



**CITY OF CLERMONT
CITY COUNCIL MEETING
LOCATION: CLERMONT CITY HALL
AGENDA
6:30 PM, Tuesday, February 8, 2022**

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

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 the minutes from the City Council Special Meeting held on January 24, 2022.

Item No. 2 - Budget Amendment for Master Plan Projects

Consider approval of amended budget for Master Plan Projects & ARPA funds and approval of allocations to fund the construction of the new Public Services Building and Downtown Streetscape Phase 3 project.

Item No. 3 - Bid Award and Budget Amendment

Consider award to Johnson-Laux Construction, LLC. for the construction of a new Public Works Operations Facility in the total amount of \$13,591,878 and a budget amendment in the amount of \$3,722,184.

Item No. 4 - Utility Service Agreement

Consider a Utility Service Agreement for a vacant 5 acre parcel located at Laguna Road and CW Harrell Avenue.

Item No. 5 - Event Road Closure and Open Container Request
Irish Fest

Consider approving Suncreek Brewery to host event in downtown Clermont on March 12 - 13, 2022 with street closures and open container allowance.

Item No. 6 - Event Road Closure and Open Container Request
Country Fest

Consider allowing Suncreek Brewery to host event in downtown Clermont on April 30 - May 1, 2022 with street closures and open container allowance.

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UNFINISHED BUSINESS

Item No. 7 - Ordinance No. 2021-032 *Final*
Stillwell - WITHDRAWN

This item has been withdrawn.

Item No. 8 - Ordinance No. 2022-001 *Final*
Property Rights Element

Consider adoption of the Property Rights Element in the City's Comprehensive Plan.

Item No. 9 - Ordinance No. 2022-002 *Final*
Wellness Way

Consider the adoption of the Wellness Way Goal, Objectives and Policies within the Future Land Use element to coincide with Lake County's ordinance for Wellness Way.

Item No. 10 - Ordinance No. 2022-006 *Final*
MSTU

Consider the county-wide Municipal Service Taxing Unit to fund ambulance and emergency medical services for an additional one (1) year.

NEW BUSINESS

Item No. 11 - Ordinance No. 2022-007 *Intro*
Code Enforcement Board

Consider establishing 7-member Code Enforcement Board.

Item No. 12 - Ordinance No. 2022-008 *Intro*
Commercial Megacycles

Consider allowing commercial megacycles to operate as a commercial "Trolley Pub" business.

Item No. 13 - Citizen Request

Charlene Forth made a request to address Council regarding downtown concerns.

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.

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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
SPECIAL COUNCIL MEETING
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CALL TO ORDER

The City Council met in a special meeting on Tuesday, January 24, 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, and Purvis.

Absent: Council Member Bates

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

NEW BUSINESS

Prior to hearing the agenda item Mayor Murry informed the public that due to the nature of the special meeting, public discussion would be limited specifically to the item on the agenda.

The Mayor then led the Council and attending public in the Pledge of Allegiance.

ITEM NO. 1 – REQUEST FOR REVOCATION OF CONDITIONAL USE PERMIT AND CERTIFICATE OF OCCUPANCY FOR LILLY’S ON THE LAKE LOCATED AT 846/848 W. OSCEOLA STREET

City Attorney Mantzaris informed the Council that there are two separate items for the Council to consider: the first being the Conditional Use Permit (CUP) and the second being the Certificate of Occupancy (CO) for Lilly’s on the Lake. The items are being considered in compliance with the City Code (14-62, 86-146).

Since this is a quasi-judicial matter, all witnesses will be sworn in by the City Clerk and must only speak to the items being presented. The Council can ask questions at any time. The City’s position will be presented by Attorney Patrick Brackins of Shepard, Smith, Kohlmyer and Hand. City Attorney Mantzaris advised the Council that he will serve as legal counsel to the Council.

Patrick Brackins – *City’s Advocate*. Attorney Brackins informed the Council that City Attorney Mantzaris cannot serve both as prosecutor andver advisor to the Council; this is why Attorney Brackins is before them this evening. Attorney Brackins reviewed the rules and regulations governing quasi-judicial proceedings. He informed the Council that due to children being present, salacious materials have been provided to the Council in a packet form and will not be displayed on the screen. He informed the public that these materials are public record and can be requested by the public. He informed the Council that their decision needs to be based on evidence and not emotional testimony; and, they need to determine if the evidence provided is sufficient enough to support the City Manager’s recommendation to revoke both the CUP and CO for the facility.

City Clerk Howe swore in all witnesses from the City and the respondent who planned to speak. Attorney Brackins informed those present that public comment is different than testimony and only those who wished to testify as a witness needed to be sworn in.

For the record, Attorney Brackins informed the defendant that he was not her attorney, but did explain who would need to be sworn in for the defendants side.

City Attorney Mantzaris informed those in attendance that before the City Council takes final action, the public will be provided an opportunity to comment.

Attorney Brackins called Curt Henschel, Planning & Development Services Director, as his first witness.

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Attorney Brackins directed Director Henschel to turn to Tab 2 in the binder which was the City Manager's Notice to Revoke the Certificate of Occupancy and Conditional Use Permit. Attorney Brackins informed the Council that the City does not have to establish that Lilly's violated each of accused items; they only need to establish a violation of one in order to revoke them.

Director Henschel provided testimony to the nature of the Certificate of Occupancy and its purpose as well as a Conditional Use Permit and its purpose.

Attorney Brackins directed the Council's attention to Tab 3 and asked if a CUP was similar to a special exception in purpose and intent. Director Henschel confirmed that it was. He continued that Lilly's on the Lake received a CUP in July 2012 and confirmed that it was document contained under Tab 5.

Attorney Brackins asked Director Henschel if adult entertainment activities were permitted in the City. Director Henschel informed the Council that the nudity code prohibits adult entertainment. He also confirmed that the CUP provided to Lilly's does not provide any special exception to allow for a deviation from the code requirements as related to adult entertainment or nudity.

Attorney Brackins asked if Lilly's has a history of code complaints against them. Director Henschel stated that Code Enforcement has had to interact with Lilly's over the years on code compliance issues.

Attorney Brackins asked Director Henschel to review Tab 6 and asked if there are zoning requirements contained within the chapter. Director Henschel confirmed that there were.

Attorney Brackins concluded his questioning of Director Henschel. He informed the Council that the recommendation to revoke the CO and CUP comes with a unanimous recommendation for approval from the City's own Planning & Zoning Commission who had a hearing on the issue the prior week.

Attorney Brackins yielded the witness for cross examination. Ms. Verneka Strom, who is the property owner and representing pro se for Lilly's on the Lake, indicated that she did not have any questions. The City Council also indicated that they did not have any questions.

Attorney Brackins called Evie Wallace, Code Enforcement Officer, as his next witness. Officer Wallace informed those in attendance that she is the ranking code compliance officer in the department and supervises the other officers. She has approximately six (6) years of supervisory experience with the City of Clermont.

Attorney Brackins asked if Lilly's had a history of code violations. Officer Wallace responded that there have been several complaints of noise, unpermitted structures, property, and fire code violations.

Attorney Brackins asked Officer Wallace to turn to Tab 5 and verify the CUP for Lilly's on the Lake; he also asked her if she was familiar with the CUP. Officer Wallace answered both questions in the affirmative. Attorney Brackins asked if Officer Wallace was familiar with the city's adult entertainment and nudity code provisions and if either code was provided for in the Lilly's CUP. Officer Wallace responded that she was familiar with both codes and that the CUP did not provide for an exemption from either code.

Attorney Brackins asked Officer Wallace if straddle dancing was prohibited by the code. Officer Wallace confirmed that it was. He asked Officer Wallace to read the second definition of straddle dancing into the record. Officer Wallace read the definition into the record from the code.

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Attorney Brackins asked Officer Wallace if she was familiar with the city codes prohibition on the sale of alcohol at an adult entertainment facility. She confirmed that she was.

Attorney Brackins asked Officer Wallace a series of questions related to the events on November 30th, 2021. Officer Wallace stated that at approximately 7:30/8:00 PM she met the Fire Marshall at Lilly's on the Lake on a Tuesday evening and witnessed adult entertainment activities as defined by the code which she proceeded to document by camera. She clarified for the record that she only took pictures and no video. She stated that she was unaware if video was taken that night. She informed the Council that upon arrival she went straight to the dining room area which had approximately sixty (60) chairs set up. When the show started, it was standing room only; it was hard to walk around and was very crowded. She continued that several dancers were straddling the patrons. The dancer known as Maximus was in the nude exposing his buttocks and had a black sock covering his front genital area. She testified that she witnessed Maximus touching patrons while straddling them, and that he had the patrons touch him as well.

Officer Wallace used a floor plan of the facility to show the council where she was when she witnessed the events occurring.

Attorney Brackins directed Officer Wallace to Tab 10 and asked her what the city's nudity code prohibits with regards to males. Officer Wallace read the code prohibitions into the record; which includes exposure of the buttocks. Attorney Brackins asked Officer Wallace if she witnessed nudity as defined by the code at Lilly's. Officer Wallace replied in the affirmative.

Attorney Brackins directed the Council to turn to Tab 7 which was a selection of photographs followed by two (2) documents. Since the photos contained nudity, they were not described, but Attorney Brackins informed those in attendance that they are public record and can be requested.

Attorney Brackins asked Officer Wallace if the photos provided were accurate depictions of the events she witnessed, contain nudity, contain straddle dancing, and contain simulated sexual activity. Officer Wallace answered in the affirmative to each item.

Attorney Brackins asked Officer Wallace if Lilly's was in violation of their CUP on November 30, 2021. Officer Wallace answered in the affirmative due to having adult entertainment activities not allowed by their permit and having nudity onsite.

Attorney Brackins asked Officer Wallace if she witnessed any non-simulated sexual activity on November 30, 2021. Officer Wallace stated from her viewpoint in the back of the dining hall, she was able to witness contact on contact interaction between the dancer and patron. It appeared to her like some sort of sexual performance was being done to the dancer based on his moves and motions.

Attorney Brackins asked how many people were present that evening. Officer Wallace stated that at one point she counted between 70 and 75 people which are fairly and accurately reflected in the photographs under Tab 8. She clarified that additional patrons showed up after the photos were taken. It was described as a shoulder-to-shoulder, packed house. Officer Wallace indicated that she was at the event from approximately 8:00 PM and left at 10:30 PM while the event was still going on.

Attorney Brackins asked Officer Wallace if she returned to the property for a different event after the events of November 30, 2021. Officer Wallace replied that she accompanied the Fire Marshall to the site due to a fire call out and assisted in taking pictures.

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Attorney Brackins yielded the witness for cross examination by Ms. Strom. Ms. Strom indicated she had no questions for the witness. The City Council also indicated that they did not have any questions.

Attorney Brackins continued the questioning of Officer Wallace. He asked her about the event that occurred after the November 30, 2021 incident and what she observed. Officer Wallace clarified for the record that she was there, but was not on duty at the time so there is not much she can say. She confirmed that she did take pictures and the pictures show what she witnessed.

Mayor Murry asked Officer Wallace what made her go to Lilly's on the night of November 30, 2021 and if she received a complaint. Officer Wallace stated that she was directed by her department director to assist the fire department with their inspection of the event. She added that it is not uncommon for code enforcement officers to assist other departments to serve as a witness if required and to make sure compliance is met. Additionally, she felt that it was in the best interest of the City to remain there for the event so that Fire Marshall Pierce was not alone at the event.

Attorney Brackins asked Officer Wallace what brought herself and other members of city staff to the event. Officer Wallace informed the Council that they were informed via social media about the event which included phrasing "Magic Mike" and stated it was a sold out show.

Attorney Brackins asked Officer Wallace to define "Magic Mike". Officer Wallace defined "Magic Mike" in relation to the movie.

Attorney Brackins asked Officer Wallace to describe the surrounding area as shown in the photos under Tab 7. Officer Wallace stated that the area was to the right of the establishment and was where the dancers were prepping. The bar area, which were not patrons of the event, could clearly see the show through the glass. It was unclear if the patrons in the bar were also patrons to the event.

Attorney Brackins placed into the record that public safety officials came onsite because of potential public safety issues including fire code violations and potential for law enforcement intervention.

Council Member Entsuh asked in relation to the nudity code at whose discretion is it to determine if genital coverage meets the code.

City Attorney Mantzaris replied that if this was being brought to the Special Magistrate as a code violation case, it would be the officer's interpretation of the code provision. However, the City Council is sitting in that role tonight and will need to determine if the code has been satisfied.

City Attorney Mantzaris informed the Council that as they are sitting in a quasi-judicial capacity it is on the Council to interpret the facts as presented to determine if the City Code has been violated.

Attorney Brackins allowed Officer Wallace to step down and called Fire Marshall Pierce as his next witness.

Attorney Brackins asked Fire Marshall Pierce to state her name and position for the record. Fire Marshall Pierce stated that she serves as the Assistant Fire Chief for Prevention and as Fire Marshall for the City of Clermont.

Attorney Brackins asked if the Florida Fire Prevention Code was incorporated into the Clermont City Code. Fire Marshall Pierce stated that the Florida Fire Prevention Code is made up of two (2) different codes which are handed down from the State of Florida for all municipalities; these codes are adopted via ordinance and then are regulated by the City.

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Attorney Brackins directed Fire Marshall Pierce to turn to the Notices of Revocation under Tab 2. Attorney Brackins admitted for the record that the two notices are largely identical. The documents assert that there was a lack of egress at Lilly's that night. Fire Marshall Pierce defined egress for the Council and stated that it is a violation of both the Fire Code and the City Code to lock a designated egress.

Attorney Brackins asked a series of questions regarding the Fire Code as it relates to certificates of occupancy. Fire Marshall Pierce confirmed that a business owner must consider the Fire Code during their site plan submission as part of their life-safety plan. For the life-safety plan for Lilly's on the Lake, Fire Marshall Pierce indicated that she conducted the original review of the site plan and at that time expressed concerns with regards to the life-safety plan. She expressed occupant load concerns with regards to the room designated as the "meeting room" and had a conversation with the facility architect. She informed him that there were certain fire protection needs that would be required if they wanted to do anything above what was submitted in their original site plan. She was very clear that if they did not wish to install the enhanced fire safety measures they would be limiting the use of the building. In the "meeting room", the site plan showed a layout of tables and chairs for thirty-six (36) which is the occupant load. A comment was made on the site plan that this layout was to never change.

Attorney Brackins clarified that an additional thirty-four (34) occupant load is available in the dining room.

Attorney Brackins directed the Council to Tab 12 which has two letters addressed to Fire Marshall Pierce. After confirming her familiarity with the letters, Fire Marshall Pierce explained that the letters were in regards to her concerns with the occupant load and the architect's response. In the letter, the architect clarified that the "meeting room" was only to be used for private meetings which would be closed off by the use of barn doors. The architect's letter also states that live music will only be performed outdoors and that there is no provision for indoor live music.

Attorney Brackins asked Fire Marshall Pierce to explain the letter dated June 26, 2016. Fire Marshall Pierce stated that the letter is from the principal architect to the building owner with copies sent to the general contractor and the Clermont Fire Marshall. The letter indicates that the layout of the seating arrangement cannot be moved for any reason in order to stay in compliance with the Fire Code.

Attorney Brackins asked if it was fair to assume that the restaurant would want greater capacity. Fire Marshall Pierce responded that the facility as a whole has a current occupant capacity limit of 250, but that she would understand if they wanted a greater capacity. The aforementioned letter indicates what architectural elements would need to be redesigned in order to increase the capacity. These included upgrading fire protection elements, additional Audio/Video, and additional requirements.

Attorney Brackins asked if Fire Marshall Pierce was present at the events on November 30, 2021. Fire Marshall Pierce stated that she was present and arrived at 7:45 PM. She continued that she had met with multiple managers about events that were being held inside. This specific event was being advertised as an event where masks would be required which indicated to her that this was going to be an indoor event. She made the decision, which is not an uncommon practice, for her to investigate the event for compliance purposes. She also made a request for assistance from Code Enforcement as they typically work together.

Attorney Brackins asked if city police officers were onsite for the event. Fire Marshall Pierce confirmed the Clermont Police Department's presence.

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Attorney Brackins asked a series of questions related to the setup of the event. Fire Marshall Pierce informed the Council that upon her arrival the event was set up to be an indoor event inside the middle room where the max capacity is thirty-six (36). In the dining room, there was a locked door with a large sign that said “Ladies Night Out”. Out in the bar area, there was an area cordoned off with plastic sheeting for the performers. The door to the far left had a sign to use the other entrances. The parking was two cars deep and allowed no room for emergency access. She also noted that other means of egress were locked at that time.

Attorney Brackins asked what happens if a fire breaks out in situations like she described. Fire Marshall Pierce responded that generally there is first a sense of panic and typically people will want to exit via the door that they came in. In the case of Lilly’s that night, the common means of egress were either locked or blocked. Other issues observed included the use of live music and the absence of any certified crowd managers, which is required at any event of fifty (50) or more patrons.

Attorney Brackins asked if Lilly’s was in compliance with the fire code upon Fire Marshall Pierce’s arrival. She replied in the negative.

Attorney Brackins asked how long Fire Marshall Pierce stayed at the event. She replied that she spoke with the manager on duty. The patrons of the event had no idea they were in violation of the fire code. She talked with the staff and it was decided that she would stay and act as the crowd manager and fire watch. She informed the manager that there would be an associated fee for her to serve as fire watch and the manager stated she would need to confirm with the owner. Ultimately, the owner agreed to the proposal and to pay the fee. She stated that after it was agreed, she had staff unlock the doors, move cars, and do other items to make it safe. City staff did the best they could to make it as safe as possible.

Attorney Brackins asked if Fire Marshall Pierce had any foreknowledge of what the show would entail. She replied in the negative. He asked if she had a suspicion of what the show might entail. She replied in the affirmative. She also confirmed that she witnessed the entire performance, and that she is familiar with both the City’s nudity code and the adult entertainment code.

Attorney Brackins asked if she witnessed any nudity and straddling as described by the code at the event. Fire Marshall Pierce confirmed that she did. She also confirmed for the Council that the pictures under Tab 7 accurately portray the events she witnessed. Attorney Brackins had Fire Marshall Pierce describe and discuss each of pictures.

Attorney Brackins asked Fire Marshall Pierce if the violated fire codes she witnessed that night violate the terms of their CUP and CO. She replied in the affirmative to both.

Attorney Brackins asked if the owner was present at the site. Fire Marshall Pierce replied that the owner was not onsite.

Attorney Brackins asked for clarification on whether the agreement reached between Fire Marshall Pierce and the staff at Lilly’s erased the violations. She replied in the negative. He continued by asking if she had been compensated for the arrangement that was reached to provide fire watch and crowd management services. Fire Marshall Pierce replied that she was paid last week.

Attorney Brackins asked if Fire Marshall Pierce had been to Lilly’s since the event on November 30, 2021. She replied that she was present for an outdoor micro-wrestling event that occurred on December 9, 2021

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which was the second time such an event had occurred at the location. She confirmed for the Council that the pictures contained under Tab 11 accurately portray what she witnessed.

Attorney Brackins asked if there was anything about the December 9, 2021 event that violated the fire code. Fire Marshall Pierce stated that the requirement for a certified crowd manager was not met. She also described how fire protection was set behind a barrier. She made a comment that she also witnessed that the path of egress was blocked off on the path around the restaurant. She remained at the event for 1.5-2 hours.

Attorney Brackins asked if there was live music at the event. Fire Marshall Pierce confirmed that there was as part of the show. This event occurred on a Thursday evening and lasted past 10:00 pm.

Attorney Brackins had Fire Marshall Pierce read into the record paragraph 13 of the Lilly's CUP which states that there will be no outdoor music past 10:00 pm. She confirmed for Attorney Brackins that the event on December 9, 2021 also violated the terms of the CUP.

Attorney Brackins yielded the witness for cross examination by Ms. Verneka Strom.

Ms. Strom asked Fire Marshall Pierce if she noticed any outside set up when she arrived on November 30, 2021. Fire Marshall Pierce replied that there was a 10 x 10 tent with picnic tables set up in the same area. She continued that when Ms. Strom spoke with the fire department, the event was supposed to be outside. The promoter informed her on November 30, 2021 that the event was always planned to be inside.

Ms. Strom submitted emails into the record indicating that the event was supposed to be outside and was never meant to be held indoors.

Ms. Strom asked Fire Marshall Pierce about her comments regarding upgrades to the fire prevention and suppression system and if the Fire Department has ever received calls from vendors related to quotes for Lilly's. Fire Marshall Pierce confirmed that she has spoken with several fire suppression vendors that called in regards to Lilly's on the Lake. She added that the purpose of the calls was in regards to the City's requirement that Lilly's has a voice evacuation system which is typically only for businesses with a capacity greater than 300 people. The City has consistently held that if the tables and chairs are rearranged, it increases the occupant load. If Lilly's wants to increase their occupant load to 300, then the voice evacuation system is required.

Ms. Strom submitted for the record quotes to upgrade the system. City Attorney Mantzaris informed Ms. Strom that she would be able to elaborate during her testimony.

Ms. Strom asked what Fire Marshall Pierce's experience has been working with the staff each time she has come to Lilly's. Fire Marshall Pierce stated that she has met with multiple managers, and each new manager states that they are unaware of the event requirements.

Ms. Strom asked if Fire Marshall Pierce noticed the security personnel at either of the events. Fire Marshall Pierce responded that when she spoke to the security guards, none were able to produce their state approved certification card which is required for all events. Ms. Strom asked if that information had ever been relayed. Fire Marshall Peirce stated that the information was relayed in the past and further stated that even for city events the certification is required. This is why all Arts & Recreation Center staff are certified crowd managers. Ms. Strom asked if this is a service provided by the City. Fire Marshall Pierce replied that

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businesses can supply their own staff, they just have to be state certified and that she has spoken to Mr. Warner about this several times.

Ms. Strom wished to clarify for the record that staff was present for crowd control, but were not certified.

With regards to the event on December 9, 2021, Ms. Strom asked if Fire Marshall Pierce was confident that the music went past 10:00 pm. Fire Marshall Pierce responded that she was confident and clarified that live music does not just mean with a performer, but music associated with a show as well.

Ms. Strom concluded her questioning.

Council Member Entsuh asked if Fire Marshall Pierce could expand on the requirements for crowd management and certification. Fire Marshall Pierce responded that any assembly over fifty (50) attendees is required to have a certified crowd manager. The city offers a free class for certification periodically. For every 250 attendees, the location is required to have additional certified crowd control management.

Council Member Purvis asked Fire Marshall Pierce to enter into the record her education and appointments to qualify her as an expert witness. Fire Marshall Pierce informed the Council of her qualifications.

Council Member Pines asked how many doors were locked at the event on November 30, 2021. Fire Marshall Pierce stated that one (1) door was locked and two (2) were blocked. Council Member Pines asked what kind of lock was used on the locked door. Fire Marshall Pierce stated that it is an unapproved locking mechanism on the west side door that is not normal for a restaurant.

The City Council concluded their questioning.

Attorney Brackins clarified for the record that the CUP does not differentiate between live music and non-live music. The text in Tab 5 Paragraph 13 states outdoor music.

Attorney Brackins asked Fire Marshall Pierce about the last photo in Tab 8 that shows a City of Clermont Officer in patrol uniform and asked how many law enforcement personnel were present. She responded that two (2) officers were present at the event, but not at the same time. She also confirmed that the employees and talent were aware that law enforcement and other city personnel was present.

Attorney Brackins concluded his questioning and allowed the witness to step down. He informed the Council that this concludes his witnesses, and that he will reserve time after the respondent for closing arguments.

City Attorney Mantzaris informed Ms. Strom that this was her opportunity to call witnesses in support of her case.

Ms. Strom called Sandy Pyne to testify. Ms. Pyne serves as the general manager for Lilly's on the Lake.

Ms. Strom asked Ms. Pyne to describe what was supposed to happen for the event held on November 30, 2021. Ms. Pyne responded that the event was supposed to be held outside. With the assistance of maintenance, she set up two (2) 12x12 canopies and purchased plywood for the event. Approximately four hours of staff time was used to set up for the event outside.

Ms. Strom asked if there was any discussion of nudity with the performance group once they arrived onsite. Ms. Pyne replied that there was never any discussion as this was supposed to be an outside event. It was

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never intended to be an inside event; moving it inside was a last minute decision. Ms. Pyne apologized for making that decision.

Ms. Strom asked if Lilly's has ever hosted any nudity groups. Ms. Pyne responded that they have never had anything like this. She added that she was threatened and pressured by the promotional company to make a decision when she could not reach the owners.

Ms. Strom asked how many staff does Lilly's employ. Ms. Pyne responded that there are approximately thirty-seven (37) employees. Ms. Strom asked if Ms. Pyne believes the Lilly's ownership would jeopardize their staff's livelihoods in order to have a nude event. Ms. Pyne responded in the negative.

Ms. Strom yielded the witness for cross examination by Attorney Brackins.

Attorney Brackins asked if Lilly's advertised the event that took place on November 30, 2021. Ms. Pyne stated that Lilly's promoted the event in accordance with their agreement, but they did not collect any ticket funds as those were handled by the promotions company. She added that she was unaware of how much the tickets were for the event.

Attorney Brackins asked if Lilly's made any money that night. Ms. Pyne responded that the business did make money, but not as much as they were expecting.

Attorney Brackins asked Ms. Pyne if she is the General Manager and if she was present for the event. She confirmed that she is the General Manager and was onsite for the event. He asked if there were sixty (60) people in the dining room. She confirmed that was a fair number, but was not aware she was in violation as she was going by the building occupancy and not the room occupancy. He asked if she was aware of the CUP. Ms. Pyne stated she was not aware of it until this incident occurred and had never seen it before and did not know that it was the source of the rules for the restaurant.

Attorney Brackins informed Ms. Pyne that the City Code prohibits the exposure of the male buttocks and another section prohibits straddle dancing. He asked Ms. Pyne if she witnessed either of those that evening. Ms. Pyne responded in the affirmative to both.

Attorney Brackins asked Ms. Pyne if she had knowledge of the Facebook post. Ms. Pyne responded that she has no knowledge of the Facebook post and does manage the page.

Attorney Brackins concluded his questioning of Ms. Pyne.

Council Member Purvis asked who booked the event. Ms. Pyne responded that they employ an events person. Council Member Purvis asked if the events employee is compensated. Ms. Strom replied that employee works remotely and is contacted by different promoters.

Council Member Purvis asked if the events employee arranged the wrestling matches. Ms. Strom replied in the affirmative.

Council Member Entsuh asked Ms. Pyne if she was able to get a hold of Ms. Strom to agree for the Fire Marshall Watch Fee. Ms. Pyne said she did not speak with Ms. Strom that evening and she made the decision herself to engage with the Fire Department.

Mayor Murry asked if the contract for the group included any reference to nudity. Ms. Strom replied in the negative.

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Mayor Murry asked why an effort was not made to shut it down at that time. Ms. Strom stated that she was not there. She repeated that this event was supposed to be outside and that it was supposed to be light hearted, choreographed dancing.

Mayor Murry asked Ms. Pyne to confirm that she was pressured to make a decision. Ms. Pyne replied in the affirmative and that she was threatened by the entertainments onsite management.

Council Member Purvis asked Ms. Pyne to expand on the threat. Ms. Pyne stated that the performers refused to perform outside and began carrying their equipment inside without permission. They threatened to walk off and charge a cancellation fee if the event was not moved inside. Ms. Pyne stated that when she was approached by the Fire Marshall and realized that the fee to have safety personnel onsite was significantly less than the cost of the cancellation fee, so she made a judgement call.

Mayor Murry asked again why the event was not shut down when the nudity occurred. Ms. Strom replied that they had no impression that nudity was part of the performance.

Council Member Purvis asked if the entertainment were paid for their services. Ms. Strom replied that they were not paid by the location and made their money through ticket sales. Lilly's revenue was to be realized through food and drink sales. She clarified for the record that no portion of the ticket sale proceeds were received by Lilly's.

Mayor Murry wanted to clarify for the record that the sale of alcoholic drinks at an adult entertainment event is not allowed under the code either.

Council Member Entsuh asked the name of the promotions group. Ms. Pyne said that she could not recall the name of the promoter, but she did receive a contact to communicate with.

Mayor Murry asked if the contact was onsite the night of the event. Ms. Pyne replied in the negative.

Council Member Purvis asked Ms. Pyne if she was on duty the night of the wrestling match and asked why the event went longer than 10:00 pm. Ms. Pyne replied that the event was over by 10:00 pm, but they were there after that hour wrapping up and taking down their stage.

Council Member Purvis stated that he has on his phone a message received at 10:20 pm that includes the ongoing sounds of the event on the loud speakers. He asked where the management was that night. Ms. Pyne replied that she was there onsite.

Council Member Pines asked Ms. Pyne to confirm her prior statement that she has no knowledge of the CUP. Ms. Pyne replied that she had no prior knowledge. Council Member Pines asked if the CUP had ever been reviewed with her. Ms. Pyne said that there are many papers in the office that she has not reviewed.

The Council concluded their questioning of the witness.

Ms. Strom called Lisa Fox as her next witness to testify.

Ms. Strom asked how long Ms. Fox has worked for Lilly's on the Lake. Ms. Fox responded that she has been employed for approximately three (3) years.

Ms. Strom asked if they have ever held an event like this in the past or that the ownership would ever choose to hold a nudity event. Ms. Fox replied in the negative to both questions.

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Ms. Strom asked how the event was described to staff in preparation. Ms. Fox replied that it was supposed to be an outdoor event with light dancing and men wearing briefs.

Ms. Strom yielded the witness for cross examination by Attorney Brackins.

Attorney Brackins stated that he did not have any questions for the witness.

Council Member Entsuaah asked about Ms. Fox's position at Lilly's. Ms. Fox stated that she is a server and cook.

Mayor Murry asked if Ms. Fox had a chance to review the pictures in the book in front of her. She responded that she has seen the pictures. Mayor Murry asked if she had witnessed the activities as shown in the pictures under Tab 7. Ms. Fox stated that she did not see those activities, but admitted she was not there for the full event. She also testified that while she was there the male entertainers were wearing briefs.

Mayor Murry asked if she was surprised to see the event being held inside. She replied in the affirmative.

Council Member Entsuaah asked if Ms. Fox was familiar with the term "Magic Mike" and asked her to describe it. Ms. Fox replied that she believes it has to do with male strippers.

Mayor Murry asked if there were children present that night as the location is continuously described as a family restaurant. Ms. Fox stated that there were no children present.

The Council concluded their questioning of Ms. Fox.

Ms. Strom called James Anjani as her next witness.

Ms. Strom asked Mr. Anjani what his position with Lilly's is and how long he has been employed. Mr. Anjani stated that he is the head cook and has been employed since August 2020.

Ms. Strom asked if the event was supposed to be held inside. Mr. Anjani stated that the event was directed to be held outside and that he assisted with the setup of the plywood for it.

Ms. Strom asked if there was ever any talk of nudity. He replied in the negative.

Ms. Strom asked if the staff knew that the event was going to proceed as it did. He replied in the negative and stated all the staff knew was that it was to be a "Ladies Night Out."

Ms. Strom asked Mr. Anjani what types of events he has seen at Lilly's and the preparations that go into events. He replied that he has seen wrestling, luaus, and bands. He added that all events have been held outside and precautions are always made to make sure there is onsite staff and security.

Ms. Strom yielded the witness for cross examination by Attorney Brackins.

Attorney Brackins asked if Mr. Anjani was familiar with the pad lock on the door. He replied that he is not familiar with that lock.

Attorney Brackins concluded his questioning of the witness.

Council Member Purvis asked the witness to restate his last name for the record, he then asked what Mr. Anjani's expectation for serving food that night was seeing that all the tables and chairs had been removed.

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Mr. Anjani responded that at the time, they were still serving food at the outside dining areas and in the bar area, but then there was no more food after that.

The Council concluded their questioning of the witness.

City Attorney Mantzaris asked if Ms. Strom had any additional witnesses. She indicated that she had no one further, but would like to make a statement herself.

Ms. Strom made a statement acknowledging everything that has been brought forth against the restaurant and she takes full responsibility. She offered a sincere apology and stated that what happened was an embarrassment to herself, her staff, and to the City of Clermont. She asked the Council to focus on all the good things that Lilly's does in the community. She informed the Council of steps that they have taken to come into compliance with the fire code and prevent a similar situation from occurring. She presented for the record emails with the promotional company as well as supplementing emails confirming that the event was never meant to be held indoors. They have updated their contract for events so that adult entertainment and nudity codes are strictly adhered too.

