 5-foot transition shall be required between the walls with landscaping incorporated within the terracing of the exterior perimeter wall sections.
6. Trash compacters may be substituted for dumpsters for the project if the Applicant can demonstrate it can sufficiently meet the waste demands for the project.
7. The project will be gated and the internal streets will be privately owned and maintained by the HOA, owner, or developer.
8. The buildings shall be constructed in a manner that closely resembles the architectural style and elevations as presented at the end of this ordinance and shall meet the City of Clermont's Architectural Standards.
9. If required by Lake County or Florida Department of Transportation, the developer shall be responsible to coordinate the modification of the existing traffic signals and turn lane improvements to accommodate safe and efficient traffic flow resulting from the project as identified in the Transportation Impact Analysis prepared on September, 2020 by Kimley-Horn, and as supplemented by that Response to Comments Letter dated October 13, 2020, by Kimley-Horn.
10. The development shall comply with all applicable County and Florida Department of Transportation access management requirements. The final access points shall be determined during the final site plan and final engineering review and may change from the conceptual plan. The primary full access entrance to the Project shall be off Hooks Street with the dominant project signage at the Hooks Street Project entrance. Project signage, subordinate in size to the Hooks Street signage, may be installed, per City code, at the

CITY OF CLERMONT
ORDINANCE NO. 2021-015

secondary project entrance off of Excalibur Road.

11. In consideration of the traffic during the AM and PM school drop off and pick up hours, the Developer/Owner shall close and prohibit access to Excalibur Road from 6:30 to 9 AM and 1 to 5 PM EST during the schools' academic calendar days for East Ridge Middle School and East Ridge High School.
12. Additional right-of-way may be required for offsite improvements and the sidewalk. This dedication shall be made at no cost to the County or the City.
13. The Developer shall install sidewalks along Excalibur Road prior to first Certificate of Occupancy.
14. The project shall be developed according to the C-2 General Commercial zoning designation in the Land Development Code, unless expressly stated above.
15. This Planned Unit Development shall become null and void if substantial construction work has not begun within five (5) years of the date that this Planned Unit Development is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion. If the Planned Unit Development becomes null and void, the property will revert to the UE Urban Estate Zoning Designation.
16. School concurrency shall be met before final site plan approval in accordance with the Comprehensive Plan and Land Development Code.
17. All leases for units in the project shall be for a minimum of one year and all tenants shall sign the attached Short-Term Subletting or Rental Addendum. Prior to leasing to any apartment, all proposed tenants shall undergo criminal background checks. Developer/Owner agrees to follow the protocol below in rejecting any tenants for reasons that appear in a criminal background check:
 - a. Criminal – Exclude all Non-Convictions (i.e. Dismissed or Nolle Prosequere)
 - b. Federal, Felony, & Sex Offender will Fail for all years
 - c. Misdemeanor Crimes will Fail the following categories for all years: Violence Crimes, Family Relations Crimes, Weapons, Organized Crimes, Sex Crimes and Unable to Classify.
 - d. Unclassified Crimes will Fail the following categories for all years: Violence Crimes, Family Relations Crimes, Weapons, Organized Crimes, Sex Crimes and Unable to Classify. (All unclassified crimes from the Department of Corrections will fail)
18. A six (6) foot decorative fence will be installed, per applicable City code, along all property lines of the project, as depicted on Sheet Number LS-01, dated May 2021, and prepared by HALFF.



CITY OF CLERMONT
ORDINANCE NO. 2021-015

19. In addition to all other landscaping required by City code, an additional visual buffer is required as set forth in the landscaping plan, Sheet Number LS-01, dated May 2021, and prepared by HALFF; providing vegetative buffering on the interior of the fencing facing toward the Project, and along the project property lines abutting the shared East Ridge Middle School property lines.
20. The property management office shall prominently display a notification sign informing potential tenants of the sounds resulting from activities by the adjacent schools, such as but not limited to; daytime PE classes, night games, bands playing, bus noise, etc. The sign shall be a minimum of 11 inches x 17 inches. In addition, as part of the rental contract, similar wording shall also be included that the applicant acknowledges.

SECTION 4: CONFLICT

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

SECTION 5: SEVERABILITY

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

SECTION 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.

SECTION 8: PUBLICATION AND AN 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. 2021-015

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

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

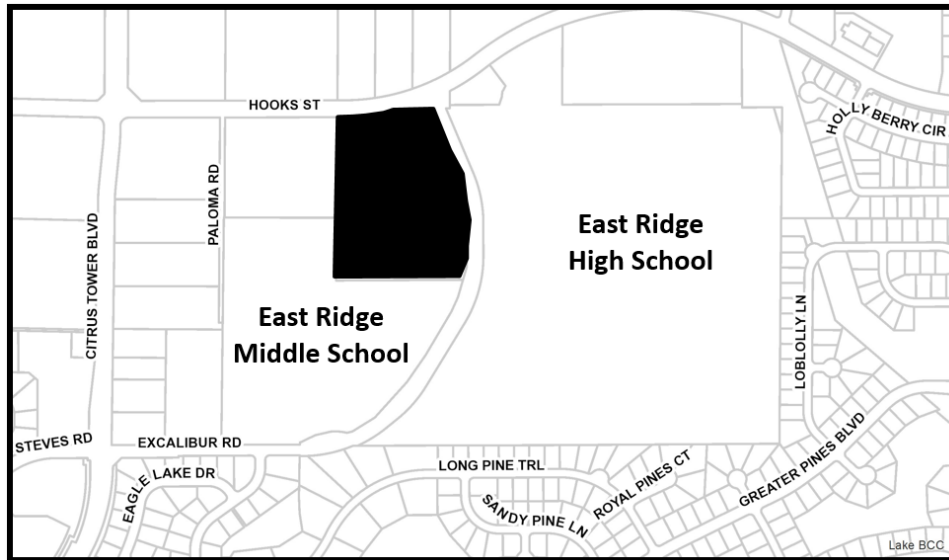
Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

**CITY OF CLERMONT
ORDINANCE NO. 2021-015**

EXHIBIT A

Location map:



CITY OF CLERMONT
ORDINANCE NO. 2021-015

EXHIBIT B

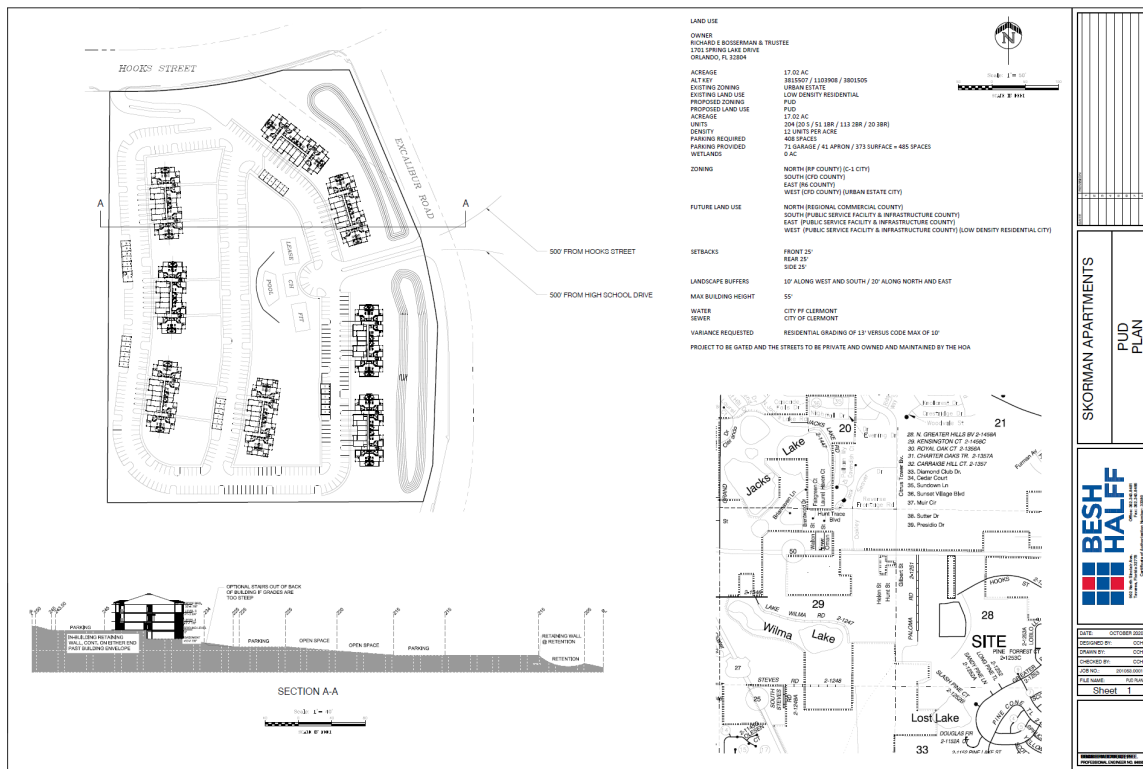
Sample Elevations:



CITY OF CLERMONT
ORDINANCE NO. 2021-015

EXHIBIT C

Conceptual Site Plan:



ORDER OF DENIAL
Rezoning Application
Hooks St. /Skorman Multifamily

Request for Variance

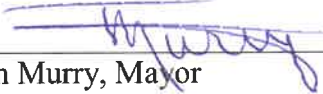
Location: Hooks St. /Excalibur Rd. (Alternate Key 1103908, 3801505, 3815507)
Applicant: Jimmy Crawford, Esq.
Application Date: August 31, 2020

The application was heard by the City Council to allow for the rezoning request from Urban Estate to Planned Unit Development (PUD) for a 204-unit apartment complex whereupon, the City Council, based on the information and evidence presented at the February 23, 2021 public hearing, due to the location, traffic concerns along Hooks St. and Excalibur Rd. and impact on the surrounding area does hereby find that the proposed and requested rezoning application does not meet the review criteria set forth in Section 122-315 of the Land Development Code of the City of Clermont.

NOW, THEREFORE, the City Council of the City of Clermont, Lake County, Florida by a 4 - 1 vote does hereby deny the above-stated application for the rezoning request.

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of February, 2021.

CITY OF CLERMONT



Tim Murry, Mayor

ATTEST:



Tracy Ackroyd Howe, City Clerk





de Beaubien • Simmons • Knight • Mantzaris • Neal

EST. 1976

Attorneys and Counselors at Law

Post Office Box 87

332 North Magnolia Avenue

Orlando, Florida 32802-0087

(407) 422-2454

Telefax (407) 992-3541

Writer's e-Mail: dmantzaris@dsklawgroup.com

MEMORANDUM

TO : Mayor Murry and Council Members

FROM : Daniel F. Mantzaris *DFM*

DATE : May 23, 2021

RE : Skorman Enterprises, LLC
Request for Relief
Ordinance No.: 2021-015

THIS MEMORANDUM AND THE INFORMATION CONTAINED HEREIN REFLECT THE MENTAL IMPRESSIONS, CONCLUSIONS, LITIGATION STRATEGY OR LEGAL THEORY OF THE ABOVE ATTORNEY PREPARED EXCLUSIVELY WITH REGARD TO THE PENDING LITIGATION PROCEEDING REFERRED TO ABOVE. AS SUCH, THIS MEMORANDUM AND THE INFORMATION CONTAINED HEREIN CONSTITUTE LITIGATION WORK PRODUCT AND IS EXEMPTED FROM DISCLOSURE PURSUANT TO SECTION 119.07(3)(1), F.S., UNTIL THE CONCLUSION OF THIS LITIGATION AND ANY COMPANION LITIGATION RELATED THERETO. THE INFORMATION IS SPECIFICALLY DIRECTED TO THE INDIVIDUALS LISTED ABOVE AND ANY UNAUTHORIZED REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING IS PROHIBITED.

As you are aware, the above-referenced Ordinance is on the May 25, 2021 Council agenda for introduction. As you are aware, the City Council previously denied Ordinance No. 2021-001 rejecting the applicant's request to rezone the subject approximate 17-acre property to PUD for the development of an apartment complex. Ordinance 2021-015 is a revised version of the prior ordinance and is the product of the required mediation process as invoked by the applicant under Section 70.51, F.S. As we advised previously the statute required the City to participate in the process and for staff to mediate with the applicant in hopes of reaching an amicable resolution. The mediation occurred on April 30, 2021 and the attached "Settlement Agreement" was negotiated to include the revisions to the project

Memorandum to Mayor Murry and Council Members
May 23, 2021
Page 2

that staff agreed it could recommend to the City Council. The final decision on the approval of the revised ordinance, however, remains with the City Council.

It is staff and our office's view that the proposed ordinance improves the impact of the project on the traffic and the issues related to the proximity to the school. The specific measures negotiated and incorporated into the proposed ordinance are as set forth in the attached "settlement agreement". Additionally, the approval of the ordinance will avoid the inevitable continued litigation associated with this matter and a likely negative outcome given issues such as the City's prior designation of the subject area for multi-family projects. It is for these reasons, that staff recommends the City Council approve the proposed Ordinance 2021- 015.

If you have any questions, or wish to discuss this matter further, please do not hesitate to contact me.

cc: Susan Dauderis, Interim City Manager
Curt Henschel, Planning Director

IN RE: SKORMAN ENTERPRISES, LLC

v.

CITY OF CLERMONT,

a Florida municipality

MEDIATION SETTLEMENT AGREEMENT

THIS MEDIATION SETTLEMENT AGREEMENT ("Agreement"), is entered into this 30 day of April, 2021, by and between SKORMAN ENTERPRISES, LLC (hereinafter referred to as "PETITIONER") and CITY OF CLERMONT, a Florida municipality (hereinafter referred to as "RESPONDENT").

WITNESSETH:

WHEREAS, the PETITIONER submitted applications to the City for a PUD zoning to permit a 204-unit multifamily development with a concurrent waiver to permit 13 feet of cut/fill over 10% of the property (the "Project") located at Alt. Keys 1103908, 3801505 and 3815507 (the "Property");

WHEREAS, the PETITIONER received a staff recommendation for approval for the Project;

WHEREAS, the PETITIONER received a unanimous recommendation for approval from the City's Planning and Zoning Commission hearing on February 2, 2021;

WHEREAS, PETITIONER received a 4-1 vote to deny the Project at the February 23, 2021 City Council Hearing;

WHEREAS, the PETITIONER thereafter filed a request for relief pursuant to *Fla. Stat. § 70.51(16)(a)*;

WHEREAS, PETITIONER and RESPONDENT held a mediation, pursuant to *Fla. Stat. § 70.51*, on April 30, 2021, at the City of Clermont, City Council Chambers located at 685 West Montrose Street in Clermont, Florida (the "Mediation");

WHEREAS, the parties are desirous of amicably settling all questions relating to the Project and addressing concerns raised at the City Council hearing;

WHEREAS, PETITIONER has retained and has been represented by legal counsel, TARA TEDROW, Esquire;

WHEREAS, the RESPONDENT has retained and has been represented by legal counsel, DEBORAH MITCHELL, Esquire;

WHEREAS, PETITIONER and RESPONDENT each believe this Agreement to be fair, just and reasonable, and each is signing this Agreement freely and voluntarily;

WHEREAS, final approval of this Agreement is subject to review and approval by the City of Clermont City Council at a public hearing;

NOW, THEREFORE, for the reasons set forth above, and in consideration of the mutual covenants made by each party to the other herein, the parties agree to present the following to the City Council for consideration of approval:

- The Property shall be developed as a 204-unit multifamily development with a concurrent waiver to permit 13 feet of cut/fill over 10% of the Property;
- The Project will be a gated community;
- The primary full access entrance to the Project shall be off Hooks Street; though Project signage shall be installed, per City code, at both Project entrances, the dominant Project signage shall be at the Hooks Street Project entrance;
- In consideration of the traffic during the AM and PM school drop off and pick up hours, the PETITIONER shall close access to Excalibur Road from 6:30-9am and 1-5:00pm EST during the schools' academic calendar days for East Ridge Middle School and East Ridge High School;
- All leases for units in the Project shall be for a minimum of one year;
- All tenants shall sign the attached Short Term Subletting or Rental Addendum (Exhibit "A");
- All tenants shall undergo criminal background checks and successfully pass the same in order to rent a unit;
- A six (6) foot decorative fence will be installed, per applicable City Code, along all Property lines of the Project (the "Fencing");

- In order to provide an additional visual buffer, a qualified landscape architect shall design vegetative buffering, on the interior of the Fencing facing toward the Project, and such buffering shall be located along the Project Property lines abutting the shared East Ridge Middle School property lines;
- All access points to the Project shall be designed and constructed per applicable City and Lake County codes.

PETITIONER shall timely submit a revised site and landscaping plan evidencing the applicable terms above, at no cost to PETITIONER. PETITIONER shall pay the cost of advertising the new City Council hearing date where this Agreement shall be presented to the City of Clermont City Council for a public hearing.

PETITIONER shall not be heard by the Planning and Zoning Commission prior to this Agreement being heard by the City Council. Both parties shall cooperate to schedule a hearing at the earliest available City Council hearing date.

PETITIONER and RESPONDENT will bear their own costs and attorney's fees, except the cost of the Mediation shall be shared equally by both parties.

Both PETITIONER and RESPONDENT each represent and understand that the mediator Lewis Stone is a neutral third party in this case and each further represents that at all times the mediator acted in a neutral, impartial and professional manner. PETITIONER and RESPONDENT acknowledge mediator Lewis Stone has not given any legal advice during the mediation and each are satisfied with the quality of services rendered by Lewis Stone as mediator. It is further agreed that each party waives any and all claims that they may otherwise have against the mediator for statements, conversations or conduct in connection with this Mediation and the mediation process of this case.

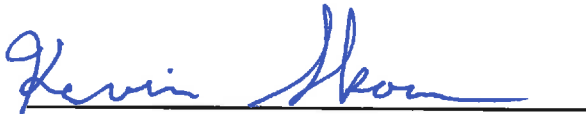
IN WITNESS WHEREOF, the parties hereto placed their hands and seals this 30 day of April, 2021.

PETITIONER:

RESPONDENT:

SKORMAN ENTERPRISES, LLC

CITY OF CLERMONT



Kevin Skorman



Susan Dauderis

Counsel for Petitioner:

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

Counsel for Respondent:

**De Beaublen, Simmons, Knight,
Mantzaris & Neal LLP**



Tara Tedrow, Esquire

Florida Bar No.: 100411

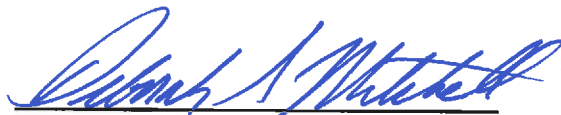
215 N Eola Drive

Orlando, FL 32801

Phone: 407-418-6361

Fax: 407-423-4495

Email: Tara.Tedrow@lowndes-law.com



Deborah Mitchell, Esquire

Florida Bar No.: 806781

332 North Magnolia Ave

Orlando, FL 32801

Phone: 407-422-2454

Fax: 407-422-0970

Email: DMitchell@dsklawgroup.com

NAA
NATIONAL APARTMENT ASSOCIATION
70-0210101-0000

Unit No. _____,

_____ (street address) in
_____ (city), Florida _____ (zip code).

Lease Contract Date: _____
 Owner's name: _____

 Residents (list all residents): _____

Residents (list all residents):

This Addendum constitutes an Addendum to the above described Lease Contract for the above described premises, and is hereby incorporated into and made a part of such Lease Contract. Where the terms or conditions found in this Addendum vary or contradict any terms or conditions found in the Lease Contract, this Addendum shall control.

Without limiting the prohibition in the Lease on subletting, assignment, and licensing, and without limiting any of our rights or remedies, this Addendum to the Lease further supplements and defines the requirements and prohibitions contained in the Lease Contract between you and us. You are hereby strictly prohibited from subletting, licensing, or renting to any third party, or allowing occupancy by any third party, of all or any portion of the dwelling, whether for an overnight use or duration of any length, without our prior written consent in each instance. This prohibition applies to overnight stays or any other stays arranged on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, Flipkey or any other advertising website, internet listing service, or other similar internet sites.

You agree not to list or advertise the dwelling as being available for short term subletting or rental or occupancy by others on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, FlipKey or any other advertising, website, internet, listing service, or similar internet websites. You agree that listing or advertising the dwelling on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, FlipKey or any other advertising, website, internet, listing service, or similar internet websites shall be a violation of this Addendum and a breach of your Lease Contract.

5. VIOLATION OF LEASE AGREEMENT. Your Lease Contract allows for use of your dwelling as a private residence only and strictly prohibits conducting any kind of business in, from, or involving your dwelling unless expressly permitted by law. Separately, your Lease Contract prohibits subletting or occupancy by others of the dwelling for any period of time without our prior written consent. Permitting your dwelling to be used for any subletting or rental or occupancy by others (including, without limitation, for a short term), regardless of the value of consideration received or if no consideration is received, is a violation and breach of this Addendum and your Lease Contract.

6. REMEDY FOR VIOLATION. Any violation of this Addendum constitutes a material violation of the Lease Contract, and as such we may exercise any default remedies permitted in the Lease Contract, including termination of your tenancy, in accordance with local law. This clause shall not be interpreted to restrict our rights to terminate your tenancy for any lawful reason, or by any lawful method.

7. **RESIDENT LIABILITY.** You are responsible for and shall be held liable for any and all losses, damages, and/or fines that we incur as a result of your violations of the terms of this Addendum or the Lease Contract. Further, you agree you are responsible for and shall be held liable for any and all actions of any person[s] who occupy your dwelling in violation of the terms of this Addendum or the Lease Contract, including, but not limited to, property damage, personal injury, disturbance of other residents, and violence or attempted violence to another person. In accordance with applicable law, without limiting your liability you agree we shall have the right to collect against any renter's or liability insurance policy maintained by you for any losses or damages that we incur as the result of any violation of the terms of this Addendum.

8. SEVERABILITY. If any provision of this Addendum or the Lease Contract is invalid or unenforceable under applicable law, such provision shall be ineffective to the extent of such invalidity or unenforceability only without invalidating or otherwise affecting the remainder of this Addendum or the Lease Contract. The court shall interpret the lease and provisions herein in a manner such as to uphold the valid portions of this Addendum while preserving the intent of the parties.

9. SPECIAL PROVISIONS. The following special provisions control over conflicting provisions of this printed form:

[illegible]

May 14, 2021

Curt Henschel
Acting Development Services Director
City of Clermont
685 West Montrose Street
Clermont, FL 34711
CHenschel@clermontfl.org

Re: Skorman/City of Clermont Mediation Settlement Agreement/Revised Plans

Dear Curt:

We appreciate the opportunity to have met with the City on April 30th, 2021, to come up with a Mediation Settlement Agreement, attached as Exhibit "A". In satisfaction of that Agreement, attached please find:

1. Updated site plan showing the location of the six-foot fencing on the shared property line of the adjacent middle school, attached as Exhibit "B"
2. Updated landscaping plans showing the enhanced buffering on the shared property line of the adjacent middle school, attached as Exhibit "C"
3. Regarding criminal background check requirements, the below outline the review procedures when performing a criminal background check on potential tenants.
 - a. Criminal – Exclude all Non-Convictions (i.e. Dismissed or Nolle Prosequere)
 - b. Federal, Felony, & Sex Offender will Fail for all years
 - c. Misdemeanor Crimes will Fail the following categories for all years: Violence Crimes, Family Relations Crimes, Weapons, Organized Crimes, Sex Crimes and Unable to Classify.
 - d. Unclassified Crimes will Fail the following categories for all years: Violence Crimes, Family Relations Crimes, Weapons, Organized Crimes, Sex Crimes and Unable to Classify. (All unclassified crimes from the Department of Corrections will fail)

May 14, 2021

Page 2

If you need anything additional, please advise. Thank you!

