



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, March 1, 2016
City Hall – 685 W. Montrose Street, Clermont, FL**

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

MINUTES

Approval of the minutes for the February 2, 2016 Planning and Zoning meeting.

REPORTS

NEW BUSINESS

Item 1 - Ordinance 2016-10
Hartle Grove Large-Scale Comprehensive Plan
Amendment

Request to change the future land use from Lake County Urban Low to Master Planned Development for property located south of Highway 50, east and west of Hartle Road.

Item 2 - Ordinance 2016-11
Hartle Grove Rezoning

Request to change the zoning from UE Urban Estate to Planned Unit Development for property located south of Highway 50, east and west of Hartle Road.

Item 3 - Ordinance 2016-12
Miller Rezoning

Request to change the zoning from R-3-A Residential/Professional to C-1 Light Commercial for property located at 770 Almond Street.

Discussion of Non-Agenda Items

ADJOURN

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

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

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

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The meeting of the Planning & Zoning Commission was called to order Tuesday February 2, 2016 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Tony Hubbard, Cuqui Whitehead and Jack Martin. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held January 5, 2015 were approved as written.

REPORTS

Chairman Jones stated that Florida Lake Symphony Orchestra will be performing at the Family Christian Center on February 19, 2016.

Commission Solis stated that in December his band won the Akademia Music Awards Best Jazz Album and they will be performing at the Wayne Densch Performing Art Center in Sanford on April 9, 2016.

1. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a church facility in the UE Urban Estate zoning district, located at 2715 Old Highway 50.

APPLICANT: Michael Latham

Senior Planner Kruse presented the staff report as follows:

The owner, The Crossing Church, is requesting a conditional use permit for a church and associated ministry uses in the UE Urban Estate zoning district. The church acquired the property in 2010 with the expectations to one day build a multi-purpose facility to serve the congregation and community. The site is over 18 acres in size, with about one-third consisting of floodplain, wetlands, and open water body (Blacks Lake). The property was annexed into the city in 2013 along with a large scale comprehensive plan amendment and right-of-way vacation request. The property's future land use is Public Facilities/Institutional. These actions laid the ground work for the church to move forward in the future with a conditional use permit and site plan approval for the ministry when the time was right.

The church proposes to develop the facility in multiple phases. A master plan program identified the needs and desire of the church. The six phases outlined on the master plan consists of an initial assembly building (5,000 SF), multi-purpose building/recreational (12,000 SF), wedding pavilion (2,000 SF), administration office building (5,000 SF), sanctuary assembly (20,000 SF) and a cottage retreat (2,000 SF). The total square footage of all buildings on the site will not exceed 50,000 square feet. The buildings will be compliant with the City of Clermont's architectural guidelines. The facility will be served by city water and sewer, along with other city services. The project will go through the site plan review process.

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The overall facility will be used for the ministry purposes surrounding the church. These uses include, but are not limited to, worship, recreation, daycare, administrative office, and special retreats/programs. The church desires to create a campus that serves as a faith-based center of hope, life and joy for the community.

The church is consistent with the area as a whole and has previously received initial support through the future land use change to Public Facility/Institutional from the City. The church and its uses are allowable through a conditional use permit under the Urban Estate zoning and Public Facility/Institutional land use category. Therefore, staff recommends approval of this request based upon the information presented.

Chairman Jones stated that he was approached by the applicant to show him what they were planning. He stated that nothing was discussed that was outside of what was presented here.

Commissioner Solis stated that he visited with the applicant as well.

Commissioner Whitehead stated that she received a phone call but she declined to meet the applicant.

Michael Latham, 605 W. Montrose St., stated that he is here to represent the applicant.

Pastor Kendal Anderson, 12248 Lake Valley Dr., stated that they purchased this property about six years ago. He stated that they want to build a facility, along with a get-away cottage. He stated that they would like to see the facility used more than just on Sundays and Wednesdays.

Bob Peraza, 2322 Fenton Ave., asked if the church is tied to a specific domination.

City Attorney Mantzaris stated that the applicant can answer that question if he likes but it is irrelevant for the Commission.

Mr. Anderson stated that it's non-denominational and they have a partnership with several churches across the country.

Commissioner Whitehead stated that she likes that they are keeping the trees and the idea of the cottages.

Commissioner Whitehead moved to recommend approval of the conditional use permit; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a school facility expansion in the R-3 Residential/Professional zoning district, located at 983 W. Desoto Street.

APPLICANT: Denise Pike

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Planning Manager Henschel presented the staff report as follows:

The applicant is requesting to amend a conditional use permit (Resolution No. 2010-17) to allow for the expansion of a school facility within the R-3 Residential/Professional Zoning District. School facilities are designated as requiring a conditional use permit within the R-3 Residential/Professional zoning district.

This expansion is for the Montessori school located at 983 W. Desoto Street.

In 2010 the applicant was approved for a 1,200 square foot addition, and a total of 50 students, but never constructed the addition within the two-year time limit.

The applicant is now requesting the same 1,200 square foot addition as previously approved and requesting an increase in the number of students from 50 to 65. This increase is intended to allow additional siblings to attend the school, not necessarily to add new families.

The expansion will also allow for much needed office space, storage space, and to allow for added classroom space. The applicant's staffing will remain the same at four, and the hours of operation will also remain the same, from 8:15 a.m. to 2:45 p.m., Monday through Friday.

Jan Sheldon, 17521 SR 19, Groveland, stated that they moved to this location in 2001. She stated that she loves being downtown because they can walk to several locations downtown. She stated that there will not be any additional traffic added initially because there are siblings waiting to attend the school.

Franklin Forth, 955 W. Desoto St., stated that his house is next door to the school. He stated that the City Council told the South Lake Montessori in 2010 they were allowed to be there. He stated that there are five schools and daycares so the amount of traffic is intensive. He stated that he can't get out of his driveway when he's leaving for work. He stated that the City Council said that the maximum students allowed was 50, yet they are now asking for 65 students. He stated that if this goes before the City Council and is approved, he will file a lawsuit.

Charlene Forth, 939 W. Desoto St., stated that five daycares and over 200 children are too intensive. She read from the 2010 conditional use permit application minutes that stated that the maximum number of students allowed is 50 students. She stated that traffic is bad throughout the day. She showed letters from neighbors submitted in 2010. She stated that there was to be no playground, but they do play outdoors. She stated that all she hears is screaming children. She showed other documents from 2001. She stated that no one is policing the facility. She showed documents from the Florida Department of Education showing the number of students enrolled. She stated that this is approved for a Montessori school; however it looks like a daycare. She showed where the conditional use permit from 2001 states a five-foot landscape buffer shall be provided. She has requested the variance that allows this. She stated that the addition is as big as

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her house. She showed a photo of a car that blocked her driveway during a yard sale. She presented a child care facility inspection checklist from 2006. She stated that this needs to stop.

Ms. Sheldon stated that when she first started, she did originally ask for 35 children because she only had the primary. She stated that she added the elementary in 2003 when she remodeled. She stated that when she came before the City Council in 2010, she was approved for 50 children. She stated that she doesn't know what the private school review is and is not sure where they are getting their numbers. She stated that there have been 14 no parking signs placed on Desoto Street so they can no longer have garage sales. She stated that the Montessori school and Magic Moments share their parking areas when there are school functions. She stated that most of their traffic is between 8:00 and 9:00 a.m., then a couple of cars at 11:30 a.m., and between 2:15 and 3:00 p.m. the majority of the children are picked up.

Chairman Jones asked what the history of complaints is from that community.

Mr. Henschel stated that other than what they heard tonight, staff has not heard of any other complaints. He stated that they did check into a formal approval from the Department of Health that states there are 25 female and 25 male students for a total of 50. He stated that he was not sure where the documents Ms. Forth presented come from, and staff has not seen them before.

Commissioner Solis asked if the Department of Health goes to the facility or is the report issued from the school.

Mr. Henschel stated that it is an inspection report that the Department of Health provides.

Commissioner Solis stated that he would not want to live next door, however he does not like to be talked at, he wants to be talked to. He stated that although Ms. Forth's information was useful, the way it was delivered, was horrendous. He stated that the neighbors have rights and he has to look at the whole picture.

Commissioner Smith stated that there are a lot of concerns about all the paperwork that was shown by Ms. Forth. He stated that he wishes they had all this information prior to the meeting.

Chairman Jones stated that this is R-3 Residential/Professional so the use is allowed with a conditional use permit.

Mr. Mantzaris stated that from staff's perspective they are required to treat this application as a new application. He stated that the information provided, although of interest, that shows history of the property pertains to a prior application. He stated that staff is obligated to present the new information. He stated that the Commission can consider all the information that is provided.

Commissioner Whitehead stated that the problem is there isn't just this one school in that location, there are four others. She stated that this is not their concern because they are only looking at the Montessori school application. She stated that all they can do is make a

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recommendation to the City Council. She stated that you can't blame the kids because they make noise. She stated that they need to look at this application, not all 200 kids.

Commissioner Hubbard stated that he is concerned that the previous amendment said they would not add any more students, but they are asking to add more students.

Mr. Mantzaris stated that he is not saying they shouldn't consider old information but this is a different application.

Commissioner Hubbard stated that it needs to stop somewhere, and they need to move if the site is too small.

Commissioner Martin asked if the City has verified if there are 200 children within a quarter of a block.

Mr. Henschel stated that he does not have the numbers for the other facilities.

Commissioner Martin asked why the recommendation for approval wasn't written in the staff report.

Chairman Jones stated that it is at the top of the staff report.

Commissioner Martin stated that although staff has to treat this as a new application, the neighbors have to live with the history.

Chairman Jones stated that as a Commission they need to make their decision based on what is best for the community as a whole and if they meet the requirements, not whether they will be sued. He asked how long the school has been at this location.

Mr. Henschel stated that the school has been there since 2001.

Commissioner Whitehead moved to recommend approval of the conditional use permit; Chairman Jones passed the gavel to Commissioner Martin and seconded the motion.

Commissioner Solis stated if he was a neighbor of the school he would probably have a problem. He stated that the Forths have been fighting for this property to not change. He stated that he needs to do what is best. He stated that he doesn't take kindly to threats and how he is talked to and that could have changed way he voted, but he needs to do what is best for the neighborhood.

Commissioner Whitehead asked if the school would stay as it is if this is not approved.

Mr. Mantzaris stated that this is a new application so if it is not approved, the school would be required to stay the same as it is.

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The motion fails with a vote of 2-4 to recommend approval, with Commissioners Solis, Smith, Hubbard, and Martin opposing.

Commissioner Martin moved to recommend denial of the conditional use permit; seconded by Commissioner Smith. The vote was 4-2 to recommend denial, with Chairman Jones and Commissioner Whitehead opposing.

Commissioner Whitehead stated that she was approached about an item on the agenda and although it is legal, she doesn't feel it's right. She has concerns that they may be persuaded to vote for an application, and she doesn't want to be approached.

Mr. Mantzaris stated that applicants are allowed to approach Commissioners provided that whoever is approached, states that at the meeting. He stated that you can refuse to speak to them if that is your choice.

