



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, January 5, 2016
City Hall – 685 W. Montrose Street, Clermont, FL**

**CALL TO ORDER
INVOCATION AND PLEDGE OF ALLEGIANCE
MINUTES**

Approval of the November 3, 2015 Planning and Zoning meeting minutes.

**REPORTS
NEW BUSINESS**

Item 1 - Ordinance No. 2016-04
South Lake Connector Rezoning

Request to change the zoning from R-1
Single Family Medium Density
Residential to C-1 Light Commercial for
property located at the southeast corner
of U.S. 27 and Citrus Tower Blvd. across
from Racetrac.

Item 2 - Ordinance No. 2016-03
Hartle Grove Multifamily Rezoning

Request to change the zoning from
Urban Estate to Planned Unit
Development for property located south
of S.R. 50 and west of Hartle Road.

Item 3 - Ordinance No. 2016-06
LDC Amendment

Request to amend Chapter 62, Section
62-39 Parking For Prohibited Acts.

Discussion of Non-Agenda Items

Nomination for Chair
Nomination for Vice-Chair

ADJOURN

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

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

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

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, January 5, 2016
City Hall – 685 W. Montrose Street, Clermont, FL

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 3, 2015

Page 1

The meeting of the Planning & Zoning Commission was called to order Tuesday November 3, 2015 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Judy Proli, Tony Hubbard, and Cuqui Whitehead. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Hector Guerrero Intern Planner, Jim Hitt Economic Development Director, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held October 6, 2015 were approved as written.

REPORTS

There were no reports.

1. REQUEST FOR REZONING

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

APPLICANT: City Staff

Senior Planner Kruse presented the staff report as follows:

On March 23, 2015, the City Council approved the Downtown and Waterfront Master Plan, prepared by GAI Consultants. This plan has strategies that will drive redevelopment and infill in and around the downtown area. As a result of developing this plan, it was noted that some of the zoning in the downtown area was not consistent with the master plan's goals and did not match the current future land use of Downtown Mixed Use. For properties with Downtown Mixed Use future land use, the matching zoning designation would be the Central Business District (CBD). In an effort to set the framework for the goals outlined in the plan, staff is requesting a zoning change to CBD for all properties not currently zoned CBD that are contained within the boundary of the Downtown Mixed Use future land use designation. Properties that will be affected by the change currently have one of the following zoning designations: R-3 Residential/Professional, C-1 Light Commercial, C-2 General Commercial, or M-1 Industrial. This change to CBD will allow more permitted uses, zero lot lines, and increased building heights. Staff believes this change is consistent with the intent of the master plan and with the Downtown Mixed Use future land use. One example of where this would be beneficial, as outlined in the master plan, would be the "Lumberyard Redevelopment" area. This property, currently M-1 Industrial, would still have to follow the CBD requirements in Chapter 122, Article III, Division 12 as it redevelops. By matching the zoning and future land use now, future projects can be developed at a more efficient pace.

Staff recommends approval of the rezoning to CBD Central Business District.

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 3, 2015**

Page 2

Franklin Forth, 959 W. Desoto St., stated that he has concerns about height of buildings near residential homes. He stated that he wants clarification about parking requirements on West Avenue.

Charles Forth, 939 W. Desoto St., stated that the city has adopted a set of specific goals and objectives that need to be followed. He stated that he has concerns about zero lot lines and parking.

Charlene Forth, 939 W. Desoto St., stated that the Central Business District keeps encroaching on their residence. She stated that she wants wording included to prevent the encroachment.

Mark Ball, 660-680 Eleventh St., asked if his property could be included in the CBD rezoning.

Mr. Kruse stated that the purpose of the CBD rezoning is to match the future land use of Downtown Mixed Use. He stated that the properties included in the CBD rezoning have been advertised with the legal description so the city could not include his property with this rezoning.

Franklin Forth, 959 W. Desoto St., stated that the city should consider wording about the increase in height next to residential areas.

Mr. Kruse stated that the city would have to do a land development code change in order to do that.

Commissioner Solis stated that he would be concerned about building height as well if he lived in the CBD District.

Commissioner Proli stated that she can empathize with the residents in the CBD District. She stated that a parking garage needs to be built in the downtown area.

Commissioner Whitehead stated that the downtown parking has been a concern of hers for many years.

Chairman Jones stated that you can require businesses in the downtown district to provide the same parking as in other areas of the city.

Commissioner Whitehead moved to recommend approval of the CBD rezoning and recommend City Council directs staff to require residents to comply with city code; seconded by Commissioner Proli. The vote was unanimous to recommend approval with added statement.

2. REQUEST FOR REALIGNMENT OF THE CRA

REQUEST: To realign the CRA boundaries to conform with the Comprehensive Plan
APPLICANT: Staff

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 3, 2015

Page 3

Economic Development Director Hitt presented the staff report as follows:

The Downtown Clermont Redevelopment Agency (CRA) and 157 acre district were created in 1997 by adoption of Resolution No. 950. Updates to the plan were completed in 2005 and 2010. The CRA district has experienced significant redevelopment efforts through various streetscape projects and the incentive grant programs. The CRA district is also the heart of the recently approved the Downtown & Waterfront Master Plan.

In order to grow the district and continue the design and improvements of the recently approved *Downtown & Waterfront Master Plan*, an amendment to the CRA district and plan is needed at this time.

The redevelopment plan must continue to remain flexible enough to enable the CRA to work on various projects within the parameters of the plan, and supported by the annual budget.

This request is to approve the expansion of the CRA District and the Plan as presented. The CRA district will total 379 acres and will include the following new areas:

- * The northeast - Waterfront Park beach area and the old Bell Ceramics site off East Ave.;
- * The west area - CBS Builders Supply , Exceletech (recently demolished site) and Clermont Public Works.
- * South of State Road 50 - this frames in the downtown approach off SR 50.

The approach, or entrance areas leading into the downtown and waterfront are vital to the CRA district, and the expansion areas capitalize on those areas, in addition to adding properties to the CRA district. These help with the growth of the core part of Clermont and the master plan area.

The new CRA redevelopment plan continues the 5-year cycle for revisions that reflect the changes needed for our growth in the downtown and waterfront.

Charlene Forth 939 W. Desoto St., stated that there are residents on West Desoto and West Montrose who are here. She stated that they take CRA taxes from the residents in this area; however the residents don't get any of those back. She stated that the opportunities are only available for businesses. She stated that there are residents who need assistance to help beautify their homes as well.

Mr. Hitt stated that the residents do benefit from the tax because the businesses who have utilized the grant money making improvements to their businesses. He stated the streetscapes, lights, benches, and new trash cans that have been put in the CRA district also benefit the residents. He stated that the CRA would need to develop a program for residents.

Rose Cheese, 1169 12th St., stated that the bench at the park by her home is dry rotted and needs to be replaced. She stated that the bushes need to be trimmed at the park. She stated that the street sweeper passes her home every day; however they never clean the street in front of her home.

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 3, 2015

Page 4

Mr. Hitt stated that the city is in the process of replacing the benches and picnic tables throughout the city. He stated that he will talk to Public Works about the bushes and street sweeper.

Charles Forth, 939 W. Desoto St., stated that he questioned why the areas being included weren't included previously. He stated that we need to do everything we can to include the residents with the grant money to help improve their properties.

Commissioner Whitehead moved to recommend approval of the realignment of the CRA District; seconded by Commissioner Smith. The vote was unanimous to recommend approval.

3. REQUEST FOR CAPITAL IMPROVEMENTS ELEMENT AMENDMENT

REQUEST: To amend the Goals, Objectives and Policies of the Capital Improvements Element of the comprehensive plan to update the five-year schedule of capital improvements.

APPLICANT: City Staff

Senior Planner Kruse presented the staff report as follows:

Florida Statutes require annual updates to local governments' Capital Improvements Elements of their comprehensive plans. Enclosed is the supporting documentation for Ordinance No. 2015-76, adopting changes to the Capital Improvements Element of the comprehensive plan.

Staff recommends approval.

Commissioner Whitehead moved to recommend approval of the Capital Improvements Element amendment; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

4. REQUEST FOR LDC AMENDMENT

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

APPLICANT: City Staff

Planner Guerrero presented the staff report as follows:

Staff is proposing language to the Land Development Code (LDC) to allow an increase in driveway width leading into garages that face the street. Recent demand for single family homes with three vehicle garages has led to an increased interest to alter driveway width in order to provide feasible and safe vehicle access. Current code allows driveways up to 20 feet in width. This width can accommodate two car garages in a reasonable manner. To accommodate single family residential structures with three vehicular garage openings, City staff recommends adjusting driveway width standards for front-loaded garages to be up to 30 feet in width for lots

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 3, 2015**

Page 5

60 feet or greater. For lots less than 60 feet, a variance will be required in order to grant an applicant's request. Staff believes the additional width would also reduce the demand for on-street parking by providing more area to park on the lot. Lake County's land development regulations do not limit driveway width standards for three vehicular front-load garages, as shown in the included exhibit.

While recommending code changes to the driveway width, the City's Engineering Department also recommends making two additional changes that deal with driveway construction. The City engineer has recommended adjusting the maximum slope for driveways above street grade to one inch per foot from the top of the curb and to allow fiber-reinforced concrete with a strength of 3,000 psi to be used as well as 6x6 wire-welded mesh with strength of 2,500 psi concrete.

Staff is in support of the above recommended changes for the increase in driveway width, change in slope, and the fiber-reinforced concrete option. If approved, changes in the LDC would occur in Sec. 54-78 - Driveway construction standards, Sec. 98-9 – Access, Sec. 98-10 – Driveway construction standards, and Sec. 110-274 – Illustrations.

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

5. REQUEST FOR LDC AMENDMENT

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

APPLICANT: City Staff

Planning Manager Henschel presented the staff report as follows:

Staff recommends approval of Ordinance 2015-79, which revises the existing Land Development Code sections dealing with noise and adds new provisions. These sections dealing with noise pollution have been the subject of recent code enforcement cases that have come before the Code Enforcement Board and City Council for resolution.

The proposed changes to Chapter 34 Environment include measurements for sound levels, added definitions, additional time allotments for individual users, and exemptions. The current City code allows the individual officer to make the determination that the disturbing noise is in violation of the code. The proposed changes and additions provide for a more precise level of measurement in determining if the audible nuisance is in fact a code violation.

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
November 3, 2015

Page 6

Charlene Forth, 939 W. Desoto St., stated that she is looking forward to this land development code amendment. She asked what guidelines the police officers will have to go on.

City Attorney Mantzaris stated that the officers will have the equipment and will base their decision according to the city code.

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

Senior Planner Kruse presented an update of the projects that were previously brought before the Planning and Zoning Commission.