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Tara L. Tedrow', with a stylized flourish at the end.

Tara L. Tedrow

TLT/lak

cc: Deborah Mitchel- dmitchell@dsklawgroup.com
Daniel F. Mantzaris- dmantzaris@dsklawgroup.com
Marc Skorman- marc@skormandevlopment.com
Kevin Skorman- kevin@skormandevlopment.com

EXHIBIT A

IN RE: SKORMAN ENTERPRISES, LLC

v.

CITY OF CLERMONT,

a Florida municipality

MEDIATION SETTLEMENT AGREEMENT

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WITNESSETH:

WHEREAS, the PETITIONER submitted applications to the City for a PUD zoning to permit a 204-unit multifamily development with a concurrent waiver to permit 13 feet of cut/fill over 10% of the property (the "Project") located at Alt. Keys 1103908, 3801505 and 3815507 (the "Property");

WHEREAS, the PETITIONER received a staff recommendation for approval for the Project;

WHEREAS, the PETITIONER received a unanimous recommendation for approval from the City's Planning and Zoning Commission hearing on February 2, 2021;

WHEREAS, PETITIONER received a 4-1 vote to deny the Project at the February 23, 2021 City Council Hearing;

WHEREAS, the PETITIONER thereafter filed a request for relief pursuant to *Fla. Stat. § 70.51(16)(a)*;

WHEREAS, PETITIONER and RESPONDENT held a mediation, pursuant to *Fla. Stat. § 70.51*, on April 30, 2021, at the City of Clermont, City Council Chambers located at 685 West Montrose Street in Clermont, Florida (the "Mediation");

WHEREAS, the parties are desirous of amicably settling all questions relating to the Project and addressing concerns raised at the City Council hearing;

WHEREAS, PETITIONER has retained and has been represented by legal counsel, TARA TEDROW, Esquire;

WHEREAS, the RESPONDENT has retained and has been represented by legal counsel, DEBORAH MITCHELL, Esquire;

WHEREAS, PETITIONER and RESPONDENT each believe this Agreement to be fair, just and reasonable, and each is signing this Agreement freely and voluntarily;

WHEREAS, final approval of this Agreement is subject to review and approval by the City of Clermont City Council at a public hearing;

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- The Property shall be developed as a 204-unit multifamily development with a concurrent waiver to permit 13 feet of cut/fill over 10% of the Property;
- The Project will be a gated community;
- The primary full access entrance to the Project shall be off Hooks Street; though Project signage shall be installed, per City code, at both Project entrances, the dominant Project signage shall be at the Hooks Street Project entrance;
- In consideration of the traffic during the AM and PM school drop off and pick up hours, the PETITIONER shall close access to Excalibur Road from 6:30-9am and 1-5:00pm EST during the schools' academic calendar days for East Ridge Middle School and East Ridge High School;
- All leases for units in the Project shall be for a minimum of one year;
- All tenants shall sign the attached Short Term Subletting or Rental Addendum (Exhibit "A");
- All tenants shall undergo criminal background checks and successfully pass the same in order to rent a unit;
- A six (6) foot decorative fence will be installed, per applicable City Code, along all Property lines of the Project (the "Fencing");

- In order to provide an additional visual buffer, a qualified landscape architect shall design vegetative buffering, on the interior of the Fencing facing toward the Project, and such buffering shall be located along the Project Property lines abutting the shared East Ridge Middle School property lines;
- All access points to the Project shall be designed and constructed per applicable City and Lake County codes.

PETITIONER shall timely submit a revised site and landscaping plan evidencing the applicable terms above, at no cost to PETITIONER. PETITIONER shall pay the cost of advertising the new City Council hearing date where this Agreement shall be presented to the City of Clermont City Council for a public hearing.

PETITIONER shall not be heard by the Planning and Zoning Commission prior to this Agreement being heard by the City Council. Both parties shall cooperate to schedule a hearing at the earliest available City Council hearing date.

PETITIONER and RESPONDENT will bear their own costs and attorney's fees, except the cost of the Mediation shall be shared equally by both parties.

Both PETITIONER and RESPONDENT each represent and understand that the mediator Lewis Stone is a neutral third party in this case and each further represents that at all times the mediator acted in a neutral, impartial and professional manner. PETITIONER and RESPONDENT acknowledge mediator Lewis Stone has not given any legal advice during the mediation and each are satisfied with the quality of services rendered by Lewis Stone as mediator. It is further agreed that each party waives any and all claims that they may otherwise have against the mediator for statements, conversations or conduct in connection with this Mediation and the mediation process of this case.

IN WITNESS WHEREOF, the parties hereto placed their hands and seals this 30 day of April, 2021.

PETITIONER:

RESPONDENT:

SKORMAN ENTERPRISES, LLC

CITY OF CLERMONT



Kevin Skorman



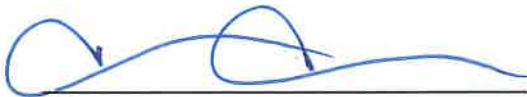
Susan Dauderis

Counsel for Petitioner:

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

Counsel for Respondent:

**De Beaubien, Simmons, Knight,
Mantzaris & Neal LLP**



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NAA
NATIONAL APARTMENT ASSOCIATION
We Lead the Way Home

Unit No. _____, _____
 _____ (street address) in
 _____ (city), Florida, _____ (zip code).

Lease Contract Date: _____
 Owner's name: _____

 Residents *(list all residents)*: _____

Residents (list all residents):

Without limiting the prohibition in the Lease on subletting, assignment, and licensing, and without limiting any of our rights or remedies, this Addendum to the Lease further supplements and defines the requirements and prohibitions contained in the Lease Contract between you and us. You are hereby strictly prohibited from subletting, licensing, or renting to any third party, or allowing occupancy by any third party, of all or any portion of the dwelling, whether for an overnight use or duration of any length, without our prior written consent in each instance. This prohibition applies to overnight stays or any other stays arranged on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, Flipkey or any other advertising website, internet listing service, or other similar internet sites.

You agree not to list or advertise the dwelling as being available for short term subletting or rental or occupancy by others on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, FlipKey or any other advertising, website, internet, listing service, or similar internet websites. You agree that listing or advertising the dwelling on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, FlipKey or any other advertising, website, internet, listing service, or similar internet websites shall be a violation of this Addendum and a breach of your Lease Contract.

9. SPECIAL PROVISIONS. The following special provisions control over conflicting provisions of this printed form:

[illegible]

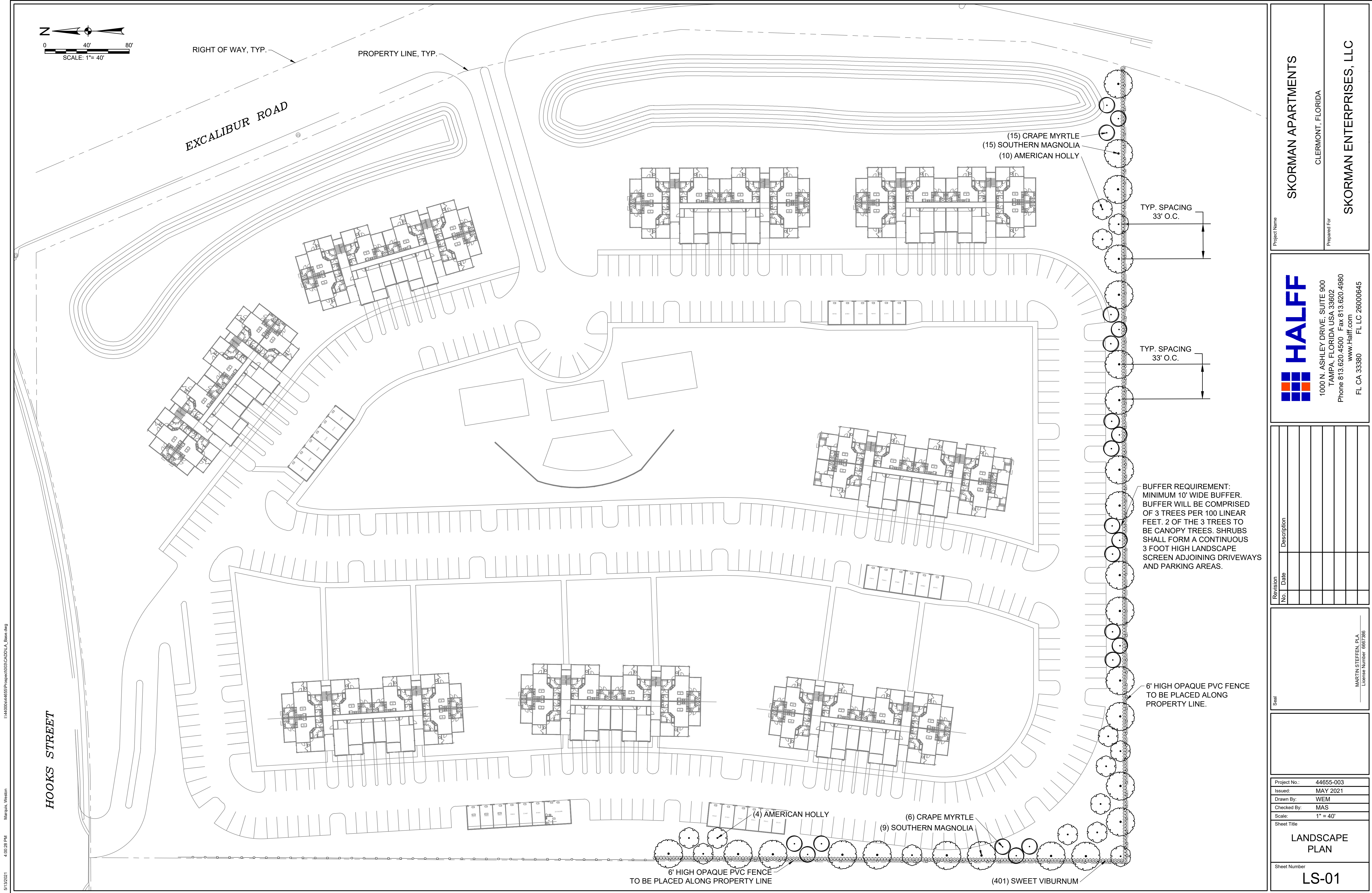


CLERMONT | SKORMAN APARTMENTS

These drawings and the information contained herein are for general presentation purposes only, and are not intended nor shall be used for design or as construction plans. The Owner reserves the right to modify or change all designs without notice to the public.

JANUARY 2021 | SCALE: 1"=30'-0"





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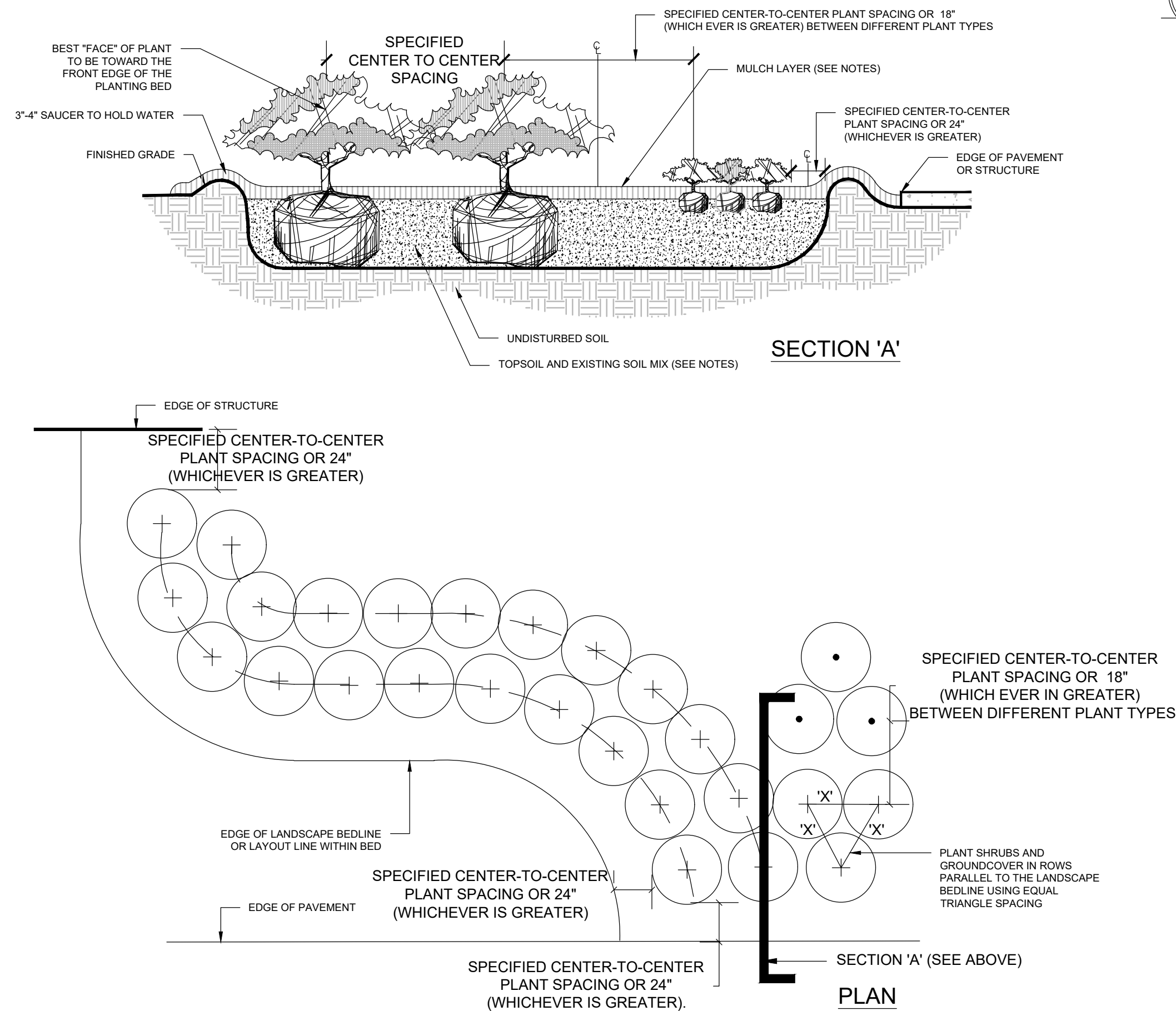
Project Name		SKORMAN APARTMENTS	
Prepared For		CLERMONT, FLORIDA	
Project No.:		44655-003	
Issued:		MAY 2021	
Drawn By:		WEM	
Checked By:		MAS	
Scale:		1" = 40'	
Sheet Title		LANDSCAPE PLAN	
Sheet Number		LS-01	

Revision No.	Date	Description

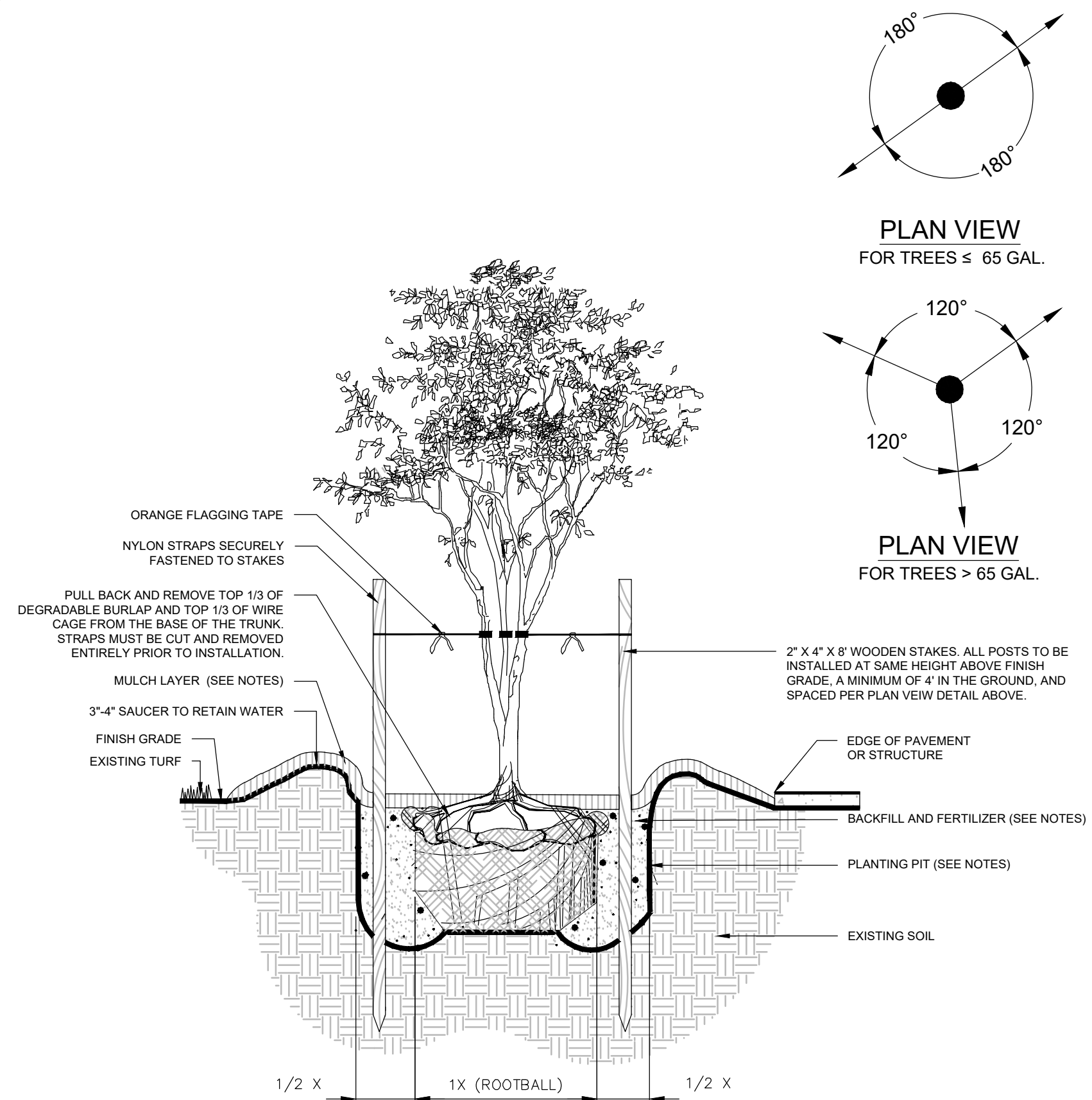
Seal	MARTIN STEFFEN, P.L.A. License Number: 0667286
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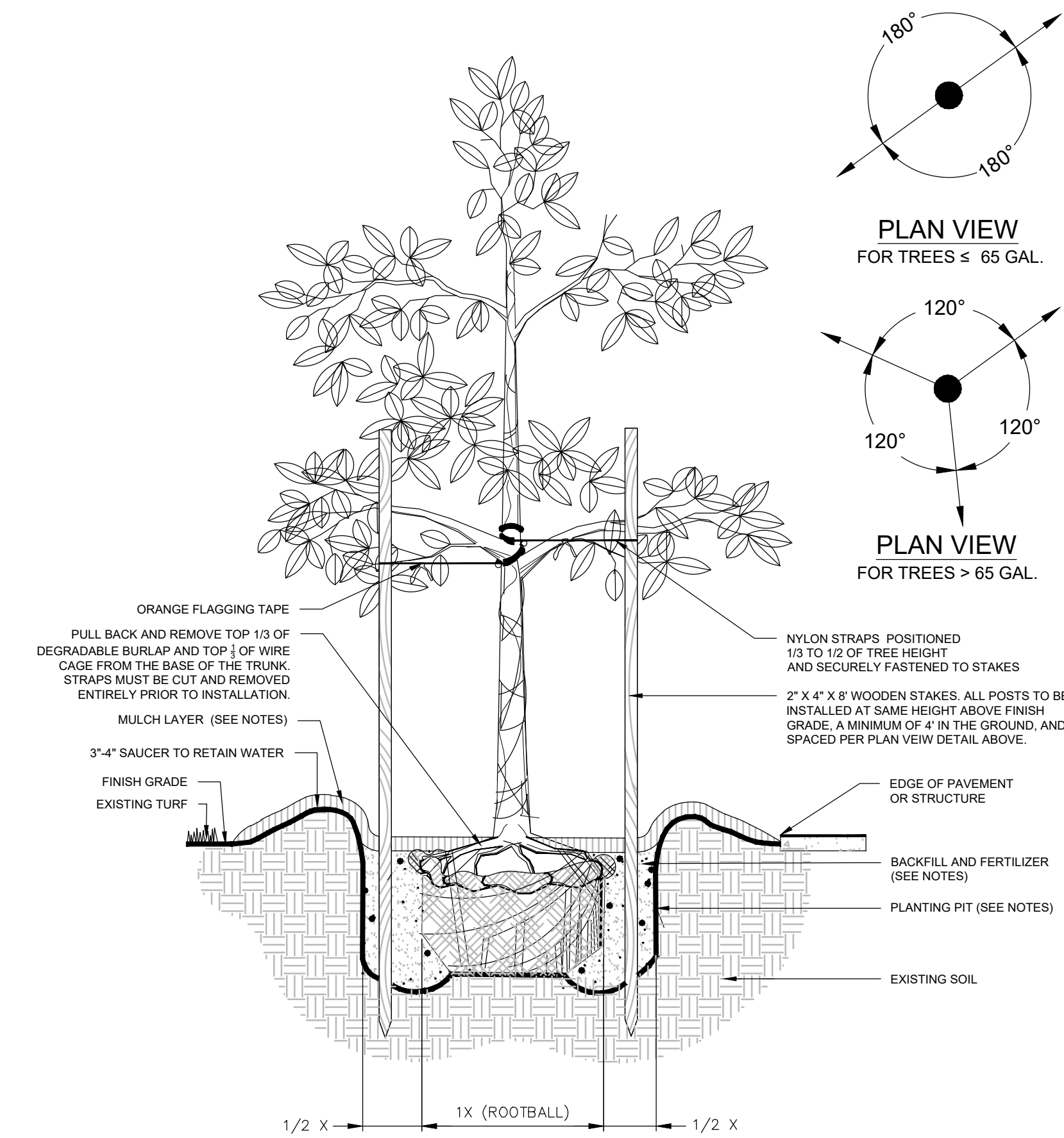
B TYPICAL SHRUB AND GROUNDCOVER INSTALLATION
SCALE: N.T.S.