There being no further business, the meeting was adjourned at 7:37 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist



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AGENDA ITEM

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Meeting Date		
Tuesday, March 1, 2016		
Agenda Item Name		
Ordinance 2016-10 Hartle Grove Large-Scale Comprehensive Plan Amendment		
Requested Action		
Move to recommend approval of transmittal of Ordinance 2016-10.		
Staff Report		
This administrative request is being heard concurrently with related requests for annexation and rezoning. The property that is the subject of this large-scale comprehensive plan amendment consists of 69 +/- acres. A portion of the property has already been annexed into the City. The City is now requesting annexation of the remaining 44 acres as authorized by the utility agreement with the property owner. The agreement with the City was executed on August 28, 2006 for the commercial and single-family portion and September 16, 2011 for the multifamily portion. The 25-acre multifamily portion was annexed and rezoned to Planned Unit Development (PUD) by the City on January 26, 2016 and is currently under development. The remaining 44 acres have been developed, with the exception of one small commercial parcel. The entitlements have not been changed from the original PUD granted by Lake County in 2011. The proposed map amendment will change the future land use on all 69 acres from Lake County's Urban Low to the City's Master Planned Development designation. The related rezoning request will change the zoning on the remaining 44 acres from Urban Estate (currently Planned Unit Development in Lake County) to the City's PUD zoning designation. Upon approval by the City Council, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and the reviewing agencies for review. DEO would then issue an Objections, Recommendations and Comments letter to the City, and the amendment would then be scheduled for a final public hearing in June. Staff recommends approval of the transmittal of the large-scale comprehensive plan amendment to change the future land use from Lake County Urban Low to the City's Master Planned Development designation.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)		
1.	Ordinance	CPA ORD 2016-10.doc
2.	2006 Utility Agreement	Hartle Groves Utility Agreement 2006.pdf
3.	2011 Utility Agreement	Hartle Grove Utility Agreement 2011.pdf
4.	CPA Maps	CPA Maps.pdf
5.	Legal ad	CPA Ad Hartle Groves.docx

CITY OF CLERMONT
ORDINANCE No. 2016-10

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

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on June 23, 2009, 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 Statute 163.3187; and

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

NOW THEREFORE BE IT RESOLVED AND ENACTED, by the City Council of the City of Clermont, Lake County, 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 Map of the Comprehensive Plan of the City of Clermont is hereby amended by changing the following described property as shown:

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Section 26, Township 22 South, Range 26 East, Lake County, Florida, and being more particularly described as follows:

Commence at an iron axle found at the center of Section 26, Township 22 South, Range 26 East, Lake County, Florida; thence run N89 degrees 33 minutes 31 seconds West along the South line of the Northwest ¼ of said Section 26 a distance of 1330.63 feet to a set ½ inch iron rod with cap; thence leave said South line and run North 00 degrees 26

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minutes 07 seconds East along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1285.28 feet to a point located on the southern right-of-way line of State Road No. 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 572.14 feet to the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING as thus established, continue along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East a distance of 710.16 feet to a point; thence leave said right-of-way line of State Road No. 50, and run South 00 degrees 30 minutes 29 seconds West a distance of 314.88 feet to a point; thence North 89 degrees 06 minutes 32 seconds West a distance of 114.80 feet to a point; North 62 degrees 10 minutes 41 seconds West a distance of 99.09 feet to a point; thence North 89 degrees 06 minutes 32 seconds West a distance of 507.31 feet to a point; thence North 00 degrees 30 minutes 29 seconds East a distance of 270.00 feet to the TRUE POINT OF BEGINNING. (As described in Official Records Book 4258 Page 317, Public Records of Lake County, Florida.)

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence N89°33'31"W along the South line of the Northwest $\frac{1}{4}$ of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation Right-of-way Maps Section 11070-2505; thence continue the following courses along said South right-of-way line run S89°06'32"E, 1306.18 feet; thence S00°53'28"W, 20.00 feet; thence S89°06'32"E, 107.05 feet to the POINT OF BEGINNING; thence continue along said South right-of-way line S89°06'32"E, 254.34 feet; thence leaving said South right-of-way line run S00°53'28"W, 286.82 feet; thence N89°06'32"W, 277.22 feet; thence N00°30'29"E, 261.82 feet; thence N45°27'06"E, 35.10 feet to the POINT OF BEGINNING. (As described in Official Records Book 3998 Page 359, Public Records of Lake County, Florida.)

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence N89°33'31"W along the South line of the Northwest $\frac{1}{4}$ of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation Right-of-way Maps Section 11070-2505; thence continue the following courses along said South right-of-way line run S89°06'32"E, 1306.18 feet; thence S00°53'28"W, 20.00 feet; thence S89°06'32"E, 361.39 feet to the POINT OF BEGINNING; thence continue along said South right-of-way line S89°06'32"E, 175.82 feet; thence leaving said South right-of-way line run S00°53'28"W, 286.82 feet; thence N89°06'32"W, 175.82 feet; thence

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N00°53'28"E, 286.82 feet to the POINT OF BEGINNING. (As described in Official Records Book 3982 Page 1745, Public Records of Lake County, Florida.)

All that tract or parcel of land lying and being in Section 26, Township 22 South, Range 26 East, Lake County, Florida, and being more particularly described as follows:

Commence at an iron axle found at the center of Section 26, Township 22 South, Range 26 East, Lake County, Florida; thence run N89 degrees 33 minutes 31 seconds West along the South line of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1330.63 feet to a set $\frac{1}{2}$ inch iron rod with cap; thence leave said South line and run North 00 degrees 26 minutes 07 seconds East along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1285.28 feet to a point located on the Southern right-of-way line of State Road No. 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 1306.18 feet; thence run South 00 degrees 53 minutes 28 seconds West, 20.0 feet; thence run South 89 degrees 06 minutes 32 seconds East, 537.21 feet to the TRUE POINT OF BEGINNING. FROM THE TRUE POINT OF BEGINNING as thus established, continue along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 162.79 feet to a point; thence North 00 degrees 53 minutes 28 seconds East, 20.0 feet; thence South 89 degrees 06 minutes 32 seconds East, 61.26 feet; thence leave said right-of-way line of State Road No. 50, and run South 00 degrees 30 minutes 29 seconds West, a distance of 306.83 feet to a point; thence North 89 degrees 06 minutes 32 seconds West, a distance of 226.10 feet to a point; thence North 00 degrees 53 minutes 28 seconds East, a distance of 286.82 feet to the TRUE POINT OF BEGINNING. (As described in Official Records Book 4571 Page 754, Public Records of Lake County, Florida.)

All of Terrace Grove as recorded in Plat Book 64 Page 18, Public Records of Lake County, Florida.

All of Terrace Grove Partial Replat as recorded in Plat Book 64 Page 46, Public Records of Lake County, Florida.

AND

From the center of Section 26, Township 22 South, Range 26 East, run north 89-33-31 west along south line of northwest $\frac{1}{4}$ a distance of 724.83' to west right-of-way line of Hartle Road & point of beginning, thence leaving said south line run north 01-48-40E 39.57' to the point of curvature of a curve concave southeasterly having a radius of 480' & a chord bearing on north 29-30-49 east, thence run northerly along the arc of said curve thru a central angle of 55-24-18 for a distance of 464.16' to the point of tangency thence run north 57-12-58 east 342.29' to the point of curvature of a curve concave northwesterly having a radius of 380' & a chord bearing of north 28-51-44 east thence run northeasterly along the arc of said curve thru a central angle of 56-42-29 for a distance of 376.1' to a radial line, thence north 89-29-31 west along said radial line for a distance of 6', north 0-30-29 east 25.77', north 89-06-32 west 108.8', north 62-10-41

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west 99.09', north 89-06-32 west 507.31', north 0-30-29 east 270' to south right-of-way line of SR 50. Run north 89-06-32 west along said south right-of-way line 572.14' to west line of east 1/2 of northwest 1/4, thence leaving said south right-of-way line run south 0-26-27 west along said west line of east 1/2 of northwest 1/4 1285.28' to southwest corner of east 1/2 of northwest 1/4, thence run south 89-33-31 east along south line of northwest 1/4 a distance of 605.93' to point of beginning. ORB 2556 PG 877, Containing 69 acres more or less

**CHANGE IN FUTURE LAND USE CLASSIFICATION
FROM LAKE COUNTY – URBAN LOW DENSITY
TO CITY OF CLERMONT MASTER PLANNED DEVELOPMENT**

Section 2

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

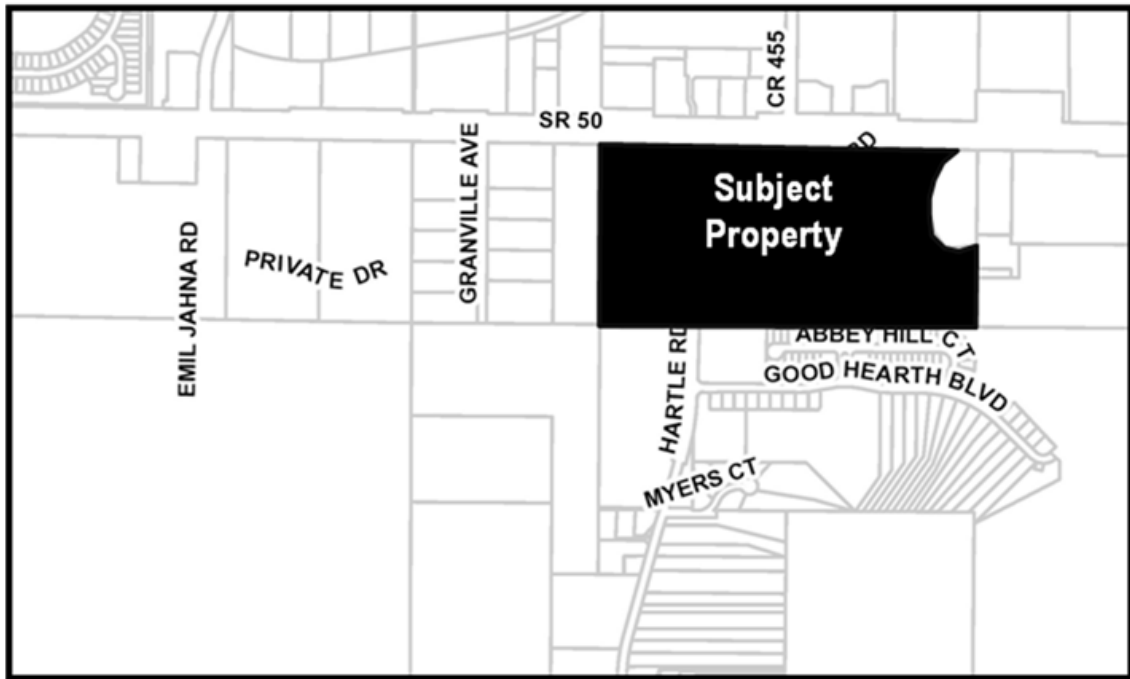
Section 3

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

Section 4

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

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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 14th day of June, 2016.

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

WATER & WASTEWATER SERVICE AGREEMENT

This document constitutes an agreement between the CITY of Clermont, hereby referred to as **CITY**, a municipality of the State of Florida, and BFG Lakeshore, Ltd SR 50/Hartle Rd, LLC, a Georgia limited liability company, and Clermont Partner, LLC, a Georgia limited liability company, and their respective successors or assigns, hereby referred to as **OWNER**.

WITNESSETH

Whereas, OWNER is proposing to develop a 325 unit residential community and a commercial development which is located 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 unincorporated area of Lake County and the OWNER is requesting water and sewer service from the CITY; and

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

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

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

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

Section 1. OFF-SITE WATER/SEWER – Each and all of the foregoing premises are incorporated into and constitute a part of this Agreement.

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

- 1.4 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans.
- 1.5 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No Certificate of Occupancy shall be issued until water and sewer extensions have been completed and accepted by the CITY.
- 1.6 The OWNER shall be responsible for all costs of on site and off site improvements, necessary to connect to CITY's system at its current location in the Easement Area, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property.
- 1.7 The CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY. The CITY shall notify OWNER within 60 days if lines are to be oversized.
- 1.8 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
- 1.9 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
- 1.10 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1.9 from the CITY in the form of Impact Fee Credits.
- 1.11 The Impact Fee Credits shall be established subject to Sections 1.8 and 1.10, and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used.
- 1.12 Impact Fee Credits may not be transferred outside of the Property described on Exhibit 'A' but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property.