She asked the Council to consider the forty (40) plus employees that are employed with Lilly's who serve hundreds of patrons every week. Their oldest employee is 72 years old and has difficulty finding alternative work. She also asked the Council to consider the number of charities that they partner with and the opportunities they provide to local artists and musicians as a venue location to showcase their talents. She reiterated that she deeply apologizes for this incident and does understand the severity of the situation.

Attorney Brackins acknowledged that Ms. Strom also apologized at the Planning & Zoning Commission Special Meeting. He also stated that nothing said to the Council conflicts with things that were presented to the Planning & Zoning Commission.

Attorney Brackins asked Ms. Strom if she denies that the violations occurred as described in the Notices of Revocation. Ms. Strom responded that the event was never meant to be an indoor event.

Attorney Brackins asked Ms. Strom if the same event had occurred outside and not inside does she believe that there would not have been a violation. Ms. Strom responded that there was not supposed to be any nudity.

Attorney Brackins stated that he is not asking about what was supposed to happen, but was asking about what did happen. He asked the question again. Ms. Strom responded that there was not supposed any nudity indoors or outdoors.

Attorney Brackins asked Ms. Strom if she is responsible for her restaurant which she replied in the affirmative. He then stated that by apologizing both tonight and at the prior Planning & Zoning Meeting that she is acknowledging that violations occurred. Ms. Strom acknowledged that violations did occur.

Attorney Brackins asked Ms. Strom if it is true that she has been aware of the fire code violations since 2014. Ms. Strom replied that any time an issue has come up with the Fire Marshall, they have taken steps to rectify it immediately. She entered into evidence email correspondence with Jay Sexton of American Fire Company who asserts that in his conversation with the Fire Marshall it was stated that a voice evacuation system is not required.

Attorney Brackins asked when the quotes were received. Ms. Strom stated that the quote was obtained recently, but she has received other verbal quotes in the past that questioned the voice evacuation system.

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Attorney Brackins stated that Tab 12 includes a drawing of the floor plan layout, he asked Ms. Strom if the image was true and accurate. Ms. Strom confirmed that it was to the best of her knowledge.

Attorney Brackins asked if the event was held outdoors was there an intention to sell alcohol at the event. Ms. Strom refused to answer the question.

Attorney Brackins asked about the comment made by Ms. Strom that capacity signs were added. He asked when those signs went up. Ms. Strom replied that they have always been there, what she did was multiply the signs for increased visibility.

Attorney Brackins asked if the signs put up are for each room, specifically, if the dining room says it has a capacity of thirty-six (36). Ms. Strom replied that the signs indicated the capacity of the building not each room.

Attorney Brackins asked for clarification on how Lilly's is now communicating no nudity. Ms. Strom replied that it is in the contract for events. She entered the contract into evidence.

Attorney Brackins asked Ms. Strom if the quotes she received were received after November 30, 2021. Ms. Storm stated that the quotes she received were from years ago.

Attorney Brackins asked about the Fire Code violations that occurred at the December 9, 2021 wrestling event. Ms. Strom stated that she was not made aware of any violations until she heard the testimony today. She stated that Lilly's makes sure that security is onsite for every event. She was unaware of the certification requirement.

Attorney Brackins asked if Lilly's has held other events that has required the Fire Marshall to come out. Ms. Strom stated that she has not been under the impression that they were there to bust them, but to monitor the situations. She testified that she has never been emailed or called.

Attorney Brackins asked if Ms. Strom was testifying that she is compliant with the Code. Ms. Strom responded that they have their regular inspections, and she has always made sure to follow up on inspection findings.

Attorney Brackins asked if Ms. Strom is aware of the floor plan layout requirement. Ms. Strom stated that if something is found to be deficient she will make it right. Attorney Brackins asked his original question again. Ms. Strom replied that she has supplied quotes into evidence that shows they are in the works to make required changes.

Attorney Brackins asked if Ms. Strom is aware what the document showing the floor plan layout requires as related to the maximum occupancy of the dining room. Ms. Strom responded that she has already answered the question and supplied proof into evidence.

Attorney Brackins concluded his questioning of the respondent.

City Attorney Mantzaris asked if the Council had any questions for Ms. Strom.

Council Member Pines asked Ms. Strom if she understood that voice evacuation was not required if she did not exceed her room occupancy, but that also came with the requirement that the floor plan layout remain unchanged which was a requirement laid down by the City. Ms. Strom replied that she is not an engineer or architect. Council Member Pines rhetorically asked if Ms. Strom did not receive the guidelines when she

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received her Certificate of Occupancy stating that as the owner it is her responsibility to educate her staff on the requirements. Ms. Strom stated that she still does not understand the full requirements and is asking for help as to what is needed.

Council Member Entsuah directed Attorney Brackins to Tab 2 and asked about the violation regarding the unauthorized use of storage structure and why there has been no testimony or questioning. Attorney Brackins stated that he did not present evidence because as stated at opening, they have to prove that Lilly's violated only one of the multiple conditions in order to move forward with the revocation.

Council Member Entsuah asked Ms. Strom about their event contract and if what was entered into evidence is a template of what they use. He also asked if she has a signed contract with the event companies from the two events. Ms. Strom stated she does not have a signed contract as there was just an agreement through email. Before this incident, they did not feel they needed a formal contract and were safe with just email or verbal agreements. This was a lesson learned and that a contract needs to be in writing.

Attorney Brackins asked if Lilly's did not have a signed contract with the event company on November 30, 2021 how would they have been able to come back with a cancellation fee. Ms. Strom responded that she did not know how to answer that question.

Council Member Pines asked if the agreement entered into evidence was drafted by an attorney. Ms. Strom replied that it was not.

Mayor Murry asked if they have any scheduled events for the future. Ms. Strom stated that they do have a Valentine's event scheduled with musicians. Mayor Murry advised Ms. Strom to make sure her staff understands the requirements of the city code and CUP. Ms. Strom stated that they all understand now.

Seeing no further comments from the Council, Mayor Murry opened the floor for comments from the public.

Those in the public who spoke in favor of revocation:

Charlene Forth, 939 W. Desoto Street

Those in the public who spoke in opposition of revocation:

Ashley Morgan, 2045 Crosshairs Circle, Orlando

Kevin Morgan, 2045 Crosshairs Circle, Orlando

Jenna Schambee, 840 S Grand Highway, Apt 22C

At this time a recess was requested by Council Member Purvis to allow the public to view the pictures. Mayor Murry denied the request and continued with Public Comment.

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Those in the public who spoke in favor of revocation:

Dani Page, Tuscany Ridge, Clermont

Those in the public who spoke in opposition of revocation:

O. Krinitine, 9117 Jack Conduit Road, Clermont

Chedrick Cotton, 9636 Waterfront Circle

Hedrick Morales, 475 Westlap Place, Groveland

Jennifer Van Giller, 14236 Maxus Road, Clermont

Rob Mercer, 331 Pine Street, Orlando

Sandy Pyne, 13549 Hartle Grove Place, Clermont

James Anjani, 10413 Lakeview Drive, Clermont

Lisa Fox, 909 Palm Forrest Lane, Minneola

Tracy Martin, 24025 Reeding Road, Howey in the Hills

Seeing no further speakers, Mayor Murry closed the floor from further comments.

At 9:16 PM, the Council took a recess.

At 9:25 PM, the meeting resumed.

City Attorney Mantzaris informed the Council that they would hear closing arguments from Attorney Brackins and the respondent.

Attorney Brackins began his final argument by stating that this is a very straightforward issue. The primary question is will these people be affected by the Council's decision; the answer is no. The decision was already made by City Manager and it is the Council's responsibility to determine if they will uphold the code or not. If the decision does somehow affect those that testified or gave public comment, they should only be looking to the business owner for answers. Beginning in 2014, the business owners were made aware of fire code violations, but they still allowed an event to take place where more than sixty (60) people were crammed into a room with locked doors. Attorney Brackins argued that even if the event had occurred outdoors it still would have violated section 95 of the City Code, and the code violations from the event seven (7) days later would have still justified the hearing tonight. There were multiple violations of the adult entertainment, nudity and fire safety codes. The City Administration is asking the Council to sit as judges who get to weigh the credibility of witnesses and testimony. Attorney Brackins admitted that he truly believes the owner is apologetic and that the manager is very apologetic for being put in a terrible position, but the Council has received overwhelming competent, substantial evidence to support the actions of the City Manager. He pointed the Council back to Tab 1 and stated that if the Council were to determine against the City Manager that they themselves are not following the requirements of the law. He left the Council with the question of if Lilly's had no contract, why were they so concerned about a cancellation fee.

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Ms. Strom began her argument accepting responsibility for what happened stating that it was a sincere mistake. She feels that she did bring and enter into evidence showing that they have made attempts to rectify the city and this event. She stated that they will never partner with this group again. With regards to some of the assertions made by opposing Counsel. She explained that the doors that were locked and blocked were done so by the promotional company and not by her staff. She requested mercy from the Council and asked that they not close the restaurant. She concluded stating that this incident has been a significant learning experience.

Having heard the closing arguments, Mayor Murry brought the issue to the Council for consideration.

Council Member Purvis stated that he does not see a winner in this decision. The owner will lose; the employees may lose; the City itself has already lost as social media is blowing up and Channel 9 news is running with a story of the Council possibly closing down a business. He asked City Attorney Mantzaris if there were any alternatives to revocation.

City Attorney Mantzaris stated that the CUP does have language that allows for the Council to reopen the permit for further consideration. The Council does have the ability to change some of the terms. He informed the Council that if they agree with the presentation, every term of the original CUP is now open for amendment or revision. If the Council chooses to not support the decisions made by the City Manager for revocation, they would move forward by not revoking the Certificate of Occupancy and focus on amending the Conditional Use Permit.

Council Member Purvis asked if the Council could amend the CUP at this meeting. City Attorney Mantzaris stated that they can, but he would need to prepare an appropriate resolution based on their actions. The Council could also suspend the CUP and require the respondent to return with a new CUP, but that would require a shutdown in the interim.

Council Member Purvis asked that revocation be taken off the table and that the CUP be amended so that no outdoor event can take place effective immediately; he would ask that the Council discuss amplified music; and he would ask that outdoor events be brought to Council for review. He stated he does not want to see them shut down as a means to show compassion to the forty (40) employees they have on staff.

Mayor Murry stated his agreement with Council Member Purvis and stated he would like to stop indoor events as well as outdoor.

Council Member Pines spoke in opposition stating that this establishment has shown for years examples of not following fire and safety codes. She cited a kitchen fire that occurred just last month and stated that the Council has a responsibility to protect the people.

Council Member Purvis stated that it is his understanding that locked doors has not been an issue in the past. He believes what this restaurant has had is poor management by the business owners. He critiqued Ms. Strom's past interactions with the city. He feels that she needs to be put on probation with this CUP.

Council Member Pines asked what that would look like for Code Enforcement and Fire Safety. She does not want city staff to babysit a business.

Council Member Entsuhah stated that while he feels for the employees, something needs to change.

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City Manager Bulthuis informed the Council that Tab 5 is the existing CUP for Lilly's on the Lake. He informed the Council that their goal is not to shut a business down, but to provide safety for the public. He asked that the Fire Marshall come back up as there are ongoing issues that need to be addressed. Fire Marshall Pierce presented a letter dated May 2021 that demonstrates violations that have not been addressed.

City Attorney Mantzaris informed the Council that regardless of anything that is done now, there are other means of enforcement that can be exercised for these violations. These are not the issues that are before them tonight and were not part of the presentation. These can be used for information purposes if the Council decides to amend provisions within the CUP.

Council Member Purvis asked the Council to reach a determination as to whether Lilly's on the Lake is in violation of the CUP. If the answer is yes, then a discussion can occur about what action should be taken next, whether it is action tonight or postponement until staff can return with an amended CUP.

MOTION TO DETERMINE that Lilly's on the Lake is in violation of their existing CUP based on the presentation of city staff made by Council Member Purvis; Seconded by Council Member Entsuh. Passed unanimously (4/0) with all members present voicing aye.

MOTION TO IMPOSE immediate restrictions, by amending the current CUP for Lilly's on the Lake in that all outdoor events and activities, except for dining on the porch, be suspended until staff brings back a report on the current CUP for the Council, and that this revised CUP shall only be good for 12 months or until such time that the applicant come back with a new CUP application made by Council Member Purvis; Motion Died for Lack of Second.

City Attorney Mantzaris asked for clarification on outside activities with regards to dining on the porch. Council Member Purvis amended his motion to allow for continued dining activity.

City Attorney Mantzaris asked for clarification as to if this Council Member Purvis was doing this as an amendment to the CUP or not. Council Member Purvis amended his motion to clarify that he was amending the current CUP.

City Attorney Mantzaris asked for clarification if there was time frame established when the applicant must come back with a new CUP. Mayor Murry recommended 12 months. Council Member Purvis amended his motion to clarify that the applicant has 12 months to come before them with a new CUP.

Council Member Entsuh stated he is not in favor of the proposal under discussion.

MOTION TO REVOKE the Conditional Use Permit and Certificate of Occupancy for Lilly's on the Lake as presented by staff made by Council Member Entsuh; Motion Died for Lack of a Second.

City Manager Bulthuis asked if the Council was good with them continuing to operate as a restaurant, but with no music inside because of fire code. They would have to keep the set up as is with no live music inside or outside. If they upgrade, they can do a small event inside.

Council Member Purvis asked City Clerk Howe to recite his original motion with all the amendments. After hearing the motion, Council Member Purvis restated his motion for second consideration.

MOTION TO IMPOSE immediate restrictions, by amending the current CUP for Lilly's on the Lake in that all outdoor events and activities, except for dining and beverages on the porch, be suspended until staff

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brings back a report on the current CUP for the Council, and that this revised CUP shall only be good for 12 months or until such time that the applicant come back with a new CUP application made by Council Member Purvis; Motion Died for Lack of Second.

Council Member Pines asked Fire Marshall Pierce what the City would do to make sure the business is complying with all fire codes. City Attorney Mantzaris stated that inspections are a routine part of the activities of the Fire Marshall. Fire Marshall Pierce informed the Council that they would conduct an investigation and then would follow up on violations. For repeat offenders, such as Lilly's on the Lake, they are required by Code to follow up quarterly, but she would follow up monthly.

Council Member Entsuaah stated he was going to try his motion again.

MOTION TO FOLLOW staff's recommendation and revoke the Certificate of Occupancy and Conditional Use Permit for Lilly's on the Lake made by Council Member Entsuaah; Seconded by Council Member Pines. Motion Fails due to Tie Vote (2/2).

Council Member Purvis asked for the record where Council Member Bates was. The Council was informed that he was out of state.

Council Member Pines stated that she never wants to shut a business down, but she feels these owners need a wakeup call. They can come back when they are ready to apply for a new CUP and CO.

Mayor Murry stated that shutting them down is too extreme.

Council Member Entsuaah stated that he thought the goal of this Council was to be different than prior councils. Mayor Murry stated that they are being different by bringing this to a hearing as other councils had not done that.

Council Member Purvis asked what would happen if the Council took no action. City Attorney Mantzaris stated he would have to take a deeper look at the issue, but for the moment, the CUP would remain as is.

Council Member Pines asked about timing for reapplication. Mayor Murry responded that he did not think they should have the option to return for 12 months. This was supported by Council Member Purvis

Council Member Purvis brought back his motion with the new time amendments for consideration a third time.

City Attorney Mantzaris informed the Council that the motion would be drafted as a CUP resolution and placed on file. If passed, it would be active immediately upon conclusion of the vote.

MOTION TO IMPOSE immediate restrictions, by amending the current CUP for Lilly's on the Lake so that all outdoor events and activities, except for dining and beverages on the porch, be suspended, that staff brings back a report on the current CUP for the Council, and that this revised CUP shall be in place for 12 months after such time that the applicant may return with a new CUP application made by Council Member Purvis; Second made by Council Member Pines. Passed 3/1 with Council Member with Council Member Entsuaah opposing.

CLOSING COMMENTS

City Attorney Mantzaris announced there will be a closed litigation session on January 25, 2022 as part of tomorrow's regular Council meeting.

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ADJOURN: With no further comments, this meeting adjourned at 10:41 pm.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date																									
Tuesday, February 8, 2022																									
Agenda Item Name																									
Budget Amendment for Master Plan Projects																									
Requested Action																									
Approve the recommended Budgets																									
Staff Report																									
In 2017, the City issued \$30,000,000 in a revenue note for the Master Plan Projects. To date, most of the projects are complete with 2 remaining, the downtown phase 3 and the public services building. At this time, the city has used approximately \$20,000,000 of the \$30,000,000. In order to complete the 2 remaining projects, the city must use funds from multiple sources as the total cost of the Public Services Building is budgeted at \$17,336,977 and the Downtown Phase 3 Budget is \$8,977,373. The city has already spent a substantial amount of funds on both projects, but budget amendments and multiple funding sources are necessary to complete the projects. Below is a breakdown of: 1. The recommended budget for the Master Plan Fund. This will use up all the remaining funds in this account. 2. The recommended budget for the ARPA Funds. 3. An Allocation Budget for the Public Services Building so it will be clear where the funds are coming from to fund the project. 4. An Allocation Budget for the Downtown Streetscape Phase 3 so it will be clear where the funds are coming from to fund the project. 1. Master Plan Loan Funds Final Project Budget: <table> <tr> <td>Victory Pointe</td> <td>\$7,974,932</td> </tr> <tr> <td>Kehlor Building</td> <td>\$482,074</td> </tr> <tr> <td>City Limit Signs</td> <td>\$446,163</td> </tr> <tr> <td>Legacy Loop</td> <td>\$612,507</td> </tr> <tr> <td>Boat Ramp</td> <td>\$868,758</td> </tr> <tr> <td>Public Wi Fi</td> <td>\$209,700</td> </tr> <tr> <td>Downtown Phase 1</td> <td>\$4,073,648</td> </tr> <tr> <td>Downtown Phase 2</td> <td>\$3,649,122</td> </tr> <tr> <td>Downtown Phase 3</td> <td>\$1,454,393</td> </tr> <tr> <td>Public Services Building</td> <td>\$10,185,762</td> </tr> <tr> <td>TOTAL</td> <td>\$29,957,059</td> </tr> </table> 2. The Federal Government has also released to cities and counties American Rescue Plan Act Funds. The City's amount under this program is \$19,359,000. \$10,000,000 of those ARPA funds can be allocated to General Governmental Expenses with the remaining \$9,359,000 having restrictions on the funds for specific types of projects. Staff is recommending that the City's ARPA Funds be allocated as follows: ARPA RESTRICTED FUNDS <table> <tr> <td>Premium Pay for Employees (Funds</td> <td>\$600,000</td> </tr> </table>		Victory Pointe	\$7,974,932	Kehlor Building	\$482,074	City Limit Signs	\$446,163	Legacy Loop	\$612,507	Boat Ramp	\$868,758	Public Wi Fi	\$209,700	Downtown Phase 1	\$4,073,648	Downtown Phase 2	\$3,649,122	Downtown Phase 3	\$1,454,393	Public Services Building	\$10,185,762	TOTAL	\$29,957,059	Premium Pay for Employees (Funds	\$600,000
Victory Pointe	\$7,974,932																								
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Public Services Building	\$10,185,762																								
TOTAL	\$29,957,059																								
Premium Pay for Employees (Funds	\$600,000																								

already approved)	
Cost of Employee Salaries for 3 years (In current Budget)	\$3,100,000
Capital Improvement to City Facility	\$22,500
Covid Health Costs	\$300,000
Water & Sewer Downtown Phase 3	\$5,336,500
TOTAL	\$9,359,000

ARPA GENERAL GOVERNMENT FUNDS

Covid Health Costs	\$300,000
Public Services Building	\$3,403,309
Downtown Phase 3	\$2,186,480
Downtown Projects	\$4,110,211
TOTAL	\$10,000,000

3. Public Services Building Final Budget

The funding sources for the Public Services Building are:

Sanitation Fund (includes Master Plan)	\$3,494,055
General Fund	\$36,265
Water Impact Fund	\$362,481
Sewer Impact Fund	\$377,022
Infrastructure Fund	\$190,000
Capital Projects Fund (Master Plan)	\$9,473,845
ARPA General Government Funds	\$3,403,309
TOTAL	\$17,336,977

4. Streetscape Phase 3 Final Budget

The Funding Sources for the Phase 3 Streetscape are:

Capital Projects Fund (Master Plan)	\$1,454,393
ARPA Restricted Fund (W/S Portion)	\$5,336,500
ARPA General Government Funds	\$2,186,480
TOTAL	\$8,977,373

Additional Analysis

Fiscal Impact Summary

Formal Budget Resolutions will be presented for adoption in accordance with the City Charter.

Fiscal Impact	Fund Number and Description	Available Budget Amount
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Exhibits Attached (copies of original agreements)



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date																	
Tuesday, February 8, 2022																	
Agenda Item Name																	
Bid Award and Budget Amendment																	
Requested Action																	
Requesting approval of contract between the City of Clermont and Johnson-Laux Construction, LLC. for the construction of a new Public Works Operations facility and budget amendment in the amount of \$3,722,184.																	
Staff Report																	
The Procurement Services Department and the Public Services Department recommend approval of the above action. The Procurement Services Department issued a Request for Bid (RFB) number 22-002 for the construction of a new Public Works Operations Facility. The RFB was fully competed, advertised, and complies with the City of Clermont Procurement Services Policy. There were seven (7) responses to the RFB. The scope of work for this project will include complete site development and building construction for the new City of Clermont Public Works Operations Facility to be located at 12838 Hancock Road, Clermont, Florida 34711. Site development will include construction of complete clearing, grading, installation of stormwater retention and conveyance, utilities, pavement, Hancock Road turn lane improvements, and all other site improvements contained in the construction documents. Building structures to be constructed include Administration, Warehouse/Fleet Maintenance, Drive-Thru Wash Bay, Fuel Island, Pre-Wash Facility, and Covered Equipment Parking. Award is being recommended to the low responsive and responsible bidder Johnson-Laux Construction, LLC. in the total amount of \$13,591,878 who complied with all terms, conditions, and specifications stated in the RFB. A contingency fund of \$500,000 or 3.7% is being sought for unforeseen circumstances that may occur during the construction process. Total Cost for contract with Johnson-Laux Construction will be for a not to exceed amount of \$14,100,000. As you will recall, this project has been moving forward for the past several years, the city has already spent funds architecture/civil plans, land purchase, environmental assessments (gopher tortoise relocation). The total project budget is \$17,336,977. Staff is requesting with the award of the contract to Johnson-Laux Construction to also establish a final amended budget for the project with funding coming from: <table border="0"> <tr> <td>Sanitation Fund (includes Master Plan)</td> <td>\$3,494,055</td> </tr> <tr> <td>General Fund</td> <td>\$36,265</td> </tr> <tr> <td>Water Impact Fund</td> <td>\$362,481</td> </tr> <tr> <td>Sewer Impact Fund</td> <td>\$377,022</td> </tr> <tr> <td>Infrastructure Fund</td> <td>\$190,000</td> </tr> <tr> <td>Capital Projects Fund (Master Plan)</td> <td>\$9,473,845</td> </tr> <tr> <td>ARPA General Govt. Funds</td> <td>\$3,403,309</td> </tr> <tr> <td>TOTAL</td> <td>\$17,336,977</td> </tr> </table>		Sanitation Fund (includes Master Plan)	\$3,494,055	General Fund	\$36,265	Water Impact Fund	\$362,481	Sewer Impact Fund	\$377,022	Infrastructure Fund	\$190,000	Capital Projects Fund (Master Plan)	\$9,473,845	ARPA General Govt. Funds	\$3,403,309	TOTAL	\$17,336,977
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ARPA General Govt. Funds	\$3,403,309																
TOTAL	\$17,336,977																

Additional Analysis		
Fiscal Impact Summary		
The current year approved budget does not have adequate funds budgeted for this project. A budget amendment in the amount of \$3,722,184 is recommended. The formal budget resolution will be presented for adoption in accordance with the City Charter.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	RFB 22-002 Response Tabulation	RFB 22-002 Response Tabulation.pdf
2.	RFB 22-002 Award Recommendation	RFB 22-002 Award Recommendation.pdf



RESPONSE TABULATION

RFB 22-002, CONSTRUCTION OF PUBLIC WORKS OPERATIONS FACILITY RE-BID
DUE DATE/TIME: NOVEMBER 12, 2021 AT 2:00 P.M. (EST)

COMPANY NAME	ADDN. 1-5	BID BOND	LUMP SUM PRICE	DEDUCT 1	DEDUCT 2	DEDUCT 3	DEDUCT 4	LUMP SUM – 1-4 DEDUCT
Johnson-Laux Construction, LLC. – Winter Garden, FL	Y	Y	\$13,591,878.00	\$131,779.00	\$659,583.00	\$73,693.00	\$332,812.00	\$12,394,011.00
D.E. Scorpio Corporation – Gainesville, FL	N	Y	\$13,797,007.00	\$138,596.00	\$508,557.00	\$72,340.00	\$388,962.00	\$12,688,552.00
Astra Construction Services, LLC. – Woodstock, GA	Y	Y	\$14,550,000.00	\$194,000.00	\$830,000.00	\$90,000.00	\$478,000.00	\$12,958,000.00
Saboungi Construction, Inc. – Ormond Beach, FL	Y	Y	\$15,051,800.00	\$202,400.00	\$683,600.00	\$148,600.00	\$481,100.00	\$13,536,100.00
Schmid Construction, Inc. – Winter Garden, FL	Y	Y	\$15,641,089.00	\$290,455.00	\$887,796.00	\$99,880.00	\$556,118.00	\$13,806,840.00
H.A. Contracting Corp. – Doral, FL	Y	Y	\$16,500,000.00	\$174,000.00	\$642,000.00	\$58,000.00	\$452,000.00	\$15,174,000.00
ABBA Construction, Inc.	Y	Y	\$18,260,659.00	\$198,520.00	\$717,162.00	\$12,600.00	\$493,386.00	\$16,838,991.00

ADDN. 1-5 = Addendum 1 through 5 submitted with bid documents.

BID BOND = Bid Bond submitted with bid documents.

LUMP SUM PRICE = Lump price including alternates 1 through 4.

DEDUCT 1 = Deductive Alternate No. 1: Drive-Thru Vehicle Wash

DEDUCT 2 = Deductive Alternate No. 2: Covered Parking Structures

DEDUCT 3 = Deductive Alternate No. 3: Fuel Tank Relocation

DEDUCT 4 = Deductive Alternate No. 4: Pre-Wash Facility

LUMP SUM – 1-4 DEDUCT = Lump sum price minus deductive alternates 1 through 4.



FREDDY L. SUAREZ
Procurement Services Director
Procurement Services Department

352-241-7350
fsuarez@clermontfl.org

AWARD RECOMMENDATION

JANUARY 28, 2022

RFB 22-002 CONSTRUCTION OF PUBLIC WORKS OPERATIONS FACILITY RE-BID

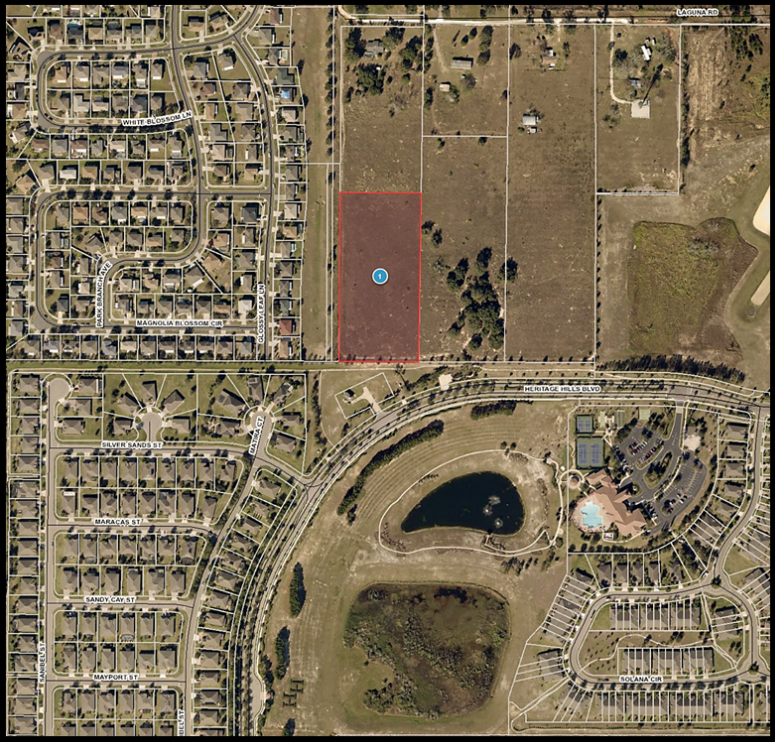
Based on the results of the bid submittals, the Procurement Services Department is recommending award to the low responsive and responsible bidder, Johnson-Laux Construction, LLC., in the lump sum price of \$13,591,878.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date		
Tuesday, February 8, 2022		
Agenda Item Name		
Utility Service Agreement		
Requested Action		
Recommend approval of the Utility Service Agreement		
Staff Report		
The property owner is requesting water services for a new single-family residential home to be constructed on a vacant 5 acre parcel located at Laguna Road and CW Harrell Avenue. The owner will permit and construct the single family residential home in Lake County, but would like to connect to City potable water services. The estimated water consumption is 420 gallons per day. A septic tank will be installed for sewer services to the property. Staff has verified that the City has sufficient capacity to provide water services to the property. The parcel is located within the Clermont Utility Service Area. Staff recommends approval of the utility agreement.		
		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)	
1. Reda Berrada Allam SFR Water Agreement-1082188	Reda Berrada Allam SFR Water Agreement-1082188.pdf
2. Utility map - Laguna Rd and CW Harrell	Utility map - Laguna Rd and CW Harrell.pdf
3. Utility Availablity Letter - Laguan Rd and CW Harrell ALT 1082188	Utility Availablity Letter - Laguan Rd and CW Harrell ALT 1082188.pdf
4. Utility Service Agreement Application	Utility Service Agreement Application.pdf

UTILITY SERVICE AGREEMENT - WATER

This document constitutes an agreement between the City of Clermont, hereby referred to as **CITY**, a municipality of the State of Florida, and Reda Berreda Allam, and any successors or assigns, hereby referred to as **OWNER**.

WITNESSETH

Whereas, OWNER is requesting service to a new single family residential home which is located on 5.0+/- acres at Laguna Road and CW Harrell Avenue, (Alt Key – 1082188) on real property (the “Property”) described on Exhibit ‘A’, attached hereto and by this reference made a part hereof; and

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

Whereas, as a condition of CITY providing said water service to the Property, OWNER is to extend water lines to serve the Property and lines and appurtenances must be sized and constructed in accordance with the minimum requirements of CITY Land Development Regulations and to meet the flow demands for the site; and

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

Whereas, as a condition of the provision of water 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 the 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 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 – Each and all of the foregoing premises are incorporated into and constitute a part of this Agreement.

- 1.1 CITY shall provide water service for the Property.
- 1.2 OWNER shall connect to the existing City system at connection point or points approved by CITY.
- 1.3 The route of any off site lines shall be according to engineering plans produced by OWNER and approved by the CITY.
- 1.4 The OWNER shall construct the facilities, lines and appurtenances necessary to serve the development and 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.

- 1.5 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.
- 1.6 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No building permits shall be issued until water is provided to the site or until a bond or letter of credit, acceptable to CITY, is in place to guarantee completion of off-site improvements.
- 1.7 The OWNER shall be responsible for all costs of on site and off site improvements, 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.
- 1.8 The existing utilities shall stay in service throughout construction. If 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 project shall provide access easements to the City of Clermont to access the water meter for the site. The City of Clermont will charge water fees based on the water meter readings.
- 1.10 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.
- 1.11 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 an 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.
- 1.12 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water lines and appurtenances, both on site and off site, required to serve the Property.
- 1.13 The OWNER shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees. All fees are non-refundable.

Section 2. DEVELOPMENT STANDARDS

- 2.1 Any other water service development items to the site that have not been addressed must be completed in accordance with City of Clermont standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- 2.2 The use shall be limited to a single-family residential structure with typical water use.

Section 3. ANNEXATION

OWNER agrees that CITY may annex the Property into the City of Clermont if CITY, at 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" 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.

The OWNER, agrees on his/hers/theirs/its own behalf and that of Grantors' heirs and assigns that once the property is annexed into the City, in the event that the septic tank or septic field fails, the OWNER shall connect to City's sewer system when a sewer connection is available as determined by City.

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

Reda Berreda Allam
9117 Outlook Rock Trail
Windermere, FL 34786

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 AND TERM

This agreement shall take effect as of the latest date either party executes this agreement and shall expire on the fifth anniversary thereof unless extended by a subsequent agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the dates listed below. CITY through its City Manager, authorized to execute it by City Council action.

DATED this 8th day of February 2022.