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: 6867288

Revision No.	Date	Description

HALFF
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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

GENERAL LANDSCAPE NOTES:

- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PROJECT SITE CONDITIONS AND DETERMINING REQUIRED QUANTITIES AND AVAILABILITY OF ALL MATERIALS PRIOR TO BIDDING. QUANTITIES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. IF ANY DISCREPANCIES OCCUR BETWEEN QUANTITIES CALLED FOR ON THE PLANT LIST AND THOSE INDICATED ON THE DRAWINGS, THE DRAWINGS SHALL GOVERN.
- PRIOR TO COMMENCEMENT OF CONSTRUCTION, CONTRACTOR SHALL INSPECT PLANTING AREAS AND VERIFY THAT NO OBJECTIONABLE MATERIALS OR OBSTRUCTIONS ARE PRESENT. PRESENT FINDINGS TO OWNER'S REPRESENTATIVE FOR APPROVAL. ALL EXISTING PLANTING SHALL REMAIN INTACT AND UNDISTURBED UNLESS OTHERWISE NOTED ON THE DRAWINGS. ALL EXISTING SITE FURNISHINGS, PAVING, LANDSCAPE, AND OTHER ELEMENTS TO REMAIN SHALL BE PROTECTED FROM ANY DAMAGE UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ADJACENT IMPROVEMENTS FROM DAMAGE AND EROSION INCLUDING BUT NOT LIMITED TO EXISTING PLANT MATERIAL, GRADES, SIDEWALKS, SITE FURNISHINGS, CURBS, AND UTILITIES. ANY ADJACENT IMPROVEMENT DAMAGED DURING CONSTRUCTION SHALL, AT A MINIMUM, BE RESTORED TO A STATE EQUAL TO ITS PRE-CONSTRUCTION STATE AT THE CONTRACTOR'S EXPENSE. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR SOODING ALL AREAS DISTURBED BY OTHER CONTRACTORS OR BY LANDSCAPE INSTALLATION.
- IN GENERAL, THE WORK SHALL PROCEED AS RAPIDLY AS THE SITE BECOMES AVAILABLE. CONTRACTOR TO COORDINATE PROJECT SCHEDULE WITH OWNER'S REPRESENTATIVE. WORK TO BEGIN WITHIN 5 BUSINESS DAYS OF RECEIPT OF NOTICE TO PROCEED.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS TO COMPLETE WORK, AND SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
- THE LANDSCAPE CONTRACTOR SHALL COORDINATE CONSTRUCTION OF PLANTING AREAS WITH HARDSCAPE, ELECTRICAL, AND IRRIGATION WORK.
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ANY HOISTING EQUIPMENT NECESSARY FOR THE PLACEMENT OF PLANT MATERIAL.
- COLLECT SOIL SAMPLES AT A MINIMUM OF (3) PLANTING LOCATIONS THROUGHOUT THE PROJECT. SUBMIT TESTING LOCATIONS TO OWNER'S REPRESENTATIVE PRIOR TO TAKING SAMPLES. SAMPLES SHALL BE SENT TO AN APPROVED AGRONOMIC SOILS TESTING LABORATORY, STATING PROPOSED PLANT MATERIAL AT EACH TEST LOCATION. ANALYSIS SHALL INCLUDE, AT A MINIMUM, PH, NPK, ORGANIC CONTENT, TEXTURE, AND SOLUBLE SALTS. SUBMIT RESULTS/RECOMMENDATIONS AND PROPOSED FERTILIZER ANALYSIS/AMENDMENTS TO OWNER'S REPRESENTATIVE. COSTS OF FERTILIZER AND AMENDMENTS ARE TO BE INCLUDED IN THE COST OF THE PROJECT.
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND VERIFYING THE CONDITION OF UNDERGROUND UTILITIES THAT AFFECT PLANTING PROCEDURES. IF ANY CONFLICTS OCCUR BETWEEN PROPOSED LOCATION OF TREES ON THE DRAWINGS AND ANY UNDERGROUND, SUBSURFACE, OR OVERHEAD UTILITIES OR STRUCTURES THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATIONS AND PROTECTION OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN AND ALL PROPOSED UTILITIES ON THESE DRAWINGS.
- IF THE LANDSCAPE CONTRACTOR DAMAGES ANY STAKED OR IN PLACE UTILITIES OR STRUCTURES BY HIS OWN NEGLIGENCE THEY SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- THE LANDSCAPE CONTRACTOR SHALL REFER TO THE LANDSCAPE PLANTING DETAILS, NOTES, AND THE LANDSCAPE SCHEDULE FOR COMPLETE LANDSCAPE INSTALLATION INSTRUCTIONS. NOTIFY OWNER'S REPRESENTATIVE OF ANY AND ALL DISCREPANCIES PRIOR TO CONSTRUCTION OR INSTALLATION.
- THE LANDSCAPE CONTRACTOR SHALL RE-GRADE ALL AREAS DISTURBED BY PLANT REMOVAL, RELOCATION, AND/OR INSTALLATION WORK. ANY DAMAGED PLANT MATERIAL SHALL BE REPLACED WITH PLANTS OF SAME SPECIES (MIN 12" HT, 3" CAL @ 1" DBH) EQUALING 16" TOTAL DIAMETER BREAST HEIGHT(DBH) OF THE DAMAGED TREE AND SHALL BE SUBJECT TO ALL REQUIREMENTS HEREIN.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING ALL NEWLY INSTALLED PLANT MATERIAL AS NEEDED TO MAINTAIN HEALTH AND VIGOR THROUGHOUT THE 90 DAY MAINTENANCE PERIOD REGARDLESS OF THE STATUS OF EXISTING OR PROPOSED IRRIGATION AND/OR RAINFALL.

DAMAGES AND WARRANTY:

- ALL PLANT MATERIAL, INCLUDING TRANSPLANTED PLANT MATERIAL, SHALL BE GUARANTEED AT OR ABOVE THE SPECIFIED CONDITIONS THROUGH SUBSTANTIAL COMPLETION AND UNTIL THE END OF THE (1) YEAR WARRANTY PERIOD. MAINTENANCE SHALL BE PROVIDED BY THE LANDSCAPE CONTRACTOR FOR 90 DAYS AFTER SUBSTANTIAL COMPLETION. AFTER WHICH THE LANDSCAPE CONTRACTOR WILL COORDINATE MAINTENANCE WITH OWNER'S REPRESENTATIVE. DECLINE IN CONDITION OF PLANT MATERIAL DURING INSTALLATION AND/OR WARRANTY PERIOD SHALL BE GROUNDS FOR REJECTION AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR RE-STAKING OF TREES DURING THE WARRANTY PERIOD. IF NECESSARY, MAXIMUM TOLERANCE FROM VERTICAL SHALL BE 3 DEGREES. QUINCY / STAKING PRACTICES SHALL NOT PERMIT NAILS, SCREWS, WIRES ETC., TO PENETRATE OUTER SURFACE OF TREES. TREES REJECTED DUE TO THIS PRACTICE SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
- THE OWNER AND/OR THE OWNER'S REPRESENTATIVE HAS THE RIGHT TO REJECT ANY AND ALL WORK WHICH DOES NOT MEET WITH THE REQUIREMENTS OF THE SPECIFICATIONS AT ANY STAGE OF THE PROJECT. CONTRACTOR TO REPLACE REJECTED PLANT MATERIAL WITHIN ONE WEEK (5 BUSINESS DAYS) OF NOTICE.
- CONTRACTOR TO REQUEST INSPECTION OF PROJECT IN WRITING TO OWNERS REPRESENTATIVE. IF ALL WORK IS SATISFACTORY AND COMPLETE IN ACCORDANCE WITH CONDITIONS OF CONTRACT DOCUMENTS, THEN THE OWNER AND/OR THEIR REPRESENTATIVE SHALL DECLARE THE PROJECT TO BE SUBSTANTIALLY COMPLETE. SUBSTANTIAL COMPLETION CONSTITUTES THE BEGINNING OF THE 1 YEAR WARRANTY PERIOD AND THE 90 DAY MAINTENANCE PERIOD.
- CONTRACTOR SHALL REMOVE ALL PLANT SAUCERS, GRADE SMOOTH, AND RE-MULCH AS WELL AS REMOVE PLANTING STAKES FROM SITE AFTER THE (1) YEAR WARRANTY PERIOD.

PROJECT SUBMITTALS:

- CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR APPROVAL FOR ALL PROPOSED MATERIALS INCLUDING BUT NOT LIMITED TO PLANTS, STAKING, SOIL AMENDMENTS, FERTILIZER, MULCH, ETC. PRIOR TO PURCHASING. CONTRACTOR SHALL PROVIDE REPRESENTATIVE SAMPLES OF ALL PLANT MATERIAL ON-SITE FOR REVIEW BY OWNER'S REPRESENTATIVE; NOTIFY OWNER'S REPRESENTATIVE OF INSPECTION A MINIMUM OF 3 BUSINESS DAYS PRIOR TO INSPECTION. IF APPROVED BY OWNER'S REPRESENTATIVE, THEN DATED AND SCALED COLOR PHOTOGRAPHS MAY ALSO BE SUBMITTED.
- ALL PROJECT SUBMITTALS MUST BE COMPLETED AND COMPILED IN AN EASILY REPRODUCIBLE FORM. SUBMITTAL SHEETS THAT ARE NOT LEGIBLE AND REPRODUCIBLE WILL BE REJECTED. SUBMITTALS SHEETS THAT DO NOT CLEARLY IDENTIFY THE PRODUCTS OR MATERIALS SELECTED WILL BE REJECTED.
- CONTRACTOR SHALL SUBMIT TO THE OWNER'S REPRESENTATIVE THE GROWER'S AND/OR STATE INSPECTION CERTIFICATE FOR PLANT MATERIAL TWO (2) WEEKS PRIOR TO COMMENCEMENT OF WORK.
- PRODUCTS INSTALLED ON THE PROJECT SITE THAT ARE NOT CONSISTENT WITH THE PROJECT SUBMITTALS WILL BE REMOVED AND REPLACED WITH THE PRODUCTS IDENTIFIED IN THE PROJECT SUBMITTAL PACKAGE AT THE CONTRACTORS EXPENSE.
- PRIOR TO ISSUING SUBSTANTIAL COMPLETION NOTICE THE CONTRACTOR SHALL SUBMIT TO THE OWNER THREE (3) COPIES OF AS BUILT PLANS/DOCUMENTS AND THREE (3) COPIES OF AN ANNUALIZED MAINTENANCE AND OPERATION MANUAL DETAILING ALL SCHEDULES, NURSERY PRACTICES, WATERING REQUIREMENTS, FERTILIZATION, TRIMMING, ETC., FOR ALL PLANT MATERIALS AND PLANT AREAS OF THE PROJECT.

SITE REQUIREMENTS:

- CONTRACTOR SHALL AGREE TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER HARMLESS FROM ANY AND ALL LIABILITY REAL OR ALLEGED, IN THE CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER.
- LANDSCAPE HOLDING AREA, INGRESS, EGRESS, AND SITE ACCESS SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL NOT DISTURB OR IMPEDE ACCESS TO THE SITE BY OTHERS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE DAILY CLEANUP OF PREMISES AND REMOVAL OF DISCARDED OR SURPLUS MATERIALS AND RUBBISH IN A LAWFUL MANNER. ANY OPEN PITS OR TRENCHES SHALL BE COMPLETELY AND THOROUGHLY BARRICADED DURING THE WORKDAY AND COMPLETELY FILLED IN AT THE END OF EACH WORKDAY. ALL MATERIALS, PRODUCTS, AND EQUIPMENT REMAINING ON SITE AT THE END OF THE WORK DAY SHALL BE STORED IN AN ORGANIZED FASHION IN THE AREA DESIGNATED BY THE OWNER'S REPRESENTATIVE.
- ALL CONTRACTORS AND SUBCONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
- DURING CONSTRUCTION, CREWS ARE REQUIRED TO HAVE AT LEASE ONE (1) ENGLISH SPEAKING PERSON ON SITE.

PLANT MATERIAL NOTES:

- ALL PLANT MATERIAL SHALL BE FLORIDA GRADE NO. 1 OR BETTER AS SPECIFIED IN GRADES AND STANDARDS FOR NURSERY PLANTS PARTS I AND II, DIVISION OF PLANT INDUSTRY, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, LATEST EDITION, AND SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMAN STANDARDS FOR NURSERY STOCK.
- CONTAINER GROWN PLANTS: A MINIMUM OF 80% OF THE CONTAINER ROOTBALL MUST BE BOUND BY THE ROOT SYSTEM. ENROOTLING OR "RING" ROOTS ARE PROHIBITED AND PLANTS WILL BE REJECTED.
- ALL PLANT MATERIAL SHALL BE PROTECTED DURING TRANSPORT AND DELIVERY TO JOB SITE WITH SHADE CLOTH OR OTHER ACCEPTABLE MEANS OF WINDBURN PREVENTION.
- SUBSTITUTION OF PLANT MATERIALS WILL NOT BE PERMITTED UNLESS AUTHORIZED BY THE OWNER'S REPRESENTATIVE; ALL SUBSTITUTIONS MUST MEET MINIMUM SPECIFICATIONS ON THE PLANT LIST.
- SUBSTITUTION OF FIELD GROWN TREES FOR TREES THAT ARE SPECIFIED AS CONTAINER GROWN WILL NOT BE PERMITTED UNLESS OTHERWISE APPROVED BY THE OWNER'S REPRESENTATIVE. IF SUBSTITUTION IS APPROVED, ALL PLANT SPECIFICATIONS WILL APPLY TO APPROVED BALLED AND BURLAPPED MATERIAL.
- NEW PLANT MATERIAL TO BE INSTALLED WILL BE FIELD ADJUSTED TO ACCOMMODATE EXISTING PLANT MATERIAL SUCH AS OVERHEAD CANOPY TREES, UNDERSTORY TREES AND SHRUBS OR GROUND COVER. THIS WILL INSURE EXISTING PLANT MATERIAL TO REMAIN IN ITS NATURAL STATE. THEREFORE, NO EXISTING PLANT MATERIAL WILL BE ALTERED BY REMOVING, CUTTING, TRIMMING OR DESTROYING IN ORDER TO INSTALL NEW PLANT MATERIAL.
- ALL TREES SHALL BE LOCATED AT LEAST SIX FEET AWAY FROM THE CENTERLINE OF SWALES AND FROM PROPOSED STORMWATER INLETS.

PLANTING:

- TREES GROWN IN GROW BAGS OR GROW BAG TYPE MATERIAL MUST HAVE THE GROW BAG REMOVED ENTIRELY PRIOR TO PLANTING.
- BALLED AND BURLAPPED OR ANY BASKETED MATERIAL SHALL HAVE THE TOP ONE THIRD (1/3) OF DEGRADABLE BURLAP AND TOP ONE THIRD (1/3) OF WIRE CAGE PULLED BACK AND REMOVED FROM THE BASE OF THE TRUNK. STRAPS MUST BE CUT AND REMOVED ENTIRELY PRIOR TO INSTALLATION.

EXISTING TO REMAIN PLANT CARE:

- FLAG ALL TREES TO BE SAVED IN PLACE. PROVIDE BARRICADING IN ACCORDANCE WITH LOCAL STANDARDS AROUND TREES TO BE SAVED IN PLACE PRIOR TO SITE DEMOLITION.
- ALL WORK INVOLVING EXISTING TREES TO REMAIN SHALL BE UNDERTAKEN IN THE PRESENCE OF A REGISTERED ARBORIST. ALL TREES TO BE SAVED SHALL BE EXAMINED FOR DAMAGE, DISEASE AND INSECT INFESTATION. PARTS OF THE TREE SHOWING THESE CONDITIONS SHALL BE TREATED OR PRUNED IN ACCORDANCE WITH THE ARBORISTS RECOMMENDATIONS. REMOVE ALL DEAD LIMBS AND VINES.
- ROOT PRUNE ALL TREES TO BE SAVED PER DRAWINGS PRIOR TO GRADING AROUND TREES.
- TREAT ALL CUTS WITH A FUNGICIDAL BARRIER. BACKFILL THE TRENCH, WITHIN 4 HOURS OF DIGGING, WITH A 1:1 MIXTURE OF SITE SOIL AND SAWDUST OR OTHER FINE ORGANIC MATERIAL. DO NOT COMPACT.
- FERTILIZE THE PLANT AS DIRECTED BY THE CONSULTING ARBORIST.

PLANTING AREA PREPARATION NOTES:

- THE CONTRACTOR SHALL STAKE LOCATIONS AND LIMITS OF TREES, PLANTING, AND MULCH AREAS TO REFLECT PLANS TO GREATEST EXTENT POSSIBLE. FOR TREES LOCATED BETWEEN BACK OF CURB AND FRONT OF SIDEWALK, PLACE TREES EQUAL DISTANCE FROM CURB AND SIDEWALK. FOR TREES LOCATED OUTSIDE OF RIGHT-OF-WAY, PLACE TREES A MINIMUM OF 5' FROM BACK OF SIDEWALK. COORDINATE WITH OWNER'S REPRESENTATIVE TO INSPECT STAKING LOCATIONS AND LIMITS ON SITE. PROVIDE MINIMUM 5 BUSINESS DAYS ADVANCE NOTIFICATION OF PROPOSED INSPECTION. CONTRACTOR SHALL MAKE MODIFICATIONS AS MAY BE REQUESTED.

- WORK WITHIN 15' OF EXISTING TREES TO REMAIN SHALL BE PERFORMED USING HAND TOOLS. ANY DISTURBED ROOTS SHALL BE SEVERED USING CLEAN AND SHARP TOOLS.

- HERBICIDE APPLICATION: BEGIN TURF SPRAYING PROCESS A MINIMUM 30 DAYS PRIOR TO PLANTING AS FOLLOWS: SPRAY TURF AREA TO BE KILLED WITH GLYPHOSATE PER MANUFACTURER'S RECOMMENDATIONS. 7 DAYS AFTER SPRAYING, CLOSE MOW TO 1" HEIGHT. 14 DAYS AFTER CLOSE MOWING, RE-SPRAY WITH GLYPHOSATE PER MANUFACTURER'S RECOMMENDATIONS. PROTECT EXISTING PLANTS TO REMAIN FROM OVER-SPRAY OR SPRAY WITHIN ROOT ZONE. CONTRACTOR TO ENSURE TOTAL WEED ERADICATION. 7 DAYS AFTER RE-SPRAYING, PROCEED WITH TURF REMOVAL AND LANDSCAPE INSTALLATION AS DESCRIBED BELOW.

- FOR PROPOSED INDIVIDUAL TREE PLANTING PITS
KILLED TURF TO BE REMOVED SHALL BE CLEARED AND GRUBBED TO A MINIMUM DEPTH OF 4". EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LAWFUL MANNER. TURF SHALL BE THOROUGHLY REMOVED PRIOR TO THE PLANTING AND BACKFILL PROCESS. INSTALL TREES AS DETAILED. ESTABLISH FINISHED PRE-MULCHING GRADE WITHIN 4" BELOW TOP OF SURROUNDING TURF OR HARDSCAPE.

TO ASSURE DRAINAGE/PERCOLATION OF INDIVIDUAL TREE PLANTING PITS PRIOR TO INSTALLATION, CONTRACTOR SHALL FILL SAMPLE TREE PITS (1 IN 5) WITH WATER AND OBSERVE PERCOLATION. HOLES SHALL PERCOLATE IN 30 MINUTES OR LESS. BRING DISCREPANCIES TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE.

INSTALL BACKFILL MIXTURE IN LIFTS AND TAMP LIGHTLY AROUND EACH AND EVERY PLANT. THOROUGHLY FLUSH WITH WATER AT EACH LIFT AND MAKE ADJUSTMENTS TO PROVIDE PROPERLY SET PLANT MATERIAL WITH THE TOP OF ROOTBALL 1"-2" ABOVE FINISHED GRADE.

- FOR PROPOSED PLANTING AREAS
KILLED TURF TO BE REMOVED SHALL BE CLEARED AND GRUBBED TO A MINIMUM DEPTH OF 6". EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LAWFUL MANNER. TURF SHALL BE THOROUGHLY REMOVED PRIOR TO THE PLANTING PROCESS. BEFORE INSTALLING TOPSOIL, RAKE SUBSOIL SURFACE CLEAR OF STONES (1 INCH DIAMETER AND LARGER), DEBRIS, RUBBISH, DELETERIOUS MATERIALS. CONTAMINATED SOILS SHALL BE REMOVED AND REPLACED TO THEIR FULL DEPTHS AND EXTENTS. INSTALL TOPSOIL AT 6" DEPTH. TILL TOPSOIL AND EXISTING SUBSOIL TO A DEPTH OF 12". INSTALL PLANTINGS AS DETAILED. ESTABLISH OR RE-ESTABLISH PRE-MULCHING ROUGH GRADES INSURING POSITIVE FLOWS AND AESTHETIC LANDFORM SHAPES SHOWN IN THE GRADING PLANS.

- FOR PROPOSED MULCH ON GRADE AREAS
LEAVE KILLED TURF IN PLACE. REMOVE KILLED TURF ONLY AT EDGES OF BED, APPROXIMATELY 12" WIDTH, AS REQUIRED TO ESTABLISH A TAPERED DIFFERENCE IN GRADE SO THAT INSTALLED MULCH (3" DEPTH) SHALL BE FLUSH TO 1" BELOW ADJACENT TURF OR HARDSCAPE.

- AN EVEN, WELL DEFINED LINE SHALL SEPARATE PLANTING AND MULCH ON GRADE AREAS FROM ALL SOD OR SEEDED AREAS.

- BACKFILL MIXTURE FOR TREES SHALL CONSIST OF 25% COARSE SAND, 25% "BLENDED SOIL" OR EQUAL, AND 50% EXISTING SOIL.

DISCARD REMAINING SOIL IN A LAWFUL MANNER. ALL PLANTING BACKFILL MIXTURES ARE SUBJECT TO APPROVAL BY THE OWNER'S REPRESENTATIVE. MIX THOROUGHLY PRIOR TO INSTALLATION ACCORDING TO THE FOLLOWING SCHEDULE:

4" LINER:	0.001 CY (0.027 CF)	COARSE SAND AND 0.001 CY (0.027 CF) "BLENDED SOIL"
1 GALLON:	0.003 CY (0.08 CF)	COARSE SAND AND 0.003 CY (0.08 CF) "BLENDED SOIL"
3 GALLON:	0.006 CY (0.16 CF)	COARSE SAND AND 0.006 CY (0.16 CF) "BLENDED SOIL"
7 GALLON:	0.015 CY (0.4 CF)	COARSE SAND AND 0.015 CY (0.4 CF) "BLENDED SOIL"
15 GALLON:	0.03 CY (0.8 CF)	COARSE SAND AND 0.03 CY (0.8 CF) "BLENDED SOIL"
30 GALLON:	0.06 CY (1.6 CF)	COARSE SAND AND 0.06 CY (1.6 CF) "BLENDED SOIL"
45 GALLON:	0.11 CY (2.9 CF)	COARSE SAND AND 0.11 CY (2.9 CF) "BLENDED SOIL"
65 GALLON:	0.17 CY (4.6 CF)	COARSE SAND AND 0.17 CY (4.6 CF) "BLENDED SOIL"
100 GALLON:	0.26 CY (7.1 CF)	COARSE SAND AND 0.26 CY (7.1 CF) "BLENDED SOIL"
200 GALLON:	0.88 CY (23.8 CF)	COARSE SAND AND 0.88 CY (23.8 CF) "BLENDED SOIL"
300 GALLON:	1.37 CY (37 CF)	COARSE SAND AND 1.37 CY (37 CF) "BLENDED SOIL"

"BLENDED SOIL" SHALL CONSIST OF: 1/3 MUSHROOM COMPOST OR PEAT, 1/3 COMMERCIALY PROCESSED AND COMPOSTED COW MANURE AND 1/3 COMPOSTED COW MANURE. SUBMIT PRODUCT SAMPLE/DATA SHEET FOR BLENDED SOIL COMPONENTS TO OWNER'S REPRESENTATIVE FOR APPROVAL PRIOR TO PURCHASE AND INSTALLATION.