There being no further business, the meeting was adjourned at 8:23 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date														
Tuesday, January 5, 2016														
Agenda Item Name														
Ordinance No. 2016-04 <i>South Lake Connector Rezoning</i>														
Requested Action														
Move to recommend approval of Ordinance 2016-04.														
Staff Report														
The owner is requesting a rezoning from R-1 Single Family Medium Density Residential District to C-1 Light Commercial Zoning District. The property has 6.55 acres of upland developable property and is located at the southeast corner of Highway 27 and Citrus Tower Blvd. The parcel has a future land use of Commercial, which is compatible with the proposed C-1 Light Commercial zoning district. Currently, the owner does not have a site plan ready for review, but does anticipate retail and restaurant uses for the parcel. With the Commercial future land use and the location of the parcel on Highway 27, staff recommends approval of the rezoning from R-1 Single Family Residential to C-1 Light Commercial.														
Additional Analysis														
Fiscal Impact Summary														
Fiscal Impact	Fund Number and Description	Available Budget Amount												
Exhibits Attached (copies of original agreements)														
<table><tr><td>1.</td><td>Ordinance</td><td>REZ ORD 2016-04.doc</td></tr><tr><td>2.</td><td>Application</td><td>Rezoning application.pdf</td></tr><tr><td>3.</td><td>Location Map</td><td>South Lake Connector Rezoning Pix.doc</td></tr><tr><td>4.</td><td>Legal ad</td><td>REZ legal ad.docx</td></tr></table>			1.	Ordinance	REZ ORD 2016-04.doc	2.	Application	Rezoning application.pdf	3.	Location Map	South Lake Connector Rezoning Pix.doc	4.	Legal ad	REZ legal ad.docx
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CITY OF CLERMONT
ORDINANCE No. 2016-04

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

North ½ of northeast ¼ lying easterly of US Highway 27 and lying southeasterly of the following described road right-of-way: From northwest corner of northeast ¼ run south 89-36-07, east 1348.13 feet for point of beginning, continue north 89-36-07 east 110.40 feet, south 24-40-34 east 147.32 feet to a point of curvature of a curve. Concave to the west, having a radius of 400 feet, thence from a chord bearing of south 20-15-06 west run southwesterly along the arc of said curve thru a central angle of 89-51-20 a distance of 627.31 feet to the point of tangency, thence south 65-10-46 west a distance of 146.24 feet to a point on easterly right-of-way line of US Highway 27, thence north 24-49-14 west along said easterly right-of-way line 87.28 feet, north 22-26-06 west along said easterly right-of-way line 12.73 feet, north 65-10-46 east 145.71 feet to a point of curvature of a curve concave to the west, having a radius of 300 feet, thence from a chord bearing north 20-15-06 east run northerly along the arc of said curve thru a central angle of 89-51-20 a distance of 470.48 feet, north 24-40-34 west 194.10 feet to point of beginning for road right-of-way. ORG 4018 PG 748, Containing 37.29 acres more or less

**FROM R-1 Single Family Medium Density Residential
TO C-1 Light Commercial**

SECTION 2:

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

SECTION 3:

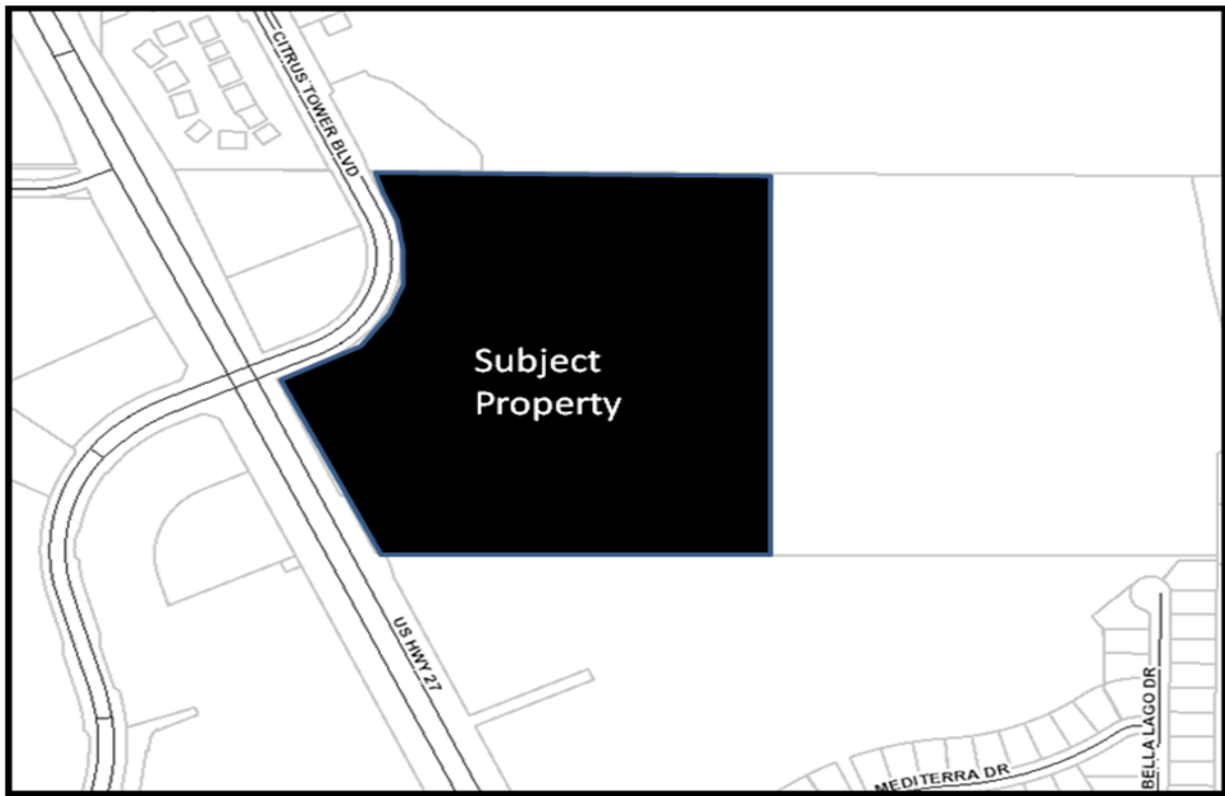
CITY OF CLERMONT
ORDINANCE No. 2016-04

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

SECTION 4:

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

Location map:



CITY OF CLERMONT
ORDINANCE No. 2016-04

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 26th day of January, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



**CITY OF CLERMONT
REZONING
APPLICATION**

DATE: 11/10/15

FEE: \$350.⁰⁰

PROJECT NAME (if applicable): SouthLake Connector SE

APPLICANT: Jimmy Crawford

CONTACT PERSON: " "

Address: 1201 W. Highway 50

City: Clermont State: FL Zip: 34711

Phone: (352) 394-7408 Fax: (352) 394-7298

E-Mail: jimmy.crawford@mngellaw.com

OWNER: South Lake Connector, LLC

Address: P.O. Box 120355

City: Clermont State: FL Zip: 34712

Phone: 407 947 6037 Fax: 877 725 7329

Address of Subject Property: 1480 Hammock Ridge Rd

Legal Description (include copy of survey): SEE ATTACHED

Acres: 6.55 Land Use: Commercial
(City verification required)

Present Zoning: R-4 Proposed Zoning: C-2
(City verification required)



**CITY OF CLERMONT
REZONING
APPLICATION**

Page 2

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

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

Construct a commercial center including
retail and restaurant.

Jimmy Crawford
Applicant Name (print)

x [Signature]
Applicant Name (signature)

Southlake Connector, LLC
Owner Name (print)
Ravella Bangley

x [Signature]
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**

PROPERTY RECORD CARD

General Information

Owner Name: SOUTH LAKE CONNECTOR LLC
Mailing Address: PO BOX 120355 CLERMONT, FL 34712-0355
[Update Mailing Address](#) 
Alternate Key: 1707307
Parcel Number: 05-23-26-000100000100
Millage Group and City: 000C (Clermont)
Total Millage Rate: 18.65210
Trash/Recycling/Water/Info: [My Public Services Map](#) 

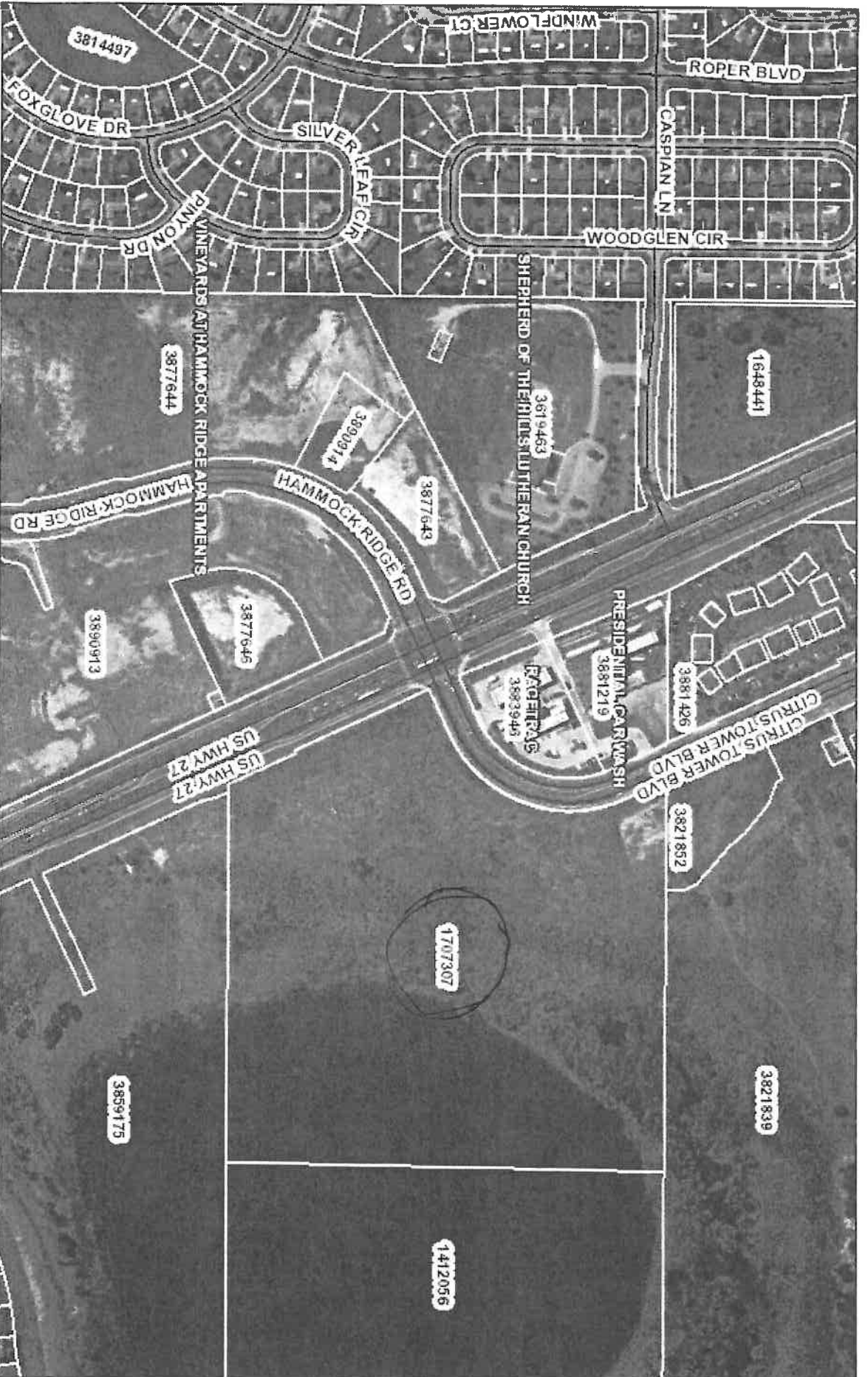
Property Location: CLERMONT FL 34711
[Update Property Location](#) 
Property Name: --
[Submit Property Name](#) 
School Locator: [School and Bus Map](#) 

Property Description: N 1/2 OF NE 1/4 LYING E'LY OF US HWY 27 & LYING SE'LY OF THE
 FOLLOWING DESC RD R/W: FROM NW COR OF NE 1/4 RUN S 89-36-07 |
 E 1348.13 FT FOR POB, CONT N 89-36-07 E 110.40 FT, S |
 24-40-34 E 147.32 FT TO A POINT OF CURVATURE OF A CURVE |
 CONCAVE TO THE W, HAVING A RADIUS OF 400 FT, THENCE FROM A |
 CHORD BEARING OF S 20-15-06 W RUN SW'LY ALONG THE ARC OF |
 SAID CURVE THRU A CENTRAL ANGLE OF 89-51-20 A DIST OF 627.31 |
 FT TO THE POINT OF TANGENCY, THENCE S 65-10-46 W A DIST OF |
 146.24 FT TO A POINT ON E'LY R/W LINE OF US HWY 27, THENCE N |
 24-49-14 W ALONG SAID E'LY R/W LINE 87.28 FT, N 22-26-06 W |
 ALONG SAID E'LY R/W LINE 12.73 FT, N 65-10-46 E 145.71 FT TO |
 A POINT OF CURVATURE OF A CURVE CONCAVE TO THE W, HAVING A |
 RADIUS OF 300 FT, THENCE FROM A CHORD BEARING N 20-15-06 E, |
 RUN N'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF |
 89-51-20 A DIST OF 470.48 FT, N 24-40-34 W 194.10 FT TO POB |
 FOR RD R/W |
 ORB 4018 PG 748 |