Section 2. DEVELOPMENT STANDARDS

- 2.1 The project shall be developed according to the approved Lake County PUD (Ord #2004-4), the preliminary plat dated 11/22/04 and final engineering drawings dated 7/7/05. Items not addressed in the PUD must be developed to the JPA standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- 2.2 OWNER will ensure that the CITY waterline has a minimum cover of three (3) feet and a maximum of six (6) feet deep from the final surface of the ground.

Section 3. ANNEXATION

John *GOB*
CFR

3.1 OWNER agrees that CITY may annex the Property into the City of Clermont if CITY, in its sole discretion, chooses to do so. In conjunction herewith, OWNER shall provide to CITY a Notice of Encumbrance To Annex Property in a form substantially in compliance with the form set forth in Exhibit "B", attached hereto and incorporated herein. The CITY shall record this Notice in the public records of Lake County whereupon it is agreed it shall serve as an enforceable encumbrance on the real property described in Exhibit "B". The Notice of Encumbrance shall be executed by all owners of the real property describe din Exhibit "A" and shall be accompanied, at OWNER'S expense, by a current certificate of title or opinion letter acceptable to CITY and issued by a licensed title company or attorney identifying all owners in interest of the real property. All land transfers by OWNER shall contain a deed restriction or covenant noting the existence of this encumbrance to annex, such restriction to be recorded as a covenant to run with the land.

Section 4. SEVERABILITY

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

Section 5. NOTICES

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

CITY

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

OWNER

BFG Lakeshore, Ltd.
James H. Fant
P.O. Box 568492
Orlando, FI 32856-8492

SR 50/Hartle Rd.
35 Johnson Ferry Rd
Marietta, GA 30068

Clermont Partner, LLC
2900 Delk Rd
Suite 700, #314
Marietta, GA 30067-5350

Section 6. AMENDMENTS

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

Section 7. EFFECTIVE DATE

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

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

DATED this 10 day of January, 2006

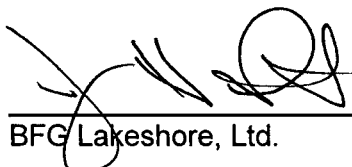
CITY OF CLERMONT

ATTEST:


Harold S. Turville Jr., Mayor


Tracy Ackroyd, City Clerk

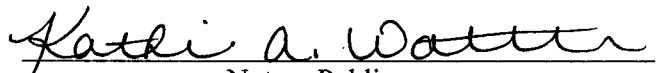
OWNER


MANAGER
BFG Lakeshore, Ltd.

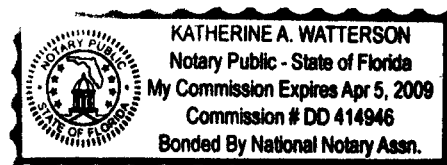
STATE OF Florida
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared James H. Fant, as manager of BFG Lakeshore, Ltd., 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 28th day of August, 2006.


Notary Public

OWNER

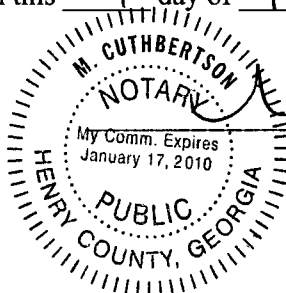



SR 50/Hartle Road, LLC

STATE OF Georgia
COUNTY OF Henry

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared G. Owen Brown, as owner of SR 50/Hartle Road, LLC, 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 24 day of August, 2006



M. Cuthbertson
Notary Public

OWNER

[Signature]
Clermont Partner, LLC.

STATE OF Florida
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Charles F. Heard Jr. as manager of Clermont Partner LLC, 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 23rd day of August, 2006.

[Signature]
Notary Public

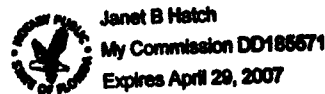


Exhibit A

**HARTLE ROAD
OVERALL BOUNDARY**

DESCRIPTION:

PARCEL 1:

A portion of the Southwest 1/4 of the Northeast 1/4 and a portion of the Southeast 1/4 of the Northwest 1/4 of Section 26, Township 24 South, Range 26 East, formerly known as Tracts 19, 20, 21, 22, 27, 28, 29, 30 and 30A of LAKE HIGHLANDS COMPANY PLAT of Section 26, Township 22 South, Range 26 East, according to the plat thereof as recorded in Plat Book 3, Page 52, Public Records of Lake County, Florida, Less and Except that part of Tract 21 described as follows:

From an iron axle set for the center of said Section 26, run South 89°53'30" West along mid-section line 503.3 feet, thence North 0°03' East 833.95 feet to a concrete monument and the Point of Beginning; thence continue North 0°03' East 451 feet to the South right of way line of State Road No. 50, thence Westerly along said right of way to the West line of the E 1/4 of the SE 1/4 of the NW 1/4 of said Section 26, thence Southerly along said line to a point lying South 89°40' West of the Point of Beginning, thence North 89°40' East to Point of Beginning, subject to right of way of Hartle Road along West side of said property.

NOW LYING WITHIN:

Tracts 19, 20, 22, 27, 28, 29, 30, 30A and a portion of Tract 21 Hartle's Replat, according to the plat thereof as recorded in Plat Book 12, Page 45, Public Records of Lake County, Florida.

Less Road Right of Way for State Road No. 50 and Hartle Road.

PARCEL 2:

From an iron axle set for the center of Section 26, Township 22 South, Range 36 East, run South 39°53'30" West along mid-section line 503.3 feet, thence North 0°03' East 833.95 feet to a concrete monument and the Point of Beginning, thence continue North 0°03' East 451 feet to the South right of way line of State Road No. 50, thence Westerly along said right of way to the West line of the E 1/4 of the SE 1/4 of the NW 1/4 of said Section 26, thence Southerly along said line to a point

lying South 89°40' West to the Point of Beginning; thence North 89°40' East to Point of Beginning, subject to right of way for Hartle Road along West said of said property.

A/K/A a portion of Tract 21, Hartle's Replat, according to the plat thereof as recorded in Plat Book 12, page 45, Public Records of Lake County, Florida.

E/K/A a portion of Tract 21, Lake Highlands Company Section 26, Township 22 S, Range 26 E, Public Records of Lake County, Florida.

Less Road Right of Way for State Road No. 50 and Hartle Road.

HARTLE ROAD
RESIDENTIAL BOUNDARY

DESCRIPTION:

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an iron axle found at the center of said Section 26; thence run N00°30'29"E along the North-South center of section line of Section 26 for a distance of 15.00 feet to the South line of Tract 28, LAKE HIGHLANDS COMPANY, according to the plat thereof, as recorded in Plat Book 3, Page 52, of the Public Records of Lake County, Florida, and the POINT OF BEGINNING; thence run N89°33'31"W along said South line for a distance of 685.12 feet to the West right-of-way line of Hartle Road, as shown on the plat of HARTLE ROAD, according to the plat thereof, as recorded in Plat Book 22, Page 46, of the Public Records of Lake County, Florida; thence run S02°25'50"W along said West right-of-way line for a distance of 15.01 feet to the South line of the Northwest 1/4 of said Section 26; thence leaving said West right-of-way line run N89°33'31"W along the South line of the Northwest 1/4 of said Section 26 for a distance of 644.99 feet; thence leaving said South line run N00°26'07"E along the West line of the East 1/2 of the Northwest 1/4 of said Section 26 and the West line of Tracts 22 and 27 of said LAKE HIGHLANDS COMPANY for a distance of 1285.28 feet to the South right-of-way line of State Road 50, as shown on the Florida Department of Transportation Right-of-way Maps Section 11070-2505; thence run S89°06'32"E along said South right-of-way line for a distance of 572.14 feet; thence leaving said South right-of-way line run S00°30'29"W for a distance of 270.00 feet; thence run S89°06'32"E for a distance of 507.31 feet; thence run S62°10'41"E for a distance of 99.09 feet; thence run S89°06'32"E for a distance of 114.80 feet; thence run N00°30'29"E for a distance of 314.88 feet to the aforesaid South right-of-way line; thence run along said South right-of-way line the following courses and distances S89°06'32"E for a distance of 23.88 feet; thence run S00°53'28"W for a distance of 20.00 feet; thence run S89°06'32"E for a distance of 76.26 feet; thence leaving said South right-of-way line run S00°30'29"W for a distance of 286.83 feet; thence run S89°06'32"E for a distance of 685.14 feet; thence run N00°30'29"E for a distance of 306.83 feet to the aforesaid South right-of-way line; thence run S89°06'32"E along said South right-of-way line for a distance of 422.61 feet to a point hereinafter referred to as Reference Point "A", said point being on the shoreline of Hill Lake; thence run Southwesterly, Southeasterly and Easterly along said shoreline to a point on the

East line of the West 1/2 of the Northeast 1/4 of said Section 26 and the East line of Tract 30A of said LAKE HIGHLANDS COMPANY, said point being S13°26'15"E a distance of 694.94 feet from said Reference Point "A"; thence run S00°35'22"W along said East line for a distance of 575.56 feet to the South line of Tract 30A of said LAKE HIGHLANDS COMPANY; thence run N89°34'53"W along the South line of Tracts 30A, 30 and 29 of said LAKE HIGHLANDS COMPANY for a distance of 1324.41 feet to the POINT OF BEGINNING.

Containing 63.0 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

HARTLE ROAD
WEST SIDE COMMERCIAL SITE
PARCEL A

DESCRIPTION:

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence run N89°33'31"W along the South line of the Northwest 1/4 of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East 1/2 of the Northwest 1/4 of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run S89°06'32"E along said South right-of-way line for a distance of 572.14 feet to the POINT OF BEGINNING; thence continue S89°06'32"E along said South right-of-way line for a distance of 710.16 feet; thence leaving said South right-of-way line run S00°30'29"W for a distance of 314.88 feet; thence run N89°06'32"W for a distance of 114.80 feet; thence run N62°10'41"W for a distance of 99.09 feet; thence run N89°06'32"W for a distance of 507.31 feet; thence run N00°30'29"E for a distance of 270.00 feet; to the POINT OF BEGINNING.

Containing 4.565 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

TOGETHER WITH:

HARTLE ROAD
EAST SIDE COMMERCIAL SITE
PARCEL B

DESCRIPTION:

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence run N89°33'31"W along the South line of the Northwest 1/4 of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East 1/2 of the Northwest 1/4 of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run the following courses and distance along said South right-of-way line S89°06'32"E 1306.18 feet; thence run S00°53'28"W 20.00 feet; thence run S89°06'32"E 76.26 feet to the POINT OF BEGINNING; thence continue the following courses and distances along said South right-of-way line run S89°06'32"E for a distance of 623.74 feet; thence run N00°53'28"E for a distance of 20.00 feet; thence run S89°06'32"E for a distance of 61.26 feet; thence leaving said South right-of-way line run S00°30'29"W for a distance of 306.83 feet; thence run N89°06'32"W for a distance of 685.14 feet; thence run N00°30'29"E for a distance of 286.83 feet to the POINT OF BEGINNING.

Containing 4.540 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

Exhibit B

Notice of Encumbrance
to Annex to City of Clermont

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

THIS INSTRUMENT, Made this 10th day of January 2006, between BFG Lakeshore, LTD, of the County of Lake, State of Florida Grantor, SR 50/Hartle Rd, LLC, Clermont Partner, LLC 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:

See Attached Exhibit "A" - Legal Description

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):

X. 3
CFA
Signature [Signature]
Type or print name Charles F. Heard Jr

2. Signature [Signature]
Type or print name G OWEN BROWN

Signature [Signature]
Type or print name JAMES H. FAUT

WITNESSES (Two required):

1. Signature [Signature]
Type or print name Dwight L. Smith, Jr.

2. Signature [Signature]
Type or print name John A. Stephens

3. Signature [Signature]
Type or print name Katherine A. Watterson

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 23rd day of August, 2006, by Charles F. Heard, Jr., who is personally known to me or who has produced _____ as identification and who did not take an oath.