- TOPSOIL IMPORTED TO THE SITE SHALL BE SIEVED TOPSOIL, FREE OF ROCKS AND DEBRIS. CONTRACTOR SHALL SUBMIT SOIL ANALYSIS RESULTS FROM AN APPROVED AGRONOMIC SOILS TESTING LABORATORY FOR A MINIMUM OF PH, ORGANIC CONTENT, SOLUBLE SALTS, AND TEXTURE. TOPSOIL MUST BE SUITABLE FOR (SPECIES) SHRUBS/GRASSES. TOPSOIL SHALL BE FREE OF DELETERIOUS MATERIALS THAT WOULD BE HARMFUL TO PLANT GROWTH. SHALL BE FREE OF NEMATODES, SHALL BE OF UNIFORM QUALITY AND SHALL HAVE A PH VALUE BETWEEN 6.5 AND 7.5 (AS DETERMINED IN ACCORDANCE WITH ASTM E70). PEAT SHALL BE STERILIZED TO MAKE FREE OF ALL VIABLE NUT GRASS AND OTHER UNDESIRABLE WEEDS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE SUITABILITY FOR GROWTH OF ALL PROPOSED PLANT MATERIAL. SUBMIT PRODUCT SAMPLE/DATA SHEET FOR TOPSOIL TO OWNER'S REPRESENTATIVE FOR APPROVAL PRIOR TO PURCHASE AND INSTALLATION.

LANDSCAPE CONTRACTOR SHALL BEAR FINAL RESPONSIBILITY FOR PROPER SURFACE DRAINAGE OF PLANTED AREAS. FINISH GRADE ALL PREPARED TOPSOIL AREAS TO A SMOOTH, EVEN SURFACE ENSURING A MINIMUM 3% POSITIVE DRAINAGE AWAY FROM STRUCTURES AND ELIMINATE ANY LOW AREAS WHICH MAY COLLECT WATER. ANY DISCREPANCY IN THE DRAWINGS, OBSTRUCTION ON THE SITE, OR PRIOR WORK DONE BY ANOTHER PARTY WHICH THE LANDSCAPE CONTRACTOR FEELS PRECLUDES ESTABLISHING PROPER DRAINAGE SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF OWNER'S REPRESENTATIVE.

- INSTALL FERTILIZER PER MANUFACTURER RECOMMENDATIONS. CONTRACTOR SHALL CONFIRM FERTILIZER REQUIREMENTS PER LOCAL MUNICIPALITY. AS A MINIMUM FOR BIDDING PURPOSES THE CONTRACTOR SHALL ASSUME THE FOLLOWING CONCERNING FERTILIZER:

FOR INITIAL INSTALLATION OF TREES AND SHRUBS/GROUNDCOVERS, FERTILIZER IS ASSUMED TO BE CONTROLLED RELEASE FERTILIZER WITH A 15-9-12 ANALYSIS AND CONTAINING TRACE ELEMENTS MG, S, B, CU, FE, MN, MO, AND ZN. FERTILIZER GRANULES SHALL BE COMPOSED OF DRY NUTRIENTS ENCAPSULATED IN MULTIPLE LAYERS OF POLYMERIC RESIN.

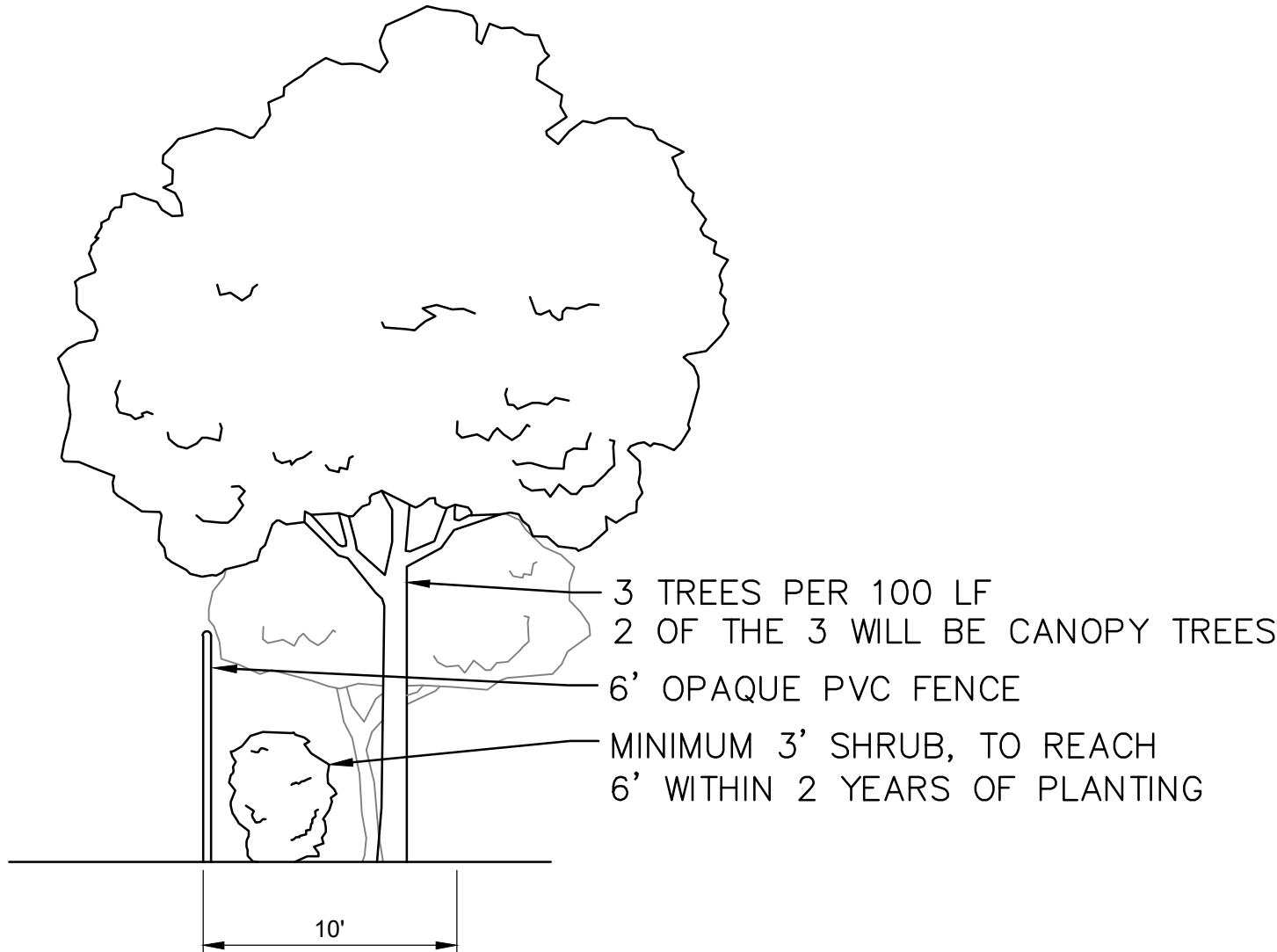
SOURCE FOR N SHALL BE RESIN-COATED UREA OR RESIN COATED AMMONIUM SALTS. MN, ZN, AND CU SHALL BE SULFATE FORMS. FE SHALL BE GRANULAR CHELATED IRON.

APPLICATION RATES ARE PROVIDED AS A RECOMMENDATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE APPROPRIATE FERTILIZER/AMENDMENTS TO ENSURE PROPER ESTABLISHMENT AND VIGOR OF PLANT MATERIAL:

- | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|
| 0.5 OZ PER EA 4" POT OR PLANT LINER | 1.0 OZ PER EA 1 GALLON CONTAINER | 3.0 OZ PER EA 3 GALLON CONTAINER |
| 6.0 OZ PER EA 7 GALLON CONTAINER | 9.0 OZ PER EA 15 GALLON CONTAINER | 16.0 OZ PER EA 30 GALLON CONTAINER |
| 4.0 OZ PER EA 45 GALLON CONTAINER | 32.0 OZ PER EA 65 GALLON CONTAINER | 48.0 OZ PER EA 100 GALLON CONTAINER |
| 64.0 OZ PER EA 200 GALLON CONTAINER | 96.0 OZ PER EA 300 GALLON CONTAINER | |
- BUILD EARTHEN SAUCER TO CONTAIN WATER AROUND EACH INDIVIDUAL TREE PLANTING PIT AND AT THE PERIMETER OF ALL PLANTING AREAS. REMOVE EXCESS EXCAVATED SOIL FROM THE SITE AND DISPOSE OF IN A LAWFUL MANNER.
 - SPREAD MULCH AROUND INDIVIDUAL TREE RINGS, PLANTING AND MULCH AREAS.

- PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO ALL INDIVIDUAL TREE RINGS, PLANTING, AND MULCH AREAS. THE HERBICIDE ACTIVE INGREDIENTS SHALL BE SUITABLE FOR CONTROL OF ANNUAL AND PERENNIAL BROADLEAF WEEDS AND GRASSES. THE HERBICIDE SHALL BE APPLIED BY HAND. MANUFACTURER RECOMMENDATIONS FOR APPLICATION METHOD, TIMING AND APPLICATION RATE SHALL BE STRICTLY ADHERED TO.

BUFFER DETAIL



LANDSCAPE SCHEDULE:

QTY.	COMMON NAME / BOTANICAL NAME	SPECIFICATIONS	SPACING
TREES			
14	ILEX CASSINE / AMERICAN HOLLY	GRADE #1, 2.25"-2.5" CAL., 9'-10' HT, 4" SPD	AS SHOWN
21	CRAPE MYRTLE / LAGERSTROEMIA INDICA	GRADE #1, 2.25"-2.5" CAL., 9'-10' HT, 4" SPD, MULTI=TRUNK	AS SHOWN
24	MAGNOLIA GRANDIFLORA / SOUTHERN MAGNOLIA	GRADE #1, 65G, MIN. 3" CAL., 12' HT, 6" SPD	AS SHOWN
SHRUBS AND GROUNDCOVER			
401	SWEET VIBURNUM / VIBURNUM ODORATISSIMUM	GRADE #1, 3.5'-4' HT, 3.5'-4' SPR	3' SPACING

SKORMAN APARTMENTS

CLERMONT, FLORIDA

SKORMAN ENTERPRISES, LLC

Project Name

Prepared For

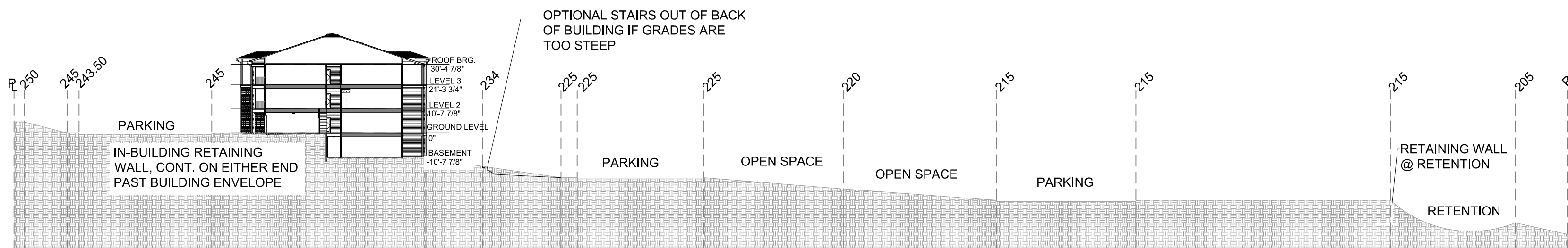
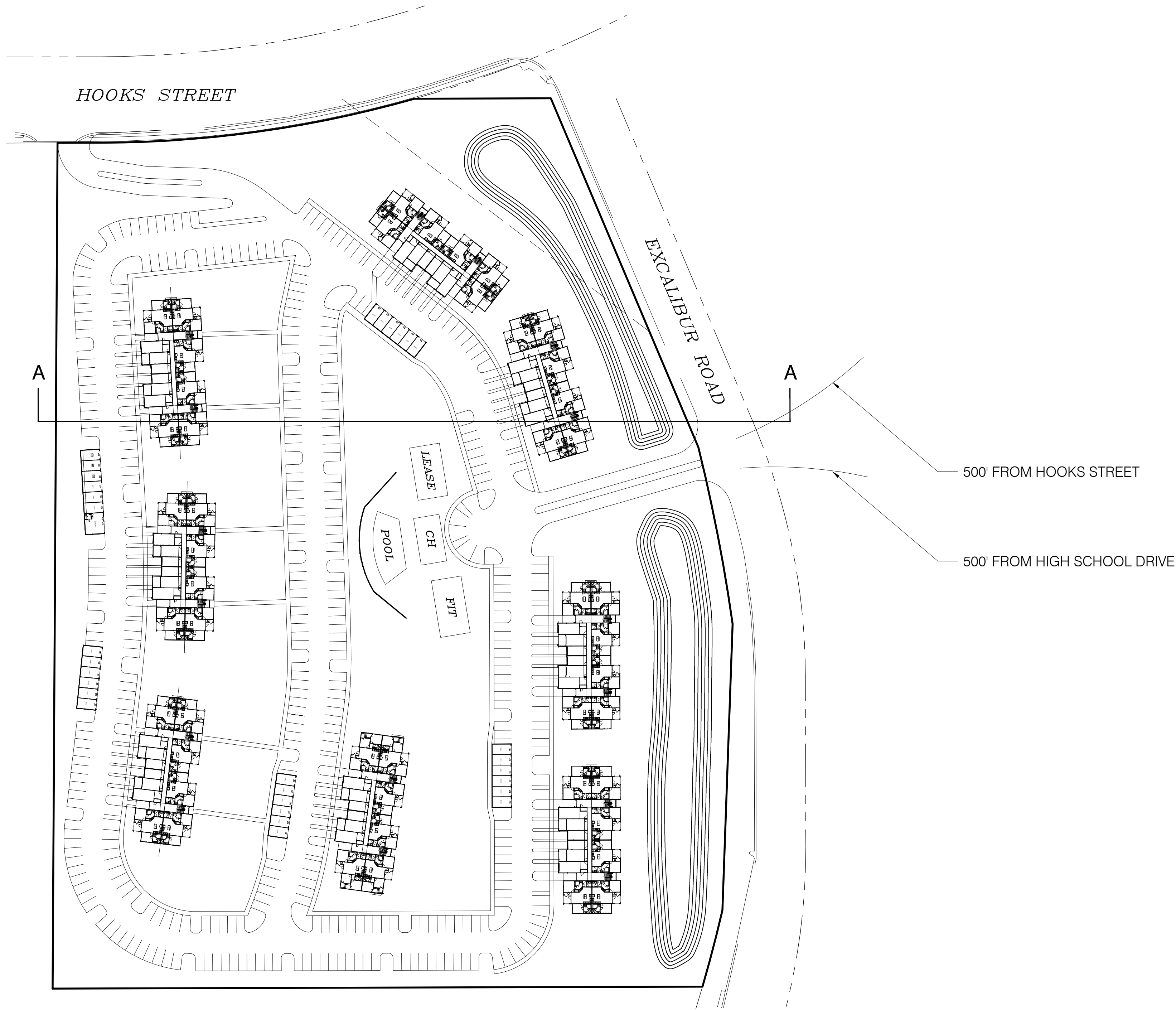


1000 N ASHLEY DRIVE, SUITE 900
TAMPA, FLORIDA USA 33602
Phone 813.620.4500 Fax 813.620.4980
www.halff.com
FL CA 33380

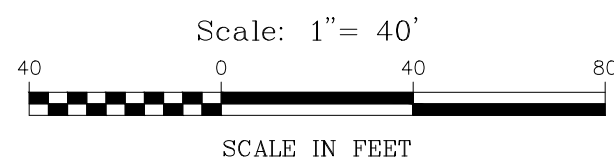
Revision No.	Date	Description

Project No.:	44655-003
Issued:	MAY 2021
Drawn By:	WEM
Checked By:	MAS
Scale:	NTS
Sheet Title	LANDSCAPE NOTES AND DETAILS
Sheet Number	LS-03





SECTION A-A



LAND USE

OWNER
RICHARD E BOSSERMAN & TRUSTEE
1701 SPRING LAKE DRIVE
ORLANDO, FL 32804

ACREAGE 17.02 AC
ALT KEY 3815507 / 1103908 / 3801505
EXISTING ZONING URBAN ESTATE
EXISTING LAND USE LOW DENSITY RESIDENTIAL
PROPOSED ZONING PUD
PROPOSED LAND USE PUD
ACREAGE 17.02 AC
UNITS 204 (20 S / 51 1BR / 113 2BR / 20 3BR)
DENSITY 12 UNITS PER ACRE
PARKING REQUIRED 408 SPACES
PARKING PROVIDED 71 GARAGE / 41 APRON / 373 SURFACE = 485 SPACES
WETLANDS 0 AC

ZONING NORTH (RP COUNTY) (C-1 CITY)
SOUTH (CFD COUNTY)
EAST (R6 COUNTY)
WEST (CFD COUNTY) (URBAN ESTATE CITY)

FUTURE LAND USE NORTH (REGIONAL COMMERCIAL COUNTY)
SOUTH (PUBLIC SERVICE FACILITY & INFRASTRUCTURE COUNTY)
EAST (PUBLIC SERVICE FACILITY & INFRASTRUCTURE COUNTY)
WEST (PUBLIC SERVICE FACILITY & INFRASTRUCTURE COUNTY) (LOW DENSITY RESIDENTIAL CITY)

SETBACKS FRONT 25'
REAR 25'
SIDE 25'

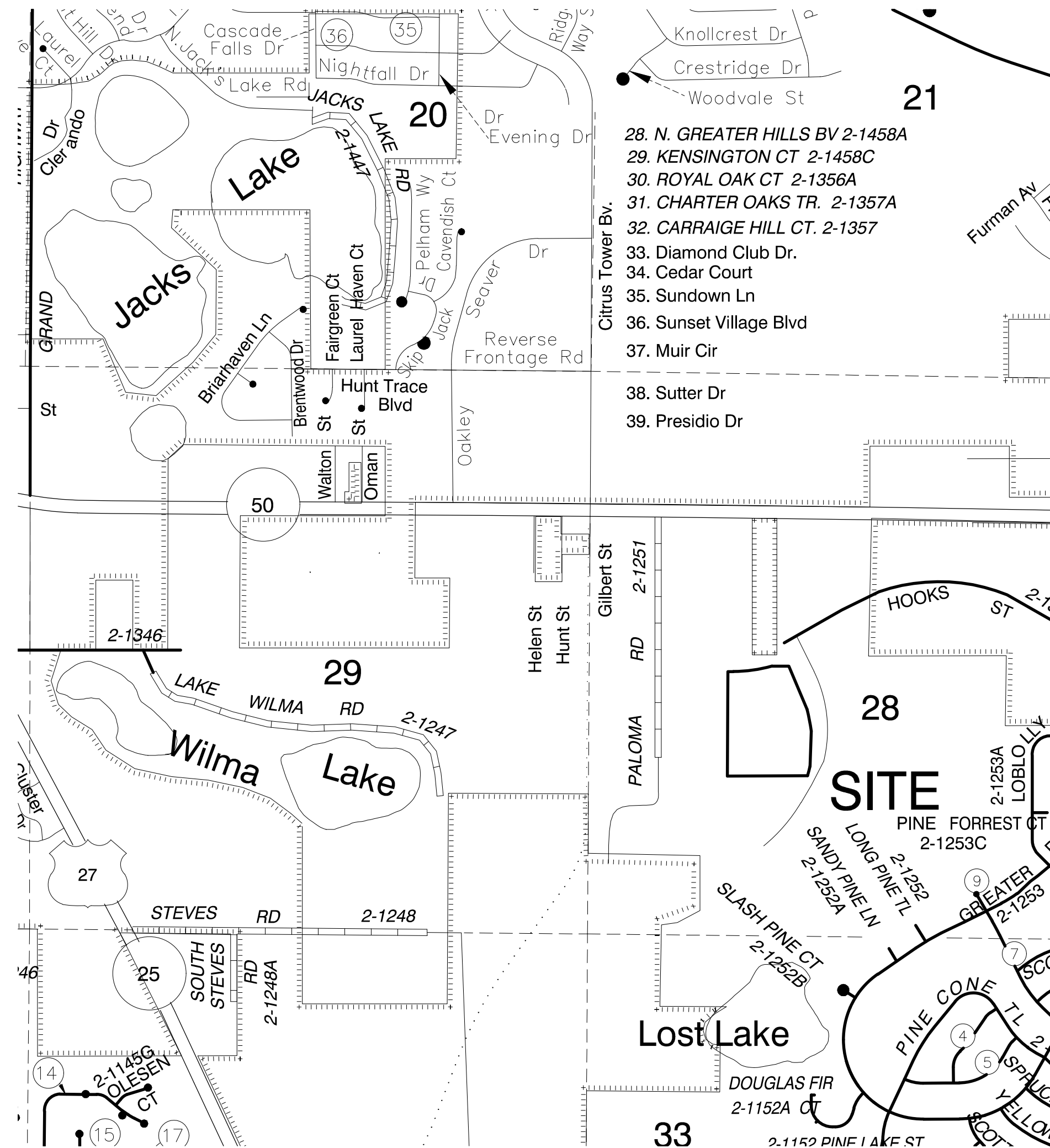
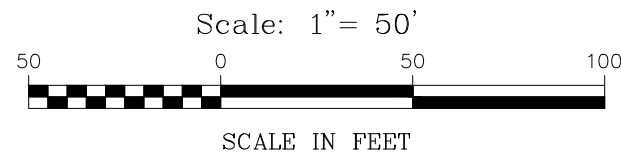
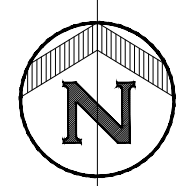
LANDSCAPE BUFFERS 10' ALONG WEST AND SOUTH / 20' ALONG NORTH AND EAST

MAX BUILDING HEIGHT 55'

WATER CITY PF CLERMONT
SEWER CITY OF CLERMONT

VARIANCE REQUESTED RESIDENTIAL GRADING OF 13' VERSUS CODE MAX OF 10'

PROJECT TO BE GATED AND THE STREETS TO BE PRIVATE AND OWNED AND MAINTAINED BY THE HOA



SKORMAN APARTMENTS

PUD
PLAN



Office: 352.343.8481
Fax: 352.343.8485
800 North Florida Ave.
Tallahassee, Florida 32309
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. 000990