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT COMMERCIAL (1000)	0	0		6.55	AC	\$0.00	\$775,520.00
	VACANT							

South Lake Connector LLC



October 29, 2015



County Boundary

Property Name



Surrounding Counties

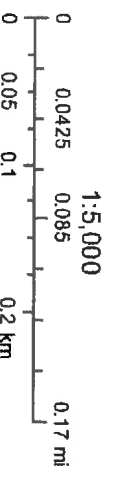
Street Names

Tax Parcels Alternate Key

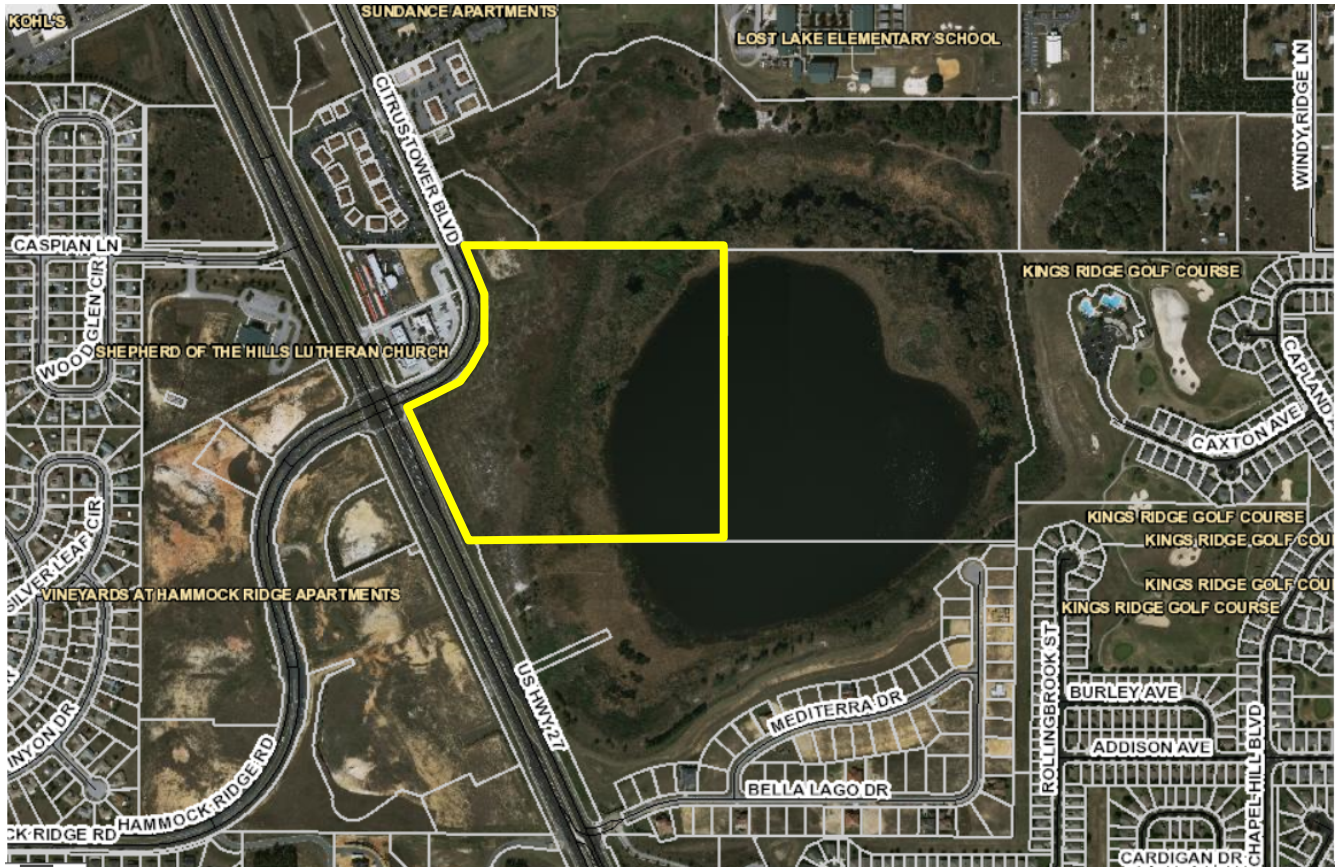
Local Streets



Tax Parcels



Location Map



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. 2016-04

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

LOCATION

(Alternate Key 1707307)

Southeast corner of Highway 27 and Citrus Tower Boulevard

LEGAL DESCRIPTION

North $\frac{1}{2}$ of northeast $\frac{1}{4}$ lying easterly of US Highway 27 and lying southeasterly of the following described road right-of-way: From northwest corner of northeast $\frac{1}{4}$ run south 89-36-07, east 1348.13 feet for point of beginning, continue north 89-36-07 east 110.40 feet, south 24-40-34 east 147.32 feet to a point of curvature of a curve. Concave to the west, having a radius of 400 feet, thence from a chord bearing of south 20-15-06 west run southwesterly along the arc of said curve thru a central angle of 89-51-20 a distance of 627.31 feet to the point of tangency, thence south 65-10-46 west a distance of 146.24 feet to a point on easterly right-of-way line of US Highway 27, thence north 24-49-14 west along said easterly right-of-way line 87.28 feet, north 22-26-06 west along said easterly right-of-way line 12.73 feet, north 65-10-46 east 145.71 feet to a point of curvature of a curve concave to the west, having a radius of 300 feet, thence from a chord bearing north 20-15-06 east run northerly along the arc of said curve thru a central angle of 89-51-20 a distance of 470.48 feet, north 24-40-34 west 194.10 feet to point of beginning for road right-of-way. ORG 4018 PG 748, Containing 37.29 acres more or less

FROM R-1 Single Family Medium Density Residential
TO C-1 Light Commercial

This request will be considered by the Planning & Zoning Commission on Tuesday, January 5, 2016 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, January 26, 2016 at 6:30 p.m. for final enactment.

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

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose St., Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
December 29, 2015 and January 12, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 5, 2016		
Agenda Item Name		
Ordinance No. 2016-03 <i>Hartle Grove Multifamily Rezoning</i>		
Requested Action		
Move to recommend approval Ordinance 2016-03.		
Staff Report		
This administrative request is being heard concurrently with a request for annexation. The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The agreement with the City was executed on September 16, 2011. The property is vacant and is under consideration for development. The property is approximately 25 acres and had entitlements granted by Lake County for a multifamily project. Only a portion of the original Planned Unit Development (PUD) will be annexed and rezoned at this time and the remaining portion, approximately 44 acres, will be annexed and rezoned at a future date. A related administrative comprehensive plan amendment request also will be processed at a future date. The rezoning request is to change the zoning from Urban Estate (was PUD in Lake County) to the City's PUD zoning classification. The project received entitlements through Lake County with approval of Ordinance No. 2011-50. This permitted up to 103 single family homes, 380 multifamily units, and commercial uses on 69 acres. The single family portion and a majority of the commercial have been developed. The multifamily project will be developed according to the conditions in the existing PUD that have been carried forth to the City's PUD with a few minor additions. Staff has met with the property owner on the proposed multifamily project and has provided comments to the developer through the site review process. Based upon the above information, staff recommends approval of the rezoning from Urban Estate to the City's PUD zoning classification with the conditions outlined in PUD Ordinance 2016-03.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance	REZ ORD 2016-03.docx	
2. Maps	Hartle Groves MF Maps.pdf	
3. Building Elevations	Building Elevations.pdf	

4.	2011 Utility Agreement	Hartle Grove Utility Agreement 2011.pdf
5.	Lake County PUD 2011-50	Hartle Grove PUD 2011-50 Lake County.pdf
6.	Exhibit A - Conceptual Site Plan	Exhibit A.pdf
7.	Legal ad	Hartle Groves REZ legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2016-03

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

From the center of Section 26, Township 22 South, Range 26 East, run north 89-33-31 west along south line of northwest $\frac{1}{4}$ a distance of 724.83' to west right-of-way line of Hartle Road & point of beginning, thence leaving said south line run north 01-48-40E 39.57' to the point of curvature of a curve concave southeasterly having a radius of 480' & a chord bearing on north 29-30-49 east, thence run northerly along the arc of said curve thru a central angle of 55-24-18 for a distance of 464.16' to the point of tangency thence run north 57-12-58 east 342.29' to the point of curvature of a curve concave northwesterly having a radius of 380' & a chord bearing of north 28-51-44 east thence run northeasterly along the arc of said curve thru a central angle of 56-42-29 for a distance of 376.1' to a radial line, thence north 89-29-31 west along said radial line for a distance of 6', north 0-30-29 east 25.77', north 89-06-32 west 108.8', north 62-10-41 west 99.09', north 89-06-32 west 507.31', north 0-30-29 east 270' to south right-of-way line of SR 50. Run north 89-06-32 west along said south right-of-way line 572.14' to west line of east $\frac{1}{2}$ of northwest $\frac{1}{4}$, thence leaving said south right-of-way line run south 0-26-27 west along said west line of east $\frac{1}{2}$ of northwest $\frac{1}{4}$ 1285.28' to southwest corner of east $\frac{1}{2}$ of northwest $\frac{1}{4}$, thence run south 89-33-31 east along south line of northwest $\frac{1}{4}$ a distance of 605.93' to point of beginning. ORB 2556 PG 877, Containing 25.31 acres more or less - Alternate Key: 3827131

South of S.R. 50, west of Hartle Road

FROM: UE Urban Estate
TO: Planned Unit Development

CITY OF CLERMONT
ORDINANCE No. 2016-03

SECTION 2 - General Conditions:

This application 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 Conceptual Site Plan prepared by Griffey Engineering, revision date December 18, 2015, Sheet 3 of 16, Layout, Exhibit A. 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. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.

SECTION 3 - Land Uses and Specific Conditions:

1. A total of up to 380 multifamily dwelling units may be permitted on the site. This is the remaining density that was approved under Lake County's PUD Ordinance No. #2011-50, PH #11-11-2 (Hartle Grove PUD Amendment). The original development consisted of 69 acres at a density of 7 units per net acre, or 483 units.
2. Setbacks for Multifamily Residential

Front:	20 feet from the property line
Secondary Front:	15 feet from the property line
Side:	5 feet from the property line plus 15 feet for each story in excess of two (2)
Rear:	20 feet from the property line
Between Buildings:	10 feet plus 15 feet for each story in excess of two (2)

CITY OF CLERMONT
ORDINANCE No. 2016-03

3. The multifamily development shall provide internal connections for pedestrian access to the commercial portions of the development on the west side of Hartle Road.
4. 25% common open space shall be provided.
5. Any walls or fences within the development area on the west side of Hartle Road shall provide for common pedestrian access (sidewalk or trail) to Hartle Road and State Road 50 at intervals not to exceed 1320 feet (1/4 mile).
6. Connection to central water and wastewater treatment is required and shall comply with all applicable State, Regional, and City of Clermont policies and regulations.
7. Prior to the issuance of any permits, the applicant shall be required to submit a formal site plan and construction plans for review and approval to the City of Clermont. The site plan and construction plans shall meet all submittal requirements and comply with all City codes and ordinances, as amended.
8. A trash compacter may be substituted for dumpsters for the project if the Applicant can demonstrate it can sufficiently meet the waste demands for the project. If this cannot be demonstrated, then one dumpster per 25 units shall be provided.
9. The project will have private gated streets that will be maintained by the developer or designated party.
10. Parking will be constructed at a minimum ratio of 1.5 spaces per dwelling unit.
11. Maximum building height will be 45 feet.