CITY OF CLERMONT

ATTEST:

Tim Murry, Mayor

Tracy Ackroyd Howe, MMC, City Clerk

OWNER:

Reda Berreda Allam

Signature

Print Name

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____, as _____ of _____, who provided identification in the form of _____ 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 _____ day of _____, 20____.

Notary Public _____

SEAL:

Type/print name _____

EXHIBIT "A"
PROPERTY DESCRIPTION

Owner:

Reda Berea Allam
9117 Outlook Rock Trail
Windermere, FL 34786

Description:

W 1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 ORB 5809 PG 2366

Containing 5.0 acres more or less.

Lake County Alternate Key Numbers:

1082188

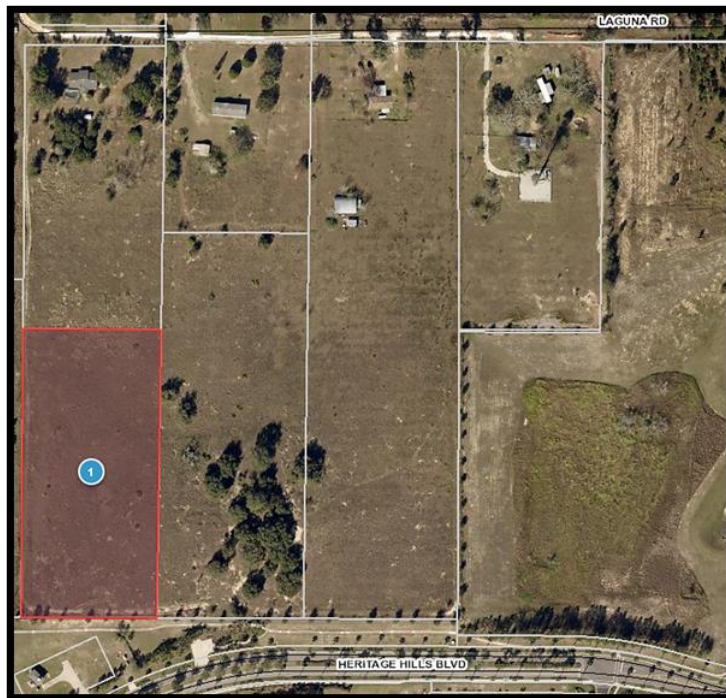


EXHIBIT "B"

Notice of Encumbrance
to Annex to City of Clermont

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

THIS INSTRUMENT, Made this **8th day of February, 2022**, between Reda Berreda Allam, property owner 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"

GRANTER, agrees on his/hers/theirs/its own behalf and that of Grantors' heirs and assigns that once the property is annexed into the City, in the event that the septic tank or septic field fails, the GRANTER shall connect to City's sewer system when a sewer connection is available as determined by City.

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):

Reda Berreda Allam

Witnesses

By: _____
Signature

Type or print name

1. _____
Signature

Type or print name

2. _____
Signature

Type or print name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did not take an oath.

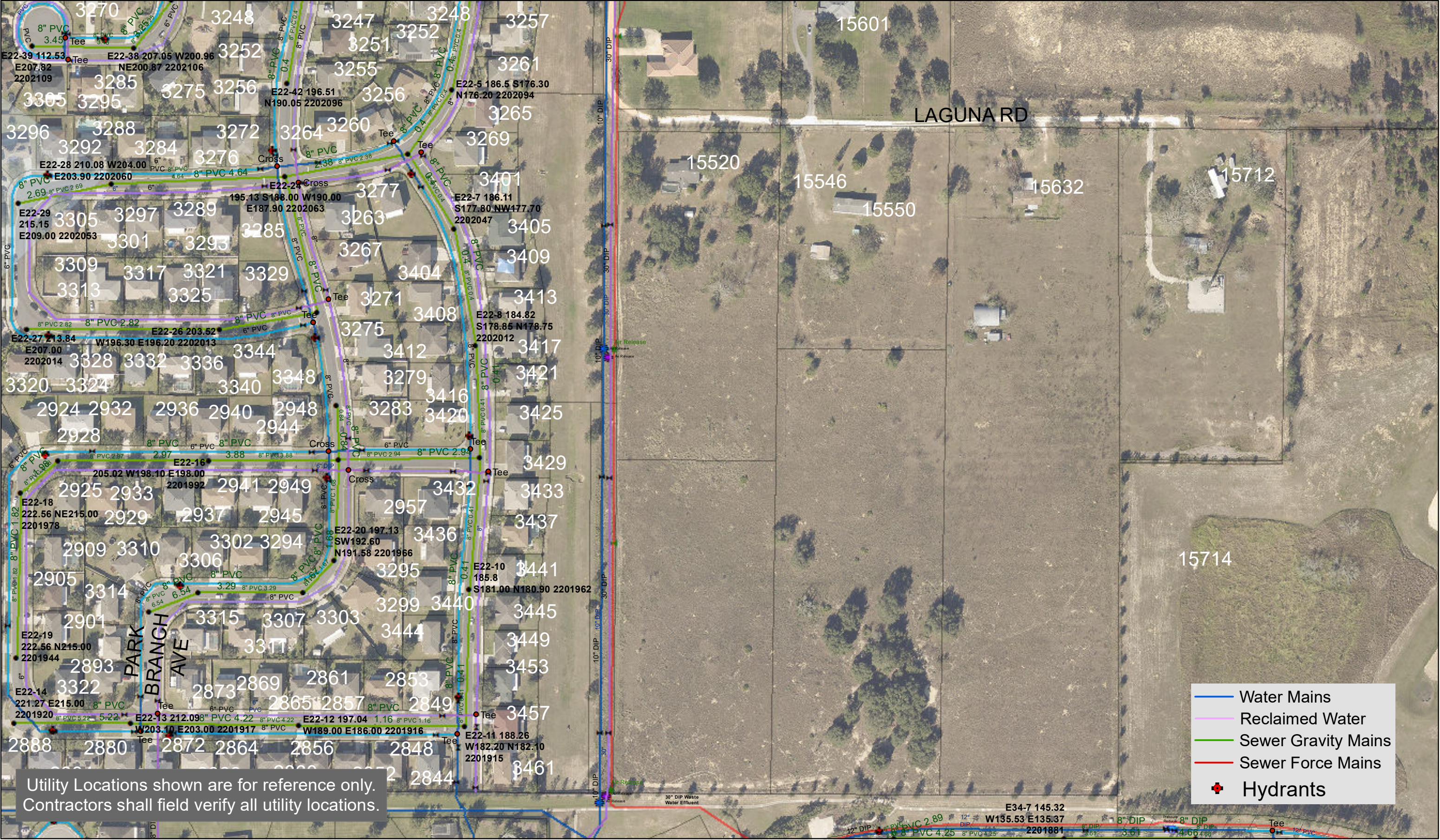
Notary Public _____

SEAL:

Type/print name _____

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

Looking for the closest sewer line or sanitary manhole for 15520 Laguna Rd.



200 100 0 200 Feet



James Maiworm
Assistant Director
Public Services

352-241-0178
jmaiworm@clermontfl.org

January 10, 2022

Reda Berrada
9117 Outlook Rock Trail
Windermere, FL 34786

RE: Alt Key - 1082188

This letter is in response to your request regarding utility availability for Alt Key 1082188, located at Laguna Rd and CW Harrell Avenue, Clermont, Florida.

The property is located outside of the Clermont City limits but within Clermont's utility service area. The City is ready and able to provide potable and reclaim water service to this property.

At this time, the City currently does not have public sewer service within 200 feet of the property line and is **unable** to provide wastewater service. The closest public sewer service connection is more than 1000' feet away from this property. If the owner decides to connect to the city's public sanitary service line, the owner will bear the expense of the installation.

The property owner must request services from the Clermont City Council. Please contact Curt Henschel, Director of Planning and Development Services, to proceed with requesting utility service for this project at 325-394-4083.

If you have any questions regarding the information provided, please contact me at (352) 241-0178.

Sincerely,

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

James Maiworm
Assistant Director of Public Services



CITY OF CLERMONT UTILITY SERVICE AGREEMENT APPLICATION

For Utilities Outside of Municipal Boundaries & Determination of Capacity

Date <u>01/07/22</u>			
Applicant <u>REDA BERRADA</u>			
Contact Person: <u>REDA BERRADA</u>			
Address <u>9117 OUTLOOK ROCK TR</u>	City <u>WINDHURST</u>	State <u>FL</u>	Zip <u>34786</u>
Telephone <u>212723-2002</u>	Fax		
Email <u>REDABABO@HOTMAIL.COM</u>			
OWNER INFORMATION			
Owner's Name <u>REDA BERRADA</u>			
Owner Address <u>SAME</u>	City	State	Zip
Telephone <u>SAME</u>	Fax		
Email <u>SAME</u>			
AGREEMENT INFORMATION			
Party Responsible for Agreement <u>REDA BERRADA</u>			
Address of the Subject Property <u>EW HARREL / LAGUNA RD</u>			
General Location of the Property (include Location Map) <u># 1082188</u>			
Area of the property: <u>5</u> acres			
Zoning:		County Future Land Use:	
Attach development orders, ordinances and staff reports by Lake County and the Florida Dept. of Economic Opportunity (DEO).			
Estimated Water Consumption (excluding irrigation): <u>420</u> gallons per day			
Estimated Sewer Consumption: <u>420</u> gallons per day			
Estimated Re-Use (Gray Water) Water Consumption: _____ gallons per day			
Attach a detailed description of project.			
Notes: <u>4 BEDS 3 and HALF BATHS 5700 Sq</u>			



CITY OF CLERMONT UTILITY SERVICE AGREEMENT APPLICATION

Items required for submittal include one (1) copy of the following items:

- ☒ Signed original application and materials requiring for processing
- ☒ Letter of capacity and utility line location from the City of Clermont Environmental Services Dept.
Phone: (352) 241-0178
- ☐ Proposed Site Plan (if applicable)
- ☐ Lake County Property Appraiser – Record Card
- ☐ Location Map
- ☐ Any applications currently on file with Lake County
- ☐ Any Lake County staff reports
- ☐ DEO or ECFRPC correspondence
- ☐ Any information needed for determination of utility services requested

REDA BERNARDA ALAM
Applicant Name (print)

x _____
Applicant Name (signature)

REDA BERNARDA
Owner Name (print)

x _____
Owner Name (signature)

Prior to submitting an application, a meeting with the City of Clermont is required

To schedule a meeting please contact:

Development Services Department

Phone: 352-394-4083

A review by the *Site Review Committee* may be required, which would require 6 sets of site plans for review by staff. Upon the receipt of all necessary information and review by staff the request will be scheduled for the next available City Council regular meeting.

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

03/09/2020

FileNo./Escrow No.: 21-0693

Public Title Services, LLC
1054803

Officer/Escrow Officer: Sandy Griffis

215 E. Colonial Drive
Orlando, Florida 32801

Settlement Location:

215 E. Colonial Drive
Orlando, Florida 32801

Property Address: Laguna Rd, Clermont, Florida 34711

Buyer: Reda Berreda Allam and Ilham Taharraoui, husband and wife, 9117 Outlook Rock Trail, Windermere, Florida 34786

Seller: Carol A. Petrelli, Individually and as Trustee of The Joseph V Petrelli Jr. Revocable Trust dated October 24, 2001, an unmarried woman, Jennifer M. Petrelli, Individually and as Trustee of The Joseph V Petrelli Jr. Revocable Trust dated October 24, 2001, an unmarried woman, Joseph V. Petrelli, III., Individually and as Trustee of The Joseph V Petrelli Jr. Revocable Trust dated October 24, 2001, a married man, Michael J. Petrelli, Individually and as Trustee of The Joseph V Petrelli Jr. Revocable Trust dated October 24, 2001, a married man, Richard L Petrelli, a married man, and Eligio A Petrelli, an unmarried man, 7 Buttonwood Dr., Branford, Connecticut 06405

Lender: Northpointe Bank ISAOA/ATIMA, 3333 Deposit Drive NE, Grand Rapids, Michigan 49546

Loan Type: Conventional Settlement

Loan Number: 5032002072

Settlement Date: 9/14/2021

Disbursement Date: 9/14/2021

Additional dates per state requirements:

Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
		Financial		
	\$194,000.00	Sales Price of Property	\$194,000.00	
		Deposit including earnest money		\$5,000.00
		Loan Amount		\$114,000.00
		Title - Insurance Seller Credit		\$1,045.00
		Selling Agent Credit to Buyer		\$5,820.00
\$1,045.00		Title - Insurance Seller Credit		
		Prorations/Adjustments		
	\$2.75	NonAd Valorum Taxes from 9/14/2021 to 9/30/2021	\$2.75	
\$999.92		County Taxes from 1/1/2021 to 9/13/2021		\$999.92
		Loan Charges to Northpointe Bank ISAOA/ATIMA		
		Processing Fee to Northpointe Bank ISAOA/ATIMA	\$460.00	
		Underwriting Fee (POC by Borrower: \$400.00)	\$195.00	
		Prepaid Interest (\$16.63 per day from 9/14/2021 to 10/1/2021) to Northpointe Bank ISAOA/ATIMA	\$282.63	
		Other Loan Charges		
		Appraisal Fee to ROI Home Services, LLC	\$825.00	
		Flood Certification Fee to CoreLogic	\$8.75	

		Tax Service Fee to CoreLogic	\$79.00	
\$300.00		E-Doc Storage/Wire Fee to Public Title Services, LLC	\$50.00	
		Title Charges & Escrow / Settlement Charges		
		Title - Closing Protection Letter Fee to Public Title Services, LLC	\$150.00	
		Title - Endorsement 5.1 to Public Title Services, LLC	\$50.00	
		Title - Endorsement 8.1 to Public Title Services, LLC	\$50.00	
		Title - Endorsement FL Form 9 to Public Title Services, LLC	\$139.50	
		Title - Lender's Coverage Premium to Public Title Services, LLC	\$645.00	
\$100.00		Title - Search Fee to Alliant National Title Insurance Company		
		Title - Settlement Fee - Buyer to Public Title Services, LLC	\$595.00	
\$400.00		Title - Settlement Fee - Seller to Public Title Services, LLC		
		Title - Owner's Coverage Premium to Public Title Services, LLC	\$750.00	
		Commission		
\$270.00		Flat Fee to Weichert Realtors Hallmark Properties - Clermont		
\$5,820.00		Real Estate Commission (Buyer) to Grand Vacations Realty LLC		
\$5,820.00		Real Estate Commission (Seller) to Weichert Realtors Hallmark Properties - Clermont		
		Government Recording & Transfer Charges		
		Recording Fees to Public Title E-Record Account	\$275.00	
		E-Record Fee Deed to Public Title E-Record Account	\$4.50	
		E-Record Fee Mortgage to Public Title E-Record Account	\$4.50	
\$14.50		E-Record Trust Certificate to Public Title E-Record Account		
		Recording Fees - Additional Signors to Public Title E-Record Account	\$4.00	
\$1,358.00		Transfer Taxes - Deed State to Public Title E-Record Account		
		Transfer Taxes - Intangible Tax to Public Title E-Record Account	\$228.00	
		Transfer Taxes - Mortgage State to Public Title E-Record Account	\$399.00	
		Miscellaneous		
		2020 Property Taxes (POC by Seller: \$1,425.30)		
\$105.00		Municipal Lien Search Fee to Proplogix		
\$400.00		Survey Reimbursement to Joseph V. Petrelli III	\$400.00	
Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
\$16,632.42	\$194,002.75	Subtotals	\$199,597.63	\$126,864.92
		Due From Borrower	\$72,732.71	
\$177,370.33		Due To Seller		

American Land Title Association

ALTA Settlement Statement - Combined

Adopted 05-01-2015

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Public Title Services, LLC to cause the funds to be disbursed in accordance with this statement.

Borrower:

Reda Berreda Allam

Seller:

DocuSigned by:

Carol A. Petrelli, Individually and as Trust

Carol A. Petrelli, Individually and as Trustee of The Joseph V Petrelli Jr. Revocable Trust dated October 24, 2001

Borrower:

William Taharraoui

Seller:

DocuSigned by:

Jennifer M. Petrelli, Individually and as 1

Jennifer M. Petrelli, Individually and as Trustee of The Joseph V Petrelli Jr. Revocable Trust dated October 24, 2001

Seller:

DocuSigned by:

Joseph V. Petrelli, III., Individually and as

Joseph V. Petrelli, III., Individually and as Trustee of The Joseph V Petrelli Jr. Revocable Trust dated October 24, 2001

Seller:

DocuSigned by:

Michael J. Petrelli, Individually and as Tr

Michael J. Petrelli, Individually and as Trustee of The Joseph V Petrelli Jr. Revocable Trust dated October 24, 2001

Seller:

DocuSigned by:

Richard L. Petrelli

Richard L. Petrelli...

Seller:

DocuSigned by:

Eligio A. Petrelli

Eligio A. Petrelli...

I have reviewed the Closing Disclosure, the settlement statement, the lender's closing instructions and any and all other forms relative to the escrow funds, including any disclosure of the Florida title insurance premiums being paid, and I agree to disburse the escrow funds in accordance with the terms of this transaction and Florida law.

DocuSigned by:

Sandy Griffin

Escrow Officer

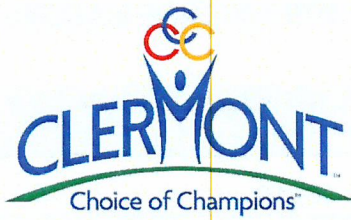


CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 8, 2022		
Agenda Item Name		
Event Road Closure and Open Container Request <i>Irish Fest</i>		
Requested Action		
Recommend to approve the event, road closures and open containers for Irish Fest.		
Staff Report		
Suncreek Brewery has requested Minneola Avenue between 7th and 8th street to be closed beginning 7 a.m. on Saturday, March 12, 2022 to 11 p.m. on Sunday, March 13, 2022 to host the Irish Fest event. The event will run from 12 p.m. – 10 p.m. on Saturday, and 12 p.m. – 8 p.m. on Sunday. They have also requested open containers within the designated street closure area. The event organizer must comply with all safety requirements from the Clermont Police and Fire Departments and will dispense alcohol from their licensed establishment.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	3-12-22--3-13-21Irish Fest application	3-12-22--3-13-21Irish Fest application.pdf
2.	map	map.png



APPLICATION FOR SPECIAL EVENTS PERMIT

PLEASE TYPE OR PRINT CLEARLY

Today's Date 10/10/2021
Name of Event Irish Fest 22'
Date(s) of Event March 12-13th, 2022 Estimated Attendance: 500-750
Event Start Time: 12 PM March 12, 2022 Event End Time: 8 PM March 13, 2022
Before Event Setup Time: 7 AM March 12, 2022 After Event Cleanup Time: 11 PM March 12, 2022
Name of Organization/Applicant Suncreek Brewery

The refundable deposit will be made payable and mailed to the name and address of the applicant listed

Check Type of Organization ☐ Resident ☐ Non Resident ☐ Non-Profit ☒ Business

Non-Profit documentation must be provided with application.

Tax Exempt ☐ Yes ☒ No If yes, provide Tax Exempt # _____

If Yes, you must provide your Tax Exempt Certificate with application.

Federal ID # or Driver's License # 81-1334584
Event Contact Bill Downs Email bill@suncreekbrewery.com
Day Phone _____ Cell Phone 352-636-9089
Address 790 W. Minneola Ave City Clermont State FL Zip 34711
Secondary Contact _____ Phone # 352-636-9089
If this event is a fundraiser, who is the beneficiary? (provide contact information and address) _____

Briefly Describe Event: Two day Country Festival with live music, food, and vendors.

Location of Event on City Property: Map 1 ☐ A ☐ B ☐ C ☐ D ☐ Map 2 ☐ Map 3 ☐

Please choose A, B, C, or D on MAP 1, MAP 2 (Downtown Clermont), or Map 3 (Victory Pointe)

Other Location: West Minneola Ave between 7th & 8th. Use of Minneola end of the Art Walk is requested.

PLEASE COMPLETE THE FOLLOWING QUESTIONNAIRE AND RETURN WITH YOUR APPLICATION

Alcohol Served: ☒ Yes ☐ No

If Yes, State Alcoholic Beverage License REQUIRED for sale of alcoholic beverages 1-800-375-6975 and approval from the City of Clermont City Manager and Council.

Canopy/Tent Use: ☒ Yes ☐ No Size of Tent* 20x30, 16x16

**Tents larger than 900 sq. ft. will require an additional permit*

Electrical Use: ☒ Yes ☐ No Describe the need: Art walk Power Boxes

Additional permits may be required based on use

Electrical Power Provided: ☐ Generator ☐ Temporary Power Drop ☒ Property Power

Gas Fueled Equipment: ☐ Yes ☐ No Describe Use:

If Yes, subject to permits as required by the Building/Fire Safety Division.

Fuel Source ☒ Propane ☐ Natural Gas ☐ Diesel Fuel ☐ Gasoline

Cooking Equipment Use: ☒ Yes ☐ No

If Yes, subject to approval as required by the Florida DBPR, Division of Hotels and Restaurants. Contact number 1-850-487-1395

Cooking Types: ☐ Fryers ☐ Propane Grill ☐ Charcoal Grill ☐ Concession Trailer ☐ Food Trucks

Insurance may be required by provider

Rides: ☐ Yes ☒ No Ride Types: ☐ Mechanical ☐ Bounce Houses ☐ Animals

Insurance may be required by provider

Pyrotechnic/Fireworks Displays: ☐ Yes ☒ No

*If Yes, requires separate approval process completed by Company with the Fire Prevention Division.
The release of Sky Lanterns is not permitted under state law.*

Streets to be Closed or Traffic Control: ☒ Yes ☐ No

Written submission for road closure is required and will require city council approval

Fire or Law Enforcement Stand-by Requested: ☒ Yes ☐ No

*If Yes, requires separate approval process completed by applicant with the Clermont Police Department and Clermont Fire Department.
Law enforcement or fire/ems stand-by may be required by the City for certain events/activities and at the applicant's cost.*

Live Television or Radio Broadcast: ☐ Yes ☒ No

DJ, Band, Music or Sound Amplification Devices: ☒ Yes ☐ No

Describe: City Stage Rental. Private light / sound engineers and equipment will be used.

If loud sounds are created that require a permit under the City Noise Ordinance, a letter requesting a permit for such activity must accompany this permit application.

Banners or Attention Getting Devices: ☐ Yes ☒ No

If Yes, Attention Getting Devices and Banners require a separate permit with the Building/Fire Safety Division. Temporary signage is not permitted in right-of-ways.

Is this event: ☒ Public ☐ Private Is another promoter/producer assisting with your event? ☐ Yes ☐ No

Will this event use other venues and/or municipalities such as Lake County? ☐ Yes ☒ No

Will this event be utilizing Lake Minneola or Lake Minnehaha for any portion of the event? ☐ Yes ☒ No

Are you requesting the boat ramp be closed in order to be used for overflow parking? ☐ Yes ☒ No

Boat ramp closure request will only be considered by the City Council for events that have over 1000 expected in attendance.

SPECIAL EVENTS COST ESTIMATOR

NAME OF EVENT:	Irish Fest 22'		
DATE OF EVENT:	March 12-13th, 2022		
EVENT CONTACT:	Bill Downs		
REFUND MAILING ADDRESS:	790 West Minneola Ave		
	Street Address		
	Clermont	FL	34711
	City	ST	Zip
CELL PHONE:	352-636-9089		

Payment Deadline:

Application Fee and deposit are due upon submission

Final payment is due 30 days prior to event date.

Final payment not received by the due date will be assessed a 10% late payment fee per week on balance due.

	NON-PROFIT/ RESIDENT RATE	BUSINESS/ NON-RESIDENT RATE	SPECIAL INSTRUCTION	FEE
Application Fee	\$10	\$10	Non-Refundable	\$10
CITY PROPERTY:				
HIGHLANDER BUILDING AND PAVILION ~ AREA A (BLUE)				
Deposit	\$250	\$250	Refundable	
Hourly Fee	\$100	\$200	Per Hour (2 Hour Minimum)	
Daily Fee	\$700	\$1100		
PARK AREA ~ AREA B (RED)				
Deposit	\$150	\$150	Refundable	
Hourly Fee	\$25	\$50	Per Hour (2 Hour Minimum)	
Daily Fee	\$200	\$300		
WATERFRONT ~ AREA C (YELLOW)				
Deposit	\$350	\$350	Refundable	
Hourly Fee	\$200	\$300	Per Hour (2 Hour Minimum)	
Daily Fee	\$1500	\$2500		
Each Consecutive Day	\$1200	\$2000		
CITY HALL PARK - DOWNTOWN ~ AREA D (GREEN)				
Deposit	\$150	\$150	Refundable	
Hourly Fee	\$25	\$50	Per Hour (2 Hour Minimum)	
Daily Fee	\$200	\$300		
VICTORY POINTE				
Deposit	\$150	\$150	Refundable	
Hourly Fee	\$25	\$50	Per Hour (2 Hour Minimum)	
Daily Fee	\$200	\$300		
~ ADDITIONAL FEES ~ TO BE DETERMINED BY CITY STAFF				
Additional City Staff	\$25	\$25	Per Person, Per Hour	
Public Works Event Staff	\$25	\$25	4 hr. min, per staff	
Police Officer	\$42	\$42	4 hr. min, Per Officer	
Fire/ EMS	\$60	\$60	4 hr. min, 2 staff min	
Fire Boat in the Water	\$100	\$100	Per Hour	
Sales Tax				
GRAND TOTAL				

Resident/Non-Profit rate is defined as

- A resident or land owner located in the Clermont city limits
- A business located in the Clermont city limits
- Be an organization/business that is active and currently registered with the Florida Division of Corporations. Applicant must be a registered agent, representative, or board member of the organization/business.

**Non-Profits must provide business license, proof of non-profit status (5013C)*

Non-Resident/Business rate is defined as

- Applicant resides outside the Clermont city limits
- Business is located outside the Clermont city limits

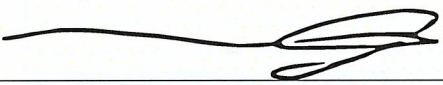
**Clermont Residents are not permitted to use 'Resident' status if the business is located outside of the city limits*

All businesses, vendors, etc., must provide a Certificate of Liability with a minimum coverage of \$1,000,000 Comprehensive General Liability Insurance naming the City of Clermont as additionally insured

PLEASE NOTE: The issuance of a Special Events Permit from the City shall NOT relieve any person from the duty to secure other City, State or County permits or approvals as may be required to include, but not be limited to, Department of Business and Professional Regulation, Health Department, tent permits, fireworks permit, attention getting device permits, business tax receipt, etc. The applicant agrees that no advertising for the event shall occur until this Special Event Permit has been approved. If any information is found to be false, incomplete or misrepresented, such fact is just cause for the immediate revocation of any permit issued. In addition, failure to correct any on-site condition or code violation as identified by the City staff will result in revocation of the permit and/or code enforcement fines.

Indemnification, Insurance and Additional Costs

The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made agree that they will jointly and severally indemnify and hold the City harmless against liability, including court costs and attorney's fees, and attorney's fees on appeal, for any and all claims for damage to property, or injury to or death to persons, arising out of or resulting from the issuance of the permit or the conduct of the Special Event. The applicant may be required to provide insurance, as determined by the Risk Manager. In that case, the City shall be named as an Additional Insured. The applicant also agrees to reimburse the City for all costs due to damage, or use of City resources that are unanticipated but required to support this event.

	Owner/ Manager
Applicant's Signature	Title
William Downs	10/10/2021
Printed Name	Date

*****FOR CITY DEPARTMENT REVIEW ONLY*****

Department / Division Routing:

- | | | |
|-----------------------|-------------------------------|--------------------|
| a) Parks & Rec. Dept. | b) Police Department | c) Fire Department |
| d) Public Works Dept. | e) Development Services Dept. | |

Provide email comments back to City within 7 calendar days of application receipt by the City. Comments need to include a specific denial or approval of the permit and any specific conditions required to be met or listed on the permit.



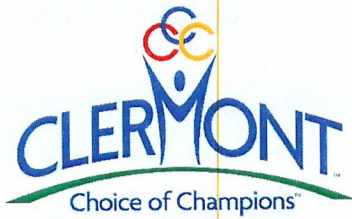


CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 8, 2022		
Agenda Item Name		
Event Road Closure and Open Container Request <i>Country Fest</i>		
Requested Action		
Request approval for the event, road closures, and open containers for Country Fest.		
Staff Report		
Suncreek Brewery has requested Minneola Avenue between 7th and 8th street to be closed beginning 7 a.m. on Saturday, April 30, 2022 to 11 p.m. on Sunday, May 1, 2022 to host the Country Fest event. The event will run from 12 p.m. – 10 p.m. on Saturday, and 12 p.m. – 8 p.m. on Sunday. They have also requested open containers within the designated street closure area. The event organizer must comply with all safety requirements from the Clermont Police and Fire Departments and will dispense alcohol from their licensed establishment.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. 4-30-22--5-1-22Country Fest application	4-30-22--5-1-22Country Fest application.pdf	
2. map	map.png	



APPLICATION FOR SPECIAL EVENTS PERMIT

PLEASE TYPE OR PRINT CLEARLY

Today's Date 10/10/2021
Name of Event Country Fest 22'
Date(s) of Event April 30 - May1, 2022 Estimated Attendance: 500-750
Event Start Time: 12 PM April 30th, 2022 Event End Time: 8 PM May 1st, 2022
Before Event Setup Time: 7 AM April 30th, 2022 After Event Cleanup Time: 11 PM May 1st, 2022
Name of Organization/Applicant Suncreek Brewery

The refundable deposit will be made payable and mailed to the name and address of the applicant listed

Check Type of Organization ☐ Resident ☐ Non Resident ☐ Non-Profit ☒ Business

Non-Profit documentation must be provided with application.

Tax Exempt ☐ Yes ☒ No If yes, provide Tax Exempt # _____

If Yes, you must provide your Tax Exempt Certificate with application.

Federal ID # or Driver's License # 81-1334584
Event Contact Bill Downs Email bill@suncreekbrewery.com
Day Phone _____ Cell Phone 352-636-9089
Address 790 W. Minneola Ave City Clermont State FL Zip 34711
Secondary Contact _____ Phone # 352-636-9089

If this event is a fundraiser, who is the beneficiary? (provide contact information and address)

Briefly Describe Event: Two day Country Festival with live music, food, and vendors.

Location of Event on City Property: Map 1 ☐ A ☐ B ☐ C ☐ D ☐ Map 2 ☐ Map 3

Please choose A, B, C, or D on MAP 1, MAP 2 (Downtown Clermont), or Map 3 (Victory Pointe)

Other Location: West Minneola Ave between 7th & 8th. Use of Minneola end of the Art Walk is requested.

PLEASE COMPLETE THE FOLLOWING QUESTIONNAIRE AND RETURN WITH YOUR APPLICATION

Alcohol Served: ☒ Yes ☐ No

If Yes, State Alcoholic Beverage License REQUIRED for sale of alcoholic beverages 1-800-375-6975 and approval from the City of Clermont City Manager and Council.

Canopy/Tent Use: ☒ Yes ☐ No Size of Tent* 20x30, 16x16

**Tents larger than 900 sq. ft. will require an additional permit*

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Additional permits may be required based on use

Electrical Power Provided: ☐ Generator ☐ Temporary Power Drop ☒ Property Power

Gas Fueled Equipment: ☐ Yes ☐ No Describe Use: _____

If Yes, subject to permits as required by the Building/Fire Safety Division.

Fuel Source ☒ Propane ☐ Natural Gas ☐ Diesel Fuel ☐ Gasoline

Cooking Equipment Use: ☒ Yes ☐ No

If Yes, subject to approval as required by the Florida DBPR, Division of Hotels and Restaurants. Contact number 1-850-487-1395

Cooking Types: ☐ Fryers ☐ Propane Grill ☐ Charcoal Grill ☐ Concession Trailer ☐ Food Trucks

Insurance may be required by provider

Rides: ☐ Yes ☒ No Ride Types: ☐ Mechanical ☐ Bounce Houses ☐ Animals

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Pyrotechnic/Fireworks Displays: ☐ Yes ☒ No

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Written submission for road closure is required and will require city council approval

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Is this event: ☒ Public ☐ Private Is another promoter/producer assisting with your event? ☐ Yes ☐ No

Will this event use other venues and/or municipalities such as Lake County? ☐ Yes ☒ No

Will this event be utilizing Lake Minneola or Lake Minnehaha for any portion of the event? ☐ Yes ☒ No

Are you requesting the boat ramp be closed in order to be used for overflow parking? ☐ Yes ☒ No

Boat ramp closure request will only be considered by the City Council for events that have over 1000 expected in attendance.