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

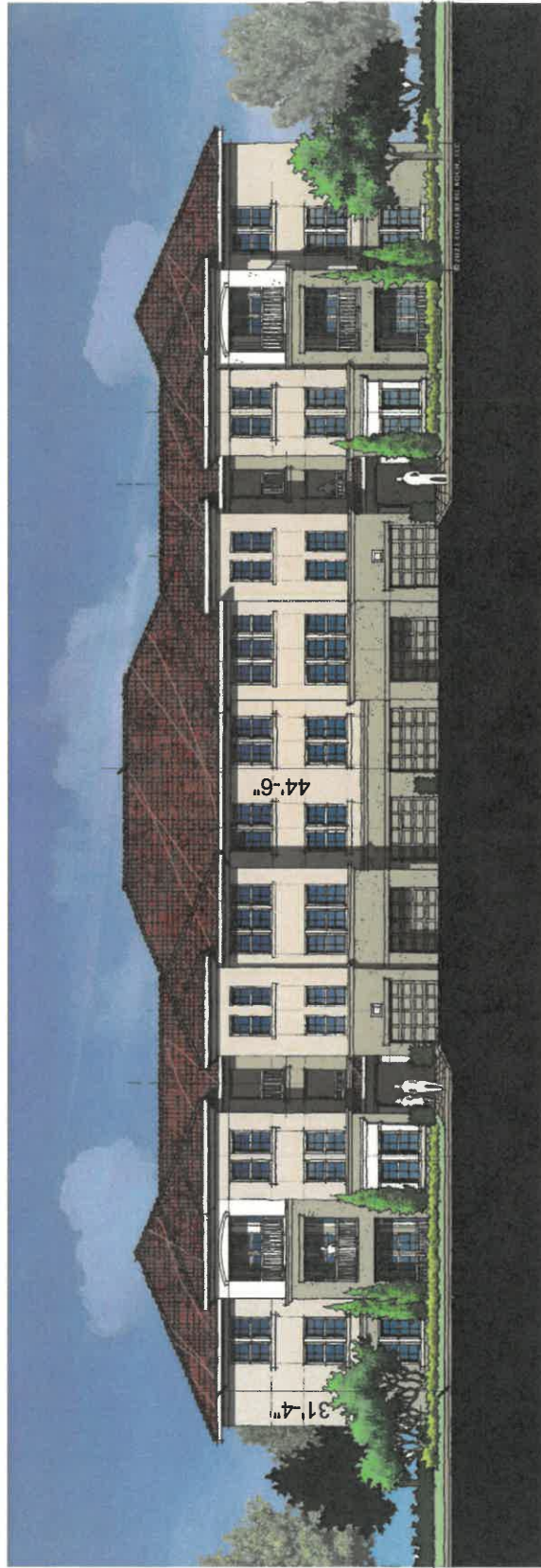
AA26002103

WWW.FUGLEBERGKCOCH.COM

EXTERIOR ELEVATIONS | SKORMAN APARTMENTS

CLERMONT, FLORIDA

PROJECT No: XXXX-01/13/2021



BUILDING TYPE 1, 2, & 3 - GARAGE ELEVATION



FUGLEBERG KOCH
© 2020 FUGLEBERG KOCH

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

CLERMONT, FLORIDA

PROJECT No: XXXX-01/13/2021

2555 TEMPLE TRAIL

WINTER PARK, FLORIDA 32789

TEL: 407-629-0593

FAX: 407-628-1057

AA26002103

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DATE	REVISION
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8

SKORMAN APARTMENTS

GRADING PLAN VARIANCE

BESH HALFF

800 North St. Louis Ave.
Tampa, FL 33602
Office: 352.343.8481
Fax: 352.343.8485
Certificate of Authorization Number: 33390

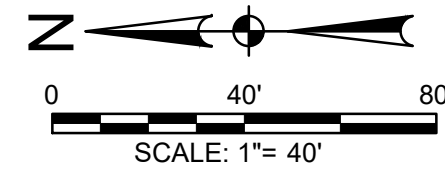
DATE:	OCTOBER 2020
DESIGNED BY:	CCH
DRAWN BY:	CCH
CHECKED BY:	CCH
JOB NO.:	201053.0001
FILE NAME:	PUD PLAN

Sheet 1

BESH HALFF
PROFESSIONAL ENGINEER NO. 00090

5/13/2021 4:00:28 PM Margus, Vernon 1:\4400\4465\Proposed\03\CAD\PLA_Blow.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

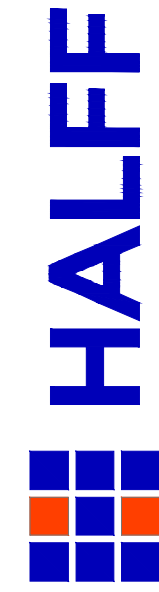
SKORMAN APARTMENTS

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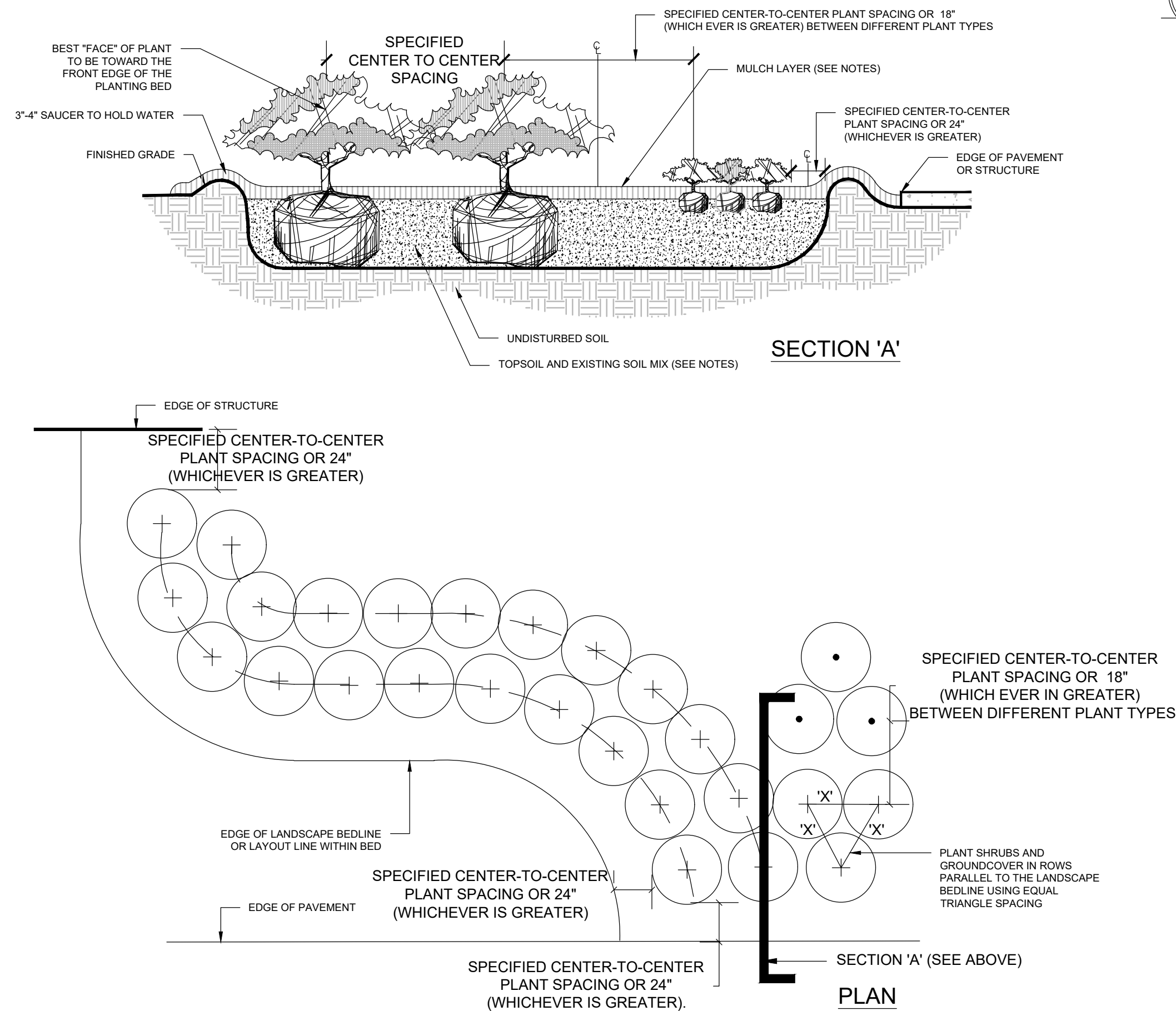
Project No.:	44655-003
Issued:	MAY 2021
Drawn By:	WEM
Checked By:	MAS
Scale:	1" = 40'

Sheet Title
LANDSCAPE PLAN

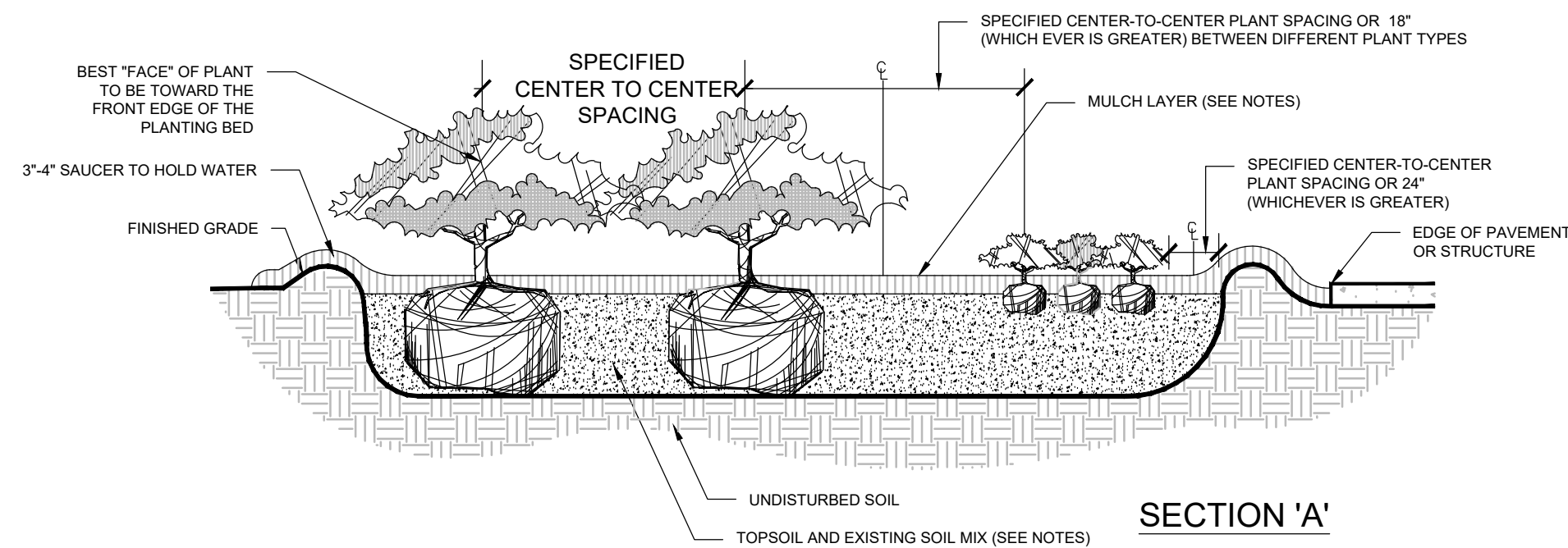
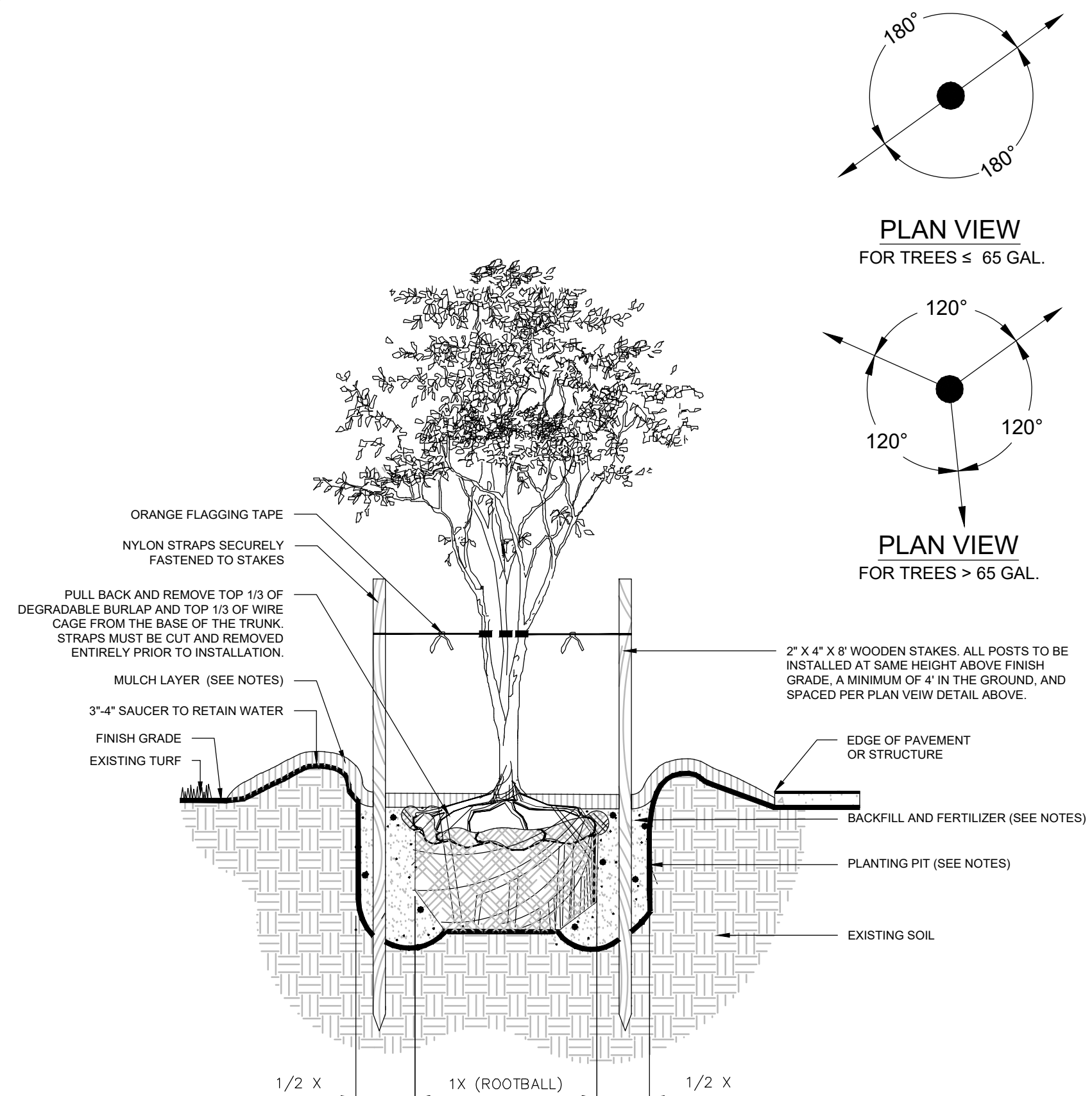
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LS-01

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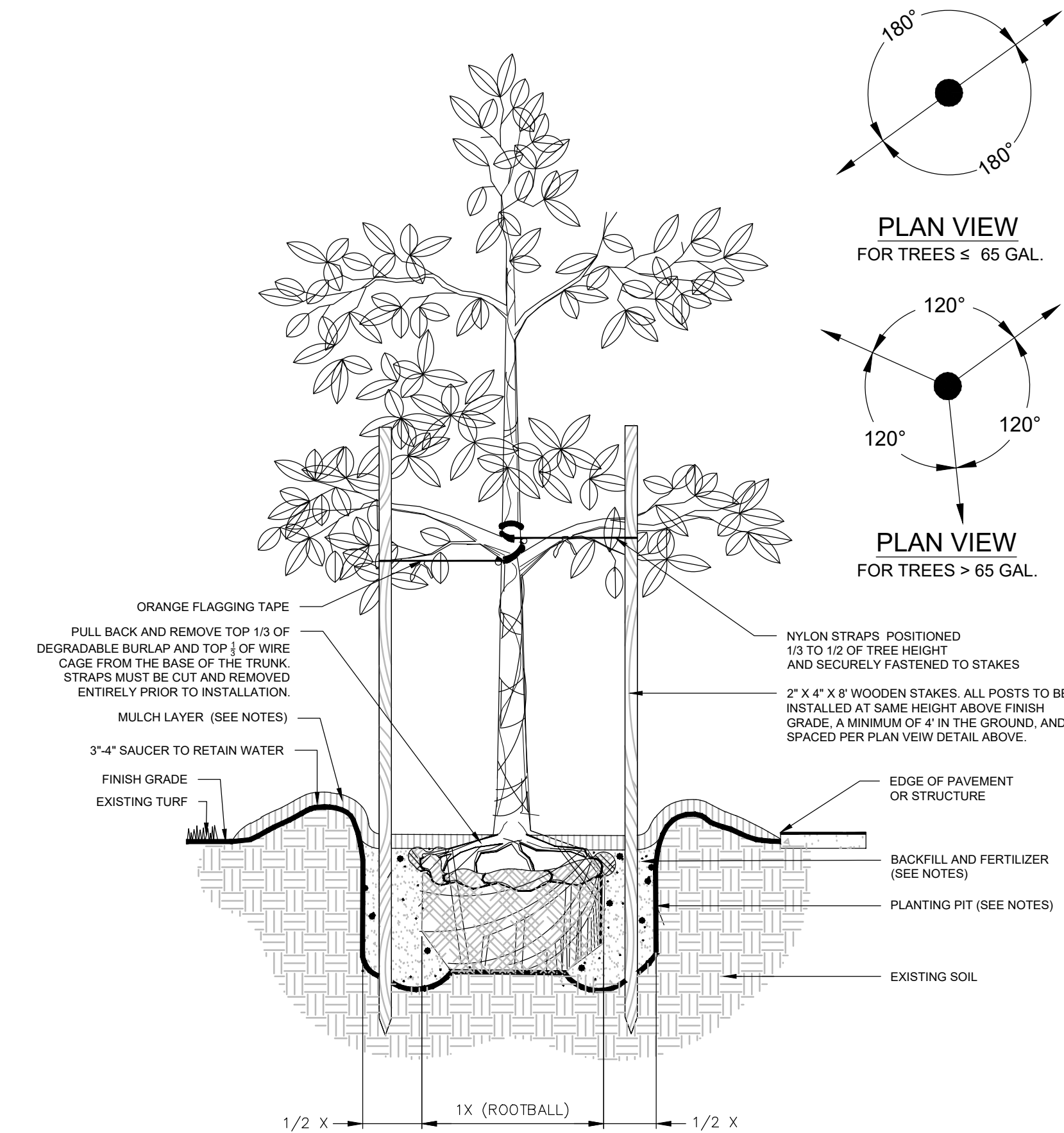
B TYPICAL SHRUB AND GROUNDCOVER INSTALLATION
SCALE: N.T.S.



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

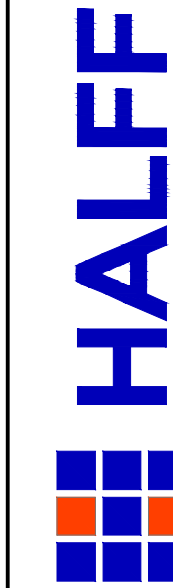


A TYPICAL TREE INSTALLATION
SCALE: N.T.S.



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

Revision No.	Date	Description



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

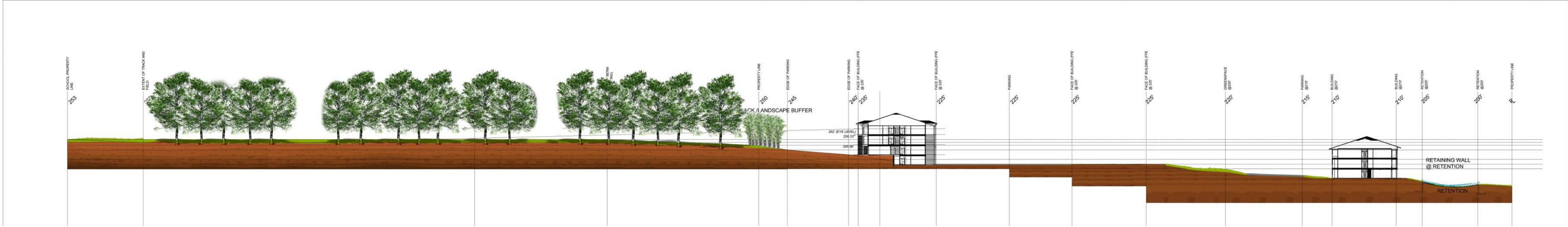
SKORMAN APARTMENTS

CLERMONT, FLORIDA

Prepared For

SKORMAN ENTERPRISES, LLC

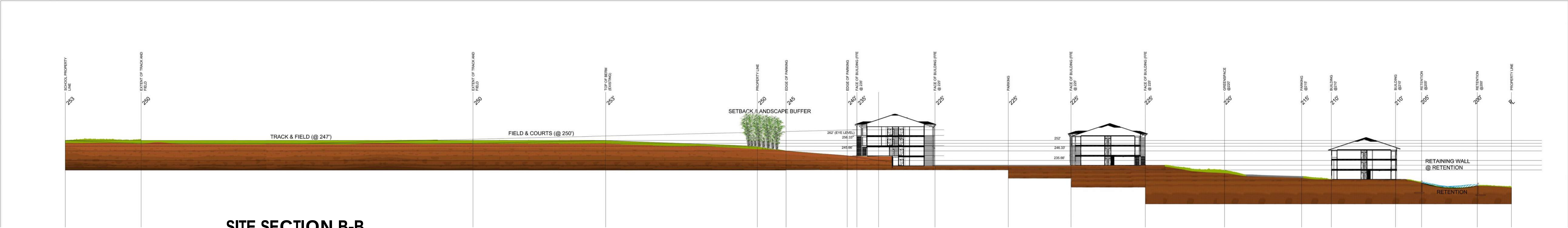




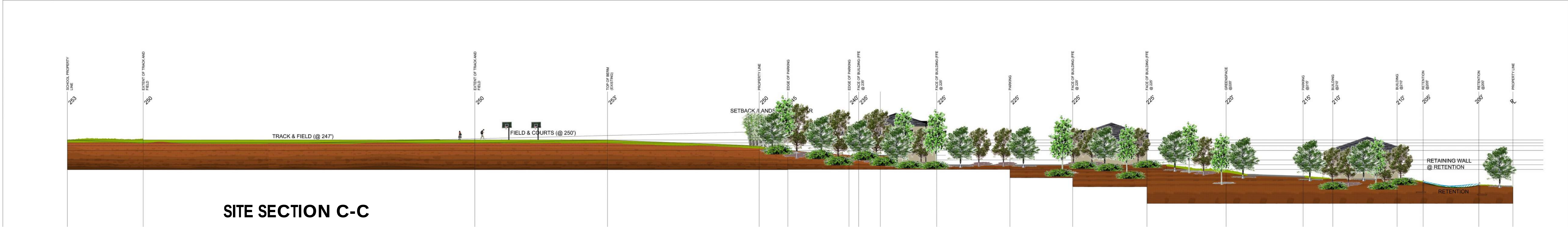
SITE SECTION A-A



LEGEND



SITE SECTION B-B



SITE SECTION C-C

1. DWELLING UNIT DESCRIPTION.

Unit No. _____, _____
 _____ (street address) in
 _____ (city), Florida, _____ (zip code).

2. LEASE CONTRACT DESCRIPTION.

Lease Contract Date: _____,
Owner's name: _____

Residents (*list all residents*):

This Addendum constitutes an Addendum to the above described Lease Contract for the above described premises, and is hereby incorporated into and made a part of such Lease Contract. Where the terms or conditions found in this Addendum vary or contradict any terms or conditions found in the Lease Contract, this Addendum shall control.