SECTION 4:

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

SECTION 5:

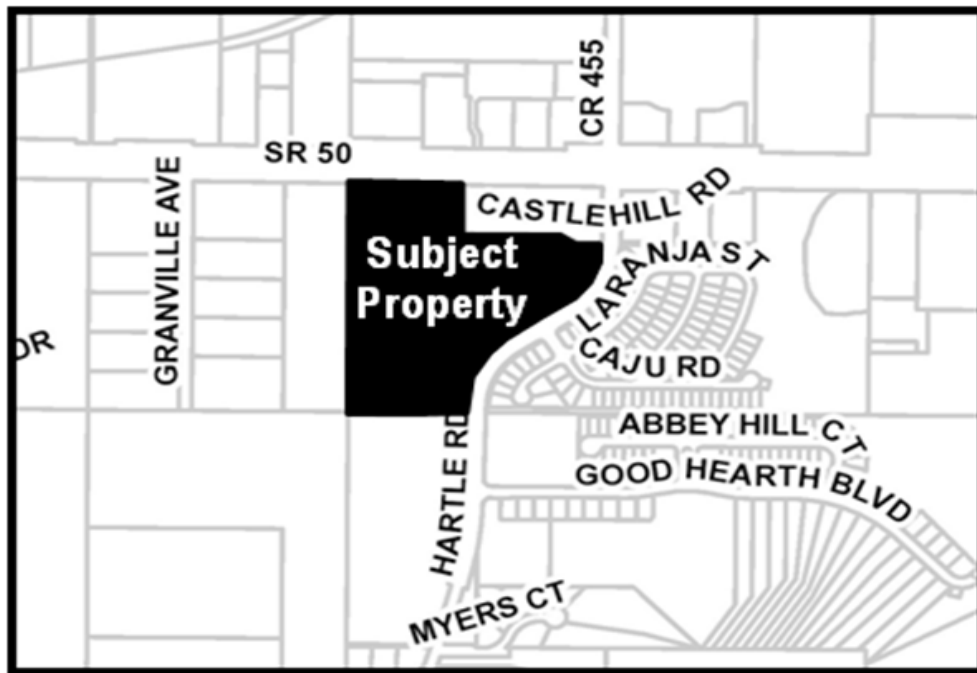
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

CITY OF CLERMONT
ORDINANCE No. 2016-03

SECTION 6:

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

Location map:



CITY OF CLERMONT
ORDINANCE No. 2016-03

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 26th day of January, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit - Location Map
BFG Lakeshore/Hartle Groves PUD Multifamily

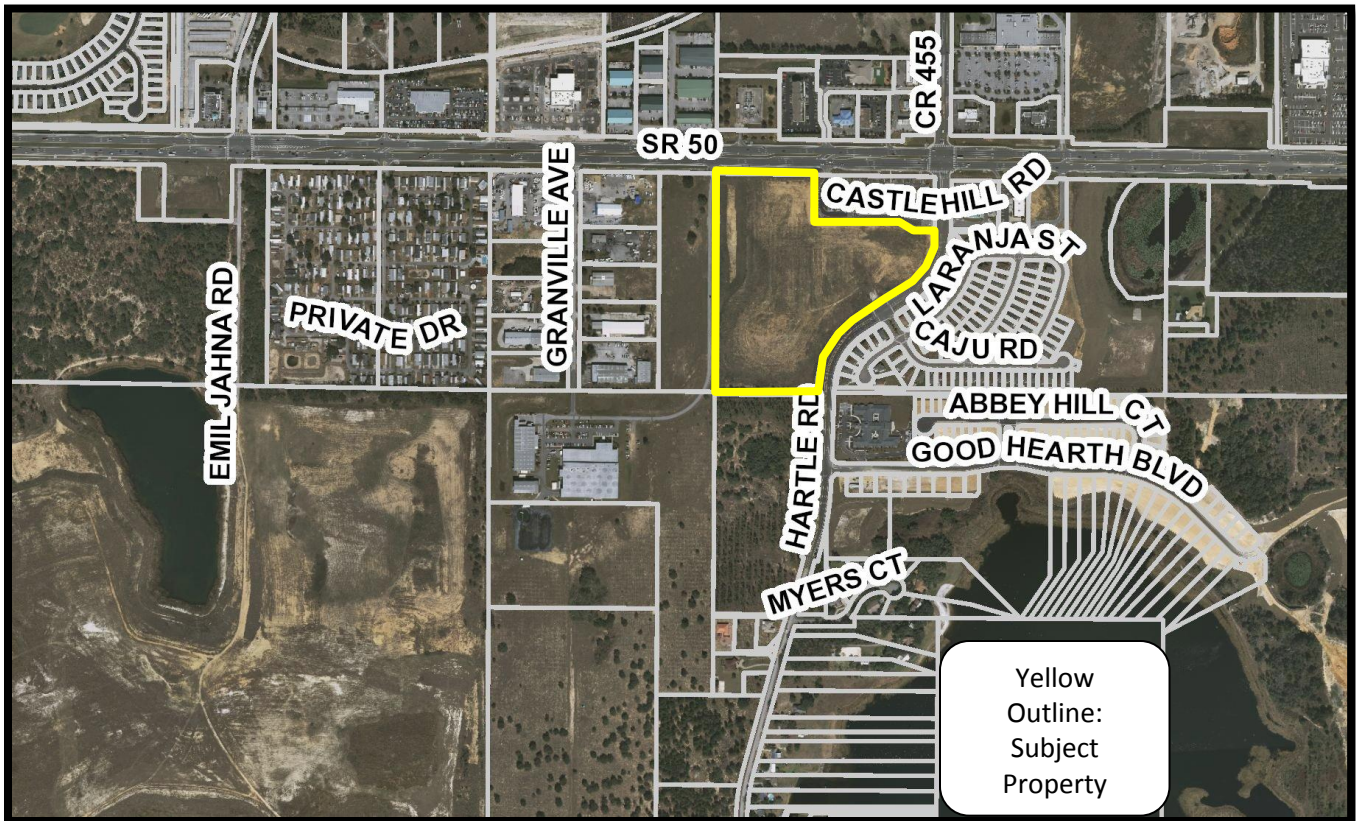
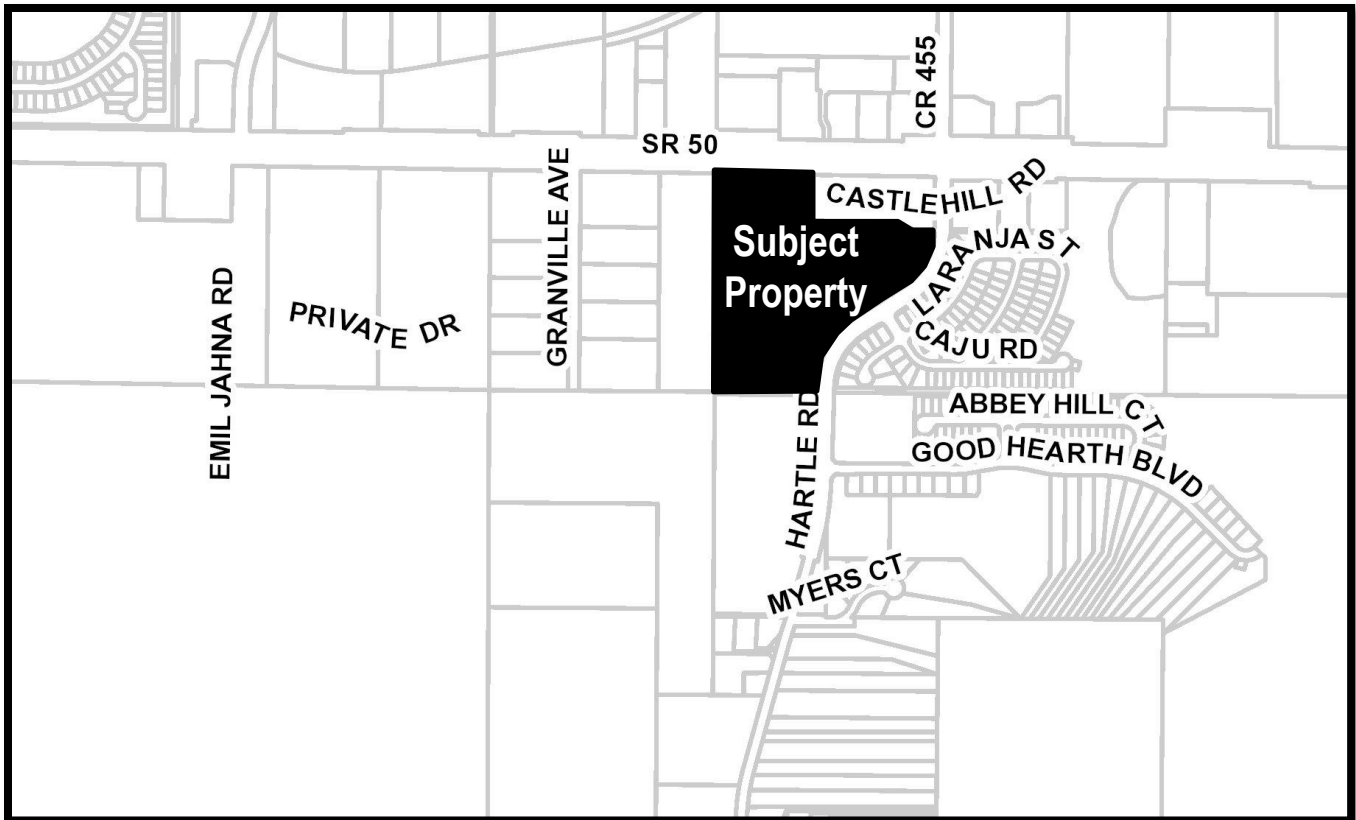
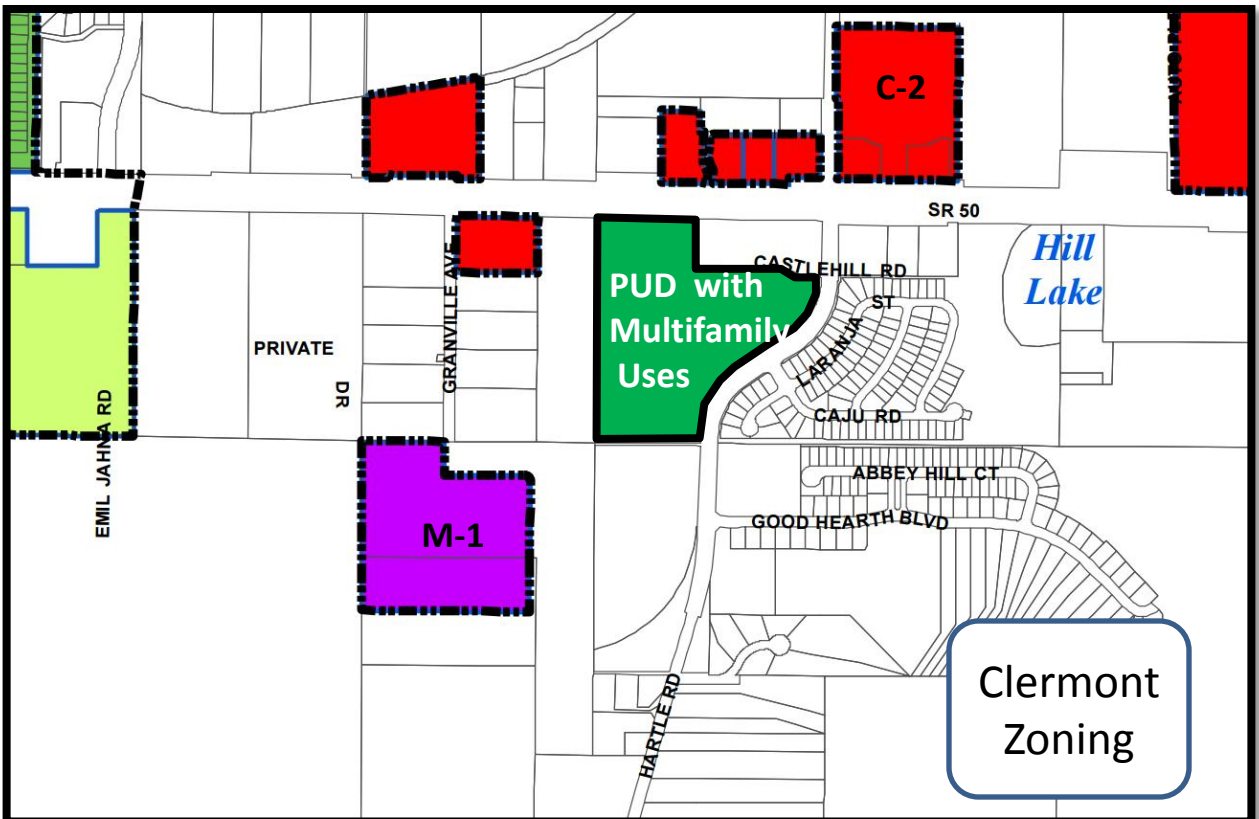
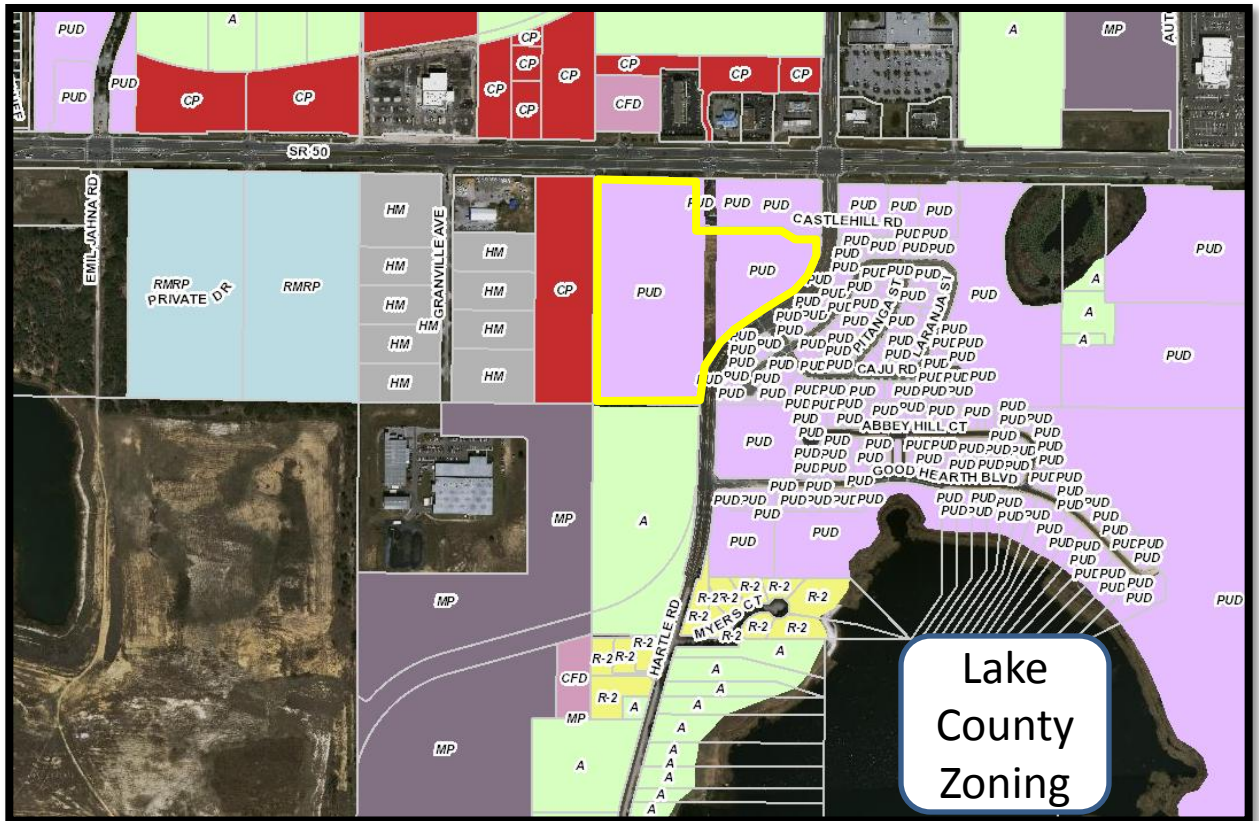