SPECIAL EVENTS COST ESTIMATOR

NAME OF EVENT:	Country Fest 22'		
DATE OF EVENT:	April 30th - May 1st, 2022		
EVENT CONTACT:	Bill Downs		
REFUND MAILING ADDRESS:	790 West Minneola Ave		
	Street Address		
	Clermont	FL	34711
	City	ST	Zip
CELL PHONE:	352-636-9089		

Payment Deadline:

Application Fee and deposit are due upon submission

Final payment is due 30 days prior to event date.

Final payment not received by the due date will be assessed a 10% late payment fee per week on balance due.

	NON-PROFIT/ RESIDENT RATE	BUSINESS/ NON-RESIDENT RATE	SPECIAL INSTRUCTION	FEE
Application Fee	\$10	\$10	Non-Refundable	\$10
CITY PROPERTY:				
HIGHLANDER BUILDING AND PAVILION ~ AREA A (BLUE)				
Deposit	\$250	\$250	Refundable	
Hourly Fee	\$100	\$200	Per Hour (2 Hour Minimum)	
Daily Fee	\$700	\$1100		
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Deposit	\$150	\$150	Refundable	
Hourly Fee	\$25	\$50	Per Hour (2 Hour Minimum)	
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Deposit	\$350	\$350	Refundable	
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Deposit	\$150	\$150	Refundable	
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VICTORY POINTE				
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~ ADDITIONAL FEES ~ TO BE DETERMINED BY CITY STAFF				
Additional City Staff	\$25	\$25	Per Person, Per Hour	
Public Works Event Staff	\$25	\$25	4 hr. min, per staff	
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Sales Tax				
GRAND TOTAL				

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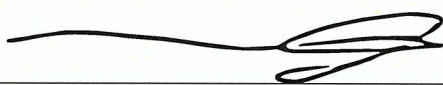
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All businesses, vendors, etc., must provide a Certificate of Liability with a minimum coverage of \$1,000,000 Comprehensive General Liability Insurance naming the City of Clermont as additionally insured

PLEASE NOTE: The issuance of a Special Events Permit from the City shall NOT relieve any person from the duty to secure other City, State or County permits or approvals as may be required to include, but not be limited to, Department of Business and Professional Regulation, Health Department, tent permits, fireworks permit, attention getting device permits, business tax receipt, etc. The applicant agrees that no advertising for the event shall occur until this Special Event Permit has been approved. If any information is found to be false, incomplete or misrepresented, such fact is just cause for the immediate revocation of any permit issued. In addition, failure to correct any on-site condition or code violation as identified by the City staff will result in revocation of the permit and/or code enforcement fines.

Indemnification, Insurance and Additional Costs

The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made agree that they will jointly and severally indemnify and hold the City harmless against liability, including court costs and attorney's fees, and attorney's fees on appeal, for any and all claims for damage to property, or injury to or death to persons, arising out of or resulting from the issuance of the permit or the conduct of the Special Event. The applicant may be required to provide insurance, as determined by the Risk Manager. In that case, the City shall be named as an Additional Insured. The applicant also agrees to reimburse the City for all costs due to damage, or use of City resources that are unanticipated but required to support this event.

	Owner/ Manager
Applicant's Signature	Title
William Downs	10/10/2021
Printed Name	Date

*****FOR CITY DEPARTMENT REVIEW ONLY*****

Department / Division Routing:

- | | | |
|-----------------------|-------------------------------|--------------------|
| a) Parks & Rec. Dept. | b) Police Department | c) Fire Department |
| d) Public Works Dept. | e) Development Services Dept. | |

Provide email comments back to City within 7 calendar days of application receipt by the City. Comments need to include a specific denial or approval of the permit and any specific conditions required to be met or listed on the permit.



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 8, 2022		
Agenda Item Name		
Ordinance No. 2022-001 <i>Final</i> <i>Property Rights Element</i>		
Requested Action		
Recommend approval of Ordinance 2022-001		
Staff Report		
This is the adoption hearing of the Property Rights Element that the City Council approved for transmittal on November 9, 2021. The transmittal included sending the proposed amendment along with the appropriate supporting materials to several State and Regional Agencies for review and comment. A total of nine agencies were notified of the proposed changes. The City has received responses from three State Agencies indicating “no comment.” The agencies were the Florida Department of Transportation, Florida Department of Economic Opportunity and the St. Johns River Water Management District. Therefore, no changes to the proposed transmitted Property Rights element will be made and the element will be adopted as presented. The Property Rights element is a new element that is being added to the City’s Comprehensive Plan in Chapter XIV. It was a requirement under the approved House Bill No. 59, in which it amended Section 163.3177 Florida Statutes. It required a Property Rights element to be included in each local government’s comprehensive plan. Staff has modeled the element after the language contained in House Bill No. 59, according to 163.3177(6) (i) (1) (1-4). Staff recommends approval of the adoption of the Property Rights Element through Ordinance 2022-001.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord 2022-001 Property Rights (10.24.2021 V1) - RFBL	Ord 2022-001 Property Rights (10.24.2021 V1) - RFBL.pdf	
2. Property Rights Element	Property Rights Element.pdf	
3. PR Element Combined	PR Element Combined.pdf	
4. ORD 2022-001 Property Rights Element Legal Ad	ORD 2022-001 Property Rights Element Legal Ad.docx	



CITY OF CLERMONT
ORDINANCE NO. 2022-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES BY ESTABLISHING CHAPTER XIV PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE PLAN; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR CONFLICT, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

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

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

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

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

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

SECTION 1.

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

SECTION 2: CONFLICT

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

SECTION 3: 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



CITY OF CLERMONT
ORDINANCE NO. 2022-001

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 4: ADMINISTRATIVE CORRECTION

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

SECTION 5: PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published as provided by law and it shall become law and shall take effect after a period of thirty days plus one following its Second Reading and Final Passage.



CITY OF CLERMONT
ORDINANCE NO. 2022-001

ORDAINED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 8th day of February, 2022.

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Daniel F. Mantzaris, City Attorney

Exhibit A



CITY OF CLERMONT
COMPREHENSIVE PLAN
CHAPTER XIV
PROPERTY RIGHTS ELEMENT

Adopted February 8, 2022

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CHAPTER XIV
PROPERTY RIGHTS

GOAL 1: The City shall respect judicially acknowledged and constitutionally protected private property rights and ensure that private property rights are considered in local decision making.

Objective 1: Consideration of Property Rights. The City of Clermont shall ensure that property rights are considered in the decision-making process.

Policy 1.1: The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights will be considered in the decision-making process.

Policy 1.2: The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances, will be considered in the decision-making process.

Policy 1.3: The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property will be considered in the decision-making process.

Policy 1.4: The right of a property owner to dispose of his or her property through sale or gift will be considered in the decision-making process.



CITY OF CLERMONT
COMPREHENSIVE PLAN
CHAPTER XIV
PROPERTY RIGHTS ELEMENT

Adopted February 8, 2022

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CHAPTER XIV PROPERTY RIGHTS

GOAL 1: The City shall respect judicially acknowledged and constitutionally protected private property rights and ensure that private property rights are considered in local decision making.

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Policy 1.3: The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property will be considered in the decision-making process.

Policy 1.4: The right of a property owner to dispose of his or her property through sale or gift will be considered in the decision-making process.

December 22, 2021

The Honorable Tim Murry
Mayor, City of Clermont
685 West Montrose Street
Clermont, Florida 34711

Dear Mayor Murry:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Clermont (Amendment No. 21-03ESR) received on November 23, 2021. The review was completed under the expedited state review process. **We have no comment on the proposed amendment.**

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable Tim Murray

December 22, 2021

Page 2 of 2

If you have any questions concerning this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at dan.evans@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Powell". The signature is fluid and cursive, with the first name "Barbara" written in a larger, more prominent script than the last name "Powell".

Barbara Powell, Regional Planning Administrator
Bureau of Community Planning and Growth

BP/de

Enclosure(s): Procedures for Adoption

cc: John Kruse, Planning Manager, City of Clermont

Hugh Harling, Executive Director, East Central Florida Regional Planning Council



Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720

KEVIN J. THIBAUT, P.E.
SECRETARY

December 17, 2021

Mr. John E. Kruse, AICP
Senior Planner
City of Clermont
Development Services
685 W. Montrose Street
Clermont, Florida 34711

Subject: *City of Clermont* Proposed Comprehensive Plan Amendment 21-03ESR
Response Type: *Technical Assistance Comment*

Dear Mr. Kruse,

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed proposed amendment 21-03ESR.

Ordinance No. 2022-001 (Property Rights Element):

We appreciate the opportunity to participate in this review process. The proposed Property Rights Element is not anticipated to have significant adverse impacts to the State Highway System (SHS) or the Strategic Intermodal System (SIS); therefore, the Department has **no technical assistance comments.**

Ordinance No. 2022-002 (Wellness Way Future Land Use Element):

In addition, FDOT is providing a technical assistance comment consistent with Section 163.3168(3), Florida Statutes. The technical assistance comment(s) will not form the basis of a challenge. The technical assistance comment(s) can strengthen the local government's comprehensive plan in order to foster a vibrant, healthy community or is/are technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.):

Technical Assistance Comment:

US 27 (SR 25), within the general vicinity of the proposed Wellness Way Area Plan, is identified as a State Highway System (SHS) and Strategic Intermodal System (SIS); therefore, FDOT identifies the potential for impacts to the SIS secondary to the development of this area.

Due to the volume of potential development area proposed within Ordinance No. 2022-002, in conjunction with the general location of development between U.S. 27 (SR 25), CR 429, and South of SR 50, FDOT respectfully requests the continued coordination with all parties involved relative to future development within the previously identified limits consistent with Objectives 2.7 and 2.7.1. FDOT would also like to add that it is readily accessible to assist in transportation related matters and concerns as this plan continues to progress.

Please transmit a copy of the amendment, along with the supporting data and analysis, to the District upon its adoption.

Thank you for coordinating on the review of this proposed amendment with FDOT. If you have any questions, please do not hesitate to contact me by email at Channing.Maiolo@dot.state.fl.us or 386-943-5457.

Sincerely,



M. Channing Maiolo
Systems Planning Coordinator

cc: Tim McClendon, Lake County
Tara McCue, ECFRPC
Heather Garcia, FDOT
Steve Shams, FDOT

Jennifer Carver, FDOT
D. Ray Eubanks, DEO
Donna Harris, DEO

John E. Kruse

From: Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>
Sent: Monday, December 20, 2021 1:32 PM
To: John E. Kruse
Cc: DCPexternalagencycomments
Subject: City of Clermont proposed comprehensive plan amendment 21-3ESR

Dear Mr. Kruse,

St. Johns River Water Management District (District) staff have reviewed City of Clermont proposed comprehensive plan amendment 21-3ESR in accordance with the provisions of Chapter 163, Florida Statutes. Based on review of the submitted materials, District staff have **no comments on the proposed amendment.**

If you have any questions or need additional information, please contact me.

Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner
Division of Strategic Planning and Initiatives
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
Website: www.sjrwmd.com
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2022-001

The City of Clermont will hold public hearings on Tuesday, November 2, 2021 at 6:30 pm before the Planning and Zoning Commission and on Tuesday, November 9, 2021 at 6:30 pm before the City Council (transmittal hearings), and on Tuesday, February 8, 2022 at 6:30 pm before the City Council (final adoption hearing) to consider proposed changes to the City's adopted comprehensive plan.

ORDINANCE #2022-001:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES BY ESTABLISHING CHAPTER XIV PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE PLAN; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR CONFLICT, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

The public hearings will be in the Council chambers of City Hall, 685 W. Montrose St., and are open to public comment. Please call (352) 241-7335 if you have any questions.

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
October 18, 2021 and January 24, 2022



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, February 8, 2022	
Agenda Item Name	
Ordinance No. 2022-002 <i>Final Wellness Way</i>	
Requested Action	
Recommend approval of Ordinance 2022-002	
Staff Report	
This is the adoption hearing of the Future Land Use Element that includes the addition of the Wellness Way Goals, Objectives, and Policies. The City Council approved transmittal on November 9, 2021. The transmittal included sending the proposed amendment along with the appropriate supporting materials to several State and Regional Agencies for review and comment. A total of nine agencies were notified of the proposed changes. The City has received responses from three State Agencies and the Lake County School Board. Two State Agencies, the Florida Department of Economic Opportunity and the St. Johns River Water Management District, had "no comment." The Florida Department of Transportation provided one technical comment that requested continued coordination with FDOT and all parties involved relative to future development within the general area. This is captured in the proposed document under Objective 2.7, Intergovernmental Coordination and Policy 2.7.1. The Lake County School Board requested school sites to be considered in the area during the review of projects, since there is a need for three elementary schools, one middle school and one high school to serve the overall Wellness Way area. Under Policy 2.6.6 Provision of Education Facilities and Objective 2.7 Intergovernmental Coordination and Policy 2.7.1, the Lake County School Board will be a part of the review and comment process of future developments. This would provide an opportunity for the School Board to discuss potential school sites and solutions. Therefore, no changes to the proposed transmitted Future Land Use element will be made due to the Lake County School Board comment. However, the adopted element will have 2 updated graphics based upon the CFX delivery of the 60% design plans for the Lake-Orange Connector. Figure 1 on page I-18 and Figure 2 on page I-23 have been updated since considerable lands will be needed by CFX at the 455 interchange and this has adjusted the land use slightly in this area. Adjustments to the Development District designation within close proximity to the CR 455 interchange were made to make up for land lost to CFX right-of-way needs. This will ensure that the interchange area remains as a future concentration of employment activities. The adjustments are not expected to have a significant impact to the overall land use program and occur mainly in the County's jurisdiction. This Comprehensive Plan Text Amendment is a staff initiated amendment to add an additional Goal with Policies and Objectives within the Future Land Use Element that specifically addresses the Wellness Way Area Plan (WWAP). The Wellness Way Implementation Plan is a joint effort of the City of Clermont and Lake County to collaboratively activate a +/- 15,000-acre area lying between US 27 and State Road 429 (the Orlando Beltway). The two local governments view this area as an emerging center for new employment and supporting residential development. The Comprehensive Plan Amendment sets the framework for the forthcoming Design Guidelines, which will be incorporated into the Land Development Code. The new policies were the culmination of over two years of work by a 95-member Stakeholder Group comprised of landowners, elected officials, City and County staff, developers, State Agency representatives, consultants and the public. Staff recommends approval of the adoption of the Future Land Use Element with the Wellness Way Goal, Objectives, and Policies through Ordinance 2022-002.	

Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ord 2022-002 Wellness Way (01.31.2022 V1) - R&FBL	Ord 2022-002 Wellness Way (01.31.2022 V1) - R&FBL.pdf
2.	Ord 2022-002 - Attachment A (01.31.2022 V2) - R&FBL	Ord 2022-002 - Attachment A (01.31.2022 V2) - R&FBL.pdf
3.	Combined Agency Responses - WW	Combined Agency Responses - WW.pdf
4.	2022-002 Wellness Way FLU legal ad	2022-002 Wellness Way FLU legal ad.pdf



CITY OF CLERMONT
ORDINANCE NO. 2022-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES BY ADOPTING A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN ESTABLISHING AN ADDITIONAL GOAL, OBJECTIVES AND POLICIES FOR WELLNESS WAY; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR CONFLICT, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

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

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

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

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

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

SECTION 1.

After public hearings held by the City of Clermont Local Planning Agency and the Clermont City Council, the Future Land Use Element is hereby amended as shown in Attachment A.



CITY OF CLERMONT
ORDINANCE NO. 2022-002

SECTION 2: CONFLICT

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

SECTION 3: 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 4: ADMINISTRATIVE CORRECTION

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

SECTION 5: PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published as provided by law and it shall become law and shall take effect after a period of thirty days plus one following its Second Reading and Final Passage.



CITY OF CLERMONT
ORDINANCE NO. 2022-002

ORDAINED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 8th day of February, 2022.

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Daniel F. Mantzaris, City Attorney

Attachment A



CITY OF CLERMONT
COMPREHENSIVE PLAN

CHAPTER I
FUTURE LAND USE ELEMENT

Adopted June 23, 2009
Amended February 28, 2017
Amended August 28, 2018
Amended August 25, 2020
Amended February 8, 2022

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CHAPTER I
FUTURE LAND USE

GOAL 1: Ensure that the character, magnitude and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment and enhances the quality of life of all residents.

Objective 1.1: **Discourage Urban Sprawl.** The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximize efficiency.

Policy 1.1.1: Urban services such as water and sewer shall not be extended outside the Lake County/Clermont Joint Planning Area (JPA) without a companion land use plan amendment modifying the boundary and amending the land uses. An exception may be considered where public health, safety and welfare require a community water system or the extension of water service to ensure safe potable water.

Policy 1.1.2: The City shall prioritize its capital improvements funding by assigning first priority to the renewal, reuse and/or rehabilitation of existing facilities or to the replacement of existing obsolete or worn out facilities.

Policy 1.1.3: The City shall encourage infill through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.

Objective 1.2: **Future Land Use Map Series.** The City shall ensure that future development and redevelopment activities are located in appropriate areas of the City by adopting a Future Land Use Map Series included as **Appendix A** of this element that contains the Future Land Use Map (FLUM), Future Transportation Map and Natural Resources Map, which together form the basis for consideration of future land use plan amendments. The Future Land Use Map Series, along with the City's land development regulations, shall reduce or eliminate existing land uses that are inconsistent with the community's character.

Policy 1.2.1: The City shall consider the compatibility of adjacent future land use categories during the land use plan amendment process. The City shall consider potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.

Policy 1.2.2: The land development regulations shall include provisions to reduce or eliminate land uses that are inconsistent with the City's character and future land use, including those uses that are inconsistent with hazard mitigation recommendations in the Lake County emergency management plan.

Policy 1.2.3: The City shall discourage the continuation of nonconforming uses to the extent established in the land development regulations. Redevelopment of the property will be allowed only if it is consistent with the FLUM and the zoning district.

Policy 1.2.4: The adopted FLUM contains and identifies appropriate locations for the following land use categories which were established to prevent urban sprawl, provide for the protection of natural and historic resources and maximize economic development:

Future Land Use Categories	Maximum Density/Intensity (per gross acre)
Conservation	Not Developable
Parks	N/A
Public Facilities/Institutional	0.25 FAR
Residential	
Low-Density	3 units per acre
Medium-Density	8 to 12 units per acre
High-Density	12 units per acre
Office	1.0 FAR
Mixed-Use	
Residential/Office	12 units per acre/0.25 FAR
Master Planned Development	12 – 25 units per acre/0.25 FAR
Downtown Mixed-Use	12-40 units per acre/3.0 FAR
Commercial	12 -25 units per acre/0.25 FAR
Industrial	1.0 FAR

Objective 1.3: Conservation Land Use Category. The conservation category is established for the long-term protection and preservation of publicly or privately owned lands that contain valuable and threatened natural resources, such as wetlands, floodplains and unique ecological communities.

Policy 1.3.1: Only passive open space and passive recreational activities shall be allowed in the conservation category, limited to resource-enhancing facilities such as multi-purpose trails, bike paths and natural land restoration projects. Interactive areas/facilities may be allowed as long as they are provided and managed consistent with goals, objectives and policies of this element as well as the goals, objectives, policies, standards and criteria set forth in the Conservation Element.

Policy 1.3.2: Lands designated as conservation on the FLUM may be counted toward meeting the adopted level of service standards for recreation and open space for the City.

Policy 1.3.3: If it is impractical to designate the area containing conservation resources as conservation land use due to size, location or other factors, the City shall have the option of obtaining a conservation easement from the property owners to protect the area. Areas covered by a conservation easement shall be treated the same as areas designated as conservation land use on the FLUM.

Policy 1.3.4: No development is permitted within the conservation category, except where state and/or federal agencies having jurisdiction already allow development rights. The applicant shall bear the burden of proof in determining that development shall not adversely impact conservation resources. Site alteration, where allowed, shall be limited to 10 percent of the entire site.

Objective 1.4: Parks Land Use Category. The parks category is established to provide sufficient space for public and private parks that are open to the public for active and passive recreation use.

Policy 1.4.1: The parks land use category is intended to accommodate existing public parks and recreation areas as well as committed public and semi-public open spaces. The maximum intensity of buildings on site shall be 0.25 Floor-Area-Ratio (FAR).

Policy 1.4.2: Not all parks and recreational facilities are required to be shown as parks on the FLUM. Park and recreation uses shall be allowed in other categories as support uses.

Objective 1.5: Public Facilities/Institutional Land Use Category. The public facilities/institutional category is established for publicly-owned institutional parcels and privately-owned, non-profit institutional parcels meeting threshold sizes established herein.

Policy 1.5.1: The public/institutional land use designation is intended to accommodate public and semi-public services including government administration buildings; public schools and not-for-profit educational institutions; hospital facilities and supportive health care units; arts, cultural or civic facilities; essential public services and facilities; cemeteries; fire and emergency operation facilities; utilities; public and semi-public open spaces and other similar activities. The maximum intensity of institutional activity shall be 0.25 FAR.

Policy 1.5.2: Churches and religious institutions on parcels greater than two acres shall be designated as public facilities/institutional future land use category on the FLUM, except those within the master planned development and the downtown mixed-use land use categories.

Policy 1.5.3: Public and private schools on parcels greater than five acres shall be designated as public facilities/institutional future land use category on the FLUM, except those within the master planned development and the downtown mixed-use land use categories.

Policy 1.5.4: The City shall monitor the need for increased land area for public/institutional uses and shall ensure that this land use designation on the FLUM is expanded to accommodate the development of public and semi-public facilities such as government administration buildings; fire, police and rescue services; educational institutions and similar public uses.

Objective 1.6: Residential Land Use Categories. The residential categories are established to provide for the preservation of existing, predominantly residential neighborhoods. These categories allow a range of housing types of low, medium and high residential densities at a maximum density of up to 12 units per acre; however, densities higher than eight units per acre shall require a conditional use permit or a Planned Unit Development (PUD) zoning. Other uses allowed include supportive accessory uses, churches and schools as conditional uses, minor public utilities (i.e., telephone switching stations, lift stations, drainage infrastructure and similar facilities), parks and open space, municipal facilities and other civic and cultural uses subject to standards and performance criteria set forth in this plan and in the land development regulations. Based on current land use trends, the City estimates that the mix of uses in the residential categories will be about 85 percent residential and 15 percent public facilities/institutional and recreation uses.

Policy 1.6.1: Low-Density Residential. Areas delineated on the FLUM for low-density residential development shall accommodate a maximum density of up to three dwelling units per acre and shall be comprised primarily of single-family detached homes on individual lots.

Policy 1.6.2: Medium-Density Residential. Areas delineated on the FLUM for medium-density residential development shall accommodate a maximum density of up to eight units per acre. To encourage higher density adjacent to Downtown and provide enhanced walkability between housing and the Central Business District, land designated as Medium-Density Residential Future Land Use adjacent to the Downtown Mixed Use Future Land Use may have a density of up to 12 units per acre. However, densities higher than eight units per acres shall require a Conditional Use Permit. The Medium-Density Residential Future Land Use area eligible for density up to 12 units per acre is north of SR 50, South of Lake Minneola, West of 5th Street and East of 12th Street. Permitted housing types include single-family detached homes, including zero-lot-line and cluster developments, duplexes, townhomes, condominiums, accessory dwelling units, and apartments.

Policy 1.6.3: High-Density Residential. Areas delineated on the FLUM for high-density residential development shall accommodate a maximum density of 12 units per acre; however, densities higher than eight units per acre shall require a conditional use permit or a Planned Unit Development (PUD) zoning. Permitted housing types include single-family detached homes, including zero-lot-line and cluster developments, duplexes, townhomes, condominiums and apartments. Nursing homes, assisted living facilities and independent living facilities shall be permitted in the high-density residential land use as a planned unit development (PUD) consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Policy 1.6.4: Performance standards for residential uses shall include, but are not limited to, the following:

- The land development regulations shall include performance standards for high-density and multi-family residential uses that control the location of proposed buildings in relation to the overall dimension of the site, provide sufficient on-site/structured parking where applicable, and provide open space and recreation amenities.
- The land development regulations shall contain requirements for significant open space, landscaping and buffers to effectively screen multi-family developments from low-density residential zoning districts.
- Multi-family residential developments of more than 50 units shall provide recreational facilities to meet the needs of the population of the development.
- Grid street networks are highly encouraged to serve residential developments and provide connectivity throughout the City. Cul-de-sacs and gated developments are discouraged.
- Themes are encouraged for residential developments to include cohesive streetscape design, signage, landscape architecture and streetscape furniture to create an identity for the neighborhoods in the City.

Objective 1.7: Mixed-Use Land Use Categories. The mixed-use categories are established to accommodate a mixture of residential, office and commercial uses as single uses on separate parcels or as a mix of uses within a single development. The maximum density for residential uses shall be 12 units per acre, except in the Downtown Mixed Use Category, which may allow a bonus density of up to 40 units per acre through a Community Benefit Agreement as provided for in the Land Development Code, Section 122, Division 12 CBD/Central Business District. The maximum density

for residential uses shall be 12 units per acre in the Master Planned Development Use Category except in the SR 50 and US 27 Overlay District, which may allow a bonus density of up to 25 units per acre through an affordable housing component, as provided for in the Land Development Code, Section 122, Division 12 CBD/Central Business District. Densities higher than eight units per acre in the Residential/Office Category shall require a conditional use permit. Other uses allowed include supportive accessory uses, churches and schools as conditional uses, minor public utilities (i.e., telephone switching stations, lift stations, drainage infrastructure, and similar facilities), parks and open space, municipal facilities and other civic and cultural uses subject to standards and performance criteria set forth in this plan and in the land development regulations.

Policy 1.7.1: Residential/Office. The residential/office category is intended to provide for a mixture of predominantly residential uses, while allowing for professional offices that are consistent with the general character of the adjacent residential uses. Based on current land use trends, the City estimates that the mix of uses in the residential/office category will be 65 percent residential and 35 percent non-residential. The maximum intensity for office development shall be 0.25 FAR. The FAR shall not be applied to the residential portion of a mixed-use development.

Policy 1.7.2: Planned Development. The master planned development category is intended to provide for two existing approved developments of regional impact (DRI), King's Ridge DRI and Lost Lake Reserve DRI, the Black West proposed mixed-use development subject to a utility and annexation agreement approved by the City and new master planned, mixed-use projects that shall be applied only upon City Council approval of a development agreement that specifies the allowable types and distribution of land uses and the maximum number/density of residential units, and which demonstrates that public facilities and services meet the requirements of the City's Concurrency Management System. The maximum intensity for office and commercial uses shall be 0.25 FAR; 1.0 FAR for industrial uses; and 0.25 FAR for institutional uses. The FAR shall not be applied to the residential portion of a mixed-use development.

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

Policy 1.7.4: Nursing homes, assisted living facilities and independent living facilities shall be permitted in all mixed-use land use categories as a PUD consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Policy 1.7.5: Performance standards for mixed-use developments shall include, but are not limited to, the following:

- Mixed-use developments are encouraged to incorporate town or village centers that are sized to serve the needs of residents in the development within a quarter-mile of the center.
- Unified architectural and streetscape themes are encouraged for all mixed-use developments.

- A mixed-use development may include a mixture of land uses on the same site and/or in the same building.
- For a mixed-use building, only retail sales and services and restaurants are permitted on the ground floor.

Objective 1.8: Office Land Use Category. The office category is established to provide for office uses in areas that transition to residential neighborhoods. Uses allowed in addition to offices are supportive accessory uses, churches and schools as conditional uses, minor public utilities (i.e., telephone switching stations, lift stations, drainage infrastructure, and similar facilities), parks and open space, municipal facilities and other civic and cultural uses subject to standards and performance criteria set forth in this plan and in the land development regulations.

Policy 1.8.1: Residential uses are not allowed in the office category.

Policy 1.8.2: Nursing homes, assisted living facilities and independent living facilities shall be permitted in all mixed-use land use categories as a PUD consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Objective 1.9: Commercial Land Use Category. The commercial category is established to assure availability of sufficient office and commercial sites to serve the needs of the existing and projected population. In addition to office and commercial uses, residential uses are allowed, preferably as mixed-use, high-density developments, as well as supportive accessory uses, churches and schools as conditional uses, minor public utilities (i.e., telephone switching stations, lift stations, drainage infrastructure, and similar facilities), parks and open space, municipal facilities and other civic and cultural uses subject to standards and performance criteria set forth in this plan and in the land development regulations.

Policy 1.9.1: The commercial land use category shall accommodate activities such as general retail sales and services, professional and business offices, personal services and limited residential use. Based on current land use trends, the City estimates that the mix of uses will be 90 percent office and commercial uses and 10 percent residential, public facilities/institutional and recreation uses.

Policy 1.9.2: The maximum intensity of commercial development shall be limited to 0.25 FAR. The maximum density for residential uses shall be 12 units per acre, except in the SR 50 and US 27 Overlay District, which may allow a bonus density of up to 25 units per acre through an affordable housing component as provided for in the Land Development Code, Section 122, Division 12 CBD/Central Business District. Densities higher than eight units per acre shall require a conditional use permit or a Planned Unit Development (PUD) zoning.

Policy 1.9.3: Hotels and hospitals shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 3.0 FAR.

Policy 1.9.4: Nursing homes, assisted living facilities and independent living facilities shall be permitted in the commercial land use category as a PUD consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Objective 1.10: Industrial Land Use Category. The industrial category is established to provide sufficient land for existing and anticipated future industrial needs and requisite support services.

Policy 1.10.1: Residential uses are not allowed in the industrial category.

Policy 1.10.2: Uses allowed in the industrial category include manufacturing, assembling and distribution activities; warehousing and storage activities; general commercial activities; and other similar land uses which shall be regulated through appropriate land development regulations. Heavy metal fabrication, batch plants, salvage yards, chemical or petroleum manufacturing or refining, rubber or plastics manufacturing or other uses generating potentially harmful environmental or nuisance impacts shall be prohibited.

Policy 1.10.3: The maximum intensity of industrial development shall be limited to 1.0 FAR.

Objective 1.11: Smart Growth Principles. New development in the City shall comply with “Smart Growth” principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl. The following policies shall be incorporated into the City’s land development regulations prior to the next required Evaluation and Appraisal Report.

Policy 1.11.1: Development in the Downtown Mixed-Use land use category, and where appropriate in the Residential/Office and Master Planned Development categories, shall provide pedestrian-friendly street design (buildings close to street; porches, windows and doors; tree-lined streets; hidden parking lots; garages in rear; narrow, slow-speed streets).

Policy 1.11.2: New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

Policy 1.11.3: New Development in the Downtown Mixed-Use, and where appropriate in the Residential/Office and Master Planned Development categories, shall provide a mix of shops, offices, apartments and homes on site and provide mixed-use within neighborhoods, within blocks and within buildings.

Policy 1.11.4: Developments that require site plan review and approval shall be evaluated on the use of site and building design that emphasizes beauty, aesthetics, human comfort, creating a sense of place, special placement of civic uses and sites and human-scale architecture and amenities, especially at street level.

Objective 1.12: Public Facilities and Services. Development, redevelopment, land use plan amendments and changes to the zoning of a site shall be coordinated with the availability of adequate services and facilities, including assurance that land is available for the needed utility facilities and services.

Policy 1.12.1: The Lake-Sumter Metropolitan Planning Organization’s transportation concurrency management system (TCMS) and Traffic Impact Study Methodology Guidelines,

Volume I: Lake County Checkbook TCMS dated May 28, 2008, and as amended, shall serve as the City's transportation concurrency management system.

Policy 1.12.2: All development orders or permits, including any redevelopment activities, shall be issued only if there are public facilities and services available with sufficient capacities to maintain the level of service standards concurrent with the impacts of the proposed development. Prior to the issuance of a building permit, the City shall verify with its utility department that adequate water supplies will be available to serve new development no later than the anticipated date of issuance of the certificate of occupancy.

Policy 1.12.3: The City shall encourage requests for voluntary annexation into the City when those lands are logical extensions of the existing City limits, when services can be properly provided and when proposed uses are compatible with the City's comprehensive plan.

Policy 1.12.4: The City shall encourage the development of undeveloped pockets and enclaves within developed areas to utilize existing facilities efficiently.

Policy 1.12.5: The City shall ensure the availability of suitable land for public services and facilities necessary to support proposed development and shall approve sites for such facilities and services concurrent with the approvals for the development requiring the services and facilities.

Policy 1.12.6: The City shall require new development to provide necessary services and facilities or to pay a fair share of the cost of those services and facilities through impact fees, special assessments, exactions, conveyance of land or easements or pro-rata agreements.

Policy 1.12.7: The City shall continue to require dedication of adequate rights-of-way for use as roadways, stormwater management and by utility companies for new construction, service extensions or facility improvements.