3. SHORT TERM SUBLEASE OR RENTING PROHIBITED.

Without limiting the prohibition in the Lease on subletting, assignment, and licensing, and without limiting any of our rights or remedies, this Addendum to the Lease further supplements and defines the requirements and prohibitions contained in the Lease Contract between you and us. You are hereby strictly prohibited from subletting, licensing, or renting to any third party, or allowing occupancy by any third party, of all or any portion of the dwelling, whether for an overnight use or duration of any length, without our prior written consent in each instance. This prohibition applies to overnight stays or any other stays arranged on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, FlipKey or any other advertising, website, internet, listing service, or other similar internet sites.

4. PROHIBITION ON LISTING OR ADVERTISING DWELLING ON OVERNIGHT SUBLETTING OR RENTING WEBSITES.

You agree not to list or advertise the dwelling as being available for short term subletting or rental or occupancy by others on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, FlipKey or any other advertising, website, internet, listing service, or similar internet websites. You agree that listing or advertising the dwelling on Airbnb.com, VRBO, Craigslist, Couchsurfing, HomeAway, VacationRental, TripAdvisor, FlipKey or any other advertising, website, internet, listing service, or similar internet websites shall be a violation of this Addendum and a breach of your Lease Contract.

5. VIOLATION OF LEASE AGREEMENT. Your Lease Contract allows for use of your dwelling as a private residence only and strictly prohibits conducting any kind of business in, from, or involving your dwelling unless expressly permitted by law. Separately, your Lease Contract prohibits subletting or occupancy by others of the dwelling for any period of time without our prior written consent. Permitting your dwelling to be used for any subletting or rental or occupancy by others (including, without limitation, for a short term), regardless of the value of consideration received or if no consideration is received, is a violation and breach of this Addendum and your Lease Contract.

6. REMEDY FOR VIOLATION. Any violation of this Addendum constitutes a material violation of the Lease Contract, and as such we may exercise any default remedies permitted in the Lease Contract, including termination of your tenancy, in accordance with local law. This clause shall not be interpreted to restrict our rights to terminate your tenancy for any lawful reason, or by any lawful method.

7. RESIDENT LIABILITY. You are responsible for and shall be held liable for any and all losses, damages, and/or fines that we incur as a result of your violations of the terms of this Addendum or the Lease Contract. Further, you agree you are responsible for and shall be held liable for any and all actions of any person(s) who occupy your dwelling in violation of the terms of this Addendum or the Lease Contract, including, but not limited to, property damage, personal injury, disturbance of other residents, and violence or attempted violence to another person. In accordance with applicable law, without limiting your liability you agree we shall have the right to collect against any renter's or liability insurance policy maintained by you for any losses or damages that we incur as the result of any violation of the terms of this Addendum.

8. SEVERABILITY. If any provision of this Addendum or the Lease Contract is invalid or unenforceable under applicable law, such provision shall be ineffective to the extent of such invalidity or unenforceability only without invalidating or otherwise affecting the remainder of this Addendum or the Lease Contract. The court shall interpret the lease and provisions herein in a manner such as to uphold the valid portions of this Addendum while preserving the intent of the parties.

9. SPECIAL PROVISIONS. The following special provisions control over conflicting provisions of this printed form:

[illegible]

Resident or Residents
(All residents must sign)

Owner or Owner's Representative
(Signs below)

Date of Signing Addendum



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.

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, June 8, 2021		
Agenda Item Name		
Ordinance No. 2021-016 <i>Final 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 (V2 05.28.2021) - R&F BL	Ord 2021-016 - Jet Ski & Personal Watercraft (V2 05.28.2021) - R&F BL.pdf	
2. ORDINANCE NO. 2021-016	ORDINANCE NO. 2021-016.pdf	



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:

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) As an additional condition for the approval of the permit hereunder, the water craft rental business shall provide to City in such form as may be required by the City, proof of valid and current general liability insurance, insuring it against all claims made by any person or persons for personal injuries or property damage incurred in connection with the operation of the water craft with minimum policy limits for personal injuries of \$1,000,000 per person and \$2,000,000 per occurrence, and for property damages of \$100,000. The permit shall provide that in the event that said policy is ever canceled or



CITY OF CLERMONT
ORDINANCE NO. 2021-016

- terminated, Grantee shall notify City immediately with the name and proof of the replacement insurance carrier and policy.
- (d) 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 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.



CITY OF CLERMONT
ORDINANCE NO. 2021-016

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

Advertising Receipt

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

Account Number: 7101866
Order Number: 10102097
Phone: (352) 241-7331
Date: 05/19/21
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	05/25/2021	05/25/2021	\$137.16

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, MMC
City Clerk

Ad No: 10102097
May 25, 2021

Payment Info	
Ad Price	\$137.16
Tax	\$0.00
Sub Total	\$137.16
Prepaid Amount	\$0.00
Balance Due	\$137.16



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, June 8, 2021		
Agenda Item Name		
Resolution No. 2021-036R <i>Comprehensive Fee Schedule Amendment</i>		
Requested Action		
Recommend approval of Resolution 2021-036R		
Staff Report		
Consider establishing a fee of \$500 for an annual watercraft rental business permit as required by City Code.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	2021-036R - Fee Schedule Amendment Commercial Watercraft 6_8_21	2021-036R - Fee Schedule Amendment Commercial Watercraft 6_8_21.pdf



CITY OF CLERMONT
RESOLUTION NO. 2021-036R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE PARKS AND RECREATION FEE SCHEDULE; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clermont pursuant to its authority as a municipal corporation under the laws of the State of Florida, has the authority to establish and collect fees for planning and zoning, building services, fire review and inspection services, parks and recreation use, police, city clerk and utility billing; and

WHEREAS, the adoption of fees as set forth herein, is consistent with Clermont City Code Section 86.112, is in the best interest of the citizens of the City of Clermont and the cost effective, efficient, and appropriate operation of the City.

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

SECTION 1

The City Council does hereby amend Section 4 – Parks and Recreation Fees of the Comprehensive Fee Schedule, as follows:

Boat Ramp

	<u>City Resident/Non-Profit</u>	<u>Non-Resident</u>
<u>Annual Commercial Watercraft Permit</u>	<u>\$500.00</u>	<u>\$500.00</u>



CITY OF CLERMONT
RESOLUTION NO. 2021-036R

SECTION 2: CONFLICT

Any resolution or ordinance previously adopted by the City Council and in conflict herewith is hereby repealed to the extent of the conflict.

SECTION 3: PUBLIC ACCESS

A copy of this Resolution and the Comprehensive Fee Schedule shall be kept on file in the City Clerk's office and made available to the public upon request.

SECTION 4: EFFECTIVE DATE

This Resolution shall take effect June 8, 2021.



CITY OF CLERMONT
RESOLUTION NO. 2021-036R

DONE AND RESOLVED, by the City Council of the City of Clermont, Lake County, Florida this 8th day of June, 2021.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

AGENDA ITEM

Meeting Date	
Tuesday, June 8, 2021	
Agenda Item Name	
Variance Request <i>Modern Orthodontics</i>	
Requested Action	
Recommend denial of the variance request.	
Staff Report	
The applicant is requesting a variance to allow additional signage located at 1455 East Highway 50. The subject parcel is currently improved with a single commercial building being used as a professional office for Modern Orthodontics. The property fronts on Highway 50 and is zoned C-2 General Commercial. The applicant recently installed this additional signage, which is not in conformance with Section 102-15, Signs. The applicant is seeking this variance request in order to keep the sign in place.  Under Signs, Chapter 102-15 (a)(1)(b)(2), interior wall signs are limited to a maximum of 32 square feet in total area. The size of the interior wall sign is approximately 170 square feet, which is approximately 17 feet wide and 10 feet high. The sign's placement offers itself a primary viewpoint from within the internal parking lot. The applicant has indicated on the variance application that it is a mural. Staff has reviewed this application also under the City's new sign code section for murals, Section 102-26. Several items of this mural are not in conformance with this section, such as, the property is not located in the Central Business District, no proper approval by City Council prior to installation, the content is commercial in nature, and contains more than 5 percent text. Since this section of the code is relatively new in content, adopted November 2020, the applicant may not have been aware of this criteria. The applicant has indicated murals attract new local businesses, help bring customers to pre-existing locations, and boost the economy of an area. 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 not meet a	

positive finding on two of five criteria. Therefore, staff recommends denial of the variance request to the Land Development Code.

Additional Analysis

Fiscal Impact Summary

Fiscal Impact

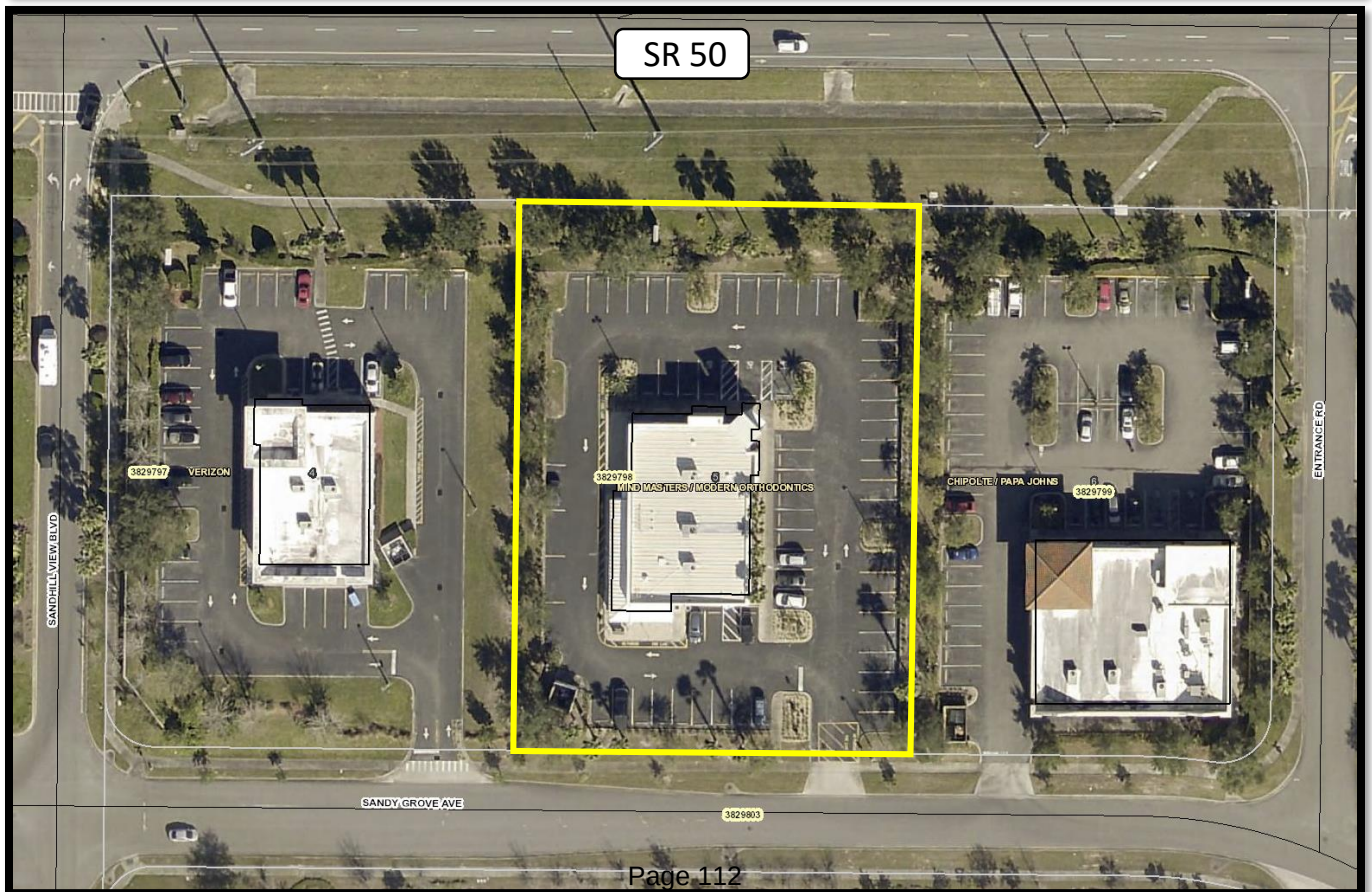
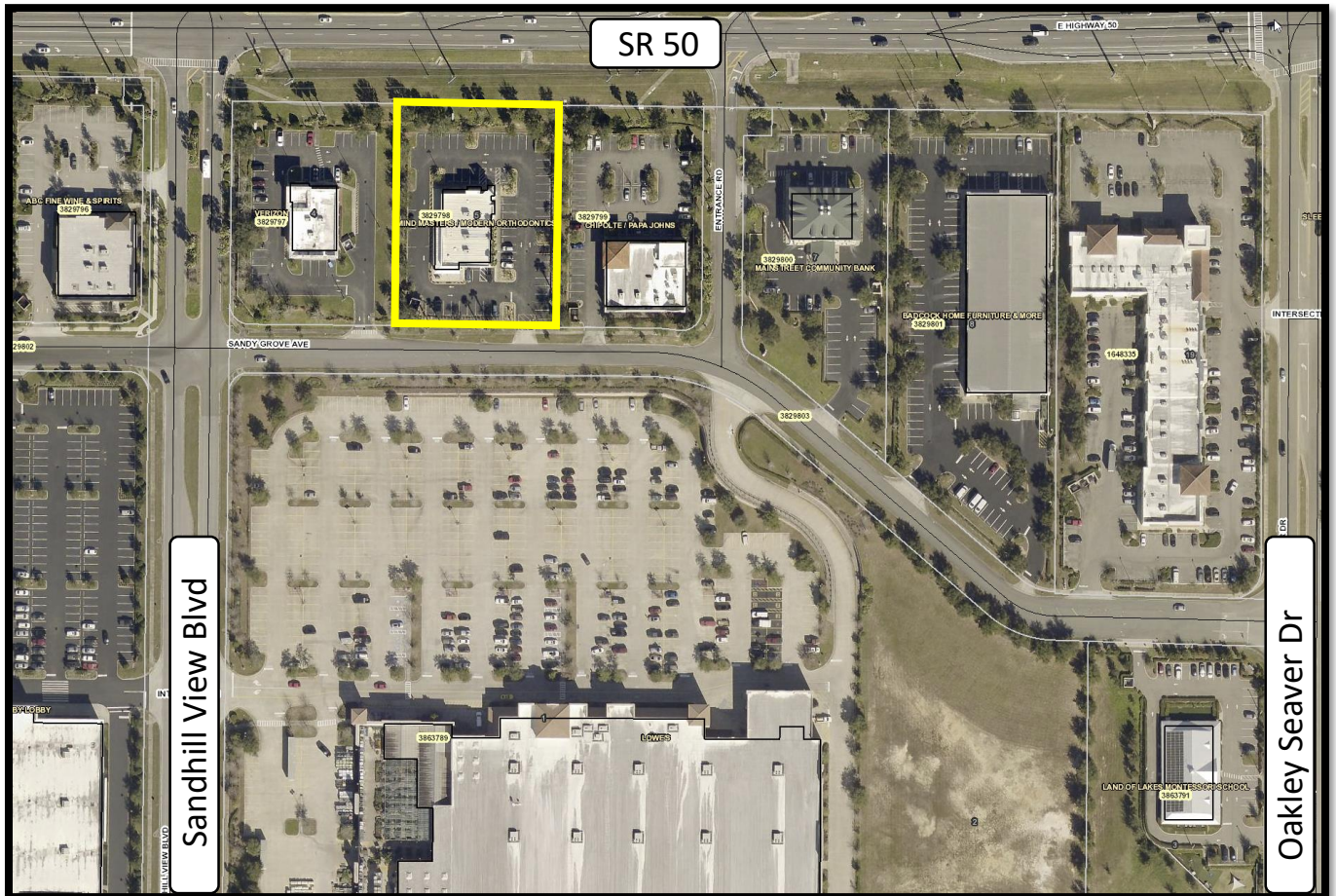
Fund Number and Description

Available Budget Amount

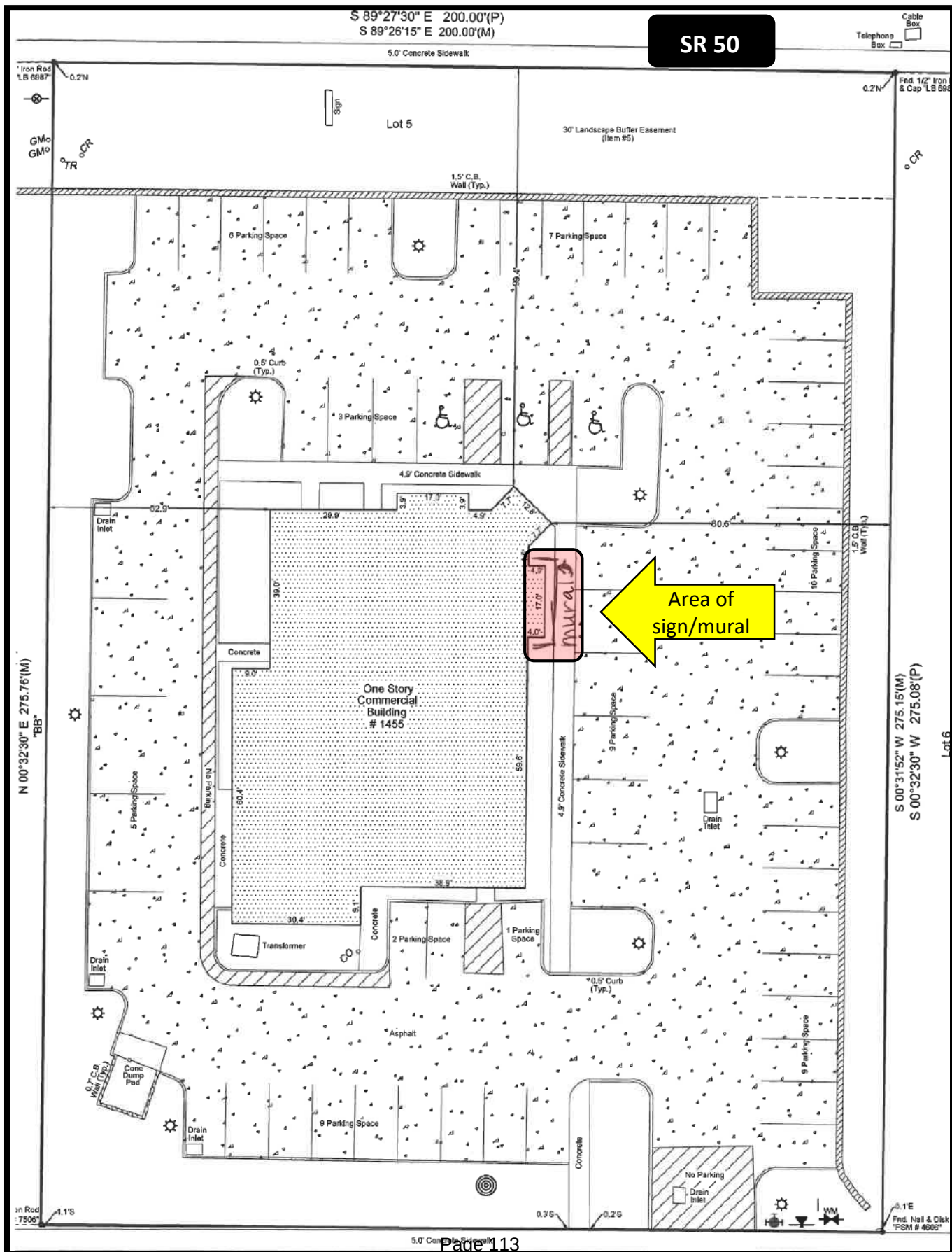
Exhibits Attached (copies of original agreements)

- | | | |
|----|---|--|
| 1. | Maps and photo | Maps and photo.pdf |
| 2. | Staff Analysis-Modern Ortho Sign Variance | Staff Analysis-Modern Ortho Sign Variance.docx |
| 3. | New 86-174 Review Criteria-Modern Ortho | New 86-174 Review Criteria-Modern Ortho.docx |
| 4. | Application | Application.pdf |
| 5. | MODERN ORTHODONTICS VARIANCE Proof June 8 | MODERN ORTHODONTICS VARIANCE Proof June 8.pdf |

Modern Orthodontics Sign Variance Request



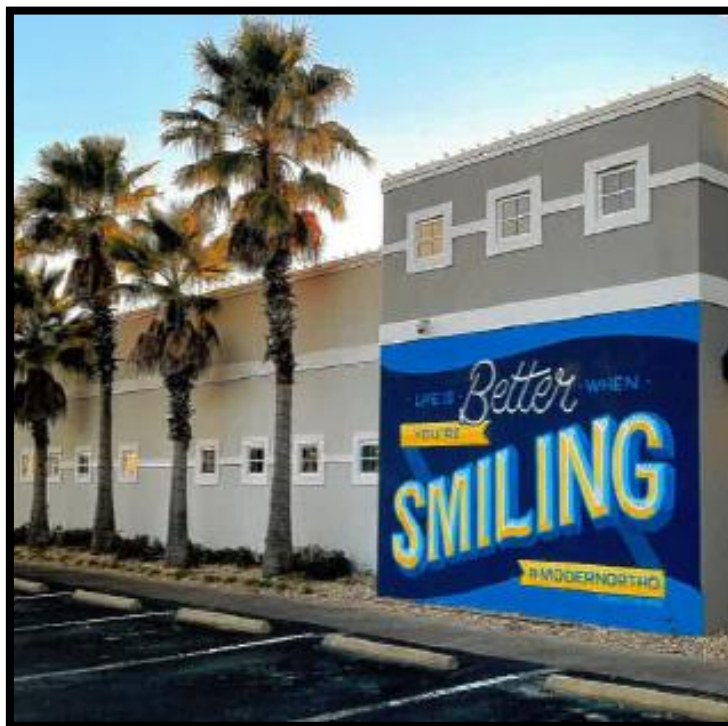
Modern Orthodontics Sign Variance Request



Modern Orthodontics Sign Variance Request



Looking west towards building inside parking lot



Dimension approximately 17 feet wide and 10 feet high



CITY OF CLERMONT Staff Analysis Report

OWNER: AMW Orthodontics aka Modern Orthodontics

APPLICANT: Jodie Wong

PROJECT NAME: Modern Orthodontics Mural Variance

REQUESTED ACTION: Consider a variance request to allow additional wall signage located at 1455 East Highway 50 other than as required by the Land Development Code, Section 102-15(a)(1)(b)(2).

SIZE OF PARCEL: 1.26 +/- acres

LOCATION: 1455 East Highway 50

EXISTING ZONING: C-2- General Commercial

EXISTING LAND USE: Professional Office – Modern Orthodontics

FUTURE LAND USE CATEGORY: Commercial

ANALYSIS:

The applicant is requesting a variance to allow additional signage located at 1455 East Highway 50. The subject parcel is current improved with a single commercial building being used as a professional office for Modern Orthodontics. The property fronts on Highway 50 and is zoned C-2 General Commercial. The applicant recently installed this additional signage, which is not in conformance with Section 102-15, Signs. The applicant is seeking this variance request in order to keep the sign in place.

Under Signs, Chapter 102-15 (a)(1)(b)(2), interior walls signs are limited to a maximum of 32 square feet in total area. The size of the interior wall sign is approximately 170 square feet, which is approximately 17 feet wide and 10 feet high. The sign's placement offers itself a primary viewpoint from within the internal parking lot.