Exhibit - Location Map

BFG Lakeshore/Hartle Groves PUD Multifamily





BUILDING TYPE 2 - FRONT ELEVATION



BUILDING TYPE 2 - ENTRANCE ELEVATION



Hartle Grove Building Type 2

CLERMONT, FLORIDA

Date: December 7, 2015
 Scale: 1/16" = 1'-0"
 PROJECT No: 5329

RIDGE HEIGHT 45'-0"



BUILDING TYPE 2 - SIDE ELEVATION



© FUGLEBERG KOCH

2555 TEMPLE TRAIL

WINTER PARK • FLORIDA • 32789

Hartle Grove Building Type 2

CLERMONT, FLORIDA

TEL: 407-629-0595

FAX: 407-628-1057

AA26002103

WWW.FUGLEBERGKOCH.COM

Date: December 7, 2015

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

PROJECT No: 5329



BUILDING TYPE 4 - SIDE A ELEVATION



BUILDING TYPE 4 - ENTRANCE ELEVATION



BUILDING TYPE 4 - SIDE B ELEVATION



BUILDING TYPE 4 - FRONT ELEVATION

*City of Clermont
685 W Montrose St
Clermont, FL 34711*



UTILITY SERVICE AGREEMENT FOR WATER & WASTEWATER

This document constitutes an agreement between the City of Clermont, hereby referred to as **CITY**, a municipality of the State of Florida, and BFG Lakeshore, Ltd. and its successors or assigns, hereby referred to as **OWNER**.

WITNESSETH

Whereas, OWNER is proposing to develop a 483 unit residential community and a commercial development on real property (the "Property") described on Exhibit 'A' for the amended portion, attached hereto and by this reference made a part hereof; along with the entire 69 acre +/- development Utility Agreement as approved by the Clermont City Council on 1/10/06; and

Whereas, the Property is located in the unincorporated area of Lake County and the OWNER is requesting water and sewer service from the CITY; and

Whereas, the CITY may, at the sole option of the CITY, elect to enlarge or oversize the water and/or sewer lines and appurtenances in order to provide additional capacity to other properties; and

Whereas, as a condition of the provision of water and sewer service to the Property by the CITY, OWNER agrees that this Agreement shall constitute an unconditional application to annex the Property into the City of Clermont, if CITY chooses to do so; and

Whereas, OWNER and CITY are entering into this Agreement to set forth the terms and conditions under which water and sewer service shall be extended and sized.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

Section 1 - OFF-SITE WATER/SEWER

Each and all of the foregoing premises are incorporated into and constitute a part of this Agreement.

- 1.1 CITY shall provide water and sewer service for the Property in accordance with the water and sewer utilities development plans as approved by CITY, hereinafter the Final Utility Development Plan.
- 1.2 OWNER shall connect to the existing City system at connection point or points approved and constructed by CITY and located in the "Easement Area" as more particularly described in Exhibit "A" attached hereto and in the Final Utility Development Plan as approved by CITY.
- 1.3 The OWNER shall construct the facilities, lines and appurtenances necessary to connect to the City's system contained in the Easement Area to serve the development as set forth in the approved Final Utility Development Plan. OWNER shall provide such documentation necessary for the CITY to ascertain that the lines shall meet the

- minimum line size requirements as specified by the CITY Land Development Regulations.
- 1.4 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans.
 - 1.5 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No Certificate of Occupancy shall be issued until water and sewer extensions have been completed and accepted by the CITY.
 - 1.6 The OWNER shall be responsible for all costs of on-site and off-site improvements, necessary to connect to CITY's system at its current location in the Easement Area. Including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property.
 - 1.7 The CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY. The CITY shall notify OWNER within 60 days if lines are to be oversized.
 - 1.8 The existing utilities along State Road 50 must stay in service throughout construction. If in order for the existing utilities to remain in service the construction requires that the utilities be relocated or altered, the OWNER shall prepare plans, permit the project and construct the modifications at the OWNER's expense.
 - 1.9 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
 - 1.10 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
 - 1.11 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1.10 from the CITY in the form of Impact Fee Credits.
 - 1.12 The Impact Fee Credits shall be established subject to Sections 1.9 and 1.11 and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used.
 - 1.13 Impact Fee Credits may not be transferred outside of the Property described on Exhibit 'A' but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property.
 - 1.14 Any fencing within public view, (including retention ponds), must be ornamental metal with complementing structural columns. No chain link shall be used in public view areas.

- 1.15 The OWNER must coordinate with Lake County and the Metropolitan Planning Organization (MPO) for compliance with Transportation Concurrency, and the Transportation Concurrency Management System (TCMS).
- 1.16 The remaining development (Single family and commercial portions) and other requirements not covered by this multi-family amendment shall be developed in accordance with the Water & Wastewater Service Agreement approved on 1/10/06.
- 1.17 The multi-family common areas shall be irrigated by private well.
- 1.18 The single family and multi-family residential portions of the development proposed utility flow/demand for water is 169,050 gpd and sewer is 144,900 gpd; and the commercial utility flow/demand for water is 11,305 gpd and sewer is 9,690 gpd.

Section 2 – DEVELOPMENT STANDARDS

- 2.1 The project shall be developed according to the JPA Land Development Regulations (Lake County Ordinance No. 2005-64). Items not addressed in the JPA Land Development Regulations must be developed to City standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- 2.2 The project shall be developed according to the approved Lake County PUD (Ord. #2004-4 and #2009-4 and #2011-50), the preliminary plat dated 11/22/04; the final engineering drawings dated 7/7/05; and the overall layout plan dated 6/31/11 as submitted with the application. As approved in the PUD, plat and drawings described above, all storm water from the commercial development to be located on the Property, including the first flush generated by the commercial development, may be directed to a master storm water pond to be developed as part of the residential community to be developed on the Property, and such master pond shall satisfy all requirements with respect to storm water from the commercial development without any onsite detention or retention improvements required as part of the commercial development. The commercial development to be located on the Property may be developed in accordance with Lake County standards without regard for the JPA standards. Items with respect to the 325 unit residential community to be developed on the Property not addressed in the PUD must be developed to the JPA standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- 2.3 OWNER will ensure that the CITY waterline has a minimum cover of three (3) feet and a maximum of six (6) feet deep from the final surface of the ground.

Section 3 – ANNEXATION

- 3.1 OWNER agrees that CITY may annex the Property into the City of Clermont if CITY, in its sole discretion, chooses to do so. In conjunction herewith, OWNER shall provide to CITY a *Notice of Encumbrance To Annex Property* in a form substantially in compliance with the form set forth in Exhibit "B", attached hereto and incorporated herein. The CITY shall record this Notice in the public records of Lake County whereupon it is agreed it shall serve as an enforceable encumbrance on the real property described in Exhibit "A". The Notice of Encumbrance shall be executed by all owners of the real property described in Exhibit "A" and shall be accompanied, at OWNER'S expense, by a current

certificate of title or opinion letter acceptable to CITY and issued by a licensed title company or attorney identifying all owners in interest of the real property. All land transfers by OWNER shall contain a deed restriction or covenant noting the existence of this encumbrance to annex, such restriction to be recorded as a covenant to run with the land.

Section 4 – SEVERABILITY

In the event that any provision of this agreement shall be held invalid or unenforceable, the provision shall be deleted from this agreement without affecting in any respect whatsoever the validity of the remainder of this agreement.

Section 5 – NOTICES

All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

CITY

City of Clermont
City Manager
P.O. Box 120219
Clermont, FL 34712-0219

OWNER

BFG Lakeshore, Ltd.
James H. Fant
401 Ferguson Drive
Orlando, FL 32805

Section 6 – AMENDMENTS

Any amendment to this agreement is not effective unless the amendment is in writing and signed by all parties.

Section 7 – EFFECTIVE DATE

The effective date of this agreement shall be the day of execution of the agreement required hereunder.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date listed below. CITY through its City Manager, authorized to execute same by City Council action, _____ and OWNER through their respective officers _____.

DATED this 16th day of September, 2011.

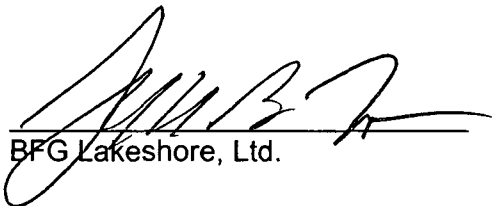
CITY OF CLERMONT


 Harold S. Turville Jr., Mayor

ATTEST:


 Tracy Ackroyd, City Clerk

OWNERS

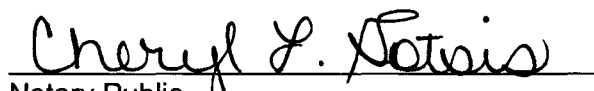

 BFG Lakeshore, Ltd.