SEAL:

Notary Public [Signature] Type/print name Janet B. Hatch



Janet B Hatch
My Commission DD186671
Expires April 29, 2007

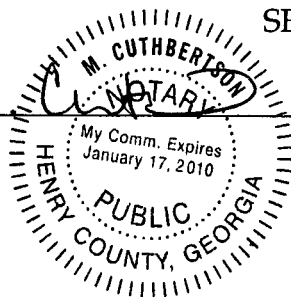
STATE OF Georgia

COUNTY OF Denny

The foregoing instrument was acknowledged before me on this 24 day of August, 2006, by G. Owen Brown, who is personally known to me or who has produced _____ as identification and who did not take an oath.

SEAL:

Notary Public M. Cuthbertson



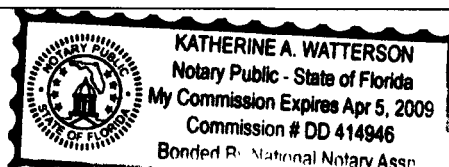
Type/print name M. Cuthbertson

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 28th day of August, 2006, by James H. Fant, who is personally known to me or who has produced _____ as identification and who did not take an oath.

SEAL:



Notary Public Katherine A. Watterson

Type/print name Katherine A. Watterson

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

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



UTILITY SERVICE AGREEMENT FOR WATER & WASTEWATER

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

WITNESSETH

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

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

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

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

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

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

Section 1 - OFF-SITE WATER/SEWER

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

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

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

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

Section 2 – DEVELOPMENT STANDARDS

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

Section 3 – ANNEXATION

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

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

Section 4 – SEVERABILITY

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

Section 5 – NOTICES

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

CITY

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

OWNER

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

Section 6 – AMENDMENTS

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

Section 7 – EFFECTIVE DATE

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

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

DATED this 16th day of September, 2011.

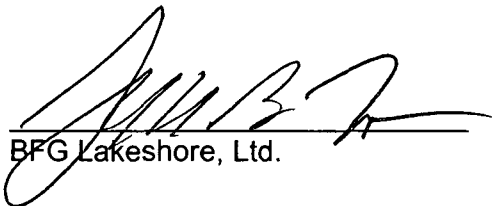
CITY OF CLERMONT


 Harold S. Turville Jr., Mayor

ATTEST:


 Tracy Ackroyd, City Clerk

OWNERS

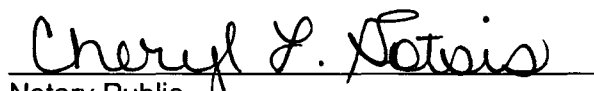

 BFG Lakeshore, Ltd.

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

STATE OF FLORIDA
 COUNTY OF Orange

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

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


 Cheryl L. Gotsis
 Notary Public

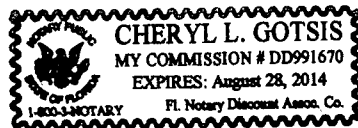


EXHIBIT "A"**PROPERTY DESCRIPTION**
(affected parcel)**Owners:**

BFG Lakeshore, LTD.

Descriptions:

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

Containing 25.31 acres +/-

Lake County Alternate Key Number & Parcel Number:

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

Notice of Encumbrance
to Annex to City of Clermont

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

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

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

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

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

Exhibit "A"

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

PROPERTY OWNER(S):

WITNESSES (Two required):

BFG Lakeshore, LTD**Witnesses**

By: _____

Signature

Type or print name

By: _____

Signature

Type or print name

1. _____

Signature

Type or print name

2. _____

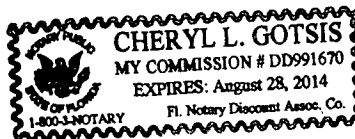
Signature

Type or print name

STATE OF Florida
COUNTY OF Orange

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

SEAL:



Notary Public

Cheryl L. Gotsis

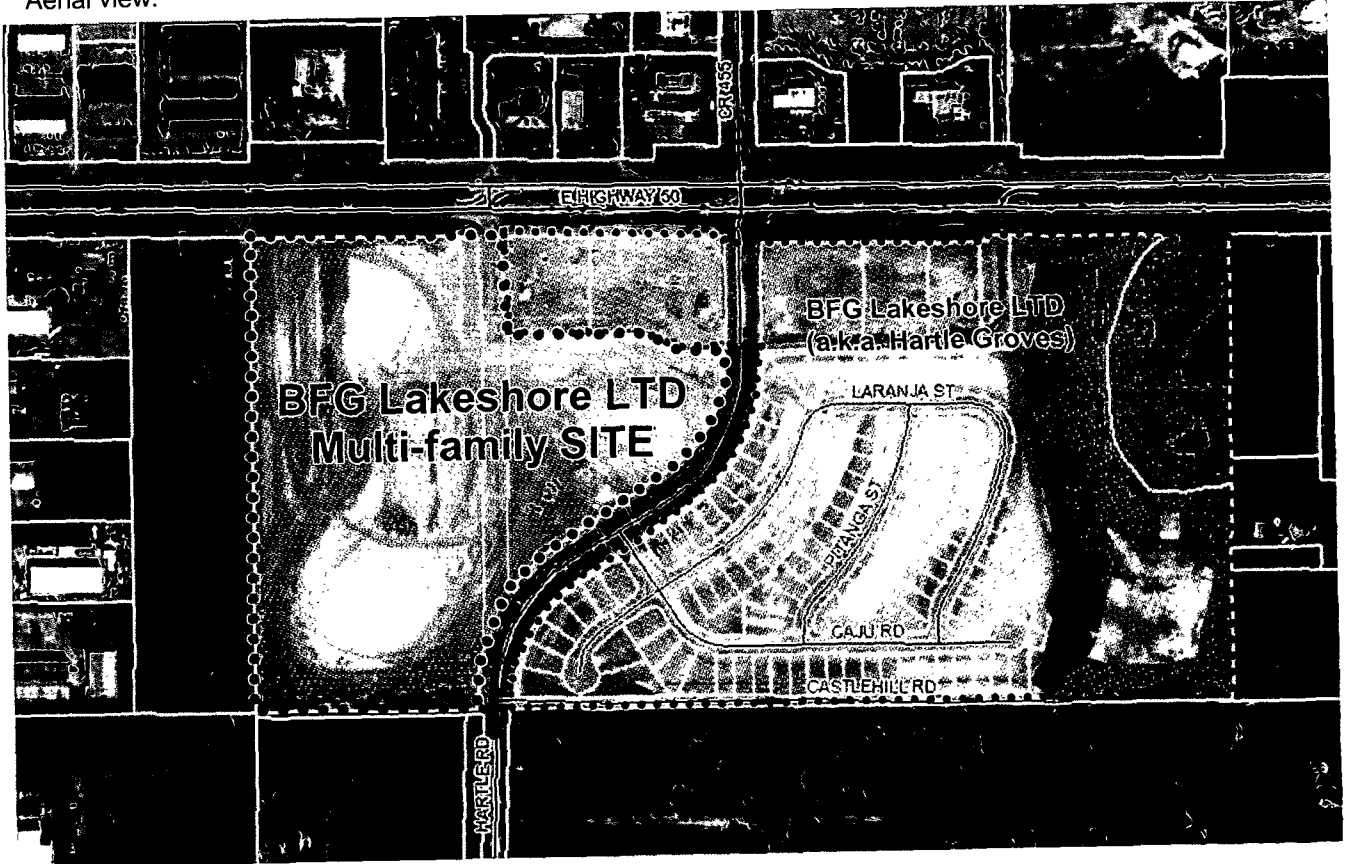
Type/print name

Cheryl L. Gotsis

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

BFG Lakeshore, LTD

Aerial view:



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

Exhibit - Location Map Hartle Groves

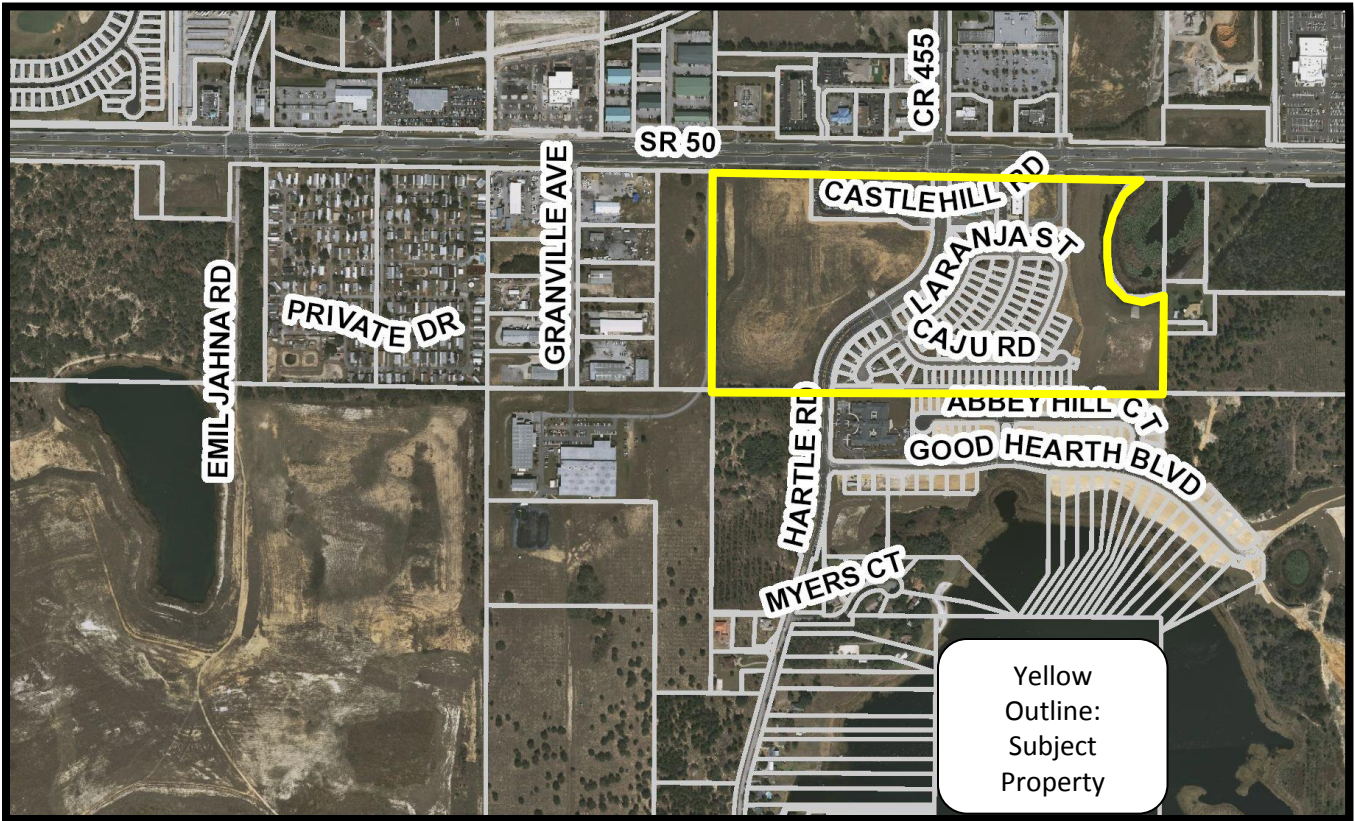
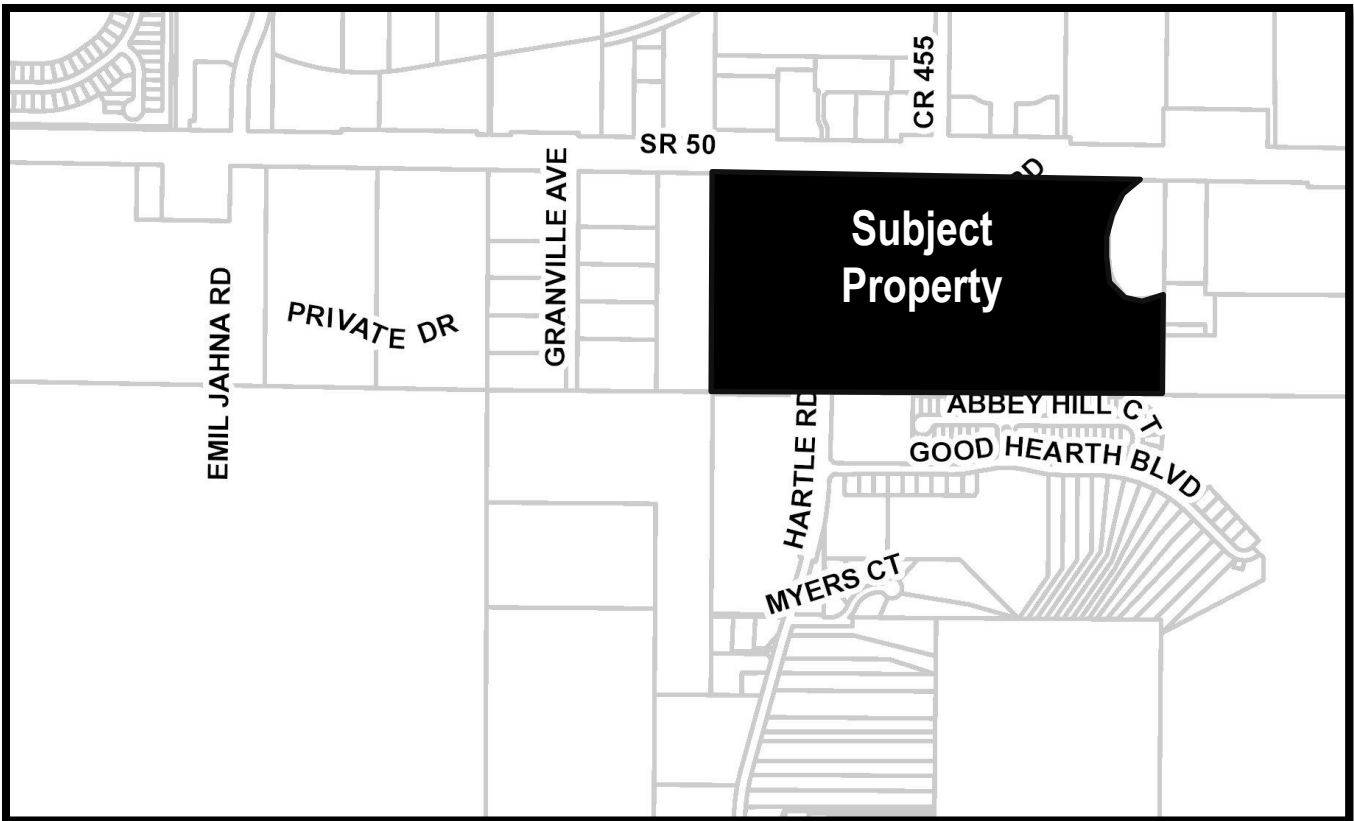
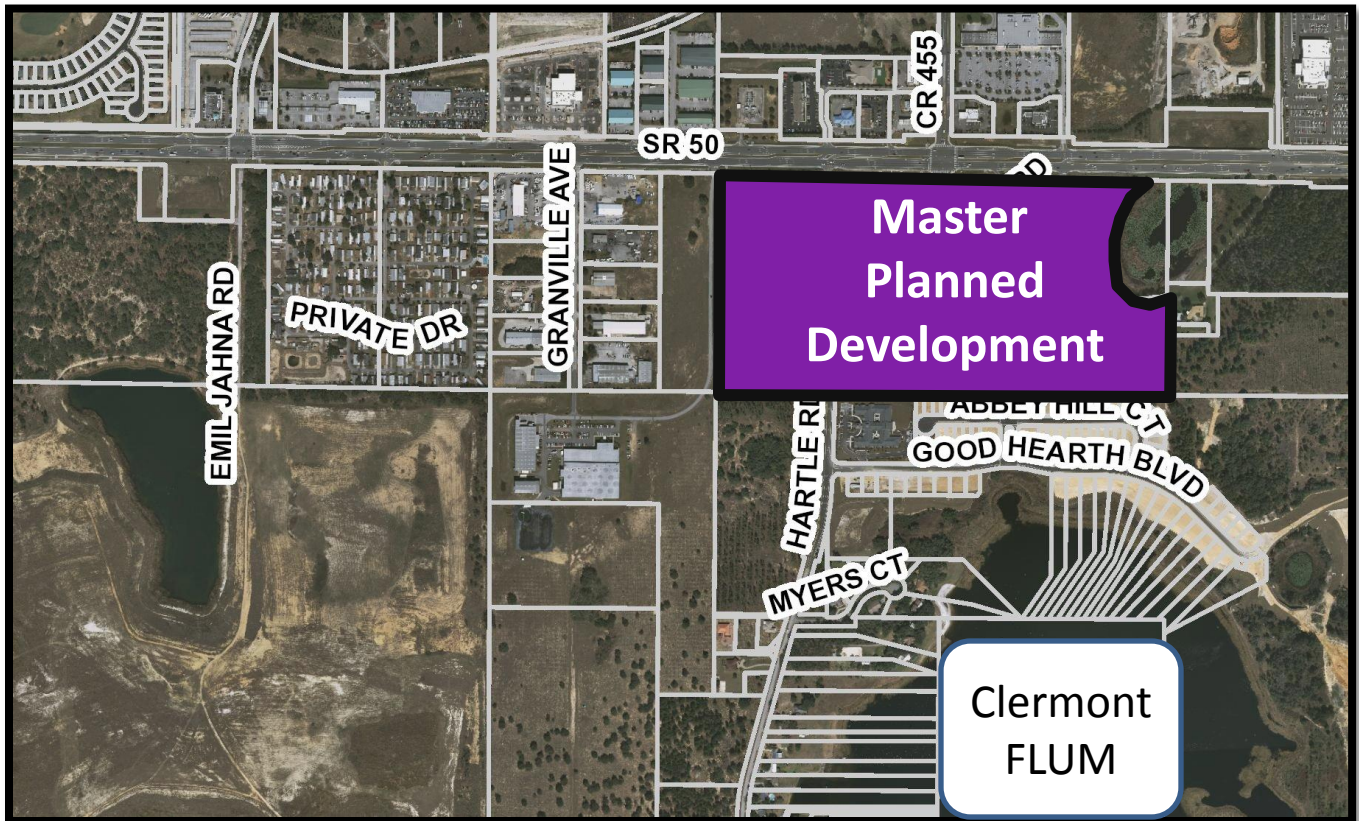
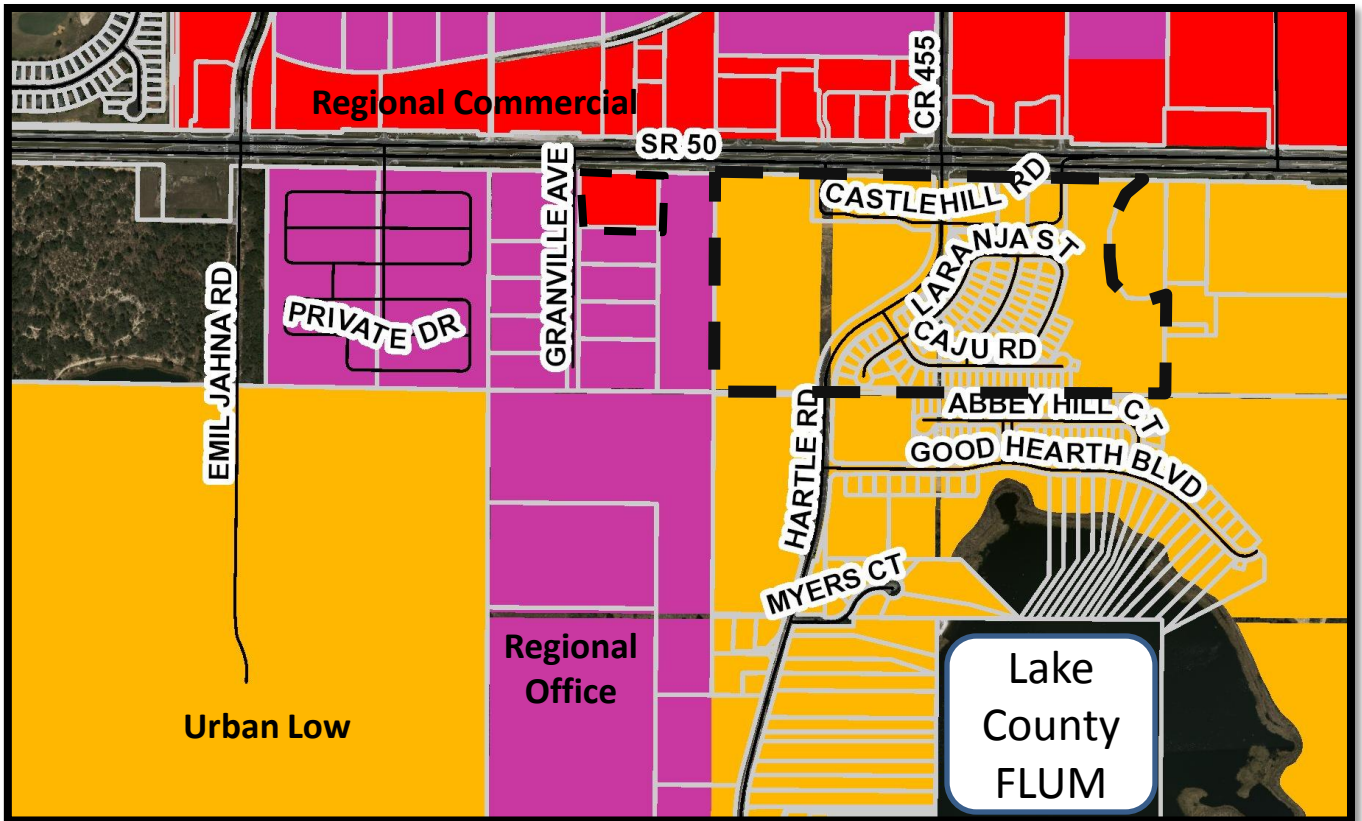