The applicant has indicated on the variance application that it is a mural. Staff has reviewed this application also under the City's new sign code section for murals, Section 102-26. Several items of this mural are not in conformance with this section, such as, the property is not located in the Central Business District, no proper approval by City Council prior to installation, the content is commercial in nature, and contains more than 5 percent text. Since this section of the code is relatively new in content, adopted November 2020, the applicant may not have been aware of this criteria. The applicant has indicated murals

attract new local businesses, help bring customers to pre-existing locations, and boost the economy of an area.

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 not meet a positive finding on two of the five criteria. Therefore, staff recommends denial of the variance request to the Land Development Code.

Modern Orthodontics Sign 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: Murals attract new local businesses, help bring customers to pre-existing locations, and boost the economy of an area.

Staff comments: No documentation has been provided to indicate the variance request would not cause or allow interference with reasonable enjoyment of adjacent or nearby property owners.

Negative 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: Murals make our city beautiful.

Staff comments: The variance request is out of character with other businesses in the same zoning category, although some businesses have sought variance requests for additional wall signage in the past. The variance request is the minimum variance that will allow reasonable use of the property.

Negative 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: No comment

Staff comments: The requested variance to the land development code will not further any legitimate city objective and the benefits that would be achieved by granting the variance would outweigh the benefits if the variance was denied.

Positive finding

- (4) The granting of the variance is consistent with the city’s comprehensive plan;
Applicant response: No comment.

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: Murals add color to building walls and streets that would otherwise go unnoticed, which is a treat for locals and tourists alike.

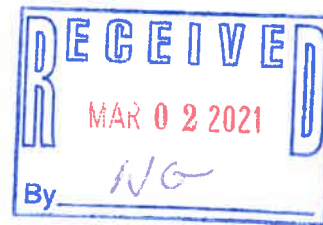
Staff comments: The requested variance is the minimum variance to allow reasonable use of the building. The granting of the variance would outweigh the benefits if the variance was denied for the applicant.

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.



CITY OF CLERMONT
VARIANCE
APPLICATION



DATE 02/17/2021		FEE: \$600	
Project Name (if applicable) Modern Orthodontics Mural			
Applicant AMW Orthodontics (Modern Orthodontics)			
Contact Person Jodie Wong			
Address 1455 E Highway 50	City Clermont	State Florida	Zip 34711
Telephone 3522421818	Fax		
Email jodie@themodernsmile.com			
OWNER INFORMATION			
Owner's Name AMW Investments (Alan Wong)			
Owner Address 1455 E Highway 50	City Clermont	State Florida	Zip 34711
Telephone 352-242-1818	Fax		
PROPERTY INFORMATION			
Address of Subject Property 1455 E Highway 50	City Clermont	State Florida	Zip 34711
General Location East Exterior Wall			
Legal Description (include copy of survey) SANDHILL COMMONS UNIT I PB 53 PG 17-18 LOT 5 ORB 4069 PG 1503			
Land Use (City verification required) MEDICAL BLDG (1900)			
Zoning (City verification required)			



CITY OF CLERMONT VARIANCE APPLICATION

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

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:
102-26 "Other Signs" Mural

What are you proposing to do that would require a variance and why?
Approval of existing mural so that we may keep it.

How does the Code create a hardship?

Murals make our city beautiful! They add color to building walls and streets that would otherwise go unnoticed, which is a treat for locals and tourists alike. Murals attract new local businesses, help bring customers to pre-existing locations, and boost the economy of an area.

The following justifications must be completed for any variance requested:

Variance requested – subject and code section:

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the 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;
- (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;



CITY OF CLERMONT
**VARIANCE
APPLICATION**

(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 was denied.

Jodie Wong-Chinfatt

Applicant Name (print)

x Jodie Wong-Chinfatt
Applicant Name (signature)

Alan Wong

Owner Name (print)

x Alan Wong
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 34712-0219

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

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: 10102061
Phone: (352) 241-7331
Date: 05/17/21
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	06/01/2021	06/01/2021	\$105.37

LEGAL NOTICE

Notice is hereby given that the City Council of the City of Clermont will consider a request for the following variance: (1) to allow for additional wall signage to be displayed not in accordance with the Land Development Code, Section 102-15, at the following location:

LOCATION:
Modern Orthodontics
1455 East Highway 50, Clermont FL
34711
(Alternate Key #3829798)

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 hear this request at a public hearing on Tuesday, June 8, 2021 at 6:30 P.M. in the Clermont City Hall, Council Chambers, 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, MMC
City Clerk

Ad No: 10102061
June 01, 2021

Payment Info	
Ad Price	\$105.37
Tax	\$0.00
Sub Total	\$105.37
Prepaid Amount	\$0.00
Balance Due	\$105.37

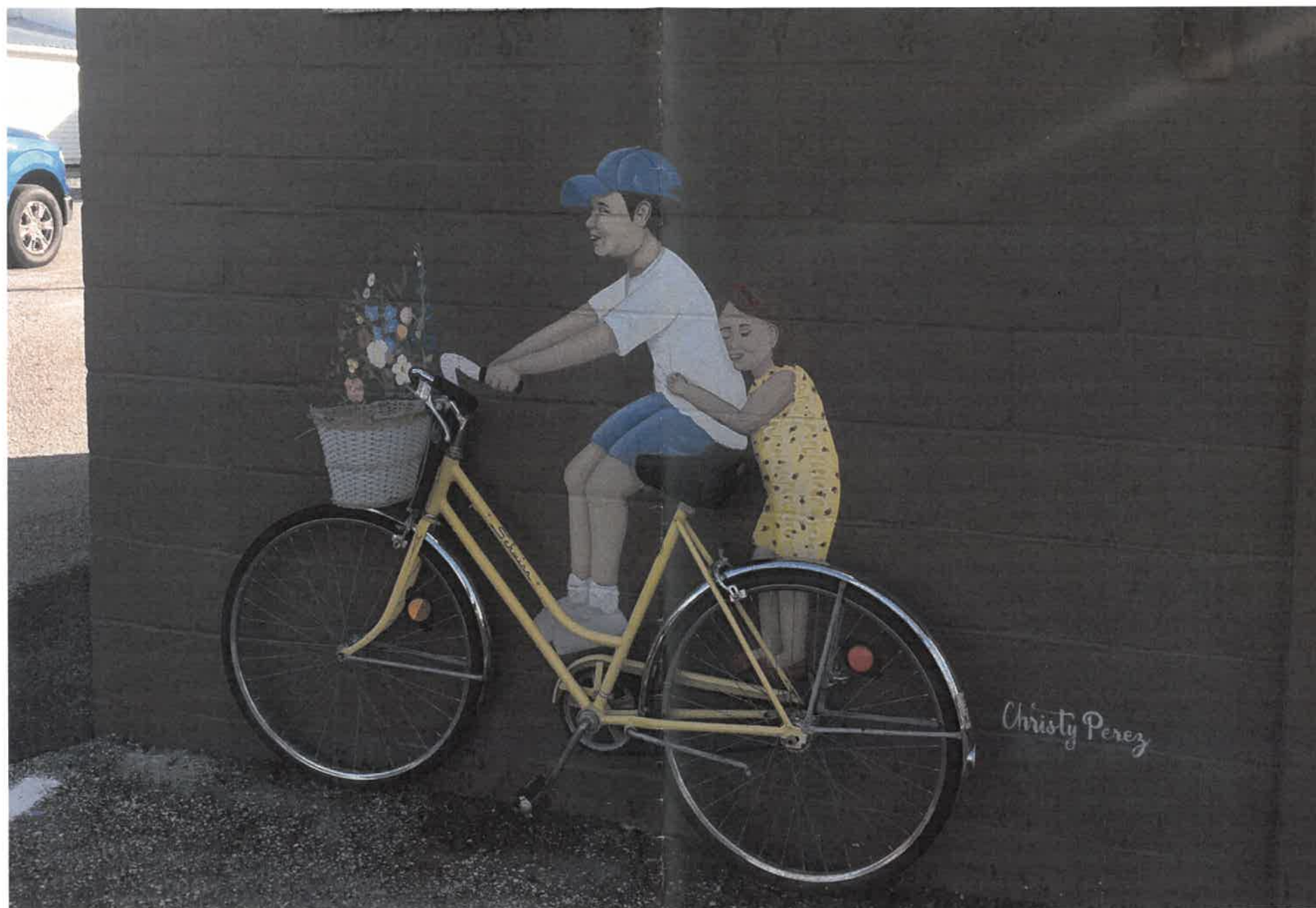


CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, June 8, 2021		
Agenda Item Name		
Mural Request 705 W. Minneola Avenue		
Requested Action		
Consider request for a mural project at 705 Minneola Avenue.		
Staff Report		
The applicant is requesting to allow for a mural artwork project to be located at 705 W. Minneola Avenue. Staff has reviewed the proposed mural artwork display and finds the project does meet the purpose and intent of the Code of Ordinances, Chapter 102-26. Staff finds the mural can provide artistic value to the Clermont Community. Staff recommends approval of the proposed mural.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Mural Artwork Concept	Mural Artwork Concept.pdf	
2. Mural Application	Mural Application.pdf	





CITY OF CLERMONT BUILDING PERMIT APPLICATION



PERMIT #		Date Rcvd:	
PROPERTY INFORMATION			
Alternate Key # 1614422			
Subdivision		LOT	
Site Address 705 W Minneola Ave	City Clermont	State FL	Zip 34711
Owner's Name Nexbiz, LLC.		Telephone	
Owner Address P.O. Box 120788	City Clermont	State FL	Zip 34712
PROJECT INFORMATION			
☒ Residential ☐ Commercial			
Describe the work to be done: Pre - ordinance mural			
Cost of Project: \$600	Proposed Sq. Ft: Conditioned Total New Construction		
CONTRACTOR'S INFORMATION (APPLICANT)			
Qualifier Name N/A	Jayson Stringfellow		License #
Company Name			
Address	City	State	Zip
Telephone	Fax		
Email			
SUBCONTRACTOR INFORMATION			
	Subcontractor	License #	Phone #
Electrical	N/A		
Plumbing	N/A		
HVAC	N/A		
Gas	N/A		
Fire Suppression	N/A		
Fire Sprinkler	N/A		
Irrigation	N/A		
Low Voltage	N/A		
Other	N/A		

Notes:

1. Any non-residential (commercial, office, industrial, etc.) application must include one copy of the floor plan in PDF format on a compact disk (CD), used for firefighting pre-planning.
2. If you are in a Home Owners Association (HOA), this application does not exclude you from meeting and/or adhering to HOA deed restrictions.
3. You may pay with a debit or credit card, however, an additional fee of 2.75% of the transaction will be charged.

In consideration of granting a permit, it is agreed that in all respects the work will be performed and completed in accordance with the permitted and applicable codes of the local jurisdiction. This permit may be revoked at any time upon violation of any of the provisions of said laws, ordinances, or rules & regulations, or upon any unauthorized change in the original plans approved by this department. This permit becomes invalid if an inspection for permanent construction is not requested within 180 days or more than 6 months has elapsed between inspections. I understand a separate permit may be required for sub trades.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

OWNERS AFFIDAVIT: By filing this application, I hereby certify that all the foregoing information is accurate and the work will be done in compliance with all applicable laws regulating construction and zoning. Tenants in a commercial building can sign as owner/builder if they meet the owner/builder requirements as stated in the *Owner's Affidavit*, and provide a copy of their lease.

I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE (Contractor OR Owner/Builder signature): _____

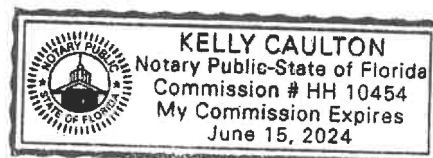
STATE OF FLORIDA; COUNTY OF LAKE:

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 27 day of April, 2021 (year), by Jayson Stringfellow who is personally known to me or who has produced FL Dr. Lic. as identification, and who executed the foregoing instrument, and who did take an oath.

Signature of Notary Public – State of Florida

My commission expires:

(Print, type, or stamp commissioned name of Notary Public)



03/03/20



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, June 8, 2021		
Agenda Item Name		
Sidewalk Café Permit Request <i>Twisted Sugar</i>		
Requested Action		
Staff Report		
The owner of Twisted Sugar located at 756 West Montrose Street within the Art Walk building is requesting the use of the public walkway to provide outdoor seating within the Central Business District. The current city code allows administrative approval of sidewalk cafes within the Central Business District. The code specifies these cafes are for areas that lie within public right-of-ways and have enough room to be located upon an existing sidewalk. In this case, the requested area called the Art Walk is not a public right-of-way, and is listed as fee simple property owned by the City of Clermont. Regulations have not been established for private use within the 16-foot walkway leading from Montrose Street to Minneola Street. Therefore, staff has directed the applicant to request the use of this area directly from City Council. The applicant is proposing to utilize an area just outside their tenant space (8' x 37' within the city's property) to set up small tables and chairs for patrons to utilize, just as they would if setting up the administrative sidewalk café permit. The walkway would be required to maintain a minimum of 4 feet of clear space for pedestrian movement. With the walkway width of 16 feet, and the tenant only requesting the use of 8 feet, staff feels there will be ample form for ADA and pedestrian movement along the walkway.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Cafe Request	Cafe Request.pdf	

Map of As-built Survey

Attachment A

Description:

Lot 11, Block 80, OFFICIAL MAP OF THE CITY OF CLEMONT, according to the map or plat thereof as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida, AND

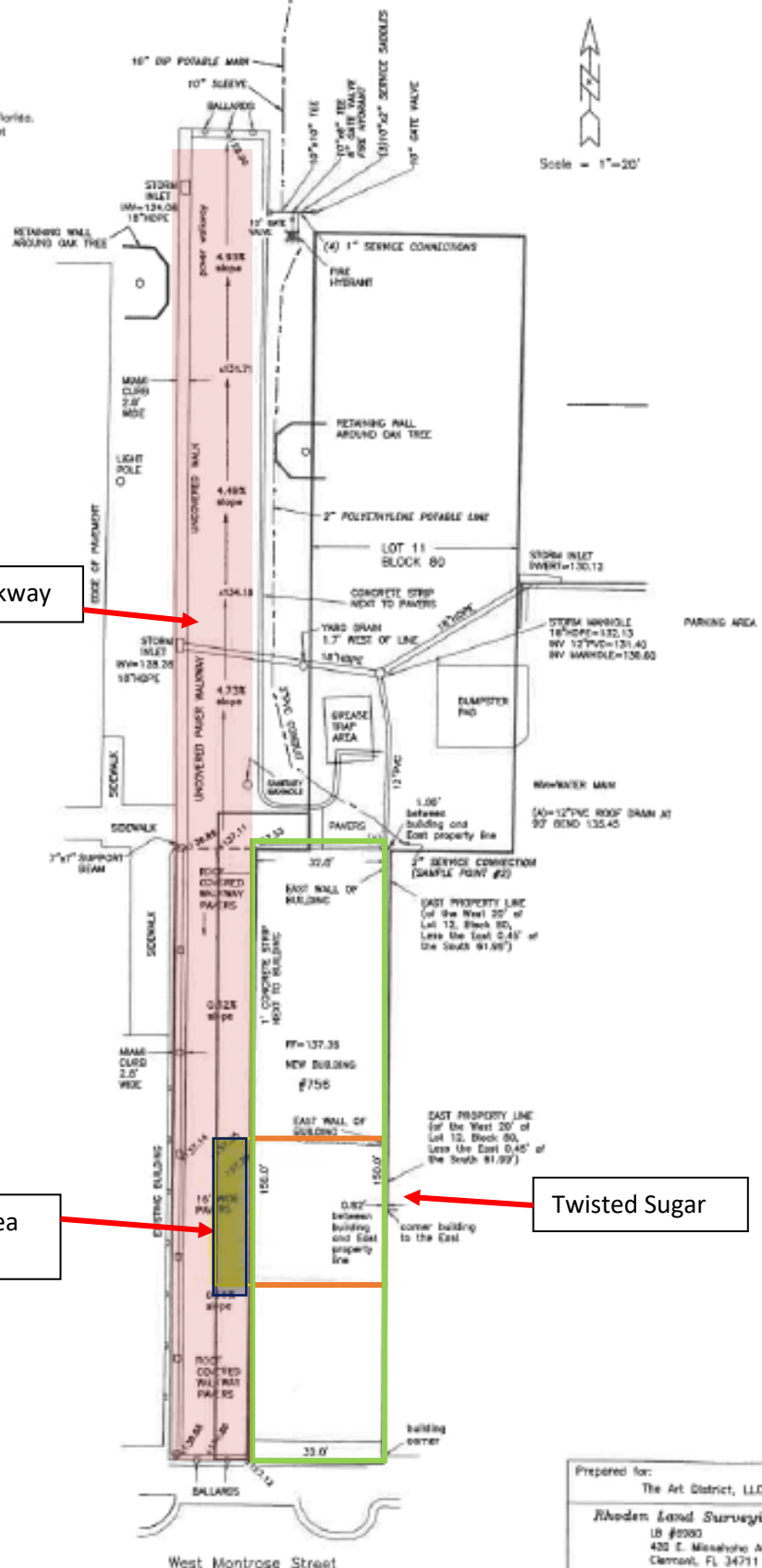
The West 20.00 feet of Lot 12, Block 80, OFFICIAL MAP OF THE CITY OF CLEMONT, according to the map or plat thereof as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida, LESS the East 0.45 feet of the South 61.99 feet thereof, AND

The East 33.00 feet of Lot 14, Block 80, OFFICIAL MAP OF THE CITY OF CLEMONT, according to the map or plat thereof as recorded in Plat Book 8, Page 17, Public Records of Lake County, Florida, LESS the East 18.00 feet of the West 20.00 feet of the East 33.00 feet of said Lot 14, Block 80.

Public walkway

Café area
8' x 37'

Twisted Sugar





CITY OF CLERMONT

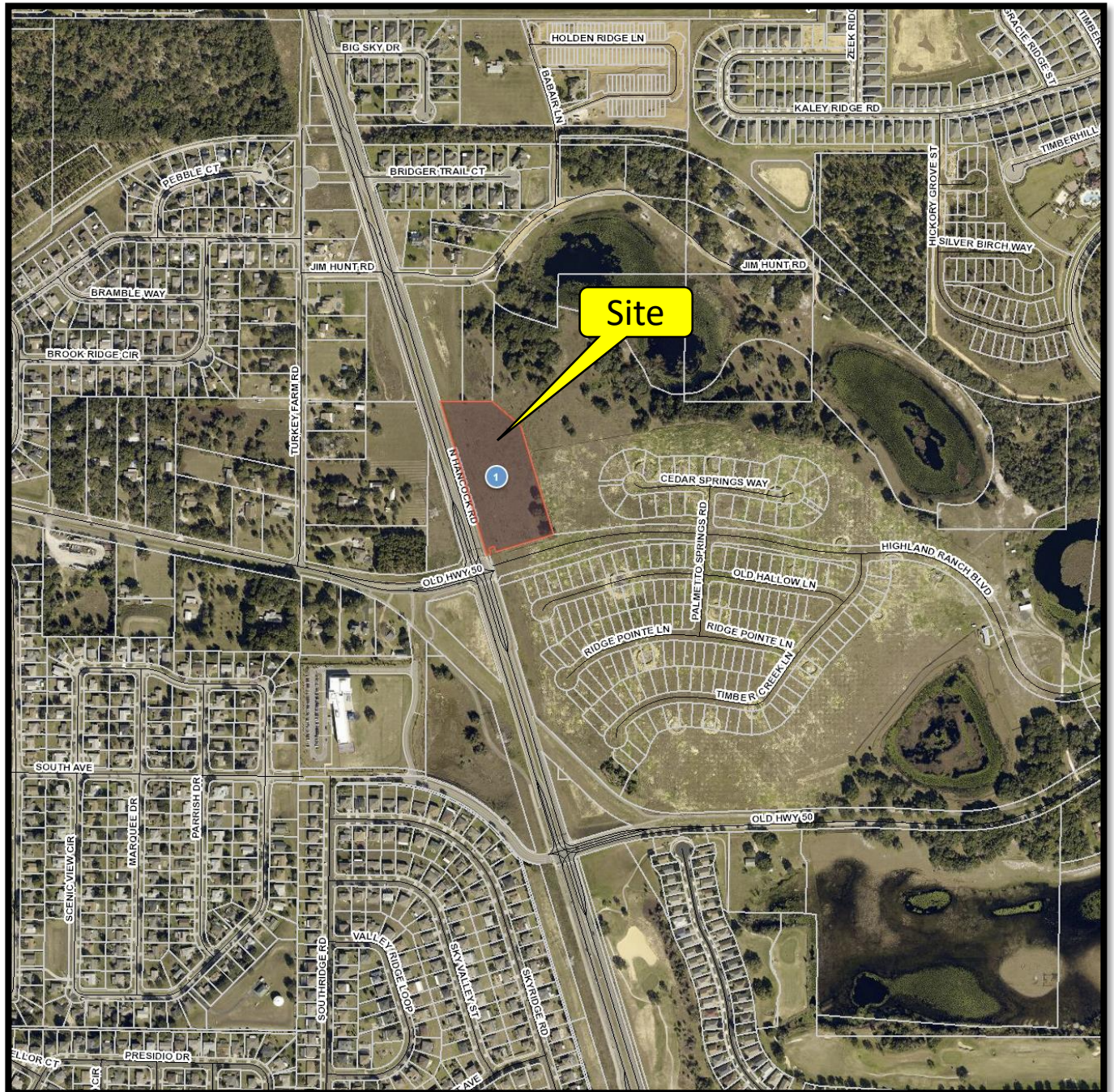
AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, June 8, 2021		
Agenda Item Name		
Administrative Appeal		
Requested Action		
Determine which commercial use, either C-1 Light Commercial or C-2 General Commercial, is the designated use.		
Staff Report		
Jimmy Crawford, on behalf of Center Lake Properties, is requesting this Administrative appeal in regards to a commercial use designation located within the Highland Ranch/Black West PUD. Mr. Crawford (applicant) is requesting this appeal, under Section 86-252 of the Land Development Code, due to the fact that staff is not in agreeance with the applicant's interpretation of "commercial uses" contained in Resolution 2019-26R. Resolution 2019-26R provided many details governing the development, such as overall density, cut and fill locations, gated community approval, age restricted community details, and commercial locations. The Resolution specifically states the Conditional Use Permit allows a Planned Unit Development in the Urban Estate Zoning District. The City's current zoning map shows the property as Urban Estate. The commercial intensity detail is where staff does not agree with the applicant's interpretation. Within the PUD, a commercial location was depicted along Hancock Rd. Staff reads the PUD to allow C-1 Light Commercial uses within this area. The applicant believes the uses should allow C-2 General Commercial uses. The PUD does not clearly state or document the "commercial uses" are C-1 Light Commercial or C-2 General Commercial district. Reviewing the original traffic study, the trip generation code used for the traffic generation was for office and retail. Under the C-1 Light Commercial district, the purpose of the C-1 district is to provide light retail sales and services, which would not be detrimental to adjacent residential districts. The commercial aspect of the project is surrounded by residential uses. The applicant believes otherwise, that C-2 General Commercial uses are allowed. The C-2 district is intended for full-scale retail sales and service needs of the community. This district would permit higher intensity commercial uses, such as gas stations, hotels and motels, childcare centers, along with shopping centers. Staff does not believe the parcel was intended for C-2 General Commercial uses, especially since these types of intensities and uses occur within 2 miles of the parcel to the north, the New Publix Shopping Center, and the south, Target Shopping Center. City staff and the applicant are seeking the direction from City Council on this item.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Location Map	Location Map.pdf	
2. Appeal Ltr re_Black West Commercial	Appeal Ltr re_Black West Commercial.pdf	

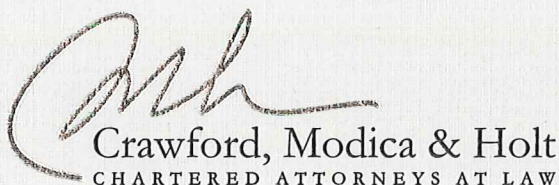
3.	Traffic Impact Study	Traffic Impact Study.pdf
4.	Resolution No. 2019-26R-Signed	Resolution No. 2019-26R-Signed.pdf
5.	C-1 and C-2 Uses	C-1 and C-2 Uses.pdf

Highland Ranch/Black West "Commercial Use" Parcel



Highland Ranch/Black West "Commercial Use" Parcel





CMH LAWYERS

JIMMY D. CRAWFORD
PARTNER

STEPHANIE M. MODICA
PARTNER

LINDSAY C.T. HOLT
PARTNER

May 17, 2021

Mr. Curt Henschel, Development Services Director
City of Clermont
685 W. Montrose Street
Clermont, FL 34711

Re: Black West/Highland Ranch/Commercial PUD Uses

Curt:
Dear Mr. Henschel:

We are in receipt of your letter that determined Resolution 2013-17, amended by Resolution 2019-26R, authorizes only C-1 Light Commercial uses on the property. On behalf of Center Lake Properties, LLLP, please accept this letter as our official appeal of such determination pursuant to City Code Section Sec. 86-252, and our request the item be placed on the next available City Council hearing.