*MEMBER/MANAGER
 BFG LAKESHORE LLC
 GENERAL PARTNER FOR
 BFG LAKESHORE, LTD.*

STATE OF FLORIDA
 COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Jeffrey B. Fuqua, as member/manager of BFG Lakeshore, LLC, who provided identification in the form of General Partner for BFG Lakeshore, Ltd. or who is personally known to be the person described in and who executed the foregoing, and that he acknowledged before me that he executed the same.

Witness my hand and official seal this 16th day of September, 2011.


 Cheryl L. Gotsis
 Notary Public

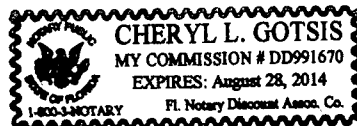


EXHIBIT "A"**PROPERTY DESCRIPTION**
(affected parcel)**Owners:**

BFG Lakeshore, LTD.

Descriptions:

FROM CENTER OF SEC RUN N 89-33-31 W ALONG S LINE OF NW 1/4 A DIST OF 724.83 FT TO W R/W LINE OF HARTLE RD & POB, THENCE LEAVING SAID S LINE RUN N 01-48-40 E 39.57 FT TO THE POINT OF CURVATURE OF A CURVE CONCAVE SE'LY HAVING A RADIUS OF 480 FT & A CHORD BEARING OF N 29-30-49 E, THENCE RUN NE'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 55-24-18 FOR A DIST OF 464.16 FT TO THE POINT OF TANGENCY, THENCE RUN N 57-12-58 E 342.29 FT TO THE POINT OF CURVATURE OF A CURVE CONCAVE NW'LY HAVING A RADIUS OF 380 FT & A CHORD BEARING OF N 28-51-44 E THENCE RUN NE'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 56-42-29 FOR A DIST OF 376.1 FT TO A RADIAL LINE, THENCE N 89-29-31 W ALONG SAID RADIAL LINE FOR A DIST OF 6 FT, N 0-30-29 E 25.77 FT, N 89-06-32 W 108.8 FT, N 62-10-41 W 99.09 FT, N 89-06-32 W 507.31 FT, N 0-30-29 E 270 FT TO S R/W LINE OF SR 50, RUN N 89-06-32 W ALONG SAID S R/W LINE 572.14 FT TO W LINE OF E 1/2 OF NW 1/4, THENCE LEAVING SAID S R/W LINE RUN S 0-26-27 W ALONG SAID W LINE OF E 1/2 OF NW 1/4 1285.28 FT TO SW COR OF E 1/2 OF NW 1/4, THENCE RUN S 89-33-31 E ALONG S LINE OF NW 1/4 A DIST OF 605.93 FT TO POB. ORB 2556 PG 877

Containing 25.31 acres +/-

Lake County Alternate Key Number & Parcel Number:

Alternate Key:	3827131	Parcel:	26-22-26-000200002400
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EXHIBIT "B"

Notice of Encumbrance
to Annex to City of Clermont

City of Clermont
685 W. Montrose Street
Clermont, FL 34712

THIS INSTRUMENT, Made this ^{13TH}~~26th~~ ^{September}~~July~~, 2011, between **BFG Lakeshore, LTD**, property owners in the County of Lake, State of Florida Grantor*, and the CITY OF CLERMONT, FLORIDA, A Municipal Corporation, Grantee*:

WITNESSETH, NOTICE is given that heretofore or contemporaneously herewith Grantor has petitioned the Grantee for it to permit voluntary annexation of Grantor's property below described into the corporate limits of the City of Clermont, and

GRANTOR, for and in consideration of the sum of ONE and 00/100 (\$1.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, DOES HEREBY ENCUMBER the below – described real property situate, lying and being in Lake County, Florida with the absolute requirement that the subject real property may be, at the sole discretion, and upon request of Grantee, annexed into the city limits of the City of Clermont at such time that the annexation of said real property is in accordance with applicable law,

GRANTOR, further agrees, on his/hers/theirs/its own behalf and that of Grantors' heirs and assigns to perform all ministerial functions necessary of the Grantor or Grantor's heirs and/or assigns (as the case may be) then required by law to enable the described real property to be incorporated into the city limits of the City of Clermont and where such ministerial functions consist of a simple written request or the renewal of the petition of which notice is given above, then this instrument shall be considered such request and/or renewal. The subject property is described as:

Exhibit "A"

Grantor is used for singular or plural, as the context requires. IN WITNESS THEREOF, GRANTOR has hereunto set Grantor's hand and seal the day and year first above written.

PROPERTY OWNER(S):

WITNESSES (Two required):

BFG Lakeshore, LTD

Witnesses

By: _____

Signature

Type or print name

By: _____

Signature

Type or print name

1. _____

Signature

Type or print name

2. _____

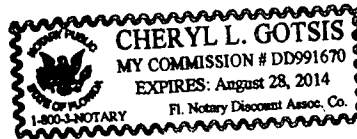
Signature

Type or print name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 16th day of September 2011, by Jeffrey B. Fuqua, who is personally known to me or who has produced _____ as identification and who did not take an oath.

SEAL:



Notary Public

Cheryl L. Gotsis

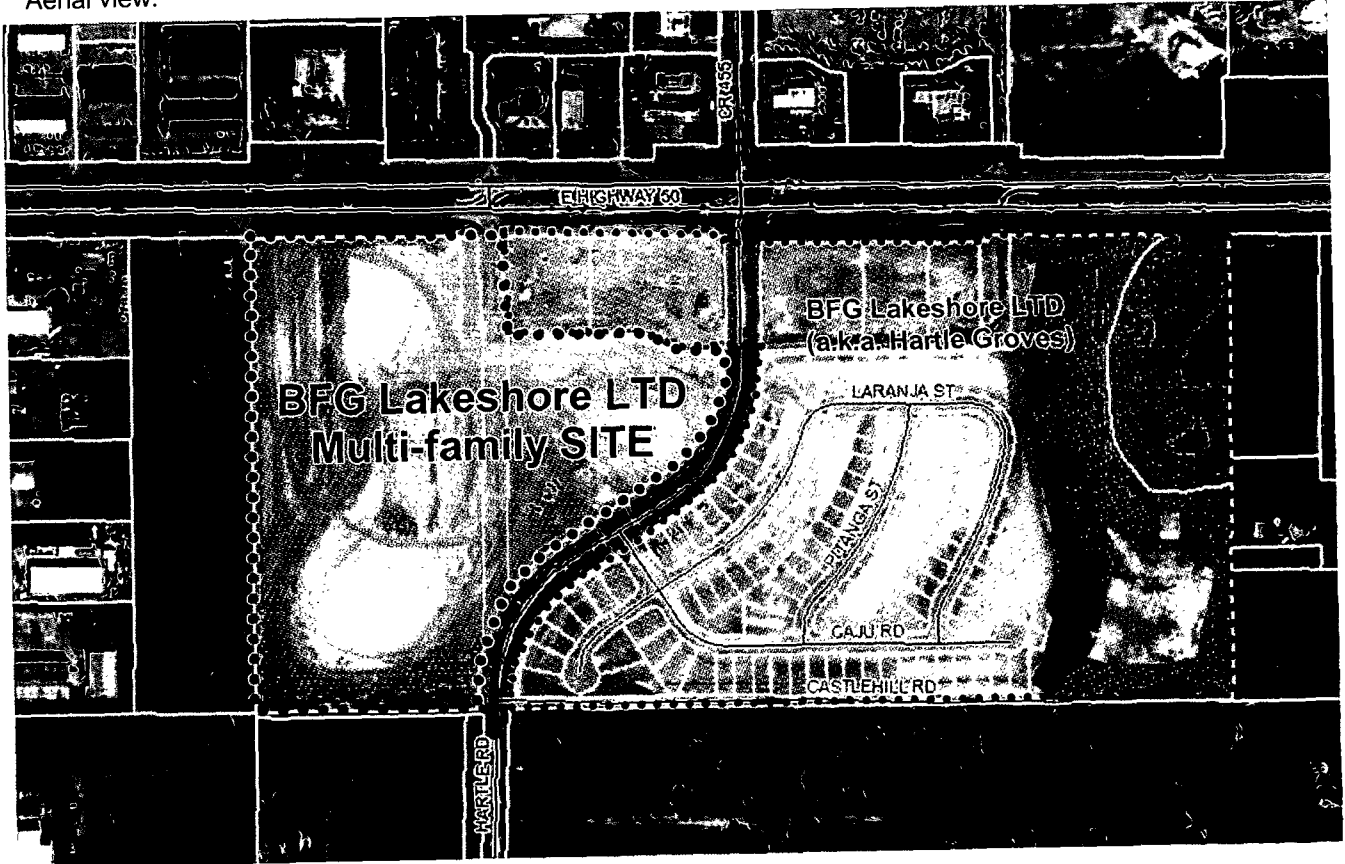
Type/print name

Cheryl L. Gotsis

Pursuant to Section 695.29(3)(f): this instrument exempt from Chapter 695, F.S.; Prepared by a Public Officer, City Attorney, City of Clermont, Florida 34712

BFG Lakeshore, LTD

Aerial view:



\\Cityhall\shares\Planning and Zoning\JPA -Utility Agreements & Reviews\BFG Lakeshore (Hartle Groves)\BFG Utility Agreement 7-2011.doc

PLANNING AND COMMUNITY DESIGN
ATTN: AZIZA BRYSON
315 WEST MAIN STREET ROOM 511
TAVARES FL 32778



ORDINANCE #2011-50
BFG Lakeshore LTD
Hartle Grove PUD
PH #11-11-2

**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE
LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, James H. Fant, Manager (the "Applicant") on behalf of BFG Lakeshore, LTD (the "Owner") requested an amendment to Planned Unit Development (PUD) Ord. #2009-4 to increase the maximum density of seven (7) dwelling units to the acre, consisting of single and town homes, multi-family residential, and commercial uses on approximately 69 acres as shown on Exhibit B (Conceptual Plan); and

WHEREAS, the subject Planned Unit Development property consists of approximately 69 +/- acres located in the East Clermont area to the south of and on the east and west side of the intersection of SR 50 and Hartle Road, situated in Section 26 - Township 22S - Range 26E, and having Alternate Keys # 3871929, 3871932, 2545551, 3827131, 2545551, 3870703, 3827132, and 3877868 through 3877973, and more particularly described as:

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

WHEREAS, the property is located within the Urban Future Land Use Category; and

WHEREAS, on the 27th day of January, 2004, the Board of County Commissioners approved the Hartle Grove PUD (Ordinance #2004-4) on 69 +/- acres consisting of 325 single-family residential lots and commercial uses; and

WHEREAS, on the 27th day of January, 2009, the Board of County Commissioners approved an amendment to the Hartle Grove PUD (Ordinance #2009-4) to establish specific setbacks for detached single-family residential development, correct a scrivener's error in the legal description of the PUD, and to supersede and replace Ordinance #2004-4 with Ordinance #2009-4; and

WHEREAS, the Lake County Zoning Board did, on the 3rd day of August, 2011, review Petition PH #11-11-2;

AND, after giving Notice of Hearing on petition for a change in the use of land, including notice that said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 23rd day of August, 2011; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised, and

WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved, and

FILED
SEP 14 2011
LAKE COUNTY, FLORIDA
4:11:26 PM

ORDINANCE NO. #2011-50

PH #11-11-2 (Hartle Grove PUD Amendment)

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land, as described in EXHIBIT "A", subject to the following terms:

Section 1. Terms: The terms and conditions of this Ordinance shall mean and include the total of the following. The passage of this Ordinance shall supersede and replace any and all previous ordinances, specifically Ordinance #2009-4, granted for the site or any portions of the site legally described herein and attached hereto as "Exhibit A". The County Manager or designee shall amend the Zoning Map in accordance with this Ordinance.