Exhibit – Future Land Use
Hartle Groves

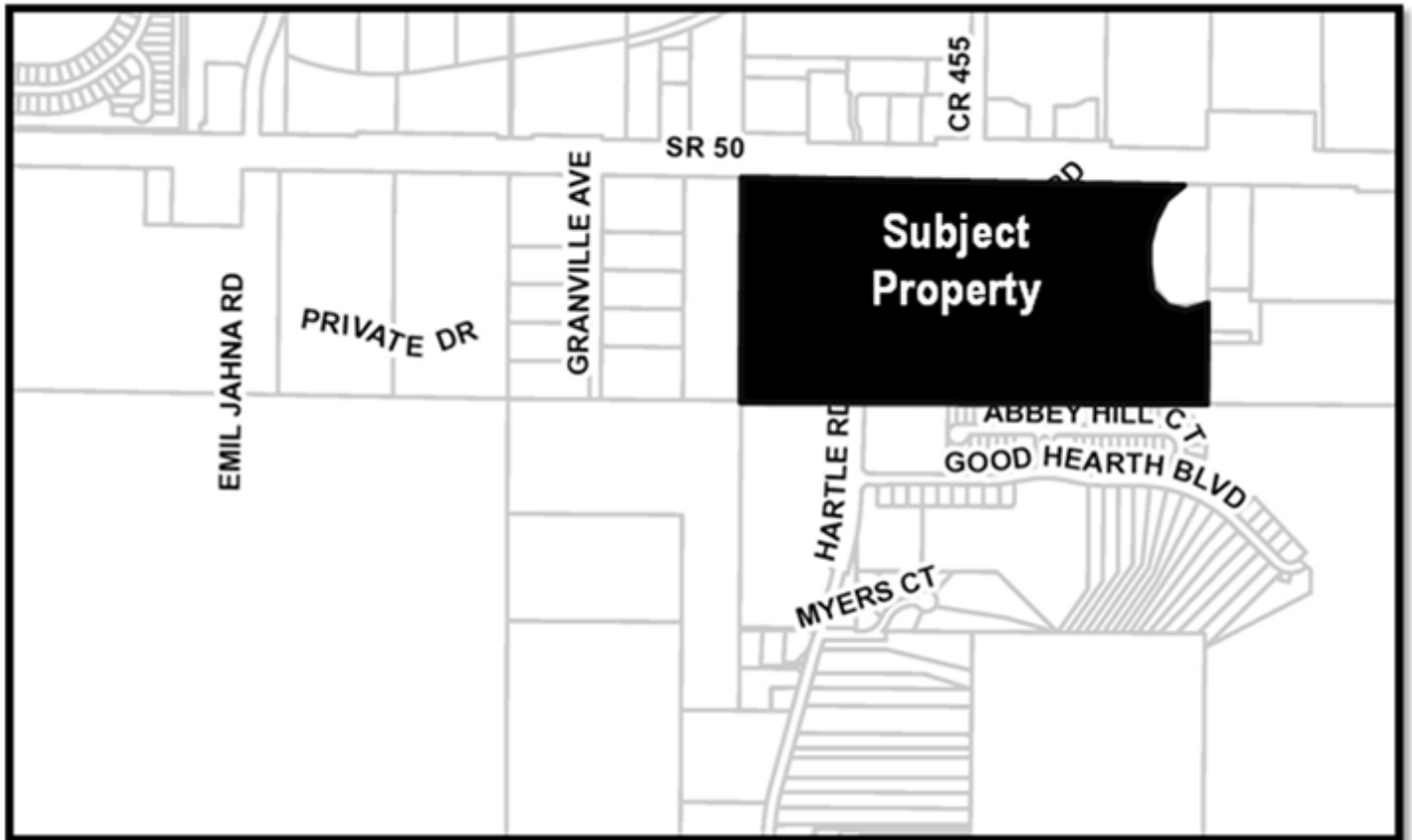


CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2016-10

The City of Clermont will hold public hearings Tuesday, March 1, 2016 at 6:30 p.m. before the Planning and Zoning Commission and Tuesday, April 12, 2016 at 6:30 p.m. before the City Council to consider transmittal of a proposed change to the City's Future Land Use Map. The map amendment would change the Future Land Use designation for the parcel below from Lake County Urban Low to Master Planned Development.

The City of Clermont will hold a public hearing on Tuesday, June 14, 2016 (final reading of the ordinance) beginning at 6:30 p.m. before the City Council to consider the adoption of the proposed change to the City's Future Land Use Map.



***Location: South of S.R. 50, West and East of Hartle Road
Hartle Grove Site, 69 +/- acres***

Ordinance #2016-10:

An ordinance of the City Council of the City of Clermont, Lake County, Florida, adopting the large-scale comprehensive plan amendment for the City of Clermont, Florida, pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes; setting forth the authority for adoption of the large-scale comprehensive plan amendment; setting forth the purpose and intent of the large-scale comprehensive plan amendment; providing for the adoption of the large-scale comprehensive plan amendment; establishing the legal status

of the large-scale comprehensive plan amendment; providing a severability clause; and providing an effective date.

The public hearings are in the Council chambers of City Hall, 685 W. Montrose Street, and are open to public comment. Please call (352) 241-7302 if you have any questions.

The proposed amendment may be inspected at the City's Development Services Department (1st floor, City Hall) between 8 a.m. and 5 p.m. Monday-Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearings 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 hearings.

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
February 20, 2016 and May 31, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 1, 2016		
Agenda Item Name		
Ordinance 2016-11 Hartle Grove Rezoning		
Requested Action		
Move to recommend approval of Ordinance 2016-11.		
Staff Report		
This administrative request is being heard concurrently with a request for annexation and a large-scale comprehensive plan amendment. The City is requesting annexation of the subject parcel as authorized by the utility agreement with the property owner. The Notice of Encumbrance to Annex with the City was executed on August 28, 2006. The property is improved, consisting of a 103-home subdivision known as Terrace Grove and four commercial tracts: Rooms to Go, Speedway gas station, AutoZone, and one remaining vacant parcel. The developments are being served by the City's water and sewer service. The property is approximately 44 acres and previously had entitlements granted by Lake County for a Planned Unit Development (PUD) under Ordinance No. 2011-50. This is the remaining portion of the original PUD that is proposed to be annexed and rezoned at this time. A 25-acre tract, approved for multifamily development, was annexed and rezoned in January by the City Council. A related administrative comprehensive plan amendment request to change the future land use from the County's Urban Low to Master Planned Development will also be processed for the entire PUD. The rezoning request is to change the zoning from Urban Estate (currently Planned Unit Development in the County) to the City's PUD zoning classification. The entitlements and relevant conditions from the County's PUD ordinance have been carried over to the City's PUD. In January, staff mailed letters to the Terrace Grove homeowners regarding the annexation process and invited them to a community meeting to address their questions. This question/answer session was held on January 21, 2016 with just a few residents attending. Staff also responded to emails and phone calls from other residents who had received the community meeting letter. Based upon the above information, staff recommends approval of the rezoning from Urban Estate to the City's PUD zoning classification with the conditions outlined in PUD Ordinance 2016-11.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount

Exhibits Attached (copies of original agreements)

- | | | |
|----|-------------------------|--|
| 1. | Ordinance | REZ ORD 2016-11.docx |
| 2. | 2006 Utility Agreement | Hartle Groves Utility Agreement 2006.pdf |
| 3. | Lake County PUD 2011-50 | Hartle Grove PUD 2011-50 Lake County.pdf |
| 4. | Location Map and Zoning | Hartle Grove SF and C-2 Maps.pdf |
| 5. | Legal ad | REZ legal ad.docx |

CITY OF CLERMONT
ORDINANCE No. 2016-11

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

The City Council of the City of Clermont, Lake County, Florida hereby ordains that:

SECTION 1:

The official Zoning Map of the City of Clermont, Lake County, Florida referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances, is hereby amended by rezoning the following described property:

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Section 26, Township 22 South, Range 26 East, Lake County, Florida, and being more particularly described as follows:

Commence at an iron axle found at the center of Section 26, Township 22 South, Range 26 East, Lake County, Florida; thence run N89 degrees 33 minutes 31 seconds West along the South line of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1330.63 feet to a set $\frac{1}{2}$ inch iron rod with cap; thence leave said South line and run North 00 degrees 26 minutes 07 seconds East along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1285.28 feet to a point located on the southern right-of-way line of State Road No. 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 572.14 feet to the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING as thus established, continue along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East a distance of 710.16 feet to a point; thence leave said right-of-way line of State Road No. 50, and run South 00 degrees 30 minutes 29 seconds West a distance of 314.88 feet to a point; thence North 89 degrees 06 minutes 32 seconds West a distance of 114.80 feet to a point; North 62 degrees 10 minutes 41 seconds West a distance of 99.09 feet to a point; thence North 89 degrees 06 minutes 32 seconds West a distance of 507.31 feet to a point; thence North 00 degrees 30 minutes 29 seconds East a distance of 270.00 feet to the TRUE POINT OF BEGINNING. (As described in Official Records Book 4258 Page 317, Public Records of Lake County, Florida.)

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

CITY OF CLERMONT
ORDINANCE No. 2016-11

Commence at an axle found at the center of said Section 26; thence N89°33'31"W along the South line of the Northwest ¼ of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East ½ of the Northwest ¼ of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation Right-of-way Maps Section 11070-2505; thence continue the following courses along said South right-of-way line run S89°06'32"E, 1306.18 feet; thence S00°53'28"W, 20.00 feet; thence S89°06'32"E, 107.05 feet to the POINT OF BEGINNING; thence continue along said South right-of-way line S89°06'32"E, 254.34 feet; thence leaving said South right-of-way line run S00°53'28"W, 286.82 feet; thence N89°06'32"W, 277.22 feet; thence N00°30'29"E, 261.82 feet; thence N45°27'06"E, 35.10 feet to the POINT OF BEGINNING. (As described in Official Records Book 3998 Page 359, Public Records of Lake County, Florida.)

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence N89°33'31"W along the South line of the Northwest ¼ of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East ½ of the Northwest ¼ of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation Right-of-way Maps Section 11070-2505; thence continue the following courses along said South right-of-way line run S89°06'32"E, 1306.18 feet; thence S00°53'28"W, 20.00 feet; thence S89°06'32"E, 361.39 feet to the POINT OF BEGINNING; thence continue along said South right-of-way line S89°06'32"E, 175.82 feet; thence leaving said South right-of-way line run S00°53'28"W, 286.82 feet; thence N89°06'32"W, 175.82 feet; thence N00°53'28"E, 286.82 feet to the POINT OF BEGINNING. (As described in Official Records Book 3982 Page 1745, Public Records of Lake County, Florida.)

All that tract or parcel of land lying and being in Section 26, Township 22 South, Range 26 East, Lake County, Florida, and being more particularly described as follows:

Commence at an iron axle found at the center of Section 26, Township 22 South, Range 26 East, Lake County, Florida; thence run N89 degrees 33 minutes 31 seconds West along the South line of the Northwest ¼ of said Section 26 a distance of 1330.63 feet to a set ½ inch iron rod with cap; thence leave said South line and run North 00 degrees 26 minutes 07 seconds East along the West line of the East ½ of the Northwest ¼ of said Section 26 a distance of 1285.28 feet to a point located on the Southern right-of-way line of State Road No. 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 1306.18 feet; thence run South 00 degrees 53 minutes 28 seconds West, 20.0 feet; thence run South 89 degrees 06 minutes 32 seconds East, 537.21 feet to the TRUE POINT OF BEGINNING. FROM THE TRUE POINT OF BEGINNING as thus established, continue along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 162.79 feet to a point; thence North 00 degrees 53 minutes 28 seconds East, 20.0 feet;

CITY OF CLERMONT
ORDINANCE No. 2016-11

thence South 89 degrees 06 minutes 32 seconds East, 61.26 feet; thence leave said right-of-way line of State Road No. 50, and run South 00 degrees 30 minutes 29 seconds West, a distance of 306.83 feet to a point; thence North 89 degrees 06 minutes 32 seconds West, a distance of 226.10 feet to a point; thence North 00 degrees 53 minutes 28 seconds East, a distance of 286.82 feet to the TRUE POINT OF BEGINNING. (As described in Official Records Book 4571 Page 754, Public Records of Lake County, Florida.)

All of Terrace Grove as recorded in Plat Book 64 Page 18, Public Records of Lake County, Florida.

All of Terrace Grove Partial Replat as recorded in Plat Book 64 Page 46, Public Records of Lake County, Florida.