Policy 1.12.8: Private or public electric utilities needed to support the future land use categories may be permitted as conditional uses in all land use designations except for residential, conservation or parks categories.

Policy 1.12.9: Small-scale, site-specific, or off-grid electrical generation systems serving single users or small clusters of users and which use alternative energy sources shall be allowed in all land use categories without exception. Such alternative systems shall be allowed to connect to an available electrical energy distribution system to sell excess power to an electric utility provider. All substations adjacent to residential neighborhoods or visible from a public roadway shall be required to provide landscaping and buffering to minimize visual and noise impacts.

Objective 1.13: Natural Resources. Natural resources shall be protected through identification, classification, coordination with resource planning and management plans prepared pursuant to Chapter 380, F.S., and limitations on use consistent with the degree of protection required.

Policy 1.13.1: The protection of natural resources shall be accomplished by one or more of the following techniques, based on the degree of protection required:

- Limitations on development density and intensity;

- Limitations on building placement, such as required clustering of allowable development on non-sensitive portions of a site;
- Limitations on building coverage or impervious surface coverage;
- Requirements for setbacks and landscaped buffers sufficient to mitigate or eliminate impacts; and
- Evaluation of proposed plan amendments to ensure that they do not contribute to urban sprawl and fail to protect natural resources.

Policy 1.13.2: The City's determination of the degree of natural resource protection required shall be part of the development application and review process and may result in conditions on development approvals.

Policy 1.13.3: The land development regulations shall provide for the protection of potable water wellfields by designating appropriate activities and land uses allowed within wellhead protection areas and environmentally sensitive land to protect these areas from adverse impacts of development.

Policy 1.13.4: The City shall include standards and procedures in its land development regulations that consider topography and soil types in the review of proposed development projects.

Policy 1.13.5: The development approval process shall ensure that new development and redevelopment is consistent with natural drainage patterns. The approval process shall require appropriate stormwater management systems consistent with the adopted drainage level of service, natural drainage patterns and soil conditions.

Policy 1.13.6: Flood plains and floodways in the City shall be identified and development shall be limited, consistent with FEMA requirements.

Policy 1.13.7: The City of Clermont is not located within the Green Swamp Area of Critical State Concern; however, a portion of this resource is located within the Lake County/Clermont JPA. The City shall utilize both formal and informal modes of coordination with the Florida Department of Community Affairs, St. Johns River Water Management District, Florida Department of Environmental Protection, Lake County and other appropriate state and local agencies that have jurisdictional authority or responsibility for regulation and management of the Green Swamp Area of Critical State Concern.

Policy 1.13.8: The City shall ensure the preservation of natural communities and listed animal species habitat through land acquisition of natural areas and open space.

Objective 1.14: Historic Resources. Important historic and archaeological resources of the City of Clermont shall be protected through identification, classification and regulation of development consistent with the degree of protection required for the resource.

Policy 1.14.1: The City, through its adopted historic preservation ordinance, will protect significant historic, cultural and archaeological resources.

Policy 1.14.2: The City shall identify and inventory sites of historical significance.

Policy 1.14.3: The City's land development regulations shall provide for the protection of significant historic resources from the impacts of development and redevelopment.

Policy 1.14.4: Historic resources and their environments shall be considered for inclusion in public acquisition programs for appropriate passive recreation and for open space and conservation.

Policy 1.14.5: If City construction activities reveal a suspected historical or pre-historic archaeological site, the City shall determine the extent and nature of the site and report such findings to the state by a master site file application. The City shall mitigate any impacts to the site if the site is determined to be relatively intensive in cultural remains, or significant to the archaeological or historical record. Such determination of site extent, nature and significance shall be made by a professional archaeologist as recognized by the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation.

Policy 1.14.6: The City shall negotiate with landowners prior to the development review process, to avoid disturbance of known historical and pre-historic sites.

Policy 1.14.7: The City shall support private, nonprofit groups that endeavor to preserve historic resources and request the assistance of the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation, in identifying sources of funding and programs as a means to identify, designate, protect and preserve pre-historic sites and historic resources in Clermont.

Objective 1.15: Redevelopment and Renewal of Blighted Areas. The City shall encourage redevelopment of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) through redevelopment programs and through maintaining land development regulations that contain standards and procedures to encourage redevelopment where desirable.

Policy 1.15.1: The City shall continue to implement the recommendations for the Clermont community redevelopment area.

Policy 1.15.2: The City shall implement Housing Element directives for renewal and revitalization of substandard housing target areas within time-frames identified in the element.

Policy 1.15.3: The City shall utilize available government programs such as, but not limited to, the community development block grant program, for renewal and revitalization of substandard housing sites as identified in the Housing Element.

Objective 1.16: Plan Implementation. The City shall maintain land use and development regulations to address issues identified in this and other plan element goals, objectives and policies.

Policy 1.16.1: Proposed residential developments shall be required to meet state subdivision requirements and the City's land development regulations with regard to platting and providing improvements such as roads, drainage and other facilities and services. All divisions of land, whether requiring a subdivision plat or not, shall be required to meet concurrency management and access requirements as stated in this comprehensive plan.

Policy 1.16.2: Zoning districts in the City's land development regulations shall implement the future land use categories adopted in the comprehensive plan, including the types of uses and the densities and intensities of uses.

Policy 1.16.3: It is the intent of the City of Clermont to ensure that adequate open space is provided through the following:

- active or passive recreation sites;
- landscaped buffers;
- protected natural resource lands;
- protected environmentally sensitive lands;
- areas devoted to drainage and stormwater retention;
- landscaping requirements; and
- minimum open space requirements for master-planned developments.

Policy 1.16.4: The City shall maintain and enhance the safety and efficiency of the arterial and collector road system and minimize transportation conflicts associated with development by coordinating the FDOT driveway permitting process, limiting development access to the transportation system and increasing interconnection between adjacent developments.

Policy 1.16.5: All development shall provide for safe, convenient, and appropriately designed traffic circulation on the site, including provisions for needed parking.

Policy 1.16.6: The City shall maintain in the land development regulations procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.

Policy 1.16.7: The land development regulations shall determine where buffers shall be required between adjacent land uses. Buffers may be either prescriptive standards or variable and shall be defined in the land development regulations. Buffers may serve one or more of the following purposes: provide functional separations between dissimilar uses; provide landscaping adjacent to parking lots and other vehicle use areas; and provide protection from uses that may have some degree of incompatibility that can be mitigated wholly or partially to protect against light, glare, noise or appearance.

Policy 1.16.8: Public schools are an allowable use in all land use categories except conservation, parks and industrial. Public technical/training schools may be located in the industrial category. The location of schools shall be proximate to existing and planned urban residential areas to the extent possible and shall be located based on siting criteria that includes but is not limited to school size, land area, land use compatibility, environmental impacts, availability of public utilities, transportation impacts and public safety. The following criteria shall apply:

- Public elementary schools shall be sited primarily in residential areas that include housing types and densities to meet the school's enrollment capacity with students who are predominately within walking distance of the school.

- Public middle and high schools may be sited in areas with a mix of land uses, including commercial.
- Access to public school sites should be from a collector road for middle and high schools or a collector or local road for elementary schools. Ingress and egress should not create detrimental impacts on roads adjacent to the site. Approaches to the site should be safe for pedestrians, bicycles, cars and buses.
- Public utilities shall be available to the site.

Policy 1.16.9: The City shall encourage the co-location of public facilities, such as parks, libraries and community centers, with schools to the maximum extent feasible.

Policy 1.16.10: Development regulations shall require street, pedestrian and transit layouts that discourage non-residential through-traffic in residential neighborhoods, but that encourage energy and time-efficient access points and interconnections between residential areas.

GOAL 2: To create a long-term master plan for the wellness way area which promotes significant economic development while encouraging fiscally efficient and well- balanced development patterns that minimize environmental impacts and leverage existing resources.

Objective 2.1: Significant Initiatives of Wellness Way.

The City shall pursue the following initiatives:

- Job creation and economic development
- Regional transportation connectivity
- Creation of the wellness corridor/recreation/open space network
- Promotion of recreation and healthy living
- Water smart approaches
- Preservation of scenic resources including topography
- Health and wellness community development

Policy 2.1.1: To achieve these initiatives, these Goals, Objectives and Policies (GOPs) specifically address the unique conditions of Wellness Way. It is paramount for these GOPs to be flexible for the long-term horizon of development in Wellness Way. Further, to provide predictability, there are six (6) future land use categories (FLUC) as described below:

- A. Multi Use
- B. US 27
- C. Neighborhood
- D. Wellness Way North
- E. Conservation Subdivision
- F. Water Conserv II

These six future land use categories are depicted on the Future Land Use Map. The Map will also identify the five proposed arterial roadways that make up the primary roadway network. Final primary roadway alignments may be determined in the Planned Unit Development (PUD) process or through an independent alignment study.

Policy 2.1.2: Wellness Way is based upon providing sufficient land area to achieve a target of 1.25 to 1 jobs-to-housing ratio. The plan will also require significant open space set asides within each PUD to ensure internal open space connectivity as well as connectivity to Lake Louisa State Park and Orange County.

OBJECTIVE 2.2: ECONOMIC DEVELOPMENT BRANDING STRATEGY. The city, in collaboration with lake county, shall develop a comprehensive economic development and branding strategy that achieves a target jobs-to-housing ratio within wellness way by focusing on growth and retention of target industries and the complimentary land uses and infrastructure needed to support them.

Policy 2.2.1: Jobs-To-Housing Ratio, Minimum Non-Residential Square Feet & Land Area Set-Asides

The City shall seek to achieve a target jobs-to-housing ratio of 1.25 jobs per one (1) dwelling unit (1.25:1) within Wellness Way. The target jobs-to-housing ratio will be achieved by ensuring a minimum volume of employment generating non-residential uses can be accommodated within the planning area. The City shall analyze each PUD submittal to ensure the PUD reserves an adequate amount of land for employment uses to achieve the desired volume of non-residential square footage that will produce the targeted ratio for the overall wellness way planning area.

To ensure that an adequate volume of land is set aside to accommodate the required non-residential square footage, a FLUC specific minimum FAR (as shown in Policy 2.3.2.) is applied to the non- residential square footage requirement. All PUDs are required to set aside enough acreage, as calculated above, to accommodate the required non-residential square footage at the minimum average FAR. Land use types that can be counted towards the non-residential square footage requirements include traditional, job-generating commercial, office and industrial uses (where appropriate), as well as other job-generating land uses, such as secondary education facilities, hotels, technical schools and hospitals/medical.

Policy 2.2.2: Target Industries

Non-residential employment development within Wellness Way shall target, but are not limited to, a broad base of industry sectors. This will allow for a diverse and dynamic range of economic development and job growth opportunities. Target industries may include:

- A. Ag-Tech
- B. Eco-tourism and Agri-tourism
- C. Education and Health Services
- D. Human Performance, Sports Medicine and Sports Training
- E. Leisure and Hospitality
- F. Manufacturing
- G. Medical and bio-medical
- H. Professional and Business Services
- I. Research Facilities
- J. Retail Trade
- K. Transportation, Trade and Utilities

Policy 2.2.3: Technology Infrastructure

Key to the success of Wellness Way will be the application of an advanced technology infrastructure network. PUDs within Wellness Way shall include an analysis of technology infrastructure to determine if the most current and innovative technologies are being utilized. PUDs shall identify technology infrastructure corridors and shall develop a strategy for ensuring the long-term viability of the technology infrastructure network.

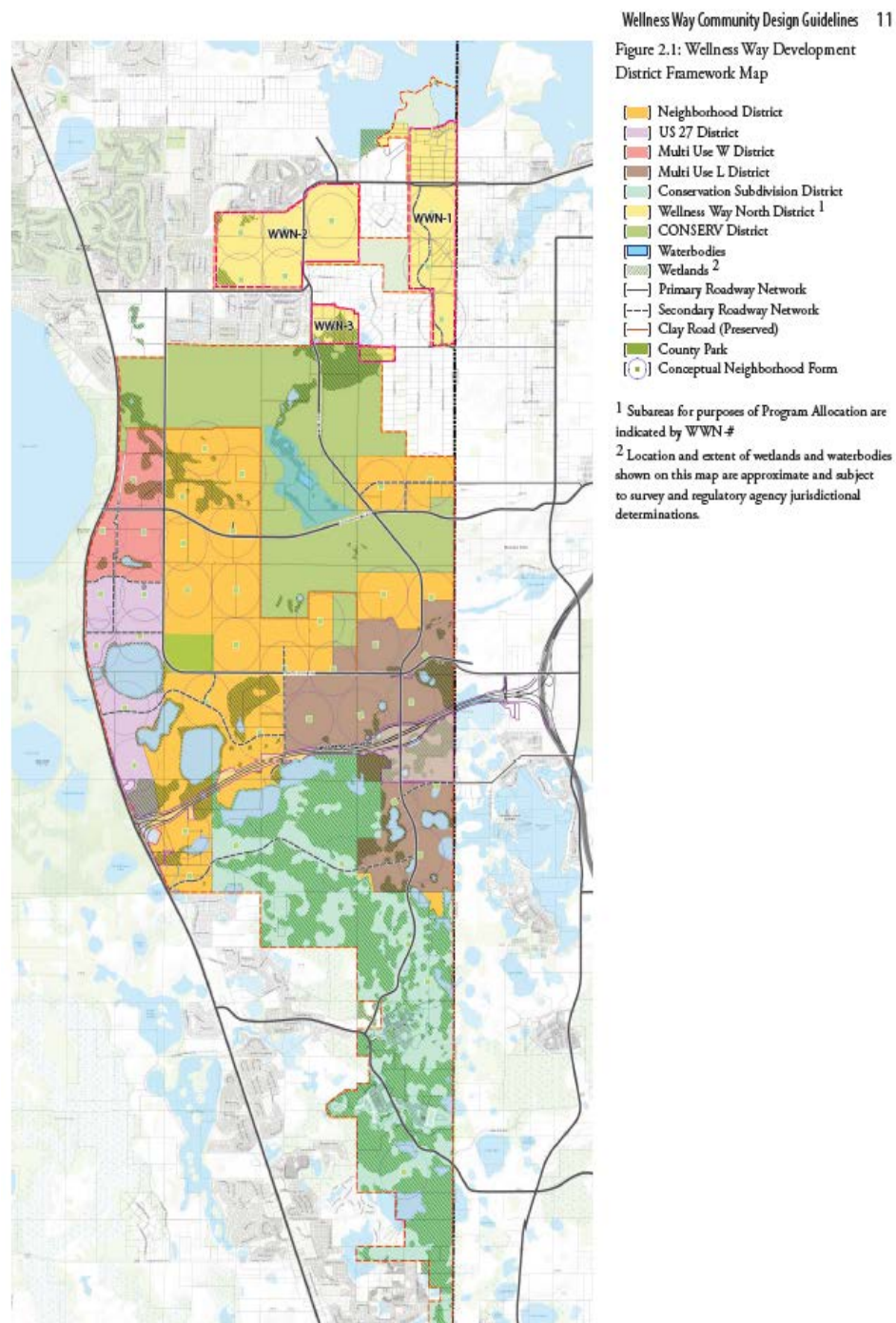
Policy 2.2.4: Energy Conservation

A primary component of Wellness Way will be the use of alternative energy sources to promote economic development. The use of sustainable energy generation will attract businesses and foster the proliferation of green technology. Alternative energy resources should be encouraged as a power source for residential and non-residential development alike. PUDs should demonstrate how alternative energy sources will be incorporated into the development when economically feasible.

Objective 2.3: Land Use, Hierarchy Of Place And Wellness Corridors

The intent of Wellness Way is to create a fiscally efficient development pattern through a diversity of land uses and locally appropriate urban form. The form shall promote land use densities, intensities and mixed uses that integrate and support alternative transportation modes, decrease trip lengths, and promote internal capture. The Framework Map shall guide the relationships of land use, transportation, Wellness Space and is intended to provide a hierarchy of place within each PUD.

Figure 1 – Framework Map



Policy 2.3.1: Future Land Use Categories

The following six future land use categories, as depicted on the Future Land Use Map, are intended to provide for a broad range of compatible and complimentary uses including employment, housing, recreation, agriculture and conservation uses. The general purpose of each category is described below. Specific allowable uses shall be provided for in the implementing development regulations, design guidelines and standards.

- A. The **Multi-Use FLUC** is intended to be the primary concentration of employment and non-residential uses in Wellness Way. There are two distinct Multi-Use Districts. The Multi-Use W District is centered on the intersection of Wellness Way and US 27. The Multi-Use L District, supporting increased options for logistics and distribution, occurs at the planned County Road 455 and the Lake-Orange Connector expressway.
- B. The **US 27 FLUC** is intended to support moderate density residential, commercial, and employment uses that serve the daily needs of the residents and employees from nearby neighborhoods and workplaces. The district is not intended to create a conventional ‘strip commercial’ frontage along US 27.
- C. The **Neighborhood FLUC** is intended to support lower density neighborhood development outside the boundaries of Wellness Way’s community and employment centers in the US 27 and Multi-Use Districts. This is the largest district and requires flexibility in design to accommodate neighborhood and housing types for many market segments.
- D. The **Conservation Subdivision FLUC** is intended to promote a balance between carefully designed residential development while supporting the ecological value of the ‘mosaic’ of wetlands and uplands that characterize the area. Recognition of wildlife corridors is central to the purpose of the district.
- E. The **Wellness Way North FLUC** is intended to implement the existing Wellness Way Area Plan allocation of low density residential with the required minimum of non-residential/employment square footage.
- F. The **Water Conserv II FLUC** is intended to recognize the public ownership nature of the land holding and as such, no private urban land uses are permitted. Public facilities, including schools, utilities and other support facilities for public uses are permitted. Public access as an open space amenity is highly encouraged.

Policy 2.3.2: Future Land Use Categories Capacity Allocation

Development potential within Wellness Way shall be determined utilizing the “Maximum Capacity Allocation Table.” The capacity calculations provided in the “Maximum Capacity Allocation Table” determine the maximum number of residential units that can be constructed within a PUD, and the minimum amount of non-residential acreage that must be set aside within the PUD. Regardless of the actual buildable densities and intensities (see Policy 2.3.3 for density and intensity calculations), the MAXIMUM number of residential units within a PUD cannot exceed the capacity calculations provided in the “Maximum Capacity Allocation Table.” Similarly, the set asides for non-residential uses cannot fall below the MINIMUM capacity determined utilizing the “Maximum Capacity

Allocation Table.” “Capacity” is calculated utilizing “net acres” (gross acres minus wetland acres minus water body acres).

All net acreage within Wellness Way shall be allocated to one of three categories according to the table below:

1. Open Space: Lands comprising the Wellness Space and Green Space areas
2. Center: Area for required non-residential uses and associated residential uses
3. Residential: Area of residential uses

<u>Future Land Use Category</u>	<u>Open Space Minimum</u>	<u>Residential Maximum</u>	<u>Center Minimum</u>
<u>Neighborhood</u>	<u>30%</u>	<u>65%</u>	<u>5%</u>
<u>US 27</u>	<u>30%</u>	<u>55%</u>	<u>15%</u>
<u>Multi-Use</u>	<u>30%</u>	<u>50%</u>	<u>20%</u>
<u>Conservation Subdivision</u>	<u>50%</u>	<u>50%</u>	<u>N/A</u>
<u>Wellness Way North 1</u>	<u>30%</u>	<u>60%</u>	<u>10%</u>
<u>Wellness Way North 2</u>	<u>30%</u>	<u>60%</u>	<u>10%</u>
<u>Wellness Way North 3</u>	<u>30%</u>	<u>60%</u>	<u>10%</u>

Each upland acre regardless of tier designation shall receive an allocation of residential capacity and be required to set aside non-residential acreage according to the figures provided below, with the exception of existing PUDs, which maintain their current entitlements until such time as a PUD is approved.

Maximum Capacity Allocation Table

<u>Future Land Use Category</u>	<u>Maximum Capacity / Net Residential Acre</u>	<u>Minimum FAR / Net Non-Residential Acre</u>
<u>Neighborhood</u>	<u>3.60 (d.u)¹</u>	<u>0.30</u>
<u>US 27</u>	<u>5.75 (d.u)</u>	<u>0.25</u>
<u>Multi-Use</u>	<u>8.00 (d.u)</u>	<u>0.20</u>
<u>Conservation Subdivision</u>	<u>2.70 (d.u)</u>	<u>0.00</u>
<u>Wellness Way North 1</u>	<u>3.08 (d.u)</u>	<u>0.33</u>
<u>Wellness Way North 2</u>	<u>2.67 (d.u)</u>	<u>0.25</u>
<u>Wellness Way North 3</u>	<u>2.25 (d.u)</u>	<u>0.17</u>

¹ This does not include potential right-of-way density bonuses (Policy 2.8.1).

* - The maximum capacity for the neighborhood district may be enhanced up to 20%, using one or more of the following:

1. An extraordinary upfront capital contribution to off-site public infrastructure within Wellness Way including, but not limited to:
 - A. Public parks
 - B. Public open space

- C. Public trail system
- D. Water Conservation trail system
- E. **Bike/pedestrian bridge over us 27**
- 2. Transfer of density from Conservation Subdivision District or Wellness Way North District via a final PUD.

Any proposed enhancement to the maximum capacity of the neighborhood district is not a right granted by this policy but must be proffered at the time of consideration of the pud. The proposed maximum capacity enhancement shall be evaluated based on achieving the goal and objectives of the wellness way area plan.

Policy 2.3.3: Example Residential Capacity And Non-Residential Acreage Set-Aside Calculation:

A proposed PUD contains 500 net acres (gross acres minus wetland acres minus water body acres) within the Neighborhood District and 250 net acres within the Multi-Use District. The Neighborhood District FLUC allows a Residential land allocation of up to 65% and requires a Center land allocation of at least 5%. The Multi-Use District FLUC allows a Residential land allocation of up to 50% and requires a Center land allocation of at least 20%. The Neighborhood District FLUC allows a density of 3.60 dwelling units per net Residential acre and requires a minimum average FAR of 0.30 per net Center acre. The Multi-Use District FLUC allows a density of 8.00 dwelling units per net Residential acre and requires a minimum average FAR of 0.30 per net Center acre.

Step 1: Land Allocation Calculation

- Neighborhood District
 - Residential Maximum: 500 net acres * 65% Residential = 325 acres
 - Center Minimum: 500 net acres * 5% Center = 25 acres
 - Open Space Minimum: 500 net acres * 30% Open Space = 150 acres
- Multi-Use District
 - Residential Maximum: 250 net acres * 50% Residential = 125 acres
 - Center Minimum: 250 net acres * 20% Center = 50 acres
 - Open Space Minimum: 250 net acres * 30% Open Space = 75 acres
- Total Land Allocation
 - Residential Maximum: 450 acres
 - Center Minimum: 75 acres
 - Open Space Minimum: 225 acres

Step 2: Maximum Density Calculation

- Neighborhood District: 500 net acres * 65% Residential * 3.6 du/ac = 1,170 dwelling units
- Multi-Use District: 250 net acres * 50% Residential * 8.0 du/ac = 1,000 dwelling units
- Total Dwelling Units: 2,170

Step 3: Minimum Non-Residential Calculation

- Neighborhood District: 500 net acres * 5% Center * 0.30 FAR = 326,700 sf

- Multi-Use District: 250 net acres * 20% Center * 0.30 FAR = 653,400 sf
- Total Minimum Non-Residential Program = 980,100 sf

Policy 2.3.4: Future Land Use Categories Density And Intensity Calculations

Within Wellness Way, density and intensity calculations provide guidelines for the construction of residential units and non-residential square footage. Density and intensity calculations do not determine the total number of residential units and non-residential square footage allowed; those calculations are referred to as “capacity” and are provided in Policy 2.3.2. Densities and intensities are calculated utilizing “net buildable acres” (Gross acres minus wetland acres minus water body acres minus designated open space, see Policy 2.3.9 for open space guidelines) within the building footprint for that land use type (residential vs. non-residential). The total number of residential units within a PUD cannot exceed the maximum residential capacity calculation as indicated in Policy 2.3.2.² The minimum and maximum net density and intensity for any development site within a PUD is set by the following table:

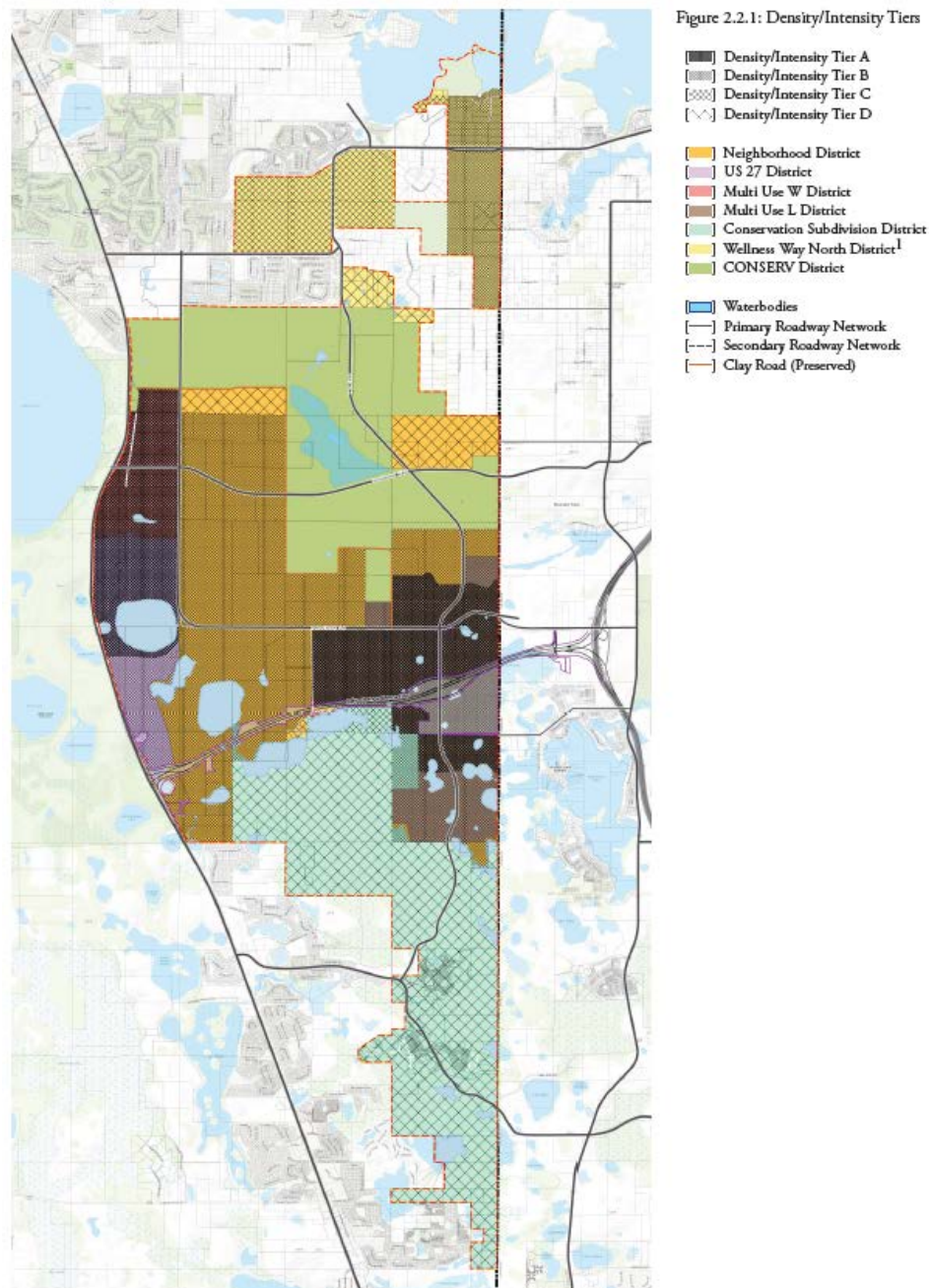
² This does not include potential right-of-way density bonuses (Policy 2.8.1).

Future Land Use Category Density/Intensity Tier Summary Table

<u>Density/Intensity Tier</u>	<u>Minimum Density/Net Buildable Acre</u>	<u>Maximum Density/Net Buildable Acre</u>	<u>Minimum Average FAR</u>	<u>Maximum Average FAR</u>
<u>Tier A</u>	<u>6.00 (d.u)</u>	<u>25.00 (d.u)</u>	<u>0.25</u>	<u>2.00</u>
<u>Tier B</u>	<u>3.00 (d.u)</u>	<u>20.00 (d.u)</u>	<u>0.25</u>	<u>2.00</u>
<u>Tier C</u>	<u>2.50 (d.u)</u>	<u>15.00 (d.u)</u>	<u>0.15</u>	<u>2.00</u>
<u>Tier D</u>	<u>2.00 (d.u)</u>	<u>10.00 (d.u)</u>	<u>0.15</u>	<u>2.00</u>

Figure 2 – Density/Intensity Tiers

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**Policy 2.3.5: Location and Timing of Non-Residential Construction.**

Land areas set aside for the purposes of non-residential uses will be termed Centers. Non-residential development must occur within a Center. Centers may have a mix of non-residential and residential uses. In these cases, the residential uses must be built concurrently or after the construction of the non-residential uses. All Centers shall be appropriately placed in commercially viable locations located along an arterial or collector road.

Policy 2.3.6: Urban Form Guiding Principles

Wellness Way is envisioned as a mixed-use area proximate to arterial thoroughfares. Land uses are intended to be flexible allowing employment, residential, institutional, agriculture and Wellness/Green Space. The following are the urban form guiding principle:

- A. The overall community is intended to include a mix of uses that integrate residential, non-residential and open space networks. The overall Framework Plan and standards were developed to ensure the desired percentage distribution of uses within Wellness Way.
- B. An interconnected Wellness/Green Corridor network including a trail system to reach destinations within Wellness Way such as Centers, schools, parks as well as neighborhoods.
- C. Plan for and implement regional roadway connectivity as generally depicted on the Future Land Use Map.
- D. An emphasis on complete streets and multi-modal facilities (bike trails, on-street parking, enhanced pedestrian environments).
- E. A green strategy considering a balance of development, preservation, energy, conservation and water conservation.
- F. School centered development pattern with a co-located neighborhood park and connectivity to the Wellness Corridor network for each school.
- G. Neighborhood scale development based upon a pedestrian orientation with neighborhood centers/parks as the center of the neighborhood to create neighborhood identity and place.
- H. Allow interim and/or permanent agricultural uses.
- I. All development will adhere to dark sky standards.

These guiding principles shall be specifically demonstrated in all PUDs.

Policy 2.3.7: Pedestrian Orientation

Design decisions must be oriented to the pedestrian scale. The Design Guidelines and Standards that implement this plan must be incorporated in the development standards for each PUD zoning, which culminates at the detailed design level with the specifications for complete street design.

Policy 2.3.8: Wellness Corridors

Wellness Corridor (WC) networks connect communities, Multi-use Districts, Centers, neighborhoods and destinations together in a series of integrated trail and pedestrian facilities. WC networks may contain the following elements:

- A. Community farms and gardens
- B. Wetlands
- C. Water bodies
- D. Preserved uplands
- E. Trails, pedestrian ways and bikeways
- F. Viewsheds and scenic resources
- G. Cultural and environmental resources
- H. Parks/recreation facilities for active and passive use
- I. Stormwater management facilities

Policy 2.3.9: Open Space

A significant amount of land area in the form of open space and natural protected areas will be protected in Wellness Way. The natural protected areas include wetlands and water bodies. Open space will be divided into two separate categories, Wellness Space and Green Space, with each type allowing different uses.

Wellness Space includes land area that remains minimally developed, such as trails and boardwalks, as part of a natural resource preserve or active/passive recreation area. Wellness Space also includes land area open to public access and gathering places, such as parks, piazzas, plazas and urban squares. Wellness Space may include permeable storm water areas if enhanced as amenities using native vegetation. Open water bodies, completely surrounded by uninterrupted Wellness Space, may also be counted as Wellness Space.

Green Space includes land areas for the purpose of protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, or protection of vegetative communities or wildlife habitat and shall include land preserved for conservation purposes. Green Space should be maintained in such a way to encourage the proliferation of native flora and fauna. Active recreation is prohibited in Green Space; passive recreation is allowed in Green Space.

Policy 2.3.10: Minimum Wellness and Green Space Allocation

All PUDs will identify and reserve 20% of the net acres as Wellness Space and 10% of the net acres as Green Space. Wetlands and water bodies cannot be counted towards a PUD's Wellness Space or Green Space allocation, with the exception of water bodies that are completely surrounded by uninterrupted Wellness Space, in which case, up to 25% of the water body may be counted towards the Open Space requirement. A 50-foot-wide continuous upland buffer is required around all wetlands and waterbodies counted towards Open Space.