A. Land Use and Design:

1. Residential:

a. Density:

- i. 103 single-family residential.
- ii. 380 multi-family or townhome units.
- iii. The overall density shall not exceed seven (7) dwelling units to the net acre.

b. Setbacks for 50-foot Lots (Single-Family Detached or Townhomes)

Front:	20 feet from the property line
Secondary Front:	15 feet from the property line
Side:	5 feet from the property line (Single-Family Detached)
Side:	Zero lot line for shared common walls (Townhomes)
Rear:	20 feet from the property line (5 feet for accessory structures)
Between Buildings:	10 feet plus 15 feet for each story in excess of two stories

c. Setbacks for Multifamily Residential

Front:	20 feet from the property line
Secondary Front:	15 feet from the property line
Side:	5 feet from the property line plus 15 feet for each story in excess of two (2)
Rear:	20 feet from the property line
Between Buildings:	10 feet plus 15 feet for each story in excess of two

- d. The multi-family development shall provide internal connections for pedestrian access to the commercial portions of the development on the west side of Hartle Road.

ORDINANCE NO. #2011-50

PH #11-11-2 (Hartle Grove PUD Amendment)

2. Commercial:

- a. 10.5 acres for commercial development which shall be designed as an integrated unit within the 69-acre planned unit development.

Functional uses conducted within designated areas of the development shall be limited to the following: Automotive Repair, Automotive Service Station, Banking, Car Wash, Consumer Service and Repair, Medical Service, Personal Care Service, Professional/Medical Offices, Restaurant (Fast Food and General), Retail (Convenience and General), Wholesale and Warehouse, Day Care Center, Hotel and Motel.

B. Open Space/Impervious Area/Floor Area:

1. Residential: 25% (15.15 +/- acres) common open space shall be provided.
2. Commercial: 25% (+/- 2.5 acres) open
3. Open space shall be calculated on an overall basis for the development;
4. Impervious Surface Area: 0.65 for residential land area and 0.70 for commercial land area.

C. Floor Area Ratio: Floor area ratio shall not exceed 0.50 for non-residential development.

D. Landscaping: Landscape buffering shall be installed and maintained in accordance with the requirements of the LDRs, as amended.

E. Transportation:

1. All internal streets and traffic calming devices (Roundabouts, etc.) shall be constructed to meet Access Management and spacing requirements as set forth in the LDRs, as amended.
2. All public roads within the development shall be designed both horizontally and vertically to meet the LDRs requirements for their classification. Public road pavement width shall be based on Average Daily Trips (ADT).
3. The developer shall provide turn lane improvements along Highway 50 and the realignment of Hartle Road, all of which have been completed at the time of this ordinance.
4. Transportation Design: The layout and design of lots and circulation systems within the development shall be substantially consistent with the attached conceptual plan as Exhibit "B" to this Ordinance, submitted as a part of the

ORDINANCE NO. #2011-50

PH #11-11-2 (Hartle Grove PUD Amendment)

rezoning application, and may be subsequently revised to reflect current conditions. Access to commercial tracts fronting along Highway 50 shall be controlled by the Florida Department of Transportation and in accordance with the Access Management provisions contained in the LDRs, as amended. To the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take precedence.

5. Any walls or fences within the development area on the west side of Hartle Road shall provide for common pedestrian access (sidewalk or trail) to Hartle Road and State Road 50 at intervals not to exceed 1320 feet (1/4 mile).

F. Environmental Requirements:

1. An environmental survey shall be conducted in accordance with the LDRs, as amended, to address natural vegetative communities, wildlife corridors, and designated species prior to submittal of any development application.
2. A jurisdictional wetland line and designated species habitat delineation has been established and shall be included on any site plan or plat.
3. Wetlands and wetland buffers shall be placed in conservation easements.

G. Utilities: Connection to central water and wastewater treatment is required and shall comply with all applicable State, Regional, and Lake County policies and regulations.

H. Storm Water and Drainage Requirements:

1. The storm water management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements.
2. The storm water management system shall demonstrate that each phase is able to exist as an independent stable unit for drainage purposes. The natural pre-development drainage pattern shall be maintained to the maximum extent possible.

I. External Lighting Standards and Requirements:

1. Exterior lighting shall comply with the Land Development Regulations, as amended.
2. All light fixtures, including security lighting, shall be limited to cutoff type fixtures and shall be incorporated as an integral design element that complements the

ORDINANCE NO. #2011-50

PH #11-11-2 (Hartle Grove PUD Amendment)

design of the development through style, material, and color. Luminaries shall not be tilted. Floodlights or lighting types featuring sag, convex, or drop lenses shall be prohibited.

3. The height of lighting fixtures inclusive of supporting pole, the lighting source, and fixture shall not exceed thirty (30') feet within parking areas and fifteen (15') feet otherwise. Such height shall be measured from finished grade to the top of the light fixture.

4. An exterior lighting plan prepared and certified by a licensed engineer qualified in such field shall be submitted with any site plan or construction plan application. Such plan shall consist of a photometric plan of the developed area of the site with accompanying data tables and product design details addressing support poles, lamp fixtures and lenses.

J. Development Review:

1. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be required to submit a formal site plan (multi-family development) or a preliminary plat, construction plans, and final plat (single-family/townhomes), for review and approval to Lake County. The site plan or preliminary plat, construction plans, and final plat shall meet all submittal requirements and comply with all County codes and ordinances, as amended.
2. Concurrency Management: The Owner shall comply with concurrency management regulations. The additional 158 units added to the development by this ordinance are not subject to any vesting granted prior to approval of this ordinance and shall be subject to all applicable concurrency requirements as set forth in the LDRs.
3. Future Development Orders: Any requested development order must comply with the Lake County Comprehensive Plan, as amended and the Lake County Land Development Regulations, as amended.
4. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations are inclusive of any future amendments to the Statutes, Code, Plan, and/or Regulations.

ORDINANCE NO. #2011-50

PH #11-11-2 (Hartle Grove PUD Amendment)

SECTION 2. Conditions as altered and amended which pertain to the above tract of land shall be as follows:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Zoning Board and the Board of County Commissioners.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner (except for normal maintenance activities – i.e. painting screening, etc.) within the boundaries of the above described land without first submitting the necessary plans in accordance with the LDRs, as amended, and obtaining approval from the County Manager or designee upon obtaining the permits required from the other appropriate governmental agencies.
- C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures as contained in the Lake County Land Development Regulations, as amended.
- E. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master shall have the authority to enforce the terms and conditions set forth in this Ordinance and to recommend that the Ordinance be revoked

ORDINANCE NO. #2011-50

PH #11-11-2 (Hartle Grove PUD Amendment)

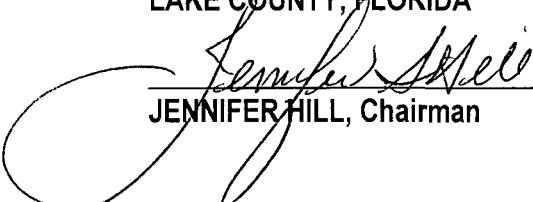
1 **SECTION 3. Effective Date.** This Ordinance shall become effective as provided by law.

2
3 ENACTED this 23 day of August, 2011.

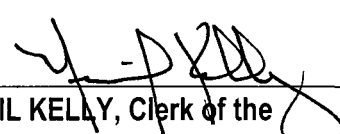
4
5 FILED with the Secretary of State September 2, 2011.

6
7 EFFECTIVE September 2, 2011.

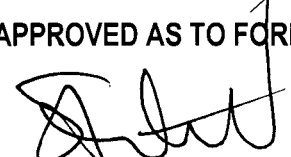
8 **BOARD OF COUNTY COMMISSIONERS**
9 **LAKE COUNTY, FLORIDA**

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12 **JENNIFER HILL, Chairman**

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14 **ATTEST:**

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18 **NEIL KELLY, Clerk of the**
19 **Board of County Commissioners**
20 **Lake County, Florida**

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22 **APPROVED AS TO FORM AND LEGALITY**

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26 **SANFORD A. MINKOFF, County Attorney**

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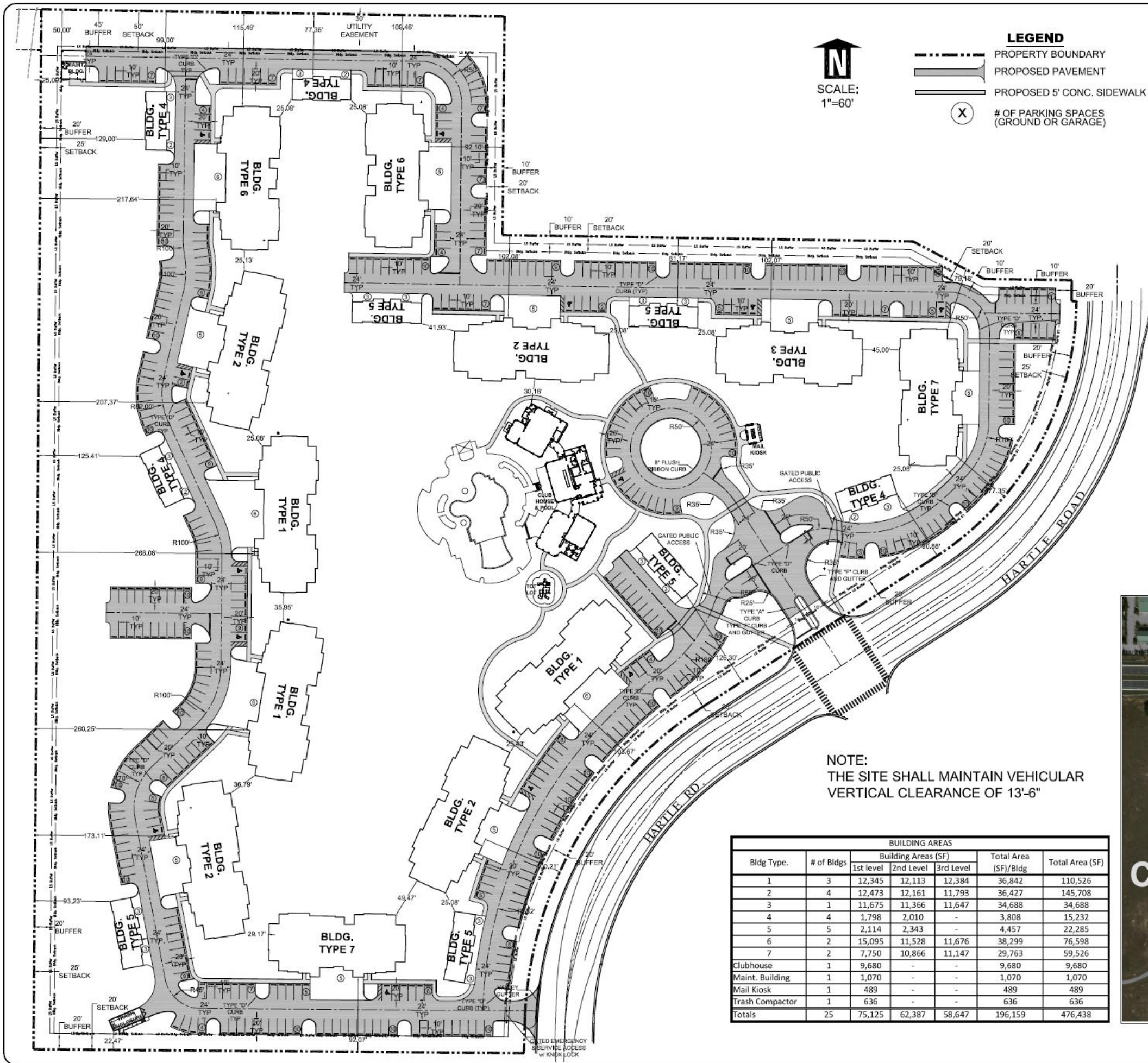
ORDINANCE NO. #2011-50

PH #11-11-2 (Hartle Grove PUD Amendment)

EXHIBIT "A"

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Legal Description: Lake Highlands, Sec 26 Twp. 22S Rge. 26E, Tracts 19, 21, 22 S of SR 50, LESS that part of Tract 21 described as follows: From center of Sec 26 Twp. 22S Rge. 26E, run W along mid-section line 503.3 ft, N 0 deg. 03' E 833.95 ft for POB, continue N 0 deg. 03' East to S r/w line of Hwy 50, W'ly along said r/w to W line of "E 1/2 of SE 1/4 of NW 1/4 of said Sec 26, S'ly along said line to a point S 89 deg. 40' W of POB, N 89 deg. 40' E to POB. Tracts 20, 27, 28, 29, 30 and 30A; AND Lake Highlands, Sec 26 Twp. 22S Rge 26E, that part of Tract 21 described as follows: From center of Sec 26 Twp. 22S Rge. 26E, run W along mid-section line 503.3 ft, N 0 deg. 03' E 833.95 ft for POB, continue N 0 deg. 03' E to S r/w line of Hwy 50, W'ly along said r/w to W line of E 1/2 of SE 1/4 of NW 1/4 of said Sec 26, S'ly along said line to a point S 89 deg. 40' W of POB, N 89 deg. 40' E to POB, LESS r/w of Hartle Road.