Containing 44 +/- acres

LOCATION

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

FROM: UE Urban Estate
TO: Planned Unit Development

SECTION 2 - General Conditions:

This application for a Planned Unit Development to allow for single family residential uses along with commercial uses; be granted subject to the following conditions:

1. The conditions as set forth in this Planned Unit Development shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.

SECTION 3 - Land Uses and Specific Conditions:

1. The property received entitlements that were approved under Lake County's PUD Ordinance No. #2011-50, PH #11-11-2 (Hartle Grove PUD Amendment). The original development consisted of 69 acres at a density of 7 units per net acre, or 483 units. 103 single family residential units were allowed and have been constructed under the

CITY OF CLERMONT
ORDINANCE No. 2016-11

“Terrace Grove Subdivision” plat. No additional single family units are pending. The remaining 380 units were for multi-family dwelling units and have been addressed in Ordinance No. 2016-03 and are not a part of this Ordinance. The commercial portion has been built out except for one parcel, Alternate Key 3871932.

2. Setbacks for 50 foot lots (Single Family detached)

Front:	20 feet from the property line
Secondary Front:	15 feet from the property line
Side:	5 feet from the property line
Rear:	20 feet from the property line
Between Buildings:	10 feet plus 15 feet for each story in excess of two stories
3. 25 percent common open space shall be provided for the overall development.
4. Impervious Surface Area: 0.65 for residential land area and 0.70 for commercial land area.
5. Floor Area Ratio shall not exceed 0.50 for the non-residential development.
6. Commercial uses shall be limited to the following: Automotive Repair, Automotive Service Station, Banking, Car Wash, Professional/Medical Offices, Restaurant (Fast Food and General), Retail (Convenience and General), Wholesale and Warehouse, Day Care Center, Hotel and Motel.
7. Maximum building height will be 45 feet.

SECTION 4:

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

SECTION 5:

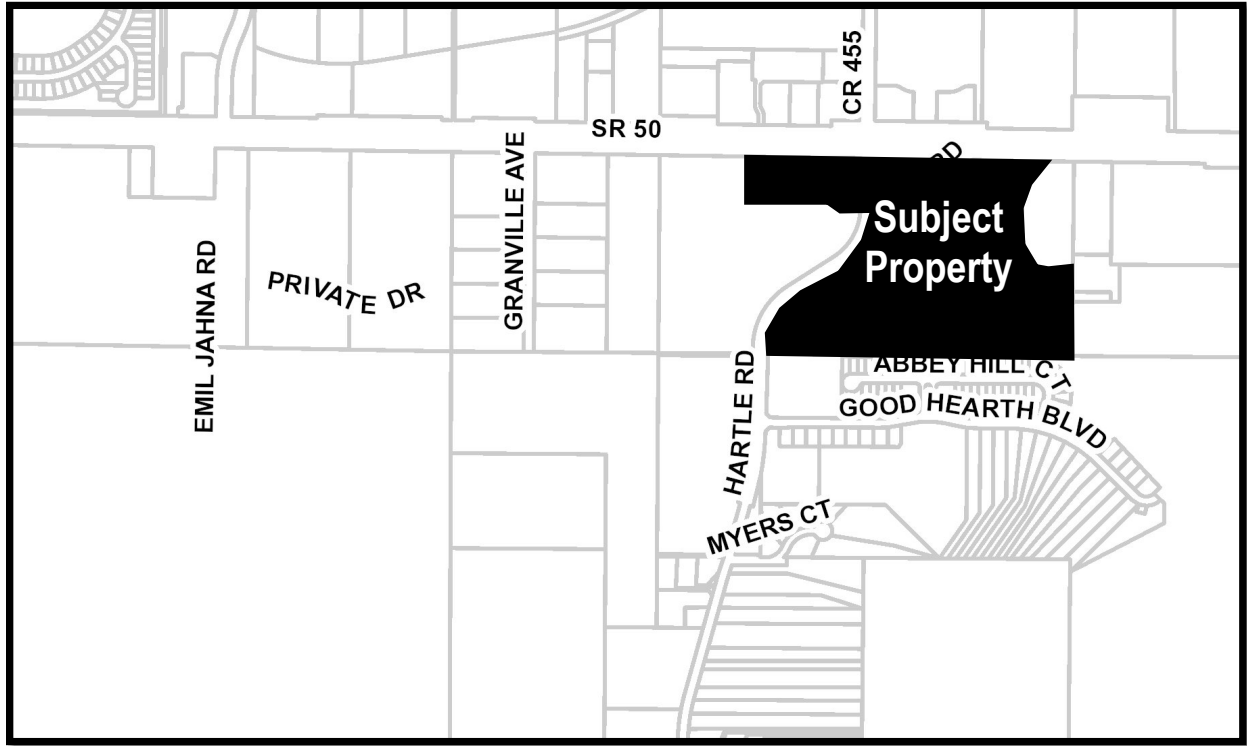
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

SECTION 6:

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

CITY OF CLERMONT
ORDINANCE No. 2016-11

Location map:



CITY OF CLERMONT
ORDINANCE No. 2016-11

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 12th day of April, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

WATER & WASTEWATER SERVICE AGREEMENT

This document constitutes an agreement between the CITY of Clermont, hereby referred to as **CITY**, a municipality of the State of Florida, and BFG Lakeshore, Ltd SR 50/Hartle Rd, LLC, a Georgia limited liability company, and Clermont Partner, LLC, a Georgia limited liability company, and their respective successors or assigns, hereby referred to as **OWNER**.

WITNESSETH

Whereas, OWNER is proposing to develop a 325 unit residential community and a commercial development which is located 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 unincorporated area of Lake County and the OWNER is requesting water and sewer service from the CITY; and

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

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

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

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

Section 1. OFF-SITE WATER/SEWER – Each and all of the foregoing premises are incorporated into and constitute a part of this Agreement.

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

- 1.4 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans.
- 1.5 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No Certificate of Occupancy shall be issued until water and sewer extensions have been completed and accepted by the CITY.
- 1.6 The OWNER shall be responsible for all costs of on site and off site improvements, necessary to connect to CITY's system at its current location in the Easement Area, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property.
- 1.7 The CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY. The CITY shall notify OWNER within 60 days if lines are to be oversized.
- 1.8 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
- 1.9 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
- 1.10 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water and sewer lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1.9 from the CITY in the form of Impact Fee Credits.
- 1.11 The Impact Fee Credits shall be established subject to Sections 1.8 and 1.10, and at the time of issuance of each building permit by applying the then current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used.
- 1.12 Impact Fee Credits may not be transferred outside of the Property described on Exhibit 'A' but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property.

Section 2. DEVELOPMENT STANDARDS

- 2.1 The project shall be developed according to the approved Lake County PUD (Ord #2004-4), the preliminary plat dated 11/22/04 and final engineering drawings dated 7/7/05. Items not addressed in the PUD must be developed to the JPA standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- 2.2 OWNER will ensure that the CITY waterline has a minimum cover of three (3) feet and a maximum of six (6) feet deep from the final surface of the ground.

Section 3. ANNEXATION

John *GOB*
CFR

3.1 OWNER agrees that CITY may annex the Property into the City of Clermont if CITY, in its sole discretion, chooses to do so. In conjunction herewith, OWNER shall provide to CITY a Notice of Encumbrance To Annex Property in a form substantially in compliance with the form set forth in Exhibit "B", attached hereto and incorporated herein. The CITY shall record this Notice in the public records of Lake County whereupon it is agreed it shall serve as an enforceable encumbrance on the real property described in Exhibit "B". The Notice of Encumbrance shall be executed by all owners of the real property describe din Exhibit "A" and shall be accompanied, at OWNER'S expense, by a current certificate of title or opinion letter acceptable to CITY and issued by a licensed title company or attorney identifying all owners in interest of the real property. All land transfers by OWNER shall contain a deed restriction or covenant noting the existence of this encumbrance to annex, such restriction to be recorded as a covenant to run with the land.

Section 4. SEVERABILITY

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

Section 5. NOTICES

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

CITY

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

OWNER

BFG Lakeshore, Ltd.
James H. Fant
P.O. Box 568492
Orlando, FI 32856-8492

SR 50/Hartle Rd.
35 Johnson Ferry Rd
Marietta, GA 30068

Clermont Partner, LLC
2900 Delk Rd
Suite 700, #314
Marietta, GA 30067-5350

Section 6. AMENDMENTS

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

Section 7. EFFECTIVE DATE

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

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

DATED this 10 day of January, 2006

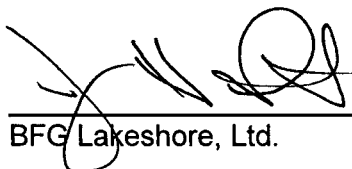
CITY OF CLERMONT

ATTEST:


Harold S. Turville Jr., Mayor


Tracy Ackroyd, City Clerk

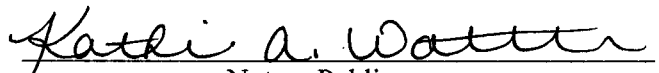
OWNER


MANAGER
BFG Lakeshore, Ltd.

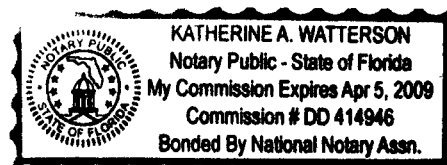
STATE OF Florida
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared James H. Fant, as manager of BFG Lakeshore, Ltd., 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 28th day of August, 2006.


Notary Public

OWNER

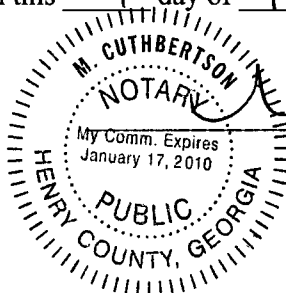



SR 50/Hartle Road, LLC

STATE OF Georgia
COUNTY OF Henry

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared G. Owen Brown, as owner of SR 50/Hartle Road, LLC, 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 24 day of August, 2006



M. Cuthbertson
Notary Public

OWNER

[Signature]
Clermont Partner, LLC.

STATE OF Florida
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Charles F. Heard Jr. as manager of Clermont Partner LLC, 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 23rd day of August, 2006.

[Signature]
Notary Public

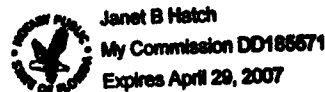


Exhibit A

**HARTLE ROAD
OVERALL BOUNDARY**

DESCRIPTION:

PARCEL 1:

A portion of the Southwest 1/4 of the Northeast 1/4 and a portion of the Southeast 1/4 of the Northwest 1/4 of Section 26, Township 24 South, Range 26 East, formerly known as Tracts 19, 20, 21, 22, 27, 28, 29, 30 and 30A of LAKE HIGHLANDS COMPANY PLAT of Section 26, Township 22 South, Range 26 East, according to the plat thereof as recorded in Plat Book 3, Page 52, Public Records of Lake County, Florida, Less and Except that part of Tract 21 described as follows:

From an iron axle set for the center of said Section 26, run South 89°53'30" West along mid-section line 503.3 feet, thence North 0°03' East 833.95 feet to a concrete monument and the Point of Beginning; thence continue North 0°03' East 451 feet to the South right of way line of State Road No. 50, thence Westerly along said right of way to the West line of the E 1/4 of the SE 1/4 of the NW 1/4 of said Section 26, thence Southerly along said line to a point lying South 89°40' West of the Point of Beginning, thence North 89°40' East to Point of Beginning, subject to right of way of Hartle Road along West side of said property.

NOW LYING WITHIN:

Tracts 19, 20, 22, 27, 28, 29, 30, 30A and a portion of Tract 21 Hartle's Replat, according to the plat thereof as recorded in Plat Book 12, Page 45, Public Records of Lake County, Florida.

Less Road Right of Way for State Road No. 50 and Hartle Road.