Policy 2.3.11: Open Space Design

Open Space is meant to provide an amenity to the community and should be designed to promote public access. Open Space tracts are encouraged to be placed in the interior of a PUD. Narrow open space tracts, boarding the perimeter of a PUD, being used solely as a buffer, shall be discouraged. All open space calculations shall be determined during the PUD review process and shall be phased consistent with development.

Policy 2.3.12: Conservation Lands

The determination of areas most suitable for permanent preservation shall occur during the preparation of a Planned Unit Development (PUD). The permanent preservation of suitable areas through recordation of conservation easements, consistent with s. 704.06 FS, as amended, shall correspond with each development phase or stage. Once an area is placed in permanent preservation, either through easement or acquisition, the Future Land Use Map designation of that area may be amended to Conservation.

Objective 2.4: Mobility.

Development within Wellness Way shall be managed to reduce vehicle trips, minimize vehicle trip lengths, and reduce vehicle miles travelled through the encouragement of clustered mixed-use development and the internal capture of trips and through the development of an interconnected, transportation network. The proposed arterial roadways as generally depicted on the future land use map make up the primary roadway network. Final primary roadway alignments and additional connections may be determined in the PUD process.

Policy 2.4.1: Primary Roadway Network

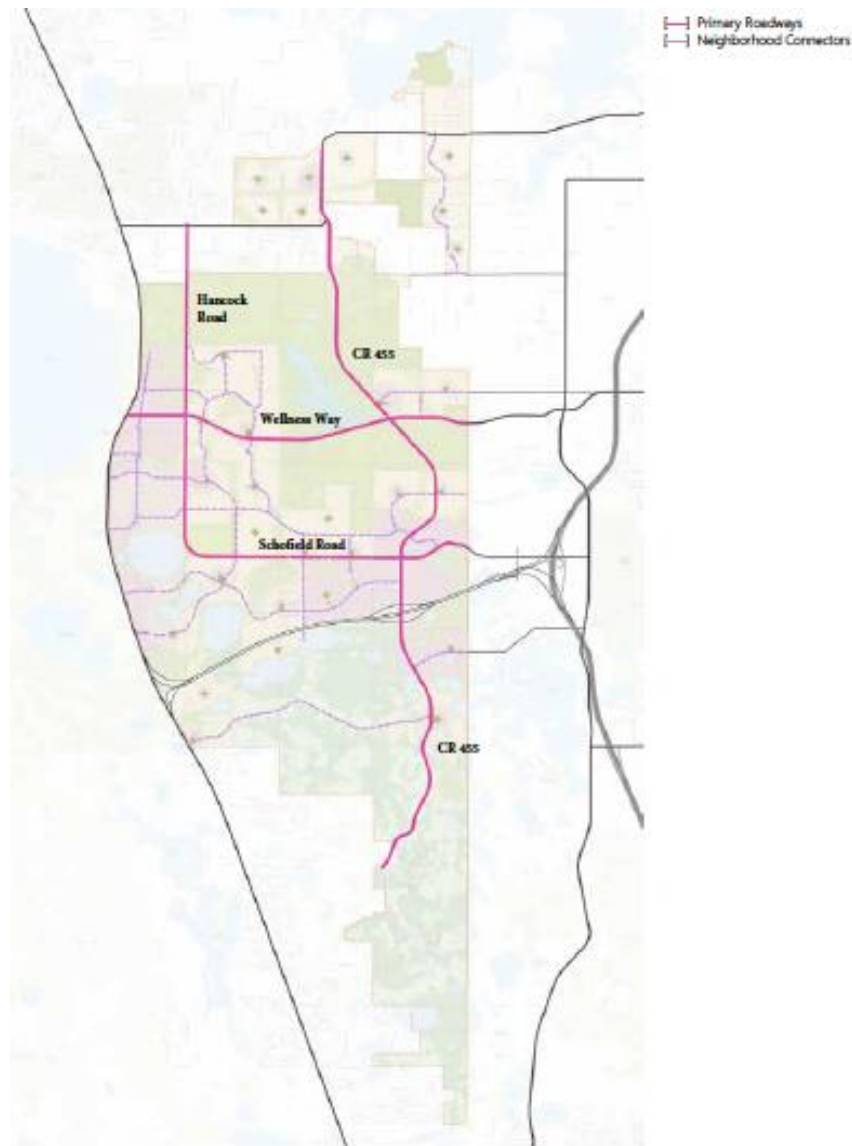
System-wide transportation capacity within Wellness Way shall be achieved through the design and development of an interconnected, multi-modal roadway network with appropriately spaced and properly sized roadway, pedestrian, bicycle, transit and alternative vehicular components.

Planned Unit Developments (PUD) shall be generally consistent with the primary roadway network identified on the Framework Map and as listed below. Any deviations from the number and location of primary roadways identified on the Framework Map shall not deteriorate the high level of interconnectivity within the Urban Service Area's network. Deviations to a significant extent a possible to protect environmentally sensitive lands so long as the continuity of the network and each of the multimodal features for that facility are maintained.

Primary Roadway Network

- a. Wellness Way from US 27 to the Orange County Line
- b. Hancock Road from Wellness Way to Hartwood Marsh Road
- c. Schofield Road from the intersection of Wellness Way and Hancock Road to the Orange County Line
- d. CR 455 Extension from Hartwood Marsh Road to Sawgrass Bay Boulevard

Each PUD shall be required to assess its proportionate share of roadway impacts to the Primary Roadway Network, as well as impacts to US 27 and Hartwood Marsh Road. The findings of this assessment shall be used as the basis for mitigating transportation impacts in a Roadway/Transportation Impact Fee Credit Agreement with Lake County.

FIGURE 3 – PRIMARY ROADWAY NETWORK**Policy 2.4.2 Complete Streets**

Thoroughfares within Wellness Way shall be designed to accommodate pedestrians, bicycles, transit, freight, and motor vehicles within a circulation network with the allocation of right-of-way provided for in the PUD approval process. To assist with the design of future roadways and ensure that these facilities consider all modes of transportation, typical complete street cross-sections shall be established in the implementing Design Guidelines and Standards, and shall be used to guide the design of proposed facilities during the PUD process.

Policy 2.4.3: Pedestrian Facilities

Through a complementary relationship between transportation, land use and urban design, development within Wellness Way shall support walking as an important part of daily travel. Design and construction of transportation facilities and land uses shall give highest priority to walking as a basic and efficient mode of transportation and may include the following:

- A. Appropriately sized and obstruction-free sidewalks connecting residential neighborhoods to employment districts, retail areas, parks and schools;
- B. Well designed and highly-visible crosswalks which ensure pedestrian safety in areas where conflicts with vehicular traffic may occur;
- C. The use of streetscapes that offer a safe and inviting environment for pedestrians especially by providing shade, amenities and buffering from vehicular traffic; and/or,
- D. Pedestrian oriented design of buildings adjacent to sidewalks including, minimal front setbacks, entrances that provide direct access from the public sidewalk, maximum first floor opacity standards, and the placement of vehicular use areas to the back or side of buildings.
- E. Provision of Wellness Corridors with multi-use paths and trails.

Policy 2.4.4: Bicycle Facilities

PUDs shall include a safe and continuous bicycle network that encourages cycling as both a means of transportation and a recreational activity. Bicycle networks shall connect residential neighborhoods with the Multi-Use Districts, Centers, neighborhoods, parks and schools. These facilities may include:

- A. Shared lane markings;
- B. Designated bike lanes;
- C. Separated bike facilities or “cycle tracks”; and/or,
- D. Multi-use paths and trails.

Policy 2.4.5: The ‘Wellness Ridgeway’

The Wellness Ridgeway Network is intended to be a system of trails providing non-motorized transportation within and through Wellness Way. The Network is organized to provide both recreational and functional use to origins and destinations such as parks and schools within Residential areas and employment and commercial areas in Centers. The Network is made up of four types of trails:

- a. Trunk Trail
- b. Neighborhood Trail
- c. Clay Road
- d. Water Conserv II Trail

The implementing Design Guidelines and Standards shall establish design criteria for each type of trail. The Wellness Ridgeway is a component part of the overall Wellness Corridor Network.

Policy 2.4.6: Transit

Centers located on arterial and collector roads offer the future opportunity for the Regional Transit Authority to consider providing transit service to and between Multi-use Districts, Centers and other regional destinations.

Policy 2.4.7: External Trip Reduction

PUDs within shall introduce measures that produce a reduction in net external trips. A variety of options and innovative techniques to meet this goal shall be included in the PUD including Wellness Corridors, complete streets, a pedestrian oriented design emphasis and the possible inclusion of future transit service.

Policy 2.4.8: Level Of Service

The minimum roadway level of service standard within Wellness Way shall be “E,” except for US 27 which shall remain at LOS “D.”

Policy 2.4.9: Multimodal Street Design Standards

The City and Lake County shall establish design standards to ensure streets are safe, convenient and appealing for all modes of travel, including automobiles, trucks, bicycles and pedestrians and possible future bus service. Strategies shall include marked crosswalks, wider sidewalks, on-street parking, traffic calming, raised medians, adequate drainage or other appropriate safety enhancements that reduce hazardous conflicts between modes and that are consistent with the planned functions of the roadway.

Policy 2.4.10: Connectivity

To promote communities that are physically connected to each other and to foster community and connectedness beyond the development, all PUDs shall include sub-arterial streets stubbed to the boundary of the development in all cardinal directions unless physically constrained by natural or other features. Development plans within a PUD shall include streets connecting to all streets stubbed to the boundary of adjacent development plans. Street connections shall be made between adjacent development regardless of the parent development and adjacent land uses in order to continue the interconnected street network.

The City and Lake County shall coordinate the interconnection of the roadway network with Orange County roadways to the east. Wellness Way, Schofield Road, Old YMCA Road, and Sawgrass Bay Blvd (to Flemings Road) are critical east-west connections that would benefit the City and both Counties.

Policy 2.4.11: Land Use And Transportation Integration To Reduce Vehicular Travel

The land use densities, intensities and mixture of land uses within Wellness Way are intended to integrate and support alternative transportation modes, enhance multi-modal transportation, decrease trip lengths, and promote internal capture.

Objective 2.5: Natural And Scenic Resources

Wellness Way is home to many natural resources; the area consists of xeric uplands, wetlands and surface waters, most notably Trout Lake, Adain Lake, Sawgrass Lake, and the Urban Service Area borders Johns Lake to the north. The Planned Unit Developments (PUDs) shall provide for the conservation of significant natural, scenic and cultural resources through the creation of an interconnected open space known as the Wellness Corridor (WC) network within Wellness Way. These resources and corridors shall be specifically demonstrated in the PUDs.

The City shall protect its natural resources in Wellness Way through adoption of PUDs that promote the preservation or conservation of environmentally sensitive lands to include habitats containing listed animal and plant species. Natural resource protection shall be achieved through mechanisms such as buffer requirements, lower allowable densities in environmentally sensitive areas, open space preservation requirements, removal of exotic plant and animal species, maintenance of corridors, preservation of native vegetation, control of hydrological characteristics, and through use of clustering to help minimize the effect of development. The permanent preservation of suitable areas through recordation of conservation easements, consistent with s. 704.06 FS, as amended, shall correspond with each development phase or stage.

Policy 2.5.1: Identification Of Environmentally Sensitive Areas

The Wellness Way Future Land Use Map generally identifies areas of potential environmentally sensitive lands. The Conservation Land Map shall guide the preparation of subsequent PUDs and their respective detailed identification of lands for permanent protection or preservation.

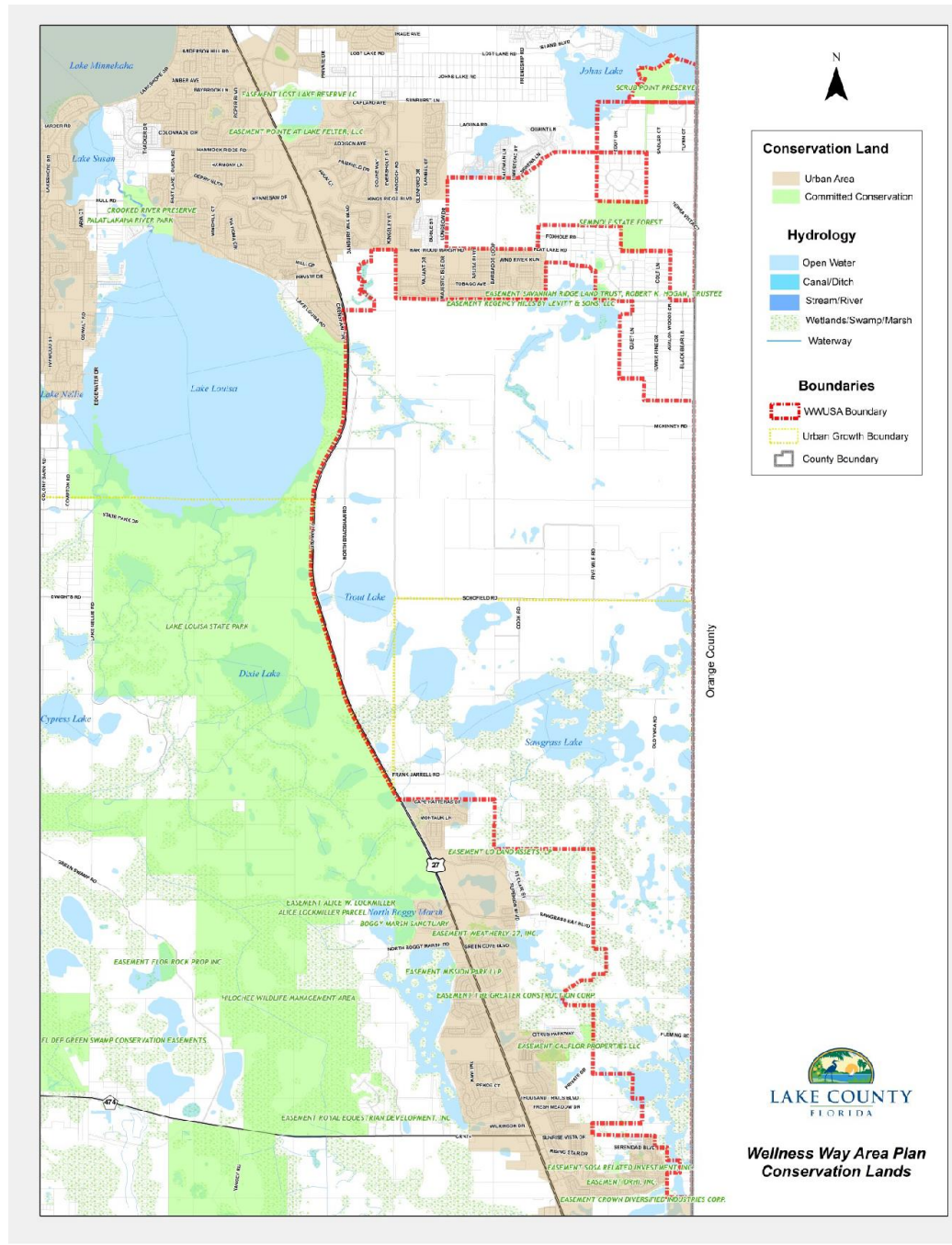
Policy 2.5.2: Identification And Preservation Of Wetlands And Water Bodies

Wetlands and water bodies shall be delineated during the PUD process. The types, values, functions, sizes, conditions and locations of wetlands within the planning area, shall be determined through on-site studies and field verification as the primary data source conducted by qualified professionals in accordance with state and federal regulations, guidelines and procedures. The existing wetland systems have several important functions, including flow of water (lakes are connected by waterways and streams), and habitat for plants and wildlife. Wetland impacts shall be carefully planned so as to avoid inordinate impacts to the wetlands system.

A mandatory minimum setback of 50 feet from all jurisdictional wetland lines shall be established in the PUDs, and a minimum 50-foot-wide buffer shall apply to all retained isolated and non-isolated wetlands, and rivers and streams, except where the required buffer makes a lot unbuildable, in which case a variable buffer consisting of a minimum width of 15 feet and average width of 50 feet shall be provided.

A Conservation Lands Map of the Wellness Way area is shown in Figure 4:

Figure 4 – Conservation Lands Map



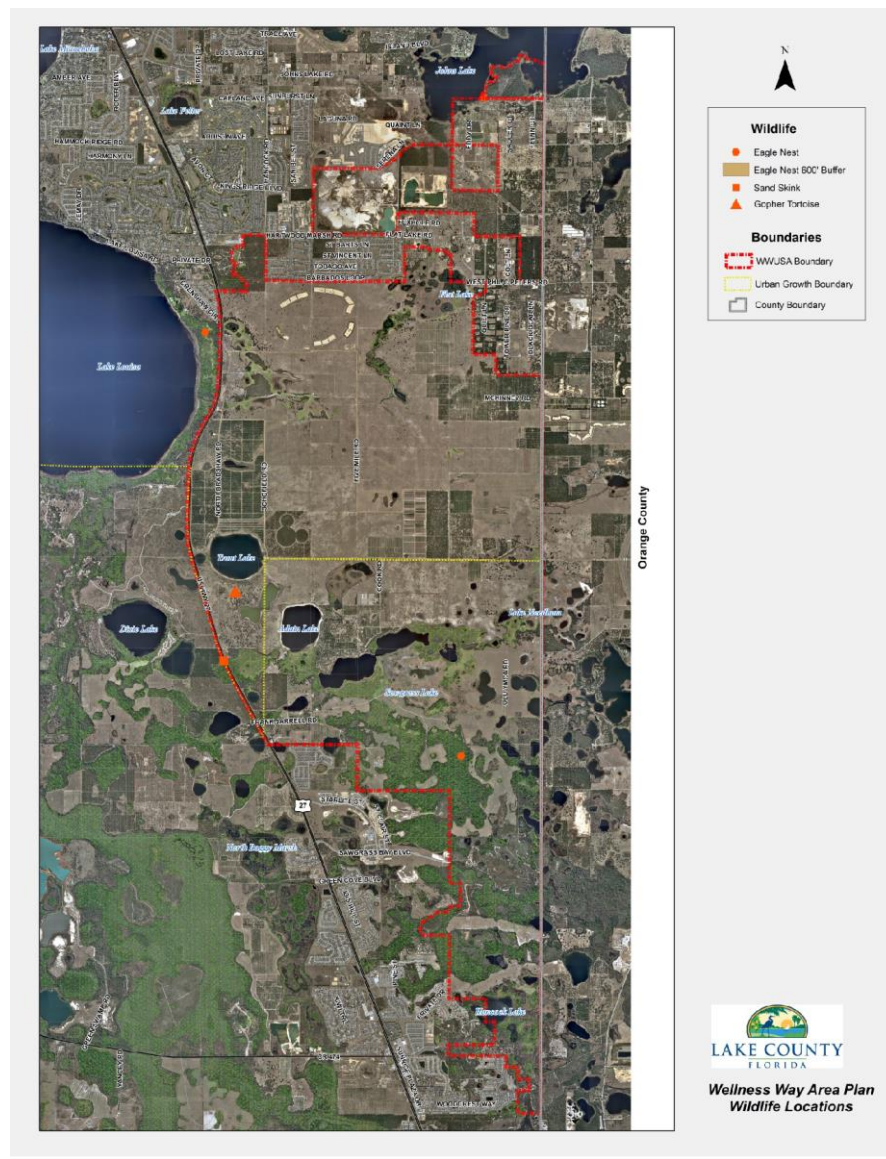
Policy 2.5.3: Conservation Of Regionally Significant Natural Resources

The Critical Lands and Waters Identification Project (CLIP), and Florida Fish and Wildlife Conservation Commission (FWWC) databases shall be consulted during the preparation of all PUD. Areas designated as Priority 1 or 2 within the CLIP database and areas within the FFWC database containing known locations of rare and imperiled species of plants and animals shall be given the highest consideration for protection or preservation within a PUD.

The following chart lists the State of Florida Listed Animal Species with a possibility of occurrence in Lake County.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
<u>American Alligator</u>	<u>Alligator mississippiensis</u>	<u>Federally-designated Threatened (FT)</u>
<u>Bald Eagle</u>	<u>Haliaeetus leucocephalus</u>	<u>Not currently listed</u>
<u>Eastern Indigo Snake</u>	<u>Drymarchon couperi</u>	<u>FT</u>
<u>Florida Black Bear</u>	<u>Ursus americanus floridanus</u>	<u>State-designated Threatened (ST)</u>
<u>Florida Sandhill Crane</u>	<u>Grus Canadensis pratensis</u>	<u>ST</u>
<u>Florida Scrub-Jay</u>	<u>Aphelocoma coerulescens</u>	<u>FT</u>
<u>Florida Burrowing Owl</u>	<u>Athene cunicularia floridana</u>	<u>State Species of Special Concern (SSC)</u>
<u>Florida Mouse</u>	<u>Podomys floridanus</u>	<u>SSC</u>
<u>Gopher Tortoise</u>	<u>Gopherus polyphemus</u>	<u>ST</u>
<u>Least Tern</u>	<u>Stemula antillarum</u>	<u>ST</u>
<u>Little Blue Heron</u>	<u>Egretta caerulea</u>	<u>SSC</u>
<u>Red-Cockaded WoodPecker</u>	<u>Picoides borealis</u>	<u>Federally-designated Endangered (FE)</u>
<u>Sherman's Fox Squirrel</u>	<u>Sciurus niger shermani</u>	<u>SSC</u>
<u>Short-tailed Snake</u>	<u>Lampropeltis extenuate</u>	<u>ST</u>
<u>Sand Skink</u>	<u>Plestiodon reynoldsi</u>	<u>FT</u>
<u>Snowy Egret</u>	<u>Egretta thula</u>	<u>SSC</u>
<u>Southeastern American Kestrel</u>	<u>Falco sparverius paulus</u>	<u>ST</u>
<u>Tricolored Heron</u>	<u>Egretta Tricolor</u>	<u>SSC</u>
<u>White Ibis</u>	<u>Eudocimus albus</u>	<u>SSC</u>
<u>Wood Stork</u>	<u>Mycteria Americana</u>	<u>FE</u>
<u>Osprey</u>	<u>Pandion halliaetus</u>	<u>SSC</u>

There are no known species that occur in the area that require special management plans or planning considerations other than the gopher tortoise, a state-designated threatened species; the bald eagle, which is not currently listed as a threatened or endangered species; and sand skink, which are listed as federally-designated threatened. The Wildlife Resources Map, shown below, illustrates known wildlife occurrences within the area.

Figure 5 - Wildlife Locations

Endangered and threatened species shall be afforded protection based on the regulatory requirements of the U.S. Fish and Wildlife Services, the Florida Fish and Wildlife Conservation Commission (FWCC), and the Florida Department of Environmental Protection.

Policy 2.5.4: Lake Wales Ridge

The Lake Wales Ridge follows the east side of US Highway 27 south from Lake Apopka through Polk County and ending in Highlands County. The ridge consists of an ecosystem known as scrub and is currently home to 53 rare, indigenous and endangered plant and animal species including the Florida scrub jay, sand skink, and scrub mint. The planning area is located east of US Highway 27.

Endangered and threatened species shall be afforded protection based on the regulatory requirements of the U.S. Fish and Wildlife Services, the Florida Fish and Wildlife Conservation Commission (FWWCC), and the Florida Department of Environmental Protection.

Policy 2.5.5: Wildlife Data

An applicant for a PUD shall submit baseline data consistent with the guidelines for any state or federally listed wildlife or plant species, based on Florida Fish and Wildlife Conservation Commission (FWWCC) and U.S. Fish and Wildlife Service survey methodologies and casual observation of non-listed wildlife and plant species. The purpose of the baseline data is to recognize the cumulative effects that development within Wellness Way is having on species diversity and habitat over a period of time.

Policy 2.5.6: Identification And Preservation Of Xeric Uplands

During the preparation of PUDs, upland areas containing xeric or scrub habitats should be analyzed closely for permanent preservation. Large habitat patches in close proximity to each other provide for the greatest species diversity and minimizes extinction probabilities; small patches that are isolated are less likely to preserve species. Habitat fragmentation shall be discouraged. If preserved, these areas may serve as relocation sites for gopher tortoises, sand skinks, and other xeric-adapted species that may be present within the Wellness Way and surrounding areas.

Policy 2.5.7: Creation Of The Natural Components Of The Wellness Corridor Network

At build-out, Wellness Way shall contain a large, interconnected WC network comprised of water bodies, wetlands, open space, important upland habitats and publicly owned lands. This system shall serve to protect environmentally sensitive lands, allow for the continued and safe movement of wildlife and provide for significant passive recreation areas for the residents, employees and visitors.

Native Vegetation within Corridors

Non-native landscape species shall be prohibited within these corridors, with the exception of turf grass used as road or yard stabilizer. Vegetation identified on the Florida Exotic Pest Plant Council's List of Invasive Plant Species shall be prohibited.

Movement of Wildlife Crossings

Collaboration with the Florida Fish and Wildlife Conservation Commission (FWWCC), the U.S. Fish and Wildlife Service, and the Florida Department of Transportation shall be required to establish standards and locations for the movement of wildlife on public roads and other corridors, as well as ensuring the crossings or corridors are of the appropriate size.

Each PUD shall be reviewed for consistency with this policy during the approval process.

Policy 2.5.8: Site Development Standards

Collaboration with the Florida Fish and Wildlife Conservation Commission shall be required to prepare a site development plan based on standards that promote preservation of wildlife during development and promote the provision of usable habitat post-development. Site development standards shall include, but are not limited to, monitoring, low-voltage lighting, berms, and fencing. Post-development measures may include, but are not limited to, planting of native vegetation, low-voltage lighting, berms, and fencing. The City shall also require that vegetative communities and wildlife habitats be protected from adverse effects associated with development.

The PUDs shall include provisions to require that development preserve wetlands and portions of developable uplands containing designated species or rare upland habitats. The permanent preservation of suitable areas through recordation of conservation easements, consistent with s. 704.06 FS, as amended, shall correspond with each development phase or stage. The PUD shall ensure the protection of trees and native vegetation with a target of protecting 50% of trees onsite. As appropriate, a tree replacement ratio may be implemented based on type and caliper. Special consideration shall be given to rare upland habitats and designated species within ecologically significant areas identified herein. The extent to which preservation of vegetative communities and wildlife habitats shall be protected and incorporated into protected open space on a development site, shall be determined during the PUD process.

Policy 2.5.9: Water Conservation Based Landscaping

A significant amount of water resource are used for irrigation of landscaped spaces in traditional developments. In recognition of the limited water resources available in South Lake County, developers in Wellness Way shall base their landscaping plans on water conservation principles and practices. Lake County may develop, and the City may require the implementation of the recommendations in a landscape design handbook which provides examples of water conserving landscape designs for commercial, residential and institutional developments as well as planted right of way areas. The handbook designs will feature the use of Florida native, drought tolerant species that require no irrigation once they have been established. The handbook will contain several design examples, listing acceptable plants and providing plan view layouts and pictorial representations of each design concept. Developers within Wellness Way shall utilize the handbook designs or shall propose a landscape design that conforms with water conservation principles for review during the permitting process. Exceptions may be granted for designs that receive irrigation solely from retained stormwater.

Policy 2.5.10: Regulation For Reclaimed Water Shall Be Enforced To Prevent Adverse Environmental Impacts.

The intent of Wellness Way is to require 100% of landscape irrigation be provided by re-use water. Another type of non-potable water supply may be used for landscape irrigation if re-use water is not available to the PUD. In no instance shall potable water be used for landscape irrigation unless authorized by the St. Johns River Water Management District pursuant to part II of Chapter 373, F.S.

Conservation programs, system interconnections and alternative water supply options such as reclaimed water reuse and storage, shall occur when accessible. All development containing irrigated open space shall be required to accept reclaimed water for irrigation when such reclaimed water is available adjacent to the development's boundary. Connection shall be made at the developer's cost consistent with the City of Clermont utility connection policies.

OBJECTIVE 2.6: PUBLIC FACILITIES

The City shall require that all development be consistent with the Capital Improvements Element and the approved facility and service plans in order to discourage urban sprawl, meet adopted level of service standards, and thereby minimize associated public costs.

Policy 2.6.1: Identification Of Water Supplies

All new development shall connect to non-potable sources of water, such as reclaimed water, for landscape irrigation, when available. The availability of, and requirement to connect to, Alternative

Water Supplies, including reclaimed water, will be determined during the PUD approval process unless the use of water from other water sources is authorized by the St. Johns River Water Management District pursuant to part II of Chapter 373, F.S.

Policy 2.6.2: Potable And Re-Use Water Facilities

PUDs within Wellness Way shall include an analysis of potable and re-use water demand required to accommodate projected impacts and maintain the City's adopted level of service (LOS) for such facilities. If it is determined that sites and/or right-of-way is needed to accommodate the projected impacts, then those sites shall be conveyed prior to the issuance of building permits for development within the PUD.

Policy 2.6.3: Sanitary Sewer Facilities

PUDs within Wellness Way shall include an analysis of sanitary sewer demand required to accommodate projected impacts and maintain the City's level of service (LOS) for such facilities. If it is determined that sites and/or right-of-way is needed to accommodate the projected impacts, then those sites shall be conveyed prior to the issuance of building permits for development within the PUD.

Policy 2.6.4: Solid Waste Services

PUDs within the Wellness Way shall include an analysis of solid waste collection demand required to accommodate projected impacts and maintain the City's level of service (LOS) for such services.

Policy 2.6.5 Parks And Trails Facilities

PUDs within Wellness Way shall include an analysis of parks and trails required to accommodate projected impacts and maintain the City's adopted level of service (LOS) for such facilities. If it is determined that one or more publicly dedicated park sites within the proposed PUD are needed to accommodate projected impacts, then conditions shall be provided within the PUD approval to ensure that those sites are conveyed with the development of the phase of the project.. The Framework Map and Design Guidelines and Standards shall be used as a guide to provide parks and trails facilities within the Wellness Way area.

Trails within a proposed PUD that serve as a component of the multi-modal mobility system shall be identified as part of the PUD process. Conditions for the conveyance of the right-of-way required for such trails shall be established in the PUD approval.

Policy 2.6.6: Provision Of Educational Facilities

All PUDs within Wellness Way shall include an analysis of impacts to public schools and, when necessary, include mitigation conditions consistent with the policies and procedures identified in the First Amended Interlocal Agreement between Lake County and Lake County School Board and Municipalities for School Facilities Planning and Siting (the ILA). If it is determined that one or more school sites within the proposed PUD are needed to accommodate projected impacts, then those sites shall be consistent with the PSFE's School Facility Siting objective and policies.

PUDs shall analyze the impacts of the future residential land uses on public schools and identify the facilities needed. The City shall act in accordance with Objective 1.7 and associated policies of the Intergovernmental Coordination Element of this Comprehensive Plan when coordinating with the Lake County School Board.

In addition to the PSFE's school facility siting objective and policies, the public school siting provisions of Sections 333.03 and 1013.36, F.S., and the First Amended Interlocal Agreement between Lake County and Lake County School Board and Municipalities for School Facilities Planning and Siting (the ILA) shall be followed when identifying and dedicating public school sites.

Future school sites shall be suitable for development as a public school and have the ability to be served with the necessary infrastructure, such as the following: potable and non-potable water, sanitary sewer, electrical power, high-speed internet service and transportation facilities.

When it is not possible to avoid soil conditions on a public school site that would require remediation in order to permit vertical construction, such remediation will be included in the applicant's capital improvements plan for mitigation of the impacts on public schools.

Policy 2.6.7: Provision Of Law Enforcement, Fire Protection And Emergency Services

All PUDs within Wellness Way shall include an analysis of law enforcement, fire protection and emergency medical services impacts and shall include coordination with Clermont Fire Department and Clermont Police Department to determine if facility sites are required within the PUD to ensure the provision of adequate public facilities and services. If it is determined that land is needed to accommodate the siting of facilities required to address the impacts of the proposed PUD, the provision of these lands shall become a condition of approval of the PUD and be conveyed prior to the issuance of building permits for development within the PUD.

Given the current location of existing Fire/EMS facilities of the City to the north and Lake County to the South, the City and Lake County should consider coordinating a joint City-County Fire/EMS facility in the center of Wellness Way to provide the highest level of response times at the least cost to the community.

Policy 2.6.8: Conveyed Land Value

In order to ensure that new development adequately pays for growth-related impacts, the Clermont City Council shall have the authority to determine the valuation or date of valuation of property for the purpose of impact fee credits for property deemed as a required adequate public facility beyond the needs of Wellness Way. The value will be agreed upon by both the City and the land owner or established by appraisals by registered appraisers acceptable to both the City and land owner. The terms of this valuation shall be incorporated into a developer's agreement for a specific development.