BUILDING AREAS					
Bldg Type.	# of Bldgs	Building Areas (SF)			Total Area (SF)
		1st level	2nd Level	3rd Level	
1	3	12,345	12,113	12,384	36,842
2	4	12,473	12,161	11,793	36,427
3	1	11,675	11,366	11,647	34,688
4	4	1,798	2,010	-	3,808
5	5	2,114	2,343	-	4,457
6	2	15,095	11,528	11,676	38,299
7	2	7,750	10,866	11,147	29,763
Clubhouse	1	9,680	-	-	9,680
Maint. Building	1	1,070	-	-	1,070
Mail Kiosk	1	489	-	-	489
Trash Compactor	1	636	-	-	636
Totals	25	75,125	62,387	58,647	196,159

LEGEND

- PROPERTY BOUNDARY
PROPOSED PAVEMENT
PROPOSED 5' CONC. SIDEWALK
OF PARKING SPACES (GROUND OR GARAGE)

PROJECT DATA	
ZONING :	PUD (Ordinance 2011-50)
FUTURE LAND USE AREA :	URBAN LOW
PROJECT AREA :	1,102,525 sf (25.31 ac)
IMPERVIOUS AREA	
APARTMENT BLDGS:	162,054 sf
CLUBHOUSE:	9,680 sf
POOL DECK:	10,177 sf
MAIL KIOSK:	489 sf
MAINT. BLDG:	1,070 sf
TRASH COMPACTOR:	636 sf
PAVEMENT & SIDEWALK:	300,487 sf
TOTAL:	484,593 sf
IMPERV. SURFACE RATIO (ISR):	0.44 (Maximum 0.65)
OPEN SPACE:	56.0% (Minimum 25%)
Setbacks for Multifamily Residential	
Front:	20 feet from the property line
Secondary Front:	15 feet from the property line
Side:	5 feet from the property line plus 15 feet for each story in excess of 2
Rear:	20 feet from the property line
Between Buildings:	10 feet plus 15 feet for each story in excess of 2
# OF DU'S APPROVED IN PUD ORD:	103 S.F. + 380 M.F. = 483 TOTAL
PROPOSED # OF DWELLING UNITS:	103 S.F. + 328 M.F. = 431 TOTAL
TOTAL RESID. FLOOR AREA:	464,563 sf
FLOOR AREA RATIO (FAR):	0.42
MAX. BLDG. HEIGHT:	45 feet
MAX. # OF BLDG STORIES:	3
PARKING CALCULATIONS	
PARKING REQUIRED (1.5/DU):	492 spaces
PARKING PROVIDED:	596 spaces
ACCESSIBLE SPACES:	13 spaces (2.2%)
UTILITIES	
WATER :	CITY OF CLERMONT
SEWER :	CITY OF CLERMONT
ELECTRIC :	DUKE ENERGY
TELEPHONE :	CENTURYLINK
GAS :	LAKE APOPKA NATURAL GAS
FLOOD ZONE :	X (FIRM 12069C0595E, 12-18-2012)



ZONING MAP

GRIFFEY ENGINEERING

406 N. CENTER STREET
EUSTIS, FLORIDA 32726
PHONE (352) 357-3628
FAX (352) 357-3219

FLORIDA CERT. OF AUTH. # 8082

HARTLE GROVES
APARTMENTS, LLC

800 HIGHLAND AVE., SUITE 200
ORLANDO, FLORIDA 32803
PHONE (407) 283-8562
FAX (407) 291-2815

HARTLE GROVES
APARTMENTS
SITE PLAN

LAYOUT

REV. #	DATE	DRAWN BY:
		DAG
		CHECKED BY:
		MJS
		DRAWING #:
		15033_4
		PROJECT #:
		15033SPN
DATE:	11-08-2015	SCALE:
		1" = 60'

Exhibit A

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. 2016-03

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

LOCATION

(Alternate Key 3827131)
South of S.R. 50, West of the Hartle Road

LEGAL DESCRIPTION

From the center of Section 26, Township 22 South, Range 26 East, run N89-33-31W along S line of NW ¼ a distance of 724.83' to W R/W line of Hartle Road & point of beginning, thence leaving said S line run N01-48-40E 39.57' to the point of curvature of a curve concave southerly having a radius of 480' & a chord bearing on N29-30-49E, thence run northeasterly along the arc of said curve thru a central angle of 55-24-18 for a distance of 464.16' to the point of tangency thence run N57-12-58E 342.29' to the point of curvature of a curve concave NW'LY having a radius of 380' & a chord bearing of N28-51-44E thence run NE'LY along the arc of said curve thru a central angle of 56-42-29 for a distance of 376.1' to a radial line, thence N89-29-31W along said radial line for a distance of 6', N0-30-29E 25.77', N89-06-32W 108.8', N62-10-41W 99.09', N89-06-32W 507.31', N0-30-29E 270' to S R/W line of SR 50. Run N89-06-32W along said S R/W line 572.14' to W line of E 1/2 of NW 1/4, thence leaving said S R/W line run S0-26-27W along said W line of E ½ of NW ¼ 1285.28' to SW cor of E ½ of NW ¼, thence run S89-33-31E along S line of NW ¼ a distance of 605.93' to POB. ORB 2556 PG 877, Containing 25.31 acres more or less

FROM UE Urban Estate
TO Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Tuesday, January 5, 2016 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, January 26, 2016 at 6:30 p.m. for final enactment.

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

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose St., Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
December 29, 2015 and January 12, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, January 5, 2016		
Agenda Item Name		
Ordinance No. 2016-06 <i>LDC Amendment</i>		
Requested Action		
Move to recommend approval of Ordinance 2016-06.		
Staff Report		
This Land Development Code amendment to Section 62-39 Parking for Certain Purposes, includes a minor amendment to Article II, Sec. 62-39 (2) which clarifies that parking regulations must be adhered to. Upon annexation of the remaining portion of S.R. 50 from South Greater Hills Blvd. to the Lake/Orange County line, parking on the ROW would not be permitted and various businesses will all have to comply with applicable laws, both local and State.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance Parking on ROW Ord 2016-06.doc 2. Legal ad Parking on ROW AD.docx		

CITY OF CLERMONT

ORDINANCE No. 2016-06

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 62 TRAFFIC AND VEHICLES, CREATING A NEW SECTION 62-39 PARKING FOR CERTAIN PURPOSES PROHIBITED; SALE OF MOTOR VEHICLES; PROHIBITED ACTS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on January 5, 2016 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to Amend Chapter 62 Traffic and vehicles, Creating a New Section 62-39 Parking for certain purposes prohibited; sale of motor vehicles; prohibited acts; of the City of Clermont's Code of Ordinances; and

WHEREAS, the State of Florida has adopted under Florida Statutes Section 316.1951 Parking for certain purposes prohibited; sale of motor vehicles; prohibited acts, effective July 1, 2010; and

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

SECTION 1.

The City Council of the City of Clermont has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes.

SECTION 2.

The City of Clermont Code of Ordinances is hereby amended to read as follows:

Chapter 62 TRAFFIC AND VEHICLES

Article II. Stopping, Standing and Parking

Section 62-39

Parking for certain purposes prohibited; sale of motor vehicles; prohibited acts

CITY OF CLERMONT

ORDINANCE No. 2016-06

- (1) It is unlawful for any person to park a motor vehicle, as defined in Florida Statutes 320.01, upon a public street or highway, a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by municipal or county regulation and the person is in compliance with all municipal or county licensing regulations.
- (2) The provisions of Subsection (1) do not prohibit a person from parking his or her own motor vehicle ~~or his or her other personal property~~ on any private real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental. Provided, however, that such parking of vehicles shall otherwise comply with all applicable laws, codes and regulations. All Clermont regulations for such parking must be adhered to.
- (3) Subsection (1) does not prohibit a licensed motor vehicle dealer from displaying for sale or offering for sale motor vehicles at locations other than the dealer's licensed location if the dealer has been issued a supplemental license for off-premises sales, as provided in Florida Statutes 320.27(5), and has complied with the requirements in Subsection (1). A vehicle displayed for sale by a licensed dealer at any location other than the dealer's licensed location is subject to immediate removal without warning.
- (4) A local government may adopt an ordinance to allow the towing of a motor vehicle parked in violation of this section. A law enforcement officer, compliance officer, code enforcement officer from any local government agency, or supervisor of the department may issue a citation and cause to be immediately removed at the owner's expense any motor vehicle found in violation of Subsection (1), except as provided in Subsections (2) and (3), or in violation of Subsection (5), Subsection (6), Subsection (7), or Subsection (8), and the owner shall be assessed a penalty as provided in Florida Statutes 318.18(21) by the government agency or authority that orders immediate removal of the motor vehicle. A motor vehicle removed under this Section shall not be released from an impound or towing and storage facility before a release form prescribed by the department has been completed verifying that the fine has been paid to the government agency or authority that ordered immediate removal of the motor vehicle. However, the owner may pay towing and storage charges to the towing and storage facility pursuant to Florida Statutes 713.78 before payment of the fine or before the release form has been completed.

CITY OF CLERMONT

ORDINANCE No. 2016-06

- (5) It is unlawful to offer a vehicle for sale if the vehicle identification number has been destroyed, removed, covered, altered, or defaced, as described in Florida Statutes 319.33(1)(d). A vehicle found in violation of this Subsection is subject to immediate removal without warning.
- (6) It is unlawful to knowingly attach to any motor vehicle a registration that was not assigned or lawfully transferred to the vehicle pursuant to Florida Statutes 320.261. A vehicle found in violation of this Subsection is subject to immediate removal without warning.
- (7) It is unlawful to display or offer for sale a vehicle that does not have a valid registration as provided in Florida Statutes 320.02. A vehicle found in violation of this Subsection is subject to immediate removal without warning. This Subsection does not apply to vehicles and recreational vehicles being offered for sale through motor vehicle auctions as defined in Florida Statutes 320.27(1)(c) 4.
- (8) A vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.
- (9) Any other provision of law to the contrary notwithstanding, a violation of Subsection (1), Subsection (5), Subsection (6), Subsection (7), or Subsection (8) shall subject the owner of such motor vehicle to towing fees reasonably necessitated by removal and storage of the motor vehicle and a fine as required by Florida Statutes 318.18.
- (10) This Section does not prohibit the governing body of a municipality or county, with respect to streets, highways, or other property under its jurisdiction, from regulating the parking of motor vehicles for any purpose.
- (11) A violation of this Section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318, unless otherwise mandated by general law.

SECTION 3.

If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of the remainder would clearly and without doubt contradict or frustrate the intent of the Ordinance as a whole.

CITY OF CLERMONT
ORDINANCE No. 2016-06

SECTION 4.

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 5.

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

SECTION 5.

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

CITY OF CLERMONT
ORDINANCE No. 2016-06

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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 26th day of January, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

LEGAL NOTICE

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

ORDINANCE NO. 2016-06

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

Tracy Ackroyd Howe
City Clerk, MMC

Daily Commercial
December 29, 2015 and January 12, 2016