PARCEL 2:

From an iron axle set for the center of Section 26, Township 22 South, Range 36 East, run South 39°53'30" West along mid-section line 503.3 feet, thence North 0°03' East 833.95 feet to a concrete monument and the Point of Beginning, thence continue North 0°03' East 451 feet to the South right of way line of State Road No. 50, thence Westerly along said right of way to the West line of the E 1/4 of the SE 1/4 of the NW 1/4 of said Section 26, thence Southerly along said line to a point

lying South 89°40' West to the Point of Beginning; thence North 89°40' East to Point of Beginning, subject to right of way for Hartle Road along West said of said property.

A/K/A a portion of Tract 21, Hartle's Replat, according to the plat thereof as recorded in Plat Book 12, page 45, Public Records of Lake County, Florida.

E/K/A a portion of Tract 21, Lake Highlands Company Section 26, Township 22 S, Range 26 E, Public Records of Lake County, Florida.

Less Road Right of Way for State Road No. 50 and Hartle Road.

HARTLE ROAD
RESIDENTIAL BOUNDARY

DESCRIPTION:

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an iron axle found at the center of said Section 26; thence run N00°30'29"E along the North-South center of section line of Section 26 for a distance of 15.00 feet to the South line of Tract 28, LAKE HIGHLANDS COMPANY, according to the plat thereof, as recorded in Plat Book 3, Page 52, of the Public Records of Lake County, Florida, and the POINT OF BEGINNING; thence run N89°33'31"W along said South line for a distance of 685.12 feet to the West right-of-way line of Hartle Road, as shown on the plat of HARTLE ROAD, according to the plat thereof, as recorded in Plat Book 22, Page 46, of the Public Records of Lake County, Florida; thence run S02°25'50"W along said West right-of-way line for a distance of 15.01 feet to the South line of the Northwest 1/4 of said Section 26; thence leaving said West right-of-way line run N89°33'31"W along the South line of the Northwest 1/4 of said Section 26 for a distance of 644.99 feet; thence leaving said South line run N00°26'07"E along the West line of the East 1/2 of the Northwest 1/4 of said Section 26 and the West line of Tracts 22 and 27 of said LAKE HIGHLANDS COMPANY for a distance of 1285.28 feet to the South right-of-way line of State Road 50, as shown on the Florida Department of Transportation Right-of-way Maps Section 11070-2505; thence run S89°06'32"E along said South right-of-way line for a distance of 572.14 feet; thence leaving said South right-of-way line run S00°30'29"W for a distance of 270.00 feet; thence run S89°06'32"E for a distance of 507.31 feet; thence run S62°10'41"E for a distance of 99.09 feet; thence run S89°06'32"E for a distance of 114.80 feet; thence run N00°30'29"E for a distance of 314.88 feet to the aforesaid South right-of-way line; thence run along said South right-of-way line the following courses and distances S89°06'32"E for a distance of 23.88 feet; thence run S00°53'28"W for a distance of 20.00 feet; thence run S89°06'32"E for a distance of 76.26 feet; thence leaving said South right-of-way line run S00°30'29"W for a distance of 286.83 feet; thence run S89°06'32"E for a distance of 685.14 feet; thence run N00°30'29"E for a distance of 306.83 feet to the aforesaid South right-of-way line; thence run S89°06'32"E along said South right-of-way line for a distance of 422.61 feet to a point hereinafter referred to as Reference Point "A", said point being on the shoreline of Hill Lake; thence run Southwesterly, Southeasterly and Easterly along said shoreline to a point on the

East line of the West 1/2 of the Northeast 1/4 of said Section 26 and the East line of Tract 30A of said LAKE HIGHLANDS COMPANY, said point being S13°26'15"E a distance of 694.94 feet from said Reference Point "A"; thence run S00°35'22"W along said East line for a distance of 575.56 feet to the South line of Tract 30A of said LAKE HIGHLANDS COMPANY; thence run N89°34'53"W along the South line of Tracts 30A, 30 and 29 of said LAKE HIGHLANDS COMPANY for a distance of 1324.41 feet to the POINT OF BEGINNING.

Containing 63.0 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

HARTLE ROAD
WEST SIDE COMMERCIAL SITE
PARCEL A

DESCRIPTION:

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence run N89°33'31"W along the South line of the Northwest 1/4 of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East 1/2 of the Northwest 1/4 of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run S89°06'32"E along said South right-of-way line for a distance of 572.14 feet to the POINT OF BEGINNING; thence continue S89°06'32"E along said South right-of-way line for a distance of 710.16 feet; thence leaving said South right-of-way line run S00°30'29"W for a distance of 314.88 feet; thence run N89°06'32"W for a distance of 114.80 feet; thence run N62°10'41"W for a distance of 99.09 feet; thence run N89°06'32"W for a distance of 507.31 feet; thence run N00°30'29"E for a distance of 270.00 feet; to the POINT OF BEGINNING.

Containing 4.565 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

TOGETHER WITH:

HARTLE ROAD
EAST SIDE COMMERCIAL SITE
PARCEL B

DESCRIPTION:

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence run N89°33'31"W along the South line of the Northwest 1/4 of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East 1/2 of the Northwest 1/4 of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run the following courses and distance along said South right-of-way line S89°06'32"E 1306.18 feet; thence run S00°53'28"W 20.00 feet; thence run S89°06'32"E 76.26 feet to the POINT OF BEGINNING; thence continue the following courses and distances along said South right-of-way line run S89°06'32"E for a distance of 623.74 feet; thence run N00°53'28"E for a distance of 20.00 feet; thence run S89°06'32"E for a distance of 61.26 feet; thence leaving said South right-of-way line run S00°30'29"W for a distance of 306.83 feet; thence run N89°06'32"W for a distance of 685.14 feet; thence run N00°30'29"E for a distance of 286.83 feet to the POINT OF BEGINNING.

Containing 4.540 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

Exhibit B

Notice of Encumbrance
to Annex to City of Clermont

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

THIS INSTRUMENT, Made this 10th day of January 2006, between BFG Lakeshore, LTD, of the County of Lake, State of Florida Grantor, SR 50/Hartle Rd, LLC, Clermont Partner, LLC 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:

See Attached Exhibit "A" - Legal Description

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):

X. 3
CFA
Signature [Signature]
Type or print name Charles F. Heard Jr

2. Signature [Signature]
Type or print name G OWEN BROWN

Signature [Signature]
Type or print name JAMES H. FAUT

WITNESSES (Two required):

1. Signature [Signature]
Type or print name Dunlap, Jr.

2. Signature [Signature]
Type or print name John A. Stephens

3. Signature [Signature]
Type or print name Katherine A. Watterson

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 23rd day of August, 2006, by Charles F. Heard, Jr., who is personally known to me or who has produced _____ as identification and who did not take an oath.

SEAL:

Notary Public [Signature] Type/print name Janet B. Hatch



Janet B Hatch
My Commission DD186671
Expires April 29, 2007

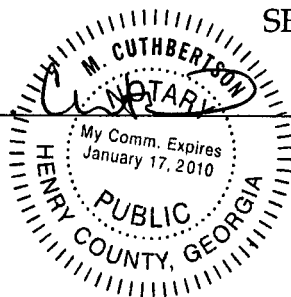
STATE OF Georgia

COUNTY OF Denny

The foregoing instrument was acknowledged before me on this 24 day of August, 2006, by G. Owen Brown, who is personally known to me or who has produced _____ as identification and who did not take an oath.

SEAL:

Notary Public M. Cuthbertson



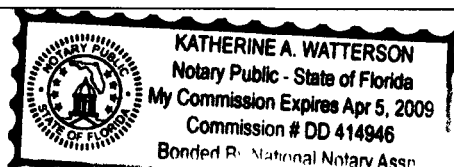
Type/print name M. Cuthbertson

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me on this 28th day of August, 2006, by James H. Fant, who is personally known to me or who has produced _____ as identification and who did not take an oath.

SEAL:



Notary Public Katherine A. Watterson

Type/print name Katherine A. Watterson

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

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



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

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

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

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

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

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

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

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

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

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

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

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

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

ORDINANCE NO. #2011-50

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

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

4 **Section 1.** Terms: The terms and conditions of this Ordinance shall mean and include the total of the
5 following. The passage of this Ordinance shall supersede and replace any and all previous
6 ordinances, specifically Ordinance #2009-4, granted for the site or any portions of the site
7 legally described herein and attached hereto as "Exhibit A". The County Manager or designee
8 shall amend the Zoning Map in accordance with this Ordinance.
9

10 A. Land Use and Design:

11 1. Residential:

12 a. Density:

13 i. 103 single-family residential.

14 ii. 380 multi-family or townhome units.

15 iii. The overall density shall not exceed seven (7) dwelling units to
16 the net acre.
17

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

19 Front: 20 feet from the property line

20 Secondary Front: 15 feet from the property line

21 Side: 5 feet from the property line (Single-Family
22 Detached)

23 Side: Zero lot line for shared common walls (Townhomes)

24 Rear: 20 feet from the property line (5 feet for accessory
25 structures)

26 Between Buildings: 10 feet plus 15 feet for each story in excess of two
27 stories
28

29 c. Setbacks for Multifamily Residential

30 Front: 20 feet from the property line

31 Secondary Front: 15 feet from the property line

32 Side: 5 feet from the property line plus 15 feet for each
33 story in excess of two (2)

34 Rear: 20 feet from the property line

35 Between Buildings: 10 feet plus 15 feet for each story in excess of two
36

37 d. The multi-family development shall provide internal connections for
38 pedestrian access to the commercial portions of the development on the
39 west side of Hartle Road.
40
41
42

ORDINANCE NO. #2011-50

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

2. Commercial:

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

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

B. Open Space/Impervious Area/Floor Area:

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

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

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

E. Transportation:

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

ORDINANCE NO. #2011-50**PH #11-11-2 (Hartle Grove PUD Amendment)**

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

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

F. Environmental Requirements:

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

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

H. Storm Water and Drainage Requirements:

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

I. External Lighting Standards and Requirements:

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

ORDINANCE NO. #2011-50

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

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

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

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

J. Development Review:

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

ORDINANCE NO. #2011-50

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

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

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

ORDINANCE NO. #2011-50

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

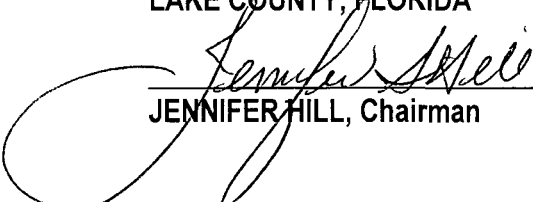
1 **SECTION 3. Effective Date.** This Ordinance shall become effective as provided by law.

2
3 ENACTED this 23 day of August, 2011.

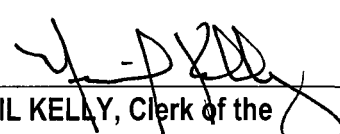
4
5 FILED with the Secretary of State September 2, 2011.

6
7 EFFECTIVE September 2, 2011.

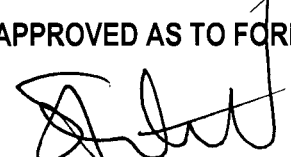
8 **BOARD OF COUNTY COMMISSIONERS**
9 **LAKE COUNTY, FLORIDA**

10
11 
12 **JENNIFER HILL, Chairman**

13
14 **ATTEST:**

15
16 
17
18 **NEIL KELLY, Clerk of the**
19 **Board of County Commissioners**
20 **Lake County, Florida**

21
22 **APPROVED AS TO FORM AND LEGALITY**

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

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ORDINANCE NO. #2011-50

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

EXHIBIT "A"

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

Exhibit - Location Map
Hartle/Terrace Groves PUD