Policy 2.6.9: Coordinated Development

While there is separate property ownership within Wellness Way, planning for development will occur in a coordinated and comprehensive way. The initial extension of potable and non-potable water and sewer service must be sized for the PUD with a Utilities Agreement and built infrastructure and conveyed lands are eligible for reimbursement for excess capacity and land area beyond the need of the proposed development. The Future Land Use Map will establish a general guide for connectivity. Primary Roadway alignments will be set with the PUD process and/or a Roadway Agreement between participating property owners and built infrastructure and conveyed lands are eligible for reimbursement for excess capacity and land area beyond the need of the proposed development. Roadway terminus to terminus alignments are required.

Policy 2.6.10: Concurrency Requirements

The City shall ensure that public services and facilities are available concurrent with new development. All development orders, permits, and agreements shall be subject to the adopted Concurrency Management System consistent with Objective 1.2 in the Capital Improvement Element of this Comprehensive Plan.

Objective 2.7: Intergovernmental Coordination

To ensure continued coordination of development plans, infrastructure planning and development approvals, and impacts with affected local governments and public agencies throughout Wellness Way.

Policy 2.7.1 Coordinated Review Of Planned Unit Developments

To provide for intergovernmental coordination, the City shall provide adjacent municipalities, counties, and regional agencies a copy of applications for a Planned Unit Development (PUD). To ensure communication and coordination are used to minimize any potential adverse impacts, the following government agencies shall be notified:

- A. Lake County
- B. Lake County School Board
- C. Florida Department of Transportation

Objective 2.8 Implementation

To develop a straightforward, predictable and efficient process for the preparation, review and approval of Planned Unit Developments (PUDs) and subsequent development approvals within Wellness Way.

Policy 2.8.1: Planned Unit Developments (Puds)

Development within Wellness Way shall be accomplished utilizing the adoption of Planned Unit Developments (PUDs). Each PUD shall be developed in sufficient detail to allow evaluation of the interrelationship of its parts and establish consistency with principles and criteria contained within the City of Clermont Comprehensive Plan and the Wellness Way Goal, Objectives and Policies.

Each PUD shall be evaluated to determine that adequate facilities and services are or will be available at the time of development. Where facilities or services are determined to be deficient, the developer(s) shall have the option of entering into a funding agreement with Lake County, the City of Clermont and/or Lake County School Board to correct any deficiency and allow development to proceed. All development in the PUD will be served by central sewer and water service.

Policy 2.8.2: Framework And Hierarchy Of Place

PUDs within Wellness Way should be organized around a conceptual framework and hierarchy of place, as more particularly defined in the Design Guidelines and Standards. The following represents the most important design principles required in each PUD:

- A. PUDs must determine the location and size of the Centers based upon the regional roadway network and the FLUC jobs-to-housing ratio and then locate the Wellness/Green Corridors and residential neighborhoods.
- B. Residential neighborhoods cluster around the Centers. Each neighborhood is adjacent to an

interconnected wellness Corridor/open space system. This helps define neighborhoods and provides the opportunity for trail use for the residents to reach other neighborhoods, Centers, other PUDs, and the State Park.

- C. Along with the Centers neighborhoods and WC networks, there is a required community park. Not only are the school and park a requirement, it is at the PUD level when agreements must be reached to pay for educational facilities roads, utilities and the park. Without such agreements, development may not proceed.

Policy 2.8.3: Water Conserv II

Water Conserv II is designated as the Water Conserv II Future Land Use Category and is comprised of properties owned and used by Orange County and the City of Orlando for a water reclamation project. Portions of this property may be deemed unnecessary for either existing or future needs of the project. Therefore, the City (as applicable) may request that such properties be included in PUDs.

Objective 2.9: Financing

To develop financing mechanisms that support the economic development goals of Wellness Way while ensuring the equitable distribution of infrastructure costs.

Policy 2.9.1: Funding Mechanisms For Regional Infrastructure

Each PUD shall identify the revenue sources implementable by county or City ordinance (or by resolution of a dependent district created by City ordinance) to provide essential regional infrastructure including transportation, public safety and park improvements required to implement the economic development uses incorporated in the PUD. A density bonus of two (2) dwelling units per acre may be granted to a PUD for right-of-way donated for arterial or collector roads.

Given the unique nature of the existing land ownership patterns, much of the Wellness Way Roadway Network will require acquisition of road right-of-way from CONSERV. Any funding provided by a landowner/developer to the County for acquisition of road right-of-way, including ponds, easements, and trails, may also be eligible for a density bonus of two (2) dwelling units per acre in addition to transportation impact fee credits.

Policy 2.9.2: Funding Mechanisms For Site Specific Infrastructure

Within each PUD, the transportation related infrastructure and other infrastructure necessary to accommodate the economic goals of specific sites or individual development shall be incorporated as a cost requirement of site development either directly or provided as a funding component by any dependent or independent district created to provide on-site or regional infrastructure.

Policy 2.9.3: Phasing Of Regional Infrastructure

The City will rely upon Lake County to enter into Roadway Agreements with all PUDs to ensure that regional infrastructure shall be phased as necessary to support economic development of specific sites or individual developments within each PUD and as required to meet economic expectations of the property bearing the burden of the infrastructure costs.



Superintendent:
Diane S. Kornegay, M.Ed.

School Board Members:
District 1
Bill Mathias
District 2
Kristi Burns, Ph.D.
District 3
Marc Dodd
District 4
Mollie Cunningham
District 5
Stephanie Luke

201 West Burleigh Boulevard • Tavares • FL 32778-2496
(352) 253-6500 • Fax: (352) 253-6503 • www.lake.k12.fl.us

December 22, 2021

Mr. John Kruse, Planning Mgr.
City of Clermont
685 W. Montrose Street
Clermont, Florida 34711

RE: Wellness Way Future Land Use Amendment – Ordinance 2022-002
South County Area Schools

Dear Mr. Kruse:

In regards to the Wellness Way future land use amendment, please be aware the School District is closely monitoring the continued residential growth in the south County area. To address this growth the School District constructed Lake Pointe Academy K8 and added a classroom addition at Lake Minneola High School to provide capacity relief. However, the district has started to receive school concurrency requests, which are from large developments proposing over 4,200 dwelling units. These projects are located in the Wellness Way Area.

The capital projects recently constructed or proposed may address a small portion of the Wellness Way's impact but were not planned to address the overall Wellness Way Area projects. The District's analysis of the overall impact of the proposed residential development in Wellness Way indicates the need for three elementary schools, one middle school, and one high school to serve the area. Currently the School District does not have the necessary school sites to serve the needs of Wellness Way and is actively searching for acceptable sites.

Please inform applicants submitting for development approvals within the city of the situation and that proportionate share mitigation may be required for a project to move forward in the process. Also, please feel free to refer them to us to discuss potential solutions. Any assistance the City can provide the District in addressing the school site search would be greatly appreciated.

Should you have any questions or need additional information please contact me at (352) 253-6694.

Sincerely,

Helen LaValley
Growth Planning Department



Wellness Way Area Plan

School Capacity Needs Analysis

The intent of the Wellness Way Area Plan (WWAP) is to create a long-term master plan for the South Lake region, which promotes significant economic development while encouraging fiscally efficient and well-balanced development patterns that minimize environmental impacts and leverage existing resources.

The Wellness Way (WW) Sector Plan and proposed transportation improvements are expected to bring significant housing development to the area that will affect the school district's long-term enrollment. These improvements include major east west roads – Wellness Way and the CFX East-West Connector. Schofield Road will be improved and extended to the Orange County line.

The initial WW area plan proposed a maximum of 16,180 dwelling units. (12,944 SF and 3,236) Based on this number of dwelling units the district would need three elementary schools, one middle school, and one high school to serve the students generated by the Wellness Way area.

The analysis is provided in the following table:

	SF-DU	MF-DU	MH-DU		SF Impact	MF Impact	Total Students
New DU Proposed					12,944	3,236	
Student Generation	.350	.282	.185	Students	4,530	913	5,443
Elementary	.157	.153	.095		2,032	495	2,527
Middle	.079	.061	.044		1,023	197	1,220
High	.114	.068	.046		1,476	220	1,696

An additional analysis was completed using the total of the maximum densities in the WWAP Worksheet provided at the Stakeholders January 22, 2020 meeting. The maximum density resulted in the need for two elementary schools and/or K-8 schools or a combination of both, one middle school and a high school to serve the WW area.

SF Impacts
13,090 dwelling units
4,582 Total Students
2,055 Elementary
1,034 Middle
1,492 High

The Wellness Way Area Plan has evolved with the implementation of the goals and guidelines. At the April 22, 2020 Wellness Way stakeholders meeting a revised maximum density chart was distributed to the group. This third analysis was done using the increased maximum density. **The increased density resulted in the need for three elementary schools and/or K-8 school or a combination of both, one middle school and a high school to serve the WW area.**

SF Impacts
19,587 dwelling units
6,855 Total Students
3,075 Elementary
1,547 Middle
2,233 High

It is understood that the maximum densities proposed will fluctuate as the Wellness Way area develops. It should also be noted that the Wellness Way Area is located in school concurrency service area #14. There are currently active residential developments under construction or proceeding through the final stages of development. The area to the south known as Four Corners has several projects with reserved school capacity. Twelve (12) residential projects totaling 5,364 units estimated to generate approximately 1,726 students.

The standard property size by school level and the associated school capacities are indicated in the table below.

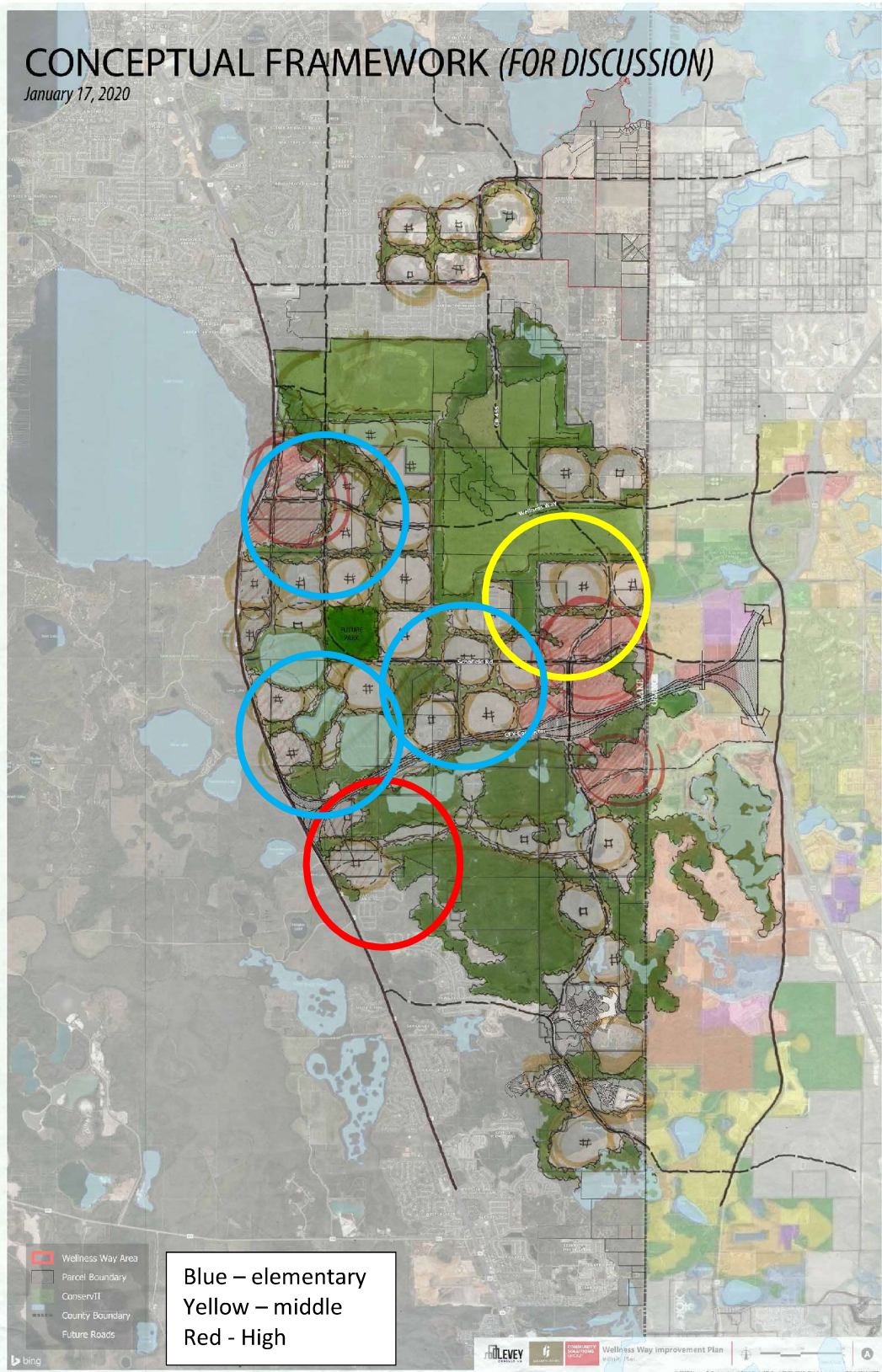
	Acres	Student Capacity
Elementary	20-30	800-950
Middle	40	1000-1274
High	60-80	1800-2300
K-8	35-40	1200 (800 elem/400 middle)

The attached Wellness Way Conceptual Framework map reflects the preferred locations for the various school types. These are preferred locations only and subject to change. There are varying factors or criteria that would dictate the location of a school, including but not limited to, size of proposed site, the availability of infrastructure such as utilities and roads, environmental constraints, existing or proposed charter/private school locations, etc.

At this time, there are no public school sites located within the Wellness Way Plan area. The School District will continue to work with the property owners and developers in order to provide the necessary public school facilities to serve Wellness Way.

CONCEPTUAL FRAMEWORK (FOR DISCUSSION)

January 17, 2020





Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720

KEVIN J. THIBAUT, P.E.
SECRETARY

December 17, 2021

*Mr. John E. Kruse, AICP
Senior Planner
City of Clermont
Development Services
685 W. Montrose Street
Clermont, Florida 34711*

Subject: *City of Clermont* Proposed Comprehensive Plan Amendment 21-03ESR
Response Type: *Technical Assistance Comment*

Dear Mr. Kruse,

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed proposed amendment 21-03ESR.

Ordinance No. 2022-001 (Property Rights Element):

We appreciate the opportunity to participate in this review process. The proposed Property Rights Element is not anticipated to have significant adverse impacts to the State Highway System (SHS) or the Strategic Intermodal System (SIS); therefore, the Department has no technical assistance comments.

Ordinance No. 2022-002 (Wellness Way Future Land Use Element):

In addition, FDOT is providing a technical assistance comment consistent with Section 163.3168(3), Florida Statutes. The technical assistance comment(s) will not form the basis of a challenge. The technical assistance comment(s) can strengthen the local government's comprehensive plan in order to foster a vibrant, healthy community or is/are technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.):

Technical Assistance Comment:

US 27 (SR 25), within the general vicinity of the proposed Wellness Way Area Plan, is identified as a State Highway System (SHS) and Strategic Intermodal System (SIS); therefore, FDOT identifies the potential for impacts to the SIS secondary to the development of this area.

Due to the volume of potential development area proposed within Ordinance No. 2022-002, in conjunction with the general location of development between U.S. 27 (SR 25), CR 429, and South of SR 50, FDOT respectfully requests the continued coordination with all parties involved relative to future development within the previously identified limits consistent with Objectives 2.7 and 2.7.1. FDOT would also like to add that it is readily accessible to assist in transportation related matters and concerns as this plan continues to progress.

Please transmit a copy of the amendment, along with the supporting data and analysis, to the District upon its adoption.

Thank you for coordinating on the review of this proposed amendment with FDOT. If you have any questions, please do not hesitate to contact me by email at Channing.Maiolo@dot.state.fl.us or 386-943-5457.

Sincerely,



M. Channing Maiolo
Systems Planning Coordinator

cc: Tim McClendon, Lake County
Tara McCue, ECFRPC
Heather Garcia, FDOT
Steve Shams, FDOT

Jennifer Carver, FDOT
D. Ray Eubanks, DEO
Donna Harris, DEO

December 22, 2021

The Honorable Tim Murry
Mayor, City of Clermont
685 West Montrose Street
Clermont, Florida 34711

Dear Mayor Murry:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Clermont (Amendment No. 21-03ESR) received on November 23, 2021. The review was completed under the expedited state review process. **We have no comment on the proposed amendment.**

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable Tim Murray

December 22, 2021

Page 2 of 2

If you have any questions concerning this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at dan.evans@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Powell". The signature is fluid and cursive, with the first name "Barbara" written in a larger, more prominent script than the last name "Powell".

Barbara Powell, Regional Planning Administrator
Bureau of Community Planning and Growth

BP/de

Enclosure(s): Procedures for Adoption

cc: John Kruse, Planning Manager, City of Clermont

Hugh Harling, Executive Director, East Central Florida Regional Planning Council

John E. Kruse

From: Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>
Sent: Monday, December 20, 2021 1:32 PM
To: John E. Kruse
Cc: DCPexternalagencycomments
Subject: City of Clermont proposed comprehensive plan amendment 21-3ESR

Dear Mr. Kruse,

St. Johns River Water Management District (District) staff have reviewed City of Clermont proposed comprehensive plan amendment 21-3ESR in accordance with the provisions of Chapter 163, Florida Statutes. Based on review of the submitted materials, District staff have no comments on the proposed amendment.

If you have any questions or need additional information, please contact me.

Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner
Division of Strategic Planning and Initiatives
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
Website: www.sjrwmd.com
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/ePermit

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>



The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

Order Confirmation

Not an Invoice

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City Of Clermont-Legals P.O. BOX 120219 CLERMONT FL 34712
Contact Name:	City Clerk
Contact Phone:	(352) 708-5997
Contact Email:	
PO Number:	

Date:	10/08/2021
Order Number:	6398295
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	86.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	2	10/18/2021 - 01/22/2022	Govt Public Notices
LEE dailycommercial.com	2	10/18/2021 - 01/22/2022	Govt Public Notices

Total Order Confirmation

\$261.12

Ad Preview

CITY OF CLERMONT NOTICE OF PROPOSED AMEND- MENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2022-002

The City of Clermont will hold public hearings on Tuesday, November 2, 2021 at 6:30 P.M. before the Planning and Zoning Commission and on Tuesday, November 9, 2021 at 6:30 P.M. before the City Council (transmittal hearings), and on Tuesday, February 8, 2022 at 6:30 P.M. before the City Council (final adoption hearing) to consider proposed changes to the City's adopted comprehensive plan.

ORDINANCE #2022-002:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES BY ADOPTING A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN ESTABLISHING AN ADDITIONAL GOAL, OBJECTIVES AND POLICIES FOR WELLNESS WAY; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE COMPREHENSIVE PLAN AMENDMENT; SETTING FORTH THE PURPOSE AND INTENT OF THE COMPREHENSIVE PLAN AMENDMENT; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR CONFLICT, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

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

The proposed amendment may be inspected at the City's Development Services Department (first floor, City Hall) between 8 AM and 5 PM, Monday through Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearing will need a record of the proceedings and may need to ensure a verbatim record is made.

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

Tracy Ackroyd Howe, MMC
City Clerk

6398295
October 18, 2021 &
January 22, 2022



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 8, 2022		
Agenda Item Name		
Ordinance No. 2022-006 <i>Final MSTU</i>		
Requested Action		
Request Approval of Ordinance No. 2022-006.		
Staff Report		
In 2000, Lake County began providing emergency and ambulance services in Lake County and created a Municipal Service Taxing Unit (MSTU) to fund the services. The City of Clermont may be included within the service boundary by adopting an ordinance. The County has requested that this be a five (5) year agreement. Traditionally, the City of Clermont has adopted the MSTU on a year-to-year basis. The term of the ordinance is for one (1) year though the County has requested a longer term agreement.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord 2022-006 - MSTU (12.16.2021 V2) - R&F BL	Ord 2022-006 - MSTU (12.16.2021 V2) - R&F BL.pdf	
2. 6802142- ORD 2022-006 MSTU	6802142- ORD 2022-006 MSTU.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2022-006

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTION 125.01(l)(q), FLORIDA STATUTES (1999), CONSENTING TO THE INCLUSION OF THE CITY OF CLERMONT, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MUNICIPAL SERVICE TAXING UNIT FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR REPEAL, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, EFFECTIVE DATE AND PUBLICATION.

WHEREAS, Lake County has taken action to create a non-profit corporation to provide ambulance services in Lake County effective September 30, 2000; and

WHEREAS, Lake County has determined that the best mechanism to secure the necessary funding to provide said ambulance services is to create a countywide municipal service taxing unit authorizing the County to levy ad valorem taxes therein for the provision of ambulance and emergency medical services, and has enacted an emergency ordinance creating that municipal service taxing unit; and

WHEREAS, Section 125.01(l)(q), Florida Statutes, provides that the boundaries of a municipal service taxing unit may include all or part of the boundaries of a municipality if the affected municipal consents, by ordinance, to be included therein; and

WHEREAS, the City Council of the City of Clermont has determined that it is in the best interest of and serves the health, safety and general welfare of the residents of Clermont to include the City of Clermont within the Lake County municipal service taxing unit for ambulance and emergency services; and

WHEREAS, Lake County's emergency ordinance expressed its intent to include the City of Clermont within the boundaries of the "Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services," subject to the adoption of an approving ordinance by the City Council of the City of Clermont;

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

SECTION 1.

The City Council of the City of Clermont consents to the inclusion of the City of Clermont within the boundaries of the "Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services."

SECTION 2: TERM

This consent shall be for a term of one (1) year.



CITY OF CLERMONT
ORDINANCE NO. 2022-006

SECTION 3: REPEAL

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

SECTION 4: 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 5: ADMINISTRATIVE CORRECTION

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

SECTION 6: PUBLICATION AND 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.



CITY OF CLERMONT
ORDINANCE NO. 2022-006

ORDAINED AND ADOPTED BY the City Council of the City of Clermont, Lake County, Florida on this 8th day of February, 2022.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

Order Confirmation

Not an Invoice

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City Of Clermont-Legals P.O. BOX 120219 CLERMONT FL 34712
Contact Name:	City Clerk
Contact Phone:	(352) 708-5997
Contact Email:	
PO Number:	

Date:	01/18/2022
Order Number:	6802142
Prepayment Amount:	\$ 0.00

Column Count:	1
Line Count:	59.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	01/25/2022 - 01/25/2022	Public Notices
LEE dailycommercial.com	1	01/25/2022 - 01/25/2022	Public Notices

Total Order Confirmation	\$103.22
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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. 2022-006

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTION 125.01(l)(q), FLORIDA STATUTES (1999), CONSENTING TO THE INCLUSION OF THE CITY OF CLERMONT, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MUNICIPAL SERVICE TAXING UNIT FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND PUBLICATION.

This ordinance will be considered by the City Council on Tuesday, February 8, 2022 at 6:30 P.M. for final enactment.

All public meetings are held at the Clermont City Hall, first floor Council Chambers, located at 685 West Montrose Street. This ordinance is available for public inspection in the office of the City Clerk, 685 West Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M. Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings

Tracy Ackroyd Howe, MMC

City Clerk

6802142 Jan 25, 2022



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 8, 2022		
Agenda Item Name		
Ordinance No. 2022-007 <i>Intro</i> <i>Code Enforcement Board</i>		
Requested Action		
Recommend consideration of Ordinance 2022-007		
Staff Report		
The attached ordinance provides for changes to the city Code to allow the City Council to appoint seven (7) members to the Code Enforcement Board. The Code Enforcement Board shall have the jurisdiction to hear and decide cases in which violations are alleged of any provisions of the city Code and its ordinances.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord 2022-007 - Establishing a Code Board (01.28.2022 V1) - R&FBL	Ord 2022-007 - Establishing a Code Board (01.28.2022 V1) - R&FBL.pdf	
2. Order #6857323	Order #6857323.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2022-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, AMENDING ARTICLE V, "CODE ENFORCEMENT", DIVISION 1, "GENERALLY", SECTION 2-186 "INTENT OF ARTICLE" AND SECTION 2-187 PROVIDING THAT THE CITY COUNCIL SHALL APPOINT A CODE ENFORCEMENT BOARD; SECTION 2-187, "ALTERNATE CODE ENFORCEMENT SYSTEM" AND AMENDING DIVISION II, "CODE ENFORCEMENT BOARD", SECTION 2-206, "CREATED; JURISDICTION; POWERS AND DUTIES; ENFORCEMENT BY COURTS", SECTION 2-207, "COMPOSITION; APPOINTMENT" AND SECTION 2-208, "COUNSEL NAMED" PROVIDING FOR THE CREATION AND APPOINTMENT OF A CODE ENFORCEMENT BOARD; AND, PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, AS FOLLOWS:

SECTION 1:

Article V, "Code Enforcement", Division 1, "Generally", Section 2-186 "Intent of article" and Section 2-187 "Alternate code enforcement system" are hereby amended to read as follows: (note strikethrough indicates removed words and underlined indicates added)

Sec. 2-186. Intent of article.

It is the intent of this article to appoint a municipal code enforcement board ~~special magistrate~~ with the authority to impose administrative fines and other noncriminal penalties to promote, protect, and improve the health, safety, and welfare of the city and to provide an equitable, expeditious, effective, and an inexpensive method of enforcing any of the city's Codes and ordinances in force where a pending of repeated violation exists or continues to exist. This article has been enacted pursuant to the authority of F.S. h. 162.

Sec. 2-187. Alternate code enforcement system.

The city hereby adopts an alternate code enforcement system which gives the code enforcement board ~~special magistrate~~ appointed by the city council the authority to hold hearings and assess fines against violators of the city codes and ordinances.

SECTION 2:

Article V, "Code Enforcement", Division II, "Code Enforcement Board", Section 2-206 "Created; jurisdiction; powers and duties; enforcement by courts", Section 2-207, "Composition; appointment and Section 2-208, "Counsel named" are hereby amended to read as follows: (note strikethrough indicates removed words and underlined indicates added)



CITY OF CLERMONT
ORDINANCE NO. 2022-007

Sec. 2-206. Created; jurisdiction; powers and duties; enforcement by courts.

(a) There is hereby created a municipal code enforcement board ~~special magistrate~~ pursuant to F.S. ch. 162.

(b) The city code enforcement board ~~special magistrate~~ shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of the city Code and its ordinances.

(c) The code enforcement board ~~special magistrate~~ shall have all of the powers and duties granted under F.S. ch. 162, as amended. The city hereby adopts such provision by reference as if set out fully herein.

(d) The regular meetings of the code enforcement board shall be on such dates and times as may be designated by the City Manager.

~~(e)~~ Any alleged violations of such Code and ordinances may also be enforced in any court of competent jurisdiction.

~~(f)~~ Wherever any ordinance or provision of the city Code or the city Land Development Code shall reference the code enforcement special magistrate board, it shall be deemed to reference and apply to the code enforcement board ~~special magistrate~~ as created herein.

Sec. 2-207. - Composition; appointment ~~Appointment and qualifications.~~

~~The code enforcement special magistrate shall be appointed by the city council, shall be a member in good standing of The Florida Bar and shall have such other qualifications as the council may determine. The city code enforcement board shall consist of seven members each to be appointed by the city council in accordance with F.S. ch. 162, as amended.~~

Sec. 2- 208. - Counsel named.

The city attorney shall serve as counsel to the city in all matters before the code enforcement board ~~special magistrate~~.

SECTION 3: CONFLICT & REPEAL

Any portion of the City Code, the City Land Development Code or any ordinance or resolution or part thereof in conflict with this ordinance is hereby repealed to the extent of such conflict.

SECTION 4: SEVERABILITY

It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5: CODIFICATION

The text of Sections 1 and 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



CITY OF CLERMONT
ORDINANCE NO. 2022-007

73 the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such
74 editorial license.

75 **SECTION : ADMINISTRATIVE CORRECTION**

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

81 **SECTION : PUBLICATION AND EFFECTIVE DATE**

82 This Ordinance shall be published as provided by law and shall become law and shall take effect
83 this 22nd day of February, 2022.

84 First Reading this 8th day of February, 2022.

85 Second Reading this 22nd day of February, 2022.



CITY OF CLERMONT
ORDINANCE NO. 2022-007

PASSED AND ADOPTED by the Mayor and City Council of the City of Clermont, Lake County, Florida on this 22nd day of February, 2022.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Daniel F. Mantzaris, City Attorney



The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

Order Confirmation

Not an Invoice

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City Of Clermont-Legals P.O. BOX 120219 CLERMONT FL 34712
Contact Name:	City Clerk
Contact Phone:	(352) 708-5997
Contact Email:	
PO Number:	

Date:	01/31/2022
Order Number:	6857323
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	71.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	02/08/2022 - 02/08/2022	Govt Public Notices
LEE dailycommercial.com	1	02/08/2022 - 02/08/2022	Govt Public Notices

Total Order Confirmation	\$122.18
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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. 2022-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, AMENDING ARTICLE V, "CODE ENFORCEMENT", DIVISION 1, "GENERALLY", SECTION 2-186 "INTENT OF ARTICLE" AND SECTION 2-187 PROVIDING THAT THE CITY COUNCIL SHALL APPOINT A CODE ENFORCEMENT BOARD; SECTION 2-187, "ALTERNATE CODE ENFORCEMENT SYSTEM" AND AMENDING DIVISION II, 'CODE ENFORCEMENT BOARD", SECTION 2-206, "CREATED; JURISDICTION; POWERS AND DUTIES; ENFORCEMENT BY COURTS", SECTION 2-207, "COMPOSITION; APPOINTMENT" AND SECTION 2-208, "COUNSEL NAMED" PROVIDING FOR THE CREATION AND APPOINTMENT OF A CODE ENFORCEMENT BOARD; AND, PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND EFFECTIVE DATE.

A public meeting to consider the ordinance will be held before the Clermont City Council on Tuesday, February 22, 2021 at 6:30 P.M. for final enactment.

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

This ordinance is available for public inspection in the office of the City Clerk, 2nd Floor, located at 685 W. Montrose Street Clermont, FL 34711, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
February 8, 2022



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 8, 2022		
Agenda Item Name		
Ordinance No. 2022-008 <i>Intro Commercial Megacycles</i>		
Requested Action		
Recommend consideration of Ordinance 2022-008		
Staff Report		
During the December 14, 2021 City Council Meeting, Darren Johnson presented his Citizen Request where he requested the City Council create an ordinance to allow for commercial megacycles, as defined by state statutes, to operate as a commercial "Trolley Pub" business. State statute only permits commercial megacycles with approval from the local jurisdiction in which they are proposed to operate. City Council directed staff to research other jurisdictions that permit commercial megacycles and return a proposed ordinance for consideration. The proposed ordinance creates a required permit for commercial megacycles, their regulation and enforcement. The State defines a commercial megacycle as follows - A vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements: a. Has four wheels and is operated in a manner similar to a bicycle. b. Has at least 5 but no more than 15 seats for passengers. c. Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than 15 miles per hour.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord 2022-008 - Commerical Megacycles (02.01.2022 V2) - R&FBL	Ord 2022-008 - Commerical Megacycles (02.01.2022 V2) - R&FBL.pdf	
2. Megacycle zone map	Megacycle zone map.pdf	
3. Statutes 316.2069	Statutes 316.2069.pdf	
4. One_Pager_Clermont	One_Pager_Clermont.pdf	
5. Order #6857446	Order #6857446.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2022-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, AMENDING CHAPTER 62 "TRAFFIC AND VEHICLES" CREATING ARTICLE IV, "COMMERCIAL MEGACYCLES" SECTIONS 62-45 THROUGH 62-64 OF THE CITY CODES OF THE CITY OF CLERMONT AUTHORIZING THE USE OF COMMERCIAL MEGACYCLES UPON DESIGNATED STREETS; PROVIDING FOR DEFINITIONS, OPERATION OF COMMERCIAL MEGACYCLES RESTRICTED, PERMIT REQUIRED, PERMIT APPLICATION, APPLICATION FEE, REVIEW AND APPROVAL, PERMIT FEES, TRADE NAME REQUIRED, FIXED PLACE OF BUSINESS REQUIRED, GENERAL OPERATING CONDITIONS, VEHICLE REQUIREMENTS, REQUIREMENTS FOR DRIVERS AND OTHER PERSONNEL, LIABILITY INSURANCE REQUIRED; AMENDMENT TO PERMIT, BUSINESS TAX RECEIPTS, TRANSFERABILITY, PERMIT SUSPENSION AND REVOCATION, APPEAL PROCEDURE, ENFORCEMENT AND POSTING OF SIGNS; AND, PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council has the authority to authorize the operation of commercial megacycles and regulate such operation within its jurisdictional boundaries pursuant to Article VIII, § 2(b) of the Florida Constitution and § 316.2069, Florida Statutes;

WHEREAS, the City Council has determined that commercial megacycles may safely travel on or cross the public road or street as set forth in the body hereof, considering factors including, but not limited to, the speed, volume, and character of motor vehicle traffic using the road or street.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA:

SECTION 1:

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent and findings supporting this Ordinance.