Our appeal is based on our position as follows:

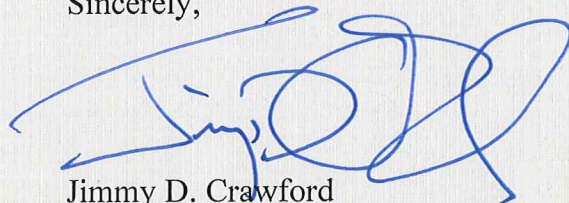
1. Black West was approved by CUP/PUD in 2013 (copy attached for your convenience), for 1200 residential units and 100,00 sf of "commercial." There are several references in the CUP/PUD to "commercial" uses approved, and the Zoning designation is listed on Page 1 as "C-2 General Commercial." There is no reference to C-1 zoning or uses.
2. Black West was amended by Resolution 2019-26R, which reduced the commercial allowable square footage from 100,000 sf to 50,000 sf. Again, there are several statements that "commercial" use is approved, and no reference to limiting such commercial use to C-1 uses.
3. The zoning backup file for Black West contains 5 references to "commercial" uses approved, and no reference to C-1 uses.
4. This author listened to the entire City Council hearing for the Black West 2013 approval, and there was no mention of C-1 uses; only "commercial" uses being approved.

5. C-1 allowed uses don't allow commercial buildings over 5,000 square feet, which would result in 10 or more buildings being required for the 6.4 acre parcel – a bad planning result and ludicrous business result.
6. The intersection at Hancock Road and Old SR 50 is completed and signalized; an intersection of major collector roads connected to the state highway system (SR 50) and the Florida Turnpike.
7. The area is experiencing intense growth, with a high school expansion, construction of a new Publix grocery, over 300 multi-family units, and significant additional commercial and residential construction.
8. This growth is spurred by the completion of Hancock Road north to the new Minneola Turnpike Interchange, and the growth of the Hills of Minneola development and neighboring growth in Lake County, Clermont, Minneola and Montverde.
9. Center Lake Properties, the owner of the commercial parcel, dedicated many acres of right-of-way to allow road and infrastructure construction in the area.
10. Center Lake Properties has partnered with Taylor Morrison Homes to construct a quality community within the City of Clermont.
11. Center Lake Properties and its related companies own hundreds more acres in Lake County which can be annexed into the City of Clermont in the future, and we wish to preserve our strong working relationship and partnership.
12. Center Lake Properties believes its entitlements include all commercial uses allowed in the City of Clermont, without limitation to C-1 uses. We believe the documents state that clearly.
13. Center Lake Properties wishes to obtain recognition by the City of the allowed commercial uses on the property, so proper marketing and development approvals may be commenced.
14. Center Lake Properties is not willing to submit to a Conditional Use Permit amendment process, as we believe the commercial entitlement exists currently.
15. Center Lake Properties is willing to discuss alternative resolutions and solutions.

Mr. Curt Henschel
Black West Commercial
May 17, 2021
Page 3 of 3

Alternatively, in an effort to compromise with staff, we offer the attached list of limited general commercial uses that we are willing to accept in a Settlement or Development Agreement with the City. We appreciate your review and consideration. Should you have any questions, or would like to discuss the matter further, please do not hesitate to contact us.

Sincerely,



Jimmy D. Crawford
CRAWFORD, MODICA & HOLT
CHARTERED ATTORNEYS AT LAW

Attachments

I. INTRODUCTION

The Black West PD is a mixed-use development located in the City of Clermont, Lake County, Florida. The project is located north of Old Hwy 50, east of the proposed North Hancock Road Extension, and south and west of Florida's Turnpike (**Figure I-1, Site Location**). The development is planned to include a total of 737 single-family residential dwelling units, 413 age-restricted residential dwelling units, **50,000 square feet of office space**, and **50,000 square feet of retail space**. The development will be completed in three phases, scheduled for 2017, 2021, and 2025.

The project site is currently undeveloped, as is much of the area to the north and east of the proposed development. However, there are approved developments planned for the surrounding area, including the Hills of Minneola, Founder's Ridge, the Reserve at Minneola, and Bella Collina. The extension of North Hancock Road to Florida's Turnpike and the construction of a new Turnpike interchange have been deemed essential for the construction of many of the surrounding developments. Outside of the proposed new connection to Florida's Turnpike, the project site has access to State Route 50 and US 27 provided via Hancock Road, Old Hwy 50, and Blackstill Lake Road, and bicycle/pedestrian connections to the West Orange Trail and South Lake Trail (Lake Apopka Trail).

**Table IV-1
Trip Generation
Black West PD**

Land Use	LUC	Intensity	Daily Trips	PM Peak		
				Total Trips	In	Out
Phase I						
Single-Family	210	129 DU	1,327	132	83	49
Sr. Adult Housing - Detached	251	97 DU	460	44	27	17
Office	710	0 KSF	0	0	0	0
Retail	820	0 KSF	0	0	0	0
Subtotal			1,787	176	110	66
Phase II						
Single-Family	210	479 DU	4,438	430	271	159
Sr. Adult Housing - Detached	251	219 DU	950	81	49	32
Office	710	25 KSF	458	106	18	88
Retail	820	25 KSF	1,068	237	114	123
Subtotal			6,914	854	452	402
Phase III						
Single-Family	210	129 DU	1,327	132	83	49
Sr. Adult Housing - Detached	251	97 DU	97	30	27	17
Office	710	25 KSF	458	106	18	88
Retail	820	25 KSF	1,068	237	114	123
Subtotal			2,950	505	242	277
Phase I Total			1,787	176	110	66
Phase I & Phase II Subtotal			8,701	1,030	562	468
Internal Capture (10.06% of all)			875	104	57	47
Pass-By (48.3% of retail)			516	114	55	59
Phase I & Phase II Total			7,310	812	450	362
Phase I, Phase II, & Phase III Subtotal			11,651	1,535	804	745
Internal Capture (13.35% of all)			1,555	205	107	99
Pass-By (48.3% of retail, limited by 10% of adj. street)			717	159	76	83
Phase I, Phase II & Phase III Total			9,379	1,171	621	563

Source: ITE Trip Generation, 9th Edition



CITY OF CLERMONT
RESOLUTION NO. 2019-26R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, TO ALLOW AN AMENDMENT TO A CONDITIONAL USE PERMIT (RESOLUTION NO. 2016-10) TO AMEND THE (PUD) MASTER DEVELOPMENT PLAN TO CONVERT A DESIGNATED COMMERCIAL PARCEL TO RESIDENTIAL USE FOR THE DEVELOPMENT OF SINGLE FAMILY RESIDENTIAL LOTS.

WHEREAS, the project was approved under Resolution 2013-17 and amended with Resolution No. 2016-10 to allow for a Planned Unit Development (PUD), a mixed use development with up to 1,200 dwelling units and up to 100,000 square feet of commercial on 579 acres with the conditions contained in Resolution No. 2016-10.

WHEREAS, the developer has requested several amendments to the existing Planned Unit Development (PUD) Master Development Plan with Resolution No. 2016-10. The current request to amend the Master Development Plan would allow a designated commercial parcel be converted to residential use for development of single-family residential lots.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida, at a meeting held on October 1, 2019, recommended approval of the request to amend the Conditional Use Permit to convert a designated commercial use to residential use for development of single family lots at the following location:

LOCATION:

579 acres north of Old Highway 50 and Southwest of the Florida Turnpike
(Alternate Key 3809256)

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 Resolution would amend Resolution No. 2016-10.

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

This application for a Conditional Use Permit to allow a Planned Unit Development in the UE Urban Estate Zoning District; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

SECTION 1. General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.



**CITY OF CLERMONT
RESOLUTION NO. 2019-26R**

2. The property shall be developed in substantial accordance with the Conceptual Site Plan prepared by Waldrop Engineering and referenced as (Exhibit A). Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approval by the Site Review Committee prior to the issuance of a Zoning Clearance of other development permits. The Conceptual Site Plans submitted with the Conditional Use Permit application are not the approved construction plans.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of grant by the City Council or the permit shall become null and void.
5. 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.
6. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date that this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.
7. The structure shall be inspected by the Fire Marshal for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
8. The structure shall be inspected by the City Building Inspector and all Building Code violations must be corrected prior to a Certificate of Occupancy being issued.
9. The final Certificate of Occupancy shall not be issued until each of the stated conditions have been met.
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.



CITY OF CLERMONT
RESOLUTION NO. 2019-26R

SECTION 2. Land Use

1. This Planned Unit Development (PUD) is for a mixed-use development with up to a maximum 1,200 residential dwelling units, and up to 100,000 square feet of commercial use on 579 acres. This amendment to the CUP would modify the residential parcel, identified as P-2 (also known as Canyons Phase 6), adding the southernmost commercial parcel, identified as "commercial" on the master plan be converted to residential use. The four (4) acre commercial parcel shall be combined with the (Canyons Phase 6) residential parcel to allow construction of 168 single-family residential lots on parcel identified as P-2. The development will provide the maximum allowed of 1,200 dwelling units for the Planned Unit Development. The gross residential density will be 2.46 dwelling units per acre. All other conditions of the Planned Unit Development (PUD) Master Plan shall remain as approved.
2. This Planned Unit Development includes a mix of up to 500 age-restricted and up to 700 non-age-restricted units. The maximum number of age-restricted units may increase by up to 10% (to 550 units) so long as there is a corresponding decrease in the maximum number of non-age-restricted such that the total number of units does not exceed 1,200. Likewise, the maximum number of non-age-restricted units may increase by up to 10% (to 770) so long as there is a corresponding decrease in the maximum number of age-restricted units such that the total number of units does not exceed 1,200. Increases of more than 10% to the maximum number of units in either category are not allowed, unless the City has verified that the project amenities have been adjusted in proportion to the requested changes to the Planned Unit Development.
3. The applicant/owner must coordinate with the Lake County School District for capacity review and requirements pertaining to schools, and in conformance with City Code, prior to issuance of any building permits.

SECTION 3. Site Development

1. Detailed grading, erosion control, and dust abatement plans for the entire site shall be submitted to and approved by the Site Review Committee prior to construction plan approval and the initiation of development activity. The dust abatement plan shall detail measures to be taken to eliminate the migration of dust particles from the site.
2. All excavated material shall be stored in a location approved by the City Engineer.
3. Geo-technical information regarding the soil characteristics of the site shall be submitted to the City as part of the Final Site Review process.
4. The permittee/developers shall provide both temporary and permanent grassing including fertilizer application on all disturbed areas where construction is not immediately intended. Said plan shall be provided in accordance with an approved ground cover plan acceptable to the City in accordance with Best Management Practices (BMP) of the United States Department of Agriculture Soil Conservation Service.



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5. All platting must be completed in accordance with City Codes.

SECTION 4. Transportation Improvements

1. Sidewalks shall be required along Old Highway 50 and within the development, in accordance with Florida Department of Transportation regulations and City Codes.
2. The approximately 50-foot-wide strip of land located north of Lake Patterson and adjacent to the former CSX right-of-way may not be used for automobile access to the property, but may be used as a trail or other multi-modal purpose.

SECTION 5. Utilities and Stormwater

1. The permittee shall be responsible for purchasing, installing, and maintaining fire hydrants within the project. They shall be installed according to City Code.
2. The project shall be plumbed for reuse water with purple piping. Irrigation in common areas shall be provided for by well.

SECTION 6. Landscaping

1. The landscape design for all parking areas, buffers, rights-of-way, pedestrian ways and focal points shall be unified and complementary to the ambiance of the center.
2. All landscape plans and plantings shall meet or exceed the City of Clermont Code.

SECTION 7. Architectural Design Standards

1. All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont.
2. All fencing within public view shall be ornamental metal, brick or decorative wood fencing with stone columns, as approved by the Site Review Committee.

SECTION 8. Fire Design Standards

1. Any residential structures not meeting the separation distances set forth in table R302.1 will be required to provide a residential sprinkler system meeting the standards of NFPA 13D.

SECTION 9. Variances included within the Planned Unit Development

Specific considerations/variances within the Planned Unit Development are as follows:

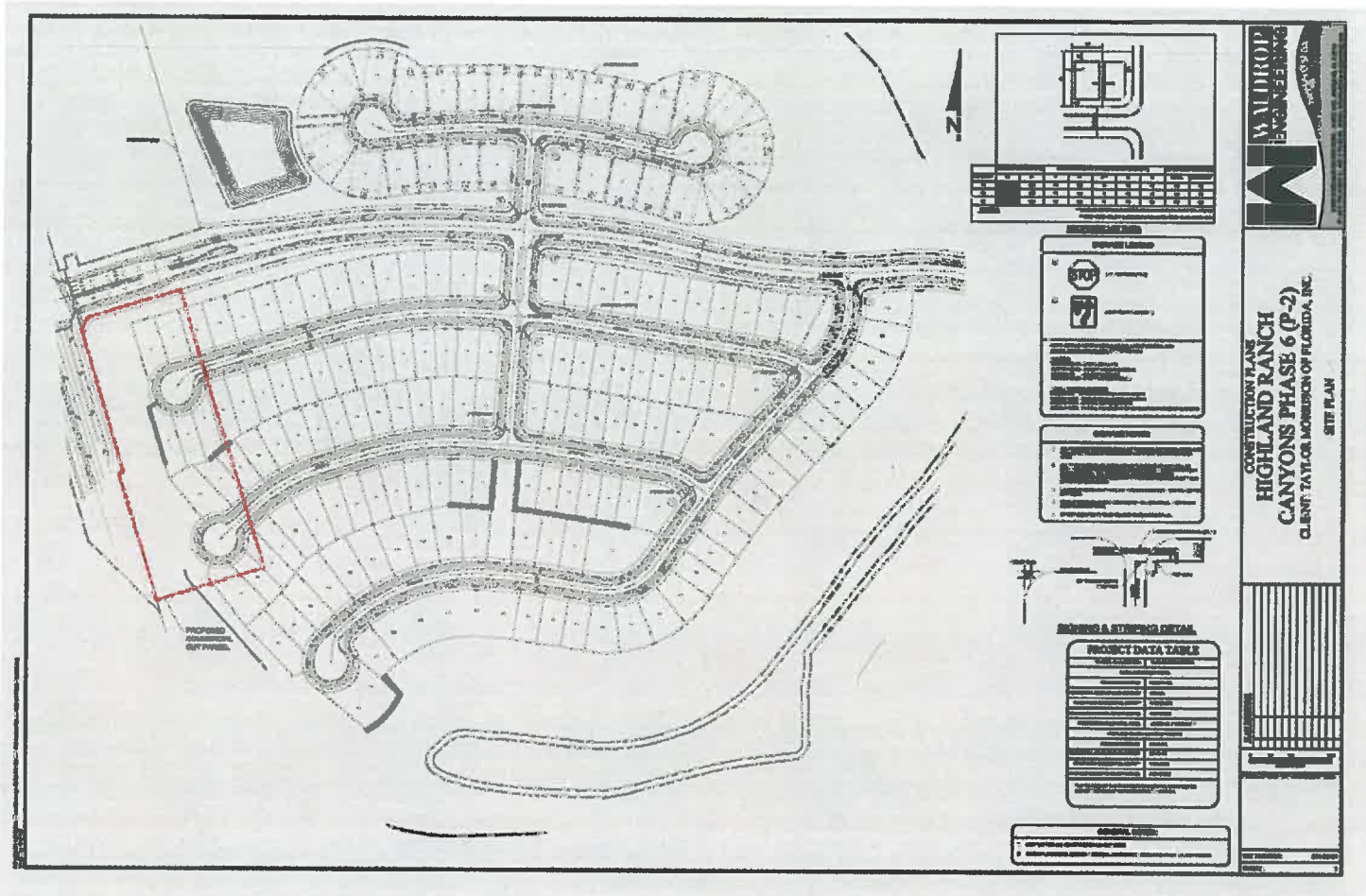
- 1) To allow for private streets with gates.



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- 2) A grading request for up to twenty-five feet of cut/fill rather than ten feet per Code, provided that the maximum cut/fill (25 feet) shall be limited to no more than 2% of the total project acreage of 578.93 acres. This limitation does not apply to cut/fill that causes elevation changes of less than twenty-five feet.
- 3) Increasing the grading between multi-level developments from five-to-one slope to a four-to-one slope.
- 4) Allowing retaining walls to be ten feet in height rather than a maximum of six feet. However, retaining walls that are located along the external boundary of the Planned Unit Development (where they would be adjacent to property that is located outside of the Planned Unit Development) shall be a maximum of six feet in height.
- 5) To allow lot sizes smaller than one acre, down to 5,500 square feet.
- 6) To allow sidewalks to be located five feet off the back of the right-of-way line; within the right-of-way, rather than located on the edge of the right-of-way.
- 7) Increase total impervious surface coverage areas for individual lots from fifty-five percent to seventy-five percent and from forty-five percent to sixty-five percent for the principal structure.
- 8) Reduce front yard setbacks from thirty-five feet to fifteen feet.
- 9) Reduce the side yard setback from fifteen feet to five feet for single-family detached dwellings for lot types A-F and 3'/12' side yard setback for lot type A-2.
- 10) Reduce the rear yard setback from twenty-five feet to twenty feet. Lots 48-51 and 60-63 within Highland Ranch Esplanade Phase 1 (PB 66, Page 31-36) are permitted a reduced rear yard setback of 8 feet for principal structures and 5 feet for accessory structures.
- 11) Reduce the seven and one-half foot side yard utility easements to match the side yard setbacks.
- 12) The project includes a waiver to allow the existing billboards on the property to remain in place, but on a temporary basis. Billboards shall be removed no later than January 31, 2021.

Exhibit A





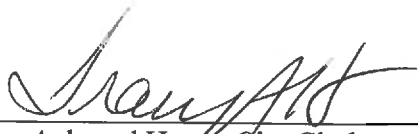
**CITY OF CLERMONT
RESOLUTION NO. 2019-26R**

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, 22 of October, 2019.

CITY OF CLERMONT


Gail L. Ash, Mayor

ATTEST:


Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:


Daniel F. Mantzaris, City Attorney

DIVISION 10. - C-1 LIGHT COMMERCIAL DISTRICT¹⁰

Footnotes:

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Note— See the editor's note to div. 2.

Sec. 122-201. - Intent.

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

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

Sec. 122-202. - Site plan review.

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

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

Sec. 122-203. - Permitted uses.

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

- (1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.
- (2) Personal service establishments, such as but not limited to beauty shops or barber shops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use; with a business tax receipt and with medical supervision, within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.
- (3) Professional offices, doctor offices, banks, loan companies, insurance and real estate offices, and similar businesses.
- (4) Dwelling units permitted in the R-3 district, provided that they meet the regulations of the R-3 district.
- (5) Buildings, structures and uses maintained or operated by the city.
- (6) Lodges and clubs.
- (7) Churches and places of religious worship, less than one acre or 5,000 square feet or less.
- (8) Restaurants.
- (9) Shopping centers. Any group of businesses with shared parking or in which the total land area of the development less than five acres.

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

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

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

(Code 1998, § 122-203; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 2010-05-C, § 2, 3-23-2010; Ord. No. [2013-04](#), § 2, 2-26-2013)

Sec. 122-204. - Conditional uses.

- (a) Conditional uses in the C-1 district are as follows:
- (1) Retail businesses, personal service establishments, professional offices, lodges and clubs and churches greater than 5,000 square feet; provided, however, that no retail establishment may occupy more than 100,000 square feet.
 - (2) Public or semipublic facilities or structures not maintained or operated by the city and not listed under permitted uses; such as operated by any other unit of government.
 - (3) Utility facilities; such as electrical transformers, gas regulator stations; and so forth.
 - (4) Hospitals, clinics, nursing homes, and funeral homes.
 - (5) Nursery schools, kindergartens or child care centers; provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.
 - (6) Cemeteries.

- (7) Private schools.
 - (8) Mobile home parks per article V of this chapter.
 - (9) Planned unit developments per article IV of this chapter.
 - (10) Convenience stores and gas stations.
 - (11) Laundries.
 - (12) Automobile and truck services.
 - (13) Lounges.
 - (14) Bed and breakfast inns per article V of this chapter.
 - (15) Shopping centers; any group of businesses with shared parking or in which the total land area of the development five acres or more.
- (b) In case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval by the city council are not more obnoxious to the district than uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.

DIVISION 11. - C-2 GENERAL COMMERCIAL DISTRICT¹¹

Footnotes:

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Note— See the editor's note to div. 2.

Sec. 122-221. - Intent.

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

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

Sec. 122-222. - Site plan review.

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

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

Sec. 122-223. - Permitted uses.

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

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

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

Businesses which utilize this type of sidewalk use shall maintain at least a four-foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the Americans with Disabilities Act. Where such four-foot open space is not available, table or chairs shall not be allowed. All such uses shall be approved by the applicable City administrator. Number and size limitations are as follows:

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

(Code 1998, § 122-223; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § II, 4-13-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 2010-05-C, § 2, 3-23-2010; Ord. No. [2013-04](#), § 2, 2-26-2013; Ord. No. [2016-27](#), § 2, 6-28-2016)

Sec. 122-224. - Conditional uses.

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

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

(Code 1998, § 122-224; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 292-C, § III, 4-13-1999; Ord. No. 294-C, § 2, 9-28-1999; Ord. No. 299-C, § 2, 6-27-2000; Ord. No. 333-C, § 4, 3-23-2004; Ord. No. [2013-04](#), § 2, 2-26-2013; Ord. No. [2016-27](#), § 2, 6-28-2016)