SECTION 2:

Chapter 62, "Traffic and Vehicles", Article IV "Commercial Megacycles" of the Code of the City of Clermont, Florida, is hereby created to read as follows:

Sec. 62-48. Definitions.

Commercial megacycle means a vehicle defined as a "commercial megacycle" in F.S. § 316.003(12) or any successor Florida statute.

Commercial megacycle driver means an individual who drives or controls steering or braking of a commercial megacycle operating on a city street.



CITY OF CLERMONT
ORDINANCE NO. 2022-008

Fiscal year means the period beginning on October 1 and ending on September 30 of the following calendar year.

Sec. 62-49. Operation of commercial megacycles restricted; permit required.

- (a) The operation of a commercial megacycle is restricted to guided tours and sight-seeing within the established boundaries of the attached map., excluding the trail system, sidewalks and such areas that may be designated by the City.
- (b) No person or entity may operate or allow to be operated commercial megacycle on the streets of the city without having first obtained a permit in accordance with this article.
- (c) A permit issued under this article will be effective only for the fiscal year in which issued, unless suspended or revoked sooner pursuant to this article.

Sec. 62-50. Permit application; application fee.

- (a) Application for a permit to operate a commercial megacycle or megacycles must be made on forms provided by the city and include such information as the city may require, including the following:
 - (1) The name of the applicant.
 - (2) The proposed fixed place of business as required by this article.
 - (3) The make, model, serial number, color, and passenger capacity of each megacycle to be used in the business.
 - (4) If the applicant is an individual, his or her residence address.
 - (5) If the applicant is a partnership, the names and residence addresses of each co-partner, and the name of the partnership.
 - (6) If the applicant is a corporation or limited liability company, the names and addresses of all current officers or members.
 - (7) The business trade name under which the megacycles will be operated.
 - (8) The name and address of the person designated by the applicant to receive notices for the applicant, if the applicant is a corporation or partnership.
 - (9) A statement as to whether the applicant intends to permit the serving or consumption of alcoholic beverages by passengers on the megacycle.
 - (10) Proof of insurance meeting the requirements of this article.
- (b) The applicant must submit an application fee of \$100.00 for the administrative costs of processing the application. The application fee is nonrefundable.

Sec. 62 – 51. Review and approval.

- (a) The city will review the completed application to ensure compliance with this Code and the Land Development Code, including, but not limited to, as to the place of business.
- (b) No permit will be issued unless the city is able to verify compliance with all applicable regulations, and the applicant has paid the fees required by this article and the appropriate business tax for each megacycle to be placed in service.



CITY OF CLERMONT
ORDINANCE NO. 2022-008

(c) A permit issued under this article will state the approved trade name, the name and address of the person designated to receive notices, and the make and model of each megacycle authorized to be used by the permittee. The permit will include any additional conditions the city may impose to ensure compliance with the requirements of this article.

(d) Concurrent with the issuance of a permit, the city will issue one decal for each megacycle authorized by the permit. The decals must be placed on the megacycles as provided below.

Sec. 62-52. Permit fees.

The annual permit fee is \$100.00 for each megacycle authorized.

Sec. 62-53. Trade name required.

No person may conduct a commercial megacycle business within the city unless the person has adopted and uses an approved, uniform trade name for the business, which must be prominently displayed on megacycles operated by or in connection with the business. No trade name will be approved if the name contains language, references, or symbols not suitable for minors, vulgar language, or has the potential to confuse the identity of the permittee with any other business or organization, including governmental organizations.

Sec. 62-54. Fixed place of business required.

No person may operate a business involving the use of megacycles on the streets within the city unless the person establishes and maintains a fixed headquarters within the city limits and on private property for the operation of the company's business. The headquarters must conform to the ordinances of the city and provide adequate conforming off-street parking space for all megacycles stored at the site. No person will move the headquarters except through the approved transfer of the permit to another location.

Sec. 62-55. General operating conditions.

Every commercial megacycle will be operated in accordance with the following requirements:

(1) Operation will be for the primary purpose of providing guided touring and sight-seeing of the city to megacycle passengers. A megacycle will not be operated to provide taxi service.

(2) A commercial megacycle will operate solely on those city streets included as part of the route approved in the permit issued. A permit may include provisions restricting locations for storage of megacycles, or requiring the use of transport vehicles to and from the assigned routes, when not in use. Under no circumstances will approved routes include the city trail system or sidewalks. In addition, the city may temporarily prohibit a commercial megacycle from operating on all or a portion of its assigned route when necessary for public health, safety, or welfare, such as street closings and major event periods.

(3) Except for emergencies, passenger loading and unloading will be confined to those locations designated in the permit.

(4) Except for emergencies, the temporary stoppage of the megacycle along the route will only be permitted for the purposes outlined in the permit.

- (5) The megacycle will move to the edge of street pavement before loading or unloading passengers. No commercial megacycle will pause or stop for the sole purpose of narrating a tour.
- (6) The decal provided by the city as part of the permit will be affixed to the megacycle at all times while the megacycle is in operation within the city.

Sec. 62-56. Vehicle requirements.

Each commercial megacycle must meet the following requirements:

- (1) The megacycle must be designed and used as a single unit. Any megacycle that consists of two separate units attached or connected by devices such as a hitch, ball and socket, noose, or chain, is prohibited.
- (2) The megacycle must be equipped with a pair of battery-operated headlights capable of projecting a beam of white light for a distance of 500 feet, and a pair of battery operated taillights each exhibiting a red light visible from a distance of 600 feet to the rear.
- (3) The megacycle must be designed and used so that steering and braking is under the control of the megacycle driver and is not controlled in any manner by the passengers.
- (4) The megacycle must be used as originally manufactured. Any megacycle that uses braking, seating, pedals, or steering other than those that are a part of the original manufacture, or that appear to be unsafe, will be prohibited.
- (5) The megacycle must prominently display the permittee's trade name and telephone number in two-inch lettering or larger.
- (6) The megacycle must be kept clean and sanitary throughout and maintained in sound operating condition. All safety devices and all other equipment must be kept in such condition as to ensure safe operation.
- (7) No megacycle will contain advertising inconsistent with this article. Each permittee must submit to the city any proposed advertisement prior to installation of the advertisement on the megacycle. The city will approve proposed advertisements only so long as they are in complete conformity with this article. Advertisements will be permitted only on the back or side panels of the megacycle. No advertisement will be permitted which contains any tobacco products, profanity, or sexual content.

Sec. 62-57. Requirements for drivers and other personnel.

- (a) A commercial megacycle shall be (i) operated at all times by its owner or lessee or an employee of the owner or lessee, (ii) operated by a driver at least 18 years of age who possesses a Class E driver license, and (iii) occupied by a safety monitor at least 18 years of age, who shall supervise the passengers while the commercial megacycle is in motion.
- (b) All commercial megacycle drivers and any other employees or agents of the permittee, while operating or assisting in the operation of a megacycle within the city, must meet the following additional requirements:
 - (1) Be clothed consistent with the permittee's approved dress code. Clothing bearing the name, logo, or other form of identification of any company other than the company whose color scheme is on the vehicle being operated, will not be deemed to be consistent with the approved dress code.

- (2) Carry and prominently display on his or her person a photo ID including the company trade name, phone number, address, city permit number, and such other information as the city may require.
- (3) While the megacycle is in operation within the city limits, the following are prohibited and the driver and any other employees or agents of the permittee aboard shall be responsible for monitoring and enforcing these prohibitions:
- a. The number of passengers aboard the megacycle must not exceed the number for which it was designed.
 - b. No passenger may stand in the vehicle while the vehicle is in motion.
 - c. Passengers are not permitted to sit anywhere in or on the vehicle, other than in the manufacturer's designed passenger seating.
 - d. Sitting, sleeping, loitering, or allowing others to sit, sleep, or loiter within the passenger compartment of the vehicle while on the public right-of-way is prohibited.
 - e. Use of indecent or profane language, or engaging in loud or boisterous talking, shouting, or disorderly conduct, or otherwise acting in a manner as to vex or annoy reasonable persons including passengers is prohibited.
 - f. Illegal use of controlled substances, consumption of alcoholic beverages or possession of controlled substances by drivers or other employees either immediately before or while on duty is prohibited.
- (c) Each commercial megacycle driver:
- (1) Shall not have had more than three moving violations in the last three years and no more than two moving violations in the last year.
 - (2) Shall not have been convicted of careless or reckless driving or any violation of Florida Statutes regulating the driving of vehicles while impaired within the past three years.
- (d) A commercial megacycle driver is prohibited from:
- (1) Operating the megacycle on public rights-of-way within the city other than those specifically permitted herein.
 - (2) Standing or stopping the vehicle other than in an area designated in the permit as an authorized staging area, except in case of emergencies.
 - (3) Operating the megacycle so as to impede the flow of pedestrians, except in case of emergencies.
 - (4) Operating the megacycle in a manner that results in damage to public property.
 - (5) Creating, or materially contributing to, a parking problem or traffic congestion as a result of operation of the megacycle.
 - (6) Operating the megacycle in violation of any applicable state traffic laws. Drivers will comply with all applicable state traffic laws, including but not limited to F.S. §§ 316.2065 and 316.2122, respectively, as the same may be amended from time to time.
 - (7) Obstructing other vehicular traffic by unnecessarily weaving or changing lanes of travel.
 - (8) Operating, maneuvering, inclining, spinning, tilting, tipping, sloping, or positioning a megacycle in any manner that would unnecessarily place a passenger in any position other than seated upright.



CITY OF CLERMONT
ORDINANCE NO. 2022-008

- (9) Operating the megacycle when the megacycle does not fully comply with all requirements of this article.

Sec. 62-58. Liability insurance coverage required.

- (a) No permit will be issued unless the applicant obtains liability insurance covering all megacycles used in the business operation. The insurance must be in a form approved by the city's risk manager and must be provided by an insurance company authorized to do business in the State of Florida.

- (1) The required policy will be in the penal sum of not less than \$1,000,000.00 combined single limit per occurrence for bodily injury (including death) and property damage. If insurance is provided with a general aggregate, then the aggregate shall be in an amount of no less than \$2,000,000.00. In addition, the permittee shall maintain liquor liability insurance in the amount of \$1,000,000.00 per occurrence if alcoholic beverages are served or allowed on the megacycle.

- (2) The permittee must obtain and maintain a separate policy of indemnity insurance for each separate megacycle used for permitted services, except where the permittee actually owns or holds legal title to more than such vehicle, in which event the permittee may obtain and maintain a single policy of indemnity insurance covering all megacycles actually owned. This latter provision, however, will not apply to any group of persons separately owning megacycles who may be jointly operating or doing business under a permitted company name.

- (3) Each insurance policy must contain a provision obligating the insurance company to notify the city manager in writing at least 30 days prior to any amendment, modification, or cancellation of the policy.

- (b) The permittee must at all times maintain the liability coverage required in this section.

Sec. 62-59. Amendment to permit.

- (a) If the permittee desires to change the name or address provided for receipt of notices in the permit, add additional megacycles to the megacycles listed in the permit, revise the approved routes or approved dress code, or make other material changes to the terms and conditions of the permit, the permittee must apply for an amendment to the permit using such forms and providing such information as the city may require.

- (b) At the time of submitting an application for amendment the permittee must pay a non-refundable application fee of \$50.00. If the permittee is seeking to add megacycles to the number previously permitted, the permittee must also pay any increase in the business tax that may be required.

- (c) In determining whether to approve an application to amend a permit the city will generally use the procedures referenced above for applications for new permits.

Sec. 62-60. Business tax receipts.

No permit will be issued or continued in operation unless the applicant or permittee, as applicable, has paid the annual business tax required by this Code each year. All business tax receipts must be renewed before October 1 of the fiscal year.



CITY OF CLERMONT
ORDINANCE NO. 2022-008

Sec. 62-61. Transferability.

- (a) A permit may not be sold, assigned, mortgaged, or otherwise transferred, nor may corporate ownership or management be changed, without the approval of the city.
- (b) The transferee of a permit must file an application in the same manner as an original application. A copy of the agreement to transfer the permit must be attached to the application.
- (c) Upon approval by the city, the permit will be marked "Transfer Permit."
- (d) Whenever a permit is issued jointly in the name of two persons and one person dies, the city is authorized to transfer the permit to the survivor alone.

Sec. 62-62. Permit suspension and revocation.

- (a) The city may suspend or revoke a permit if any of the following occur:
 - (1) The permittee, or the permittee's principals, officers, employees, or agents, made willful false or misleading statement in an application for permit.
 - (2) The permittee, or any of his or her drivers or other personnel, have violated any provision of this article.
 - (3) The permittee has failed to obtain a current business tax receipt for each megacycle or failed to maintain and display a valid decal on each megacycle.
 - (4) The permittee has failed to pay any judgment which has been rendered in any court of competent jurisdiction against the permittee or his or her agents because of injuries to persons or property in connection with the operation of a megacycle for which the permittee is required to have a decal.
 - (5) The permittee has failed to take proper precaution to prevent his or her drivers or other employees or agents from violating the terms of this article or any applicable traffic laws or criminal laws.
 - (6) The permittee, or any of the permittee's principals, officers, drivers, employees, or agents, have violated any ordinances of the city, laws of the State of Florida, or laws of the United States.
 - (7) Upon bankruptcy of the permittee.
 - (8) Upon the death of a permittee, or if the permittee is a corporation, limited liability company, or similar organization, upon the dissolution of the organization.
- (b) The city will provide written notice to the permittee of an order suspending or revoking a permit. Notice will be valid if sent by U.S. Mail or if hand delivered to the person and address provided for receipt of notices in the permit.

Sec. 62-63. Appeal procedure.

If the city denies an application for a permit required by this article, or issues an order of suspension or revocation, the applicant or permittee may file a written appeal within ten calendar days of notification. Appeals must be filed with the city manager who will coordinate an appeal hearing. The appeal will be heard by the city manager whose decision will be final administrative action.



CITY OF CLERMONT
ORDINANCE NO. 2022-008

Sec. 62-64. Enforcement.

In addition to the suspension or revocation of any permit issued, any violation of this Article may be enforced in accordance with Section 1-15 or Section 2, Article V, of the City Code.

Sec. 62-65. Posting signs.

The city shall post appropriate signage to notify the general public that permitted commercial megacycles are authorized to use the streets in the designated area.

Sec. 62-66 – 62 -70. Reserved

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

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

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, Section 2 of the Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: PUBLICATION AND EFFECTIVE DATE

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 8th day of February, 2022.

Second Reading this 22 day of February, 2022



CITY OF CLERMONT
ORDINANCE NO. 2022-008

ORDAINED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 22 day of February, 2022.

Tim Murry, Mayor

ATTESTED:

Tracy Ackroyd Howe, MMC
City Clerk

LEGAL IN FORM AND VALID AS ADOPTED:

Daniel F. Mantzaris, City Attorney



Proposed Commercial Megacycle Zone



Select Year: 2021 ▼ Go

The 2021 Florida Statutes

[Title XXIII](#)[MOTOR VEHICLES](#)[Chapter 316](#)[STATE UNIFORM TRAFFIC CONTROL](#)[View Entire Chapter](#)

316.2069 Commercial megacycles.—The governing body of a municipality, or the governing board of a county with respect to an unincorporated portion of the county, may authorize the operation of a commercial megacycle on roads or streets within the respective jurisdictions if the requirements of subsections (1)-(3) are met:

(1) Prior to authorizing such operation, the responsible local governmental entity must first determine that commercial megacycles may safely travel on or cross the public road or street, considering factors including, but not limited to, the speed, volume, and character of motor vehicle traffic using the road or street. Upon such determination, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) The authorization by the governing body must clearly identify the roads or streets under the governing body's jurisdiction on or across which operation of commercial megacycles is permitted.

(3) The governing body's authorization, at a minimum, must require that a commercial megacycle be:

(a) Operated at all times by its owner or lessee or an employee of the owner or lessee.

(b) Operated by a driver at least 18 years of age who possess a Class E driver license.

(c) Occupied by a safety monitor at least 18 years of age, who shall supervise the passengers while the commercial megacycle is in motion.

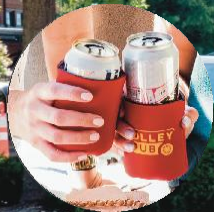
(d) Insured with minimum commercial general liability insurance of not less than \$1,000,000, prior to and at all times of operation, satisfactory proof of which shall be provided to the appropriate governing body.

(4) The Department of Transportation may prohibit the operation of commercial megacycles on or across any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

(5) Section [316.1936](#) does not apply to the passengers being transported in a commercial megacycle while operating in accordance with this section.

(6) This section does not prohibit use of an auxiliary motor to move the commercial megacycle from the roadway under emergency circumstances or while no passenger is on board.

History.—s. 7, ch. 2016-239.



ECO PEDAL-POWERED TOURS

WHAT

Trolley Pub is a pedal-powered, eco-friendly, pub-crawling trolley for up to 14 people at a time. The Trolley Pub is powered by YOU and your fellow pedalers.

HOW

Explore downtown as you pedal to the best sights and destinations.

Our 14-person pedaled party on wheels is also perfect for bachelor or bachelorette parties, birthdays, company outings, brewery tours, sightseeing, themed nights out. — and **MORE** !

PUB CRAWLS

Our pedal-powered pubcrawls (7-14 riders) are our most popular tour. Choose three pubs to stop by along your tour. Pack your own cooler with snacks and beverages and get ready to have the pubcrawl of your life!

MIXER NIGHTS

Want to try the Trolley Pub but don't have enough people to fill a full tour? Never fear! On Mixer Tours, you can buy tickets on the Trolley Pub and you will be mixed with other fun-loving riders.

SPECIAL EVENTS

Would you like to use Trolley Pub at your next special event? We offer special rates and can bring the Trolley Pub to your location. Perfect for weddings, birthdays, corporate events and more.

BOOK TODAY!

WWW.TROLLEYPUB.COM

352-995-7800





The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

Order Confirmation

Not an Invoice

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City Of Clermont-Legals P.O. BOX 120219 CLERMONT FL 34712
Contact Name:	City Clerk
Contact Phone:	(352) 708-5997
Contact Email:	
PO Number:	

Date:	01/31/2022
Order Number:	6857446
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
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Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	02/08/2022 - 02/08/2022	Govt Public Notices
LEE dailycommercial.com	1	02/08/2022 - 02/08/2022	Govt Public Notices

Total Order Confirmation

\$134.82

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. 2022-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, AMENDING CHAPTER 62 "TRAFFIC AND VEHICLES" CREATING ARTICLE IV, "COMMERCIAL MEGACYCLES" SECTIONS 62-45 THROUGH 62-64 OF THE CITY CODES OF THE CITY OF CLERMONT AUTHORIZING THE USE OF COMMERCIAL MEGACYCLES UPON DESIGNATED STREETS; PROVIDING FOR DEFINITIONS, OPERATION OF COMMERCIAL MEGACYCLES RESTRICTED, PERMIT REQUIRED, PERMIT APPLICATION, APPLICATION FEE, REVIEW AND APPROVAL, PERMIT FEES, TRADE NAME REQUIRED, FIXED PLACE OF BUSINESS REQUIRED, GENERAL OPERATING CONDITIONS, VEHICLE REQUIREMENTS, REQUIREMENTS FOR DRIVERS AND OTHER PERSONNEL, LIABILITY INSURANCE REQUIRED; AMENDMENT TO PERMIT, BUSINESS TAX RECEIPTS, TRANSFERABILITY, PERMIT SUSPENSION AND REVOCATION, APPEAL PROCEDURE, ENFORCEMENT AND POSTING OF SIGNS; AND, PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

A public meeting to consider the ordinance will be held before the Clermont City Council on Tuesday, February 22, 2021 at 6:30 P.M. for final enactment.

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

This ordinance is available for public inspection in the office of the City Clerk, 2nd Floor, located at 685 W. Montrose Street Clermont, FL 34711, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial

February 8, 2022



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, February 8, 2022		
Agenda Item Name		
Citizen Request		
Requested Action		
Staff Report		
Charlene Forth submitted an agenda item request form to discuss safety and parking violations in downtown Clermont.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. CharleneForthRequest	CharleneForthRequest.pdf	
2. Citizen Request Supplemental Materials	Citizen Request Supplemental Materials.pdf	

URGENT LIFE-SAFETY HAZARD



CITY OF CLERMONT
685 W. Montrose St.
Clermont, FL 34711
(352) 241-7331

AGENDA ITEM REQUEST FORM



Complete Submissions Required:

This form shall be used to request that an item be placed on a City Council agenda for review and possible action. If the request is made by a City Council Member, it shall be placed on an agenda by the City Manager at the next available Council meeting. If the request is made by a citizen, the City Manager shall review the request and determine if presentation to the City Council as an agenda item is in the best interest of the City. If the City Manager rejects the request, then the citizen may present the request to the City Council at a regularly scheduled council meeting for approval to be placed on a future agenda.

This form must be filed and complete to have an item placed on the City Council Agenda for consideration. Request forms and documentation must be complete and received by the City Clerk's Office no later than 12:00 p.m. (noon) on the Friday seven (7) business days prior to the Regular Council meeting in order to be placed on that meeting's agenda. The item may be placed on a workshop or special council meeting agenda if deemed appropriate by the City Manager. Only completed request forms are considered for placement on the agenda.

Regular Council meetings are held on the second and fourth Tuesday of the month at 6:30 p.m. in the Council Chambers at City Hall unless otherwise noticed.

I am a: ☒ Citizen ☐ Council Member

Requestor: CHARLENE FORTH
PRINTED NAME

Date Submitted: 12-21-2021

Address: 939 W. DESOTO ST.
CLERMONT, FL. 34711

Preferred contact: ☒ Cell (352) 459-7860 ☐ Work phone _____
☐ E-mail _____ ☐ Fax _____

I respectfully request the below item be placed on the ~~August~~ JANUARY (Date) Agenda for City Council consideration.

- 1) Describe Item to be considered and area of City involved, if any: HISTORIC DOWNTOWN
CBD & RESIDENTIAL SAFETY & PARKING VIOLATIONS,
Blocking Commerce illegally
- 2) Executive Summary of Item and Action sought by Council: ENFORCE Codes, STATE
TRAFFIC/CITATION STATUTES & INSTITUTE PROTOCOLS
TO PROTECT Public & Commerce

3) Do you need time to present this item? ☒ Yes ☐ No

If so, how much? 15 MIN. MAX.

4) Will your item have supporting documents? ☒ Yes ☐ No

If so, how many pages? (3)
ADDITIONAL (5) PROFESSIONAL
PHOTOS TO COME

ADMIN / OFFICIAL USE ONLY:

Consent Item: ☐ Yes ☐ No

Any Prior City Council Action: ☐ Yes ☐ No

Agenda Date Assignment: _____

Projected Future City Council Action: _____

Fiscal Impact: _____

Staff Recommendation on this Requested Item:

City Manager's Office ☐ Yes ☐ No ☐ NA
City Attorney's Office ☐ Yes ☐ No ☐ NA
City Clerk's Office ☐ Yes ☐ No ☐ NA
Finance Department ☐ Yes ☐ No ☐ NA
OTHER _____ ☐ Yes ☐ No ☐ NA

Public Services ☐ Yes ☐ No ☐ NA

Staff Comments: _____

Anticipated Time Necessary for Item: _____

TRACKING:

Received by City Clerk: 12/20/21

12 Staff Initial

Administratively Complete: _____

_____ Staff Initial

Date of Agenda Placed for Consideration: _____

_____ Staff Initial

Council Action Taken _____ on _____
Yes No NA

SIGNATURE – City Clerk's Office

PRESENTATION TO CLERMONT CITY COUNCIL

URGENT LIFE-SAFETY HAZARD

From: Resident Charlene Forth

INTRODUCTION:

Eroding quality of life in Historic Downtown and residential district.



A) PARKING VOILATIONS

- 1) Alcohol and semi-trucks/West Desoto Street
- 2) Patrons/Citizens violations
- 3) Blocking and impeding business driveways and commerce
- 4) Blocking residual and illegal parking
- 5) Post office-patrons and restricted parking areas

B) OUTDOOR AMPLIFIED MUSIC AT BUSINESS IN THE CBD DISTRICT

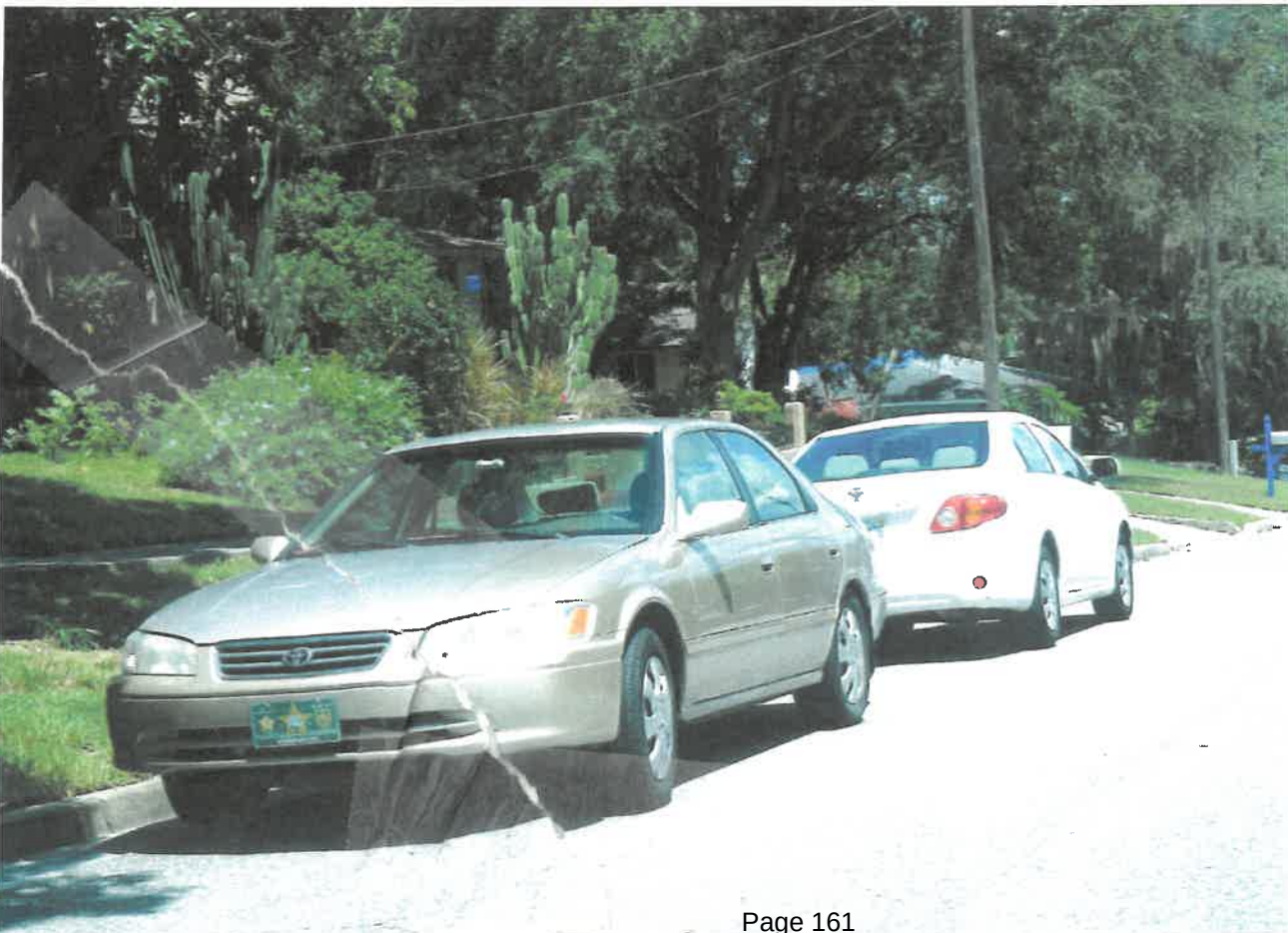
- 1) Restaurants, breweries, and outdoor patios
- 2) Homeowner in CBD district/amplified music staged in front of house on Montrose Street
- 3) EXCLUDES: city-sanctions events at city hall

C) CONCLUSION:

Brief overview and description of problem with photos

Turned in to City Clerk 12/21/2021

URGENT 11-21-91 11:21







URGENT 12/21/2021

Since this is a
Life-Safety Hazard
this Presentation needs
to be put on January
agenda! Thanks



COMMERCIAL PARKING

①.







PARKING VIOLATIONS

②



Sent from Yahoo Mail on Android









RACE VIOLATIONS

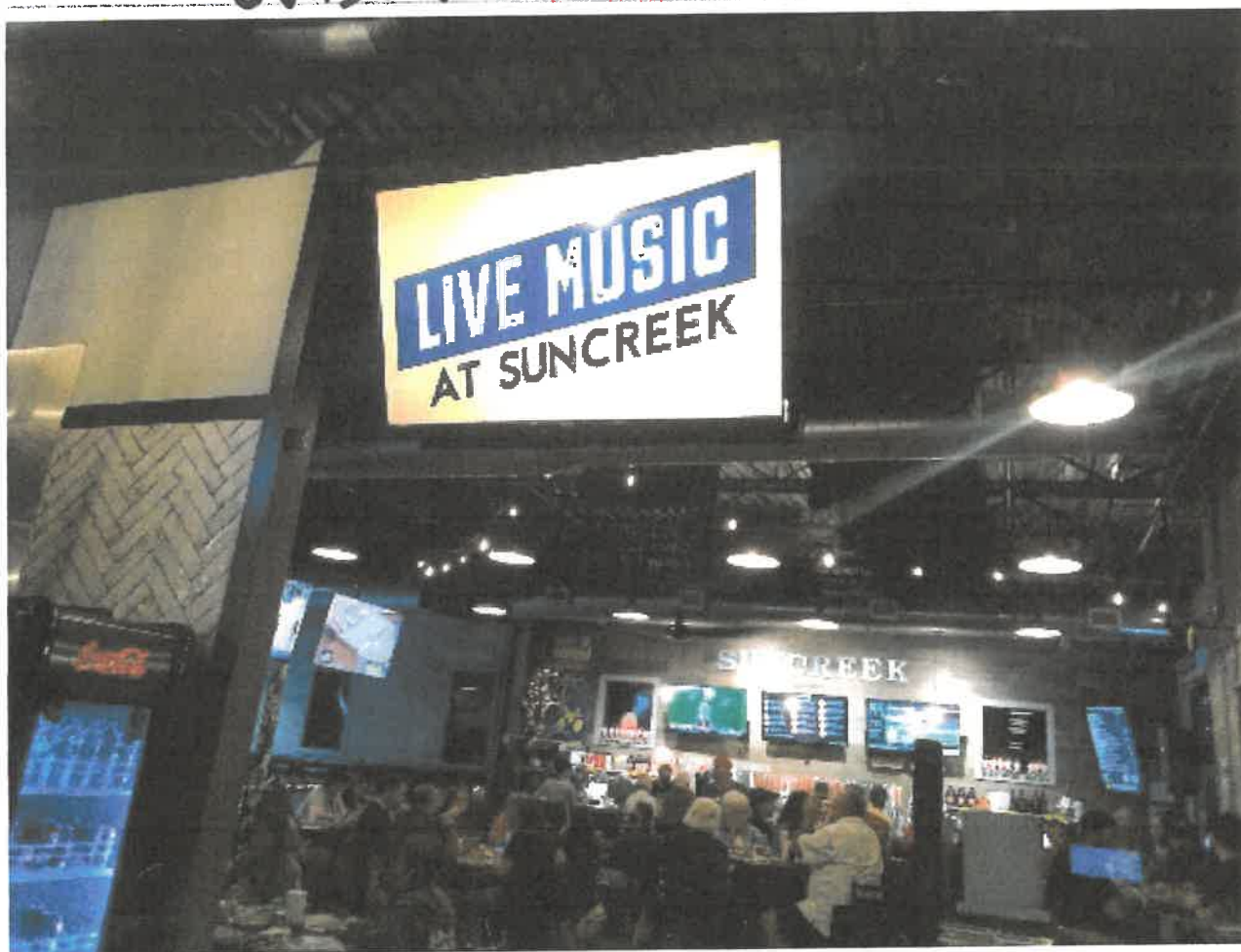
3.



[Sent from Yahoo Mail on Android](#)

OUTDOOR AMPLIFIED Music

(4.)



CRIMINAL VIOLATION

5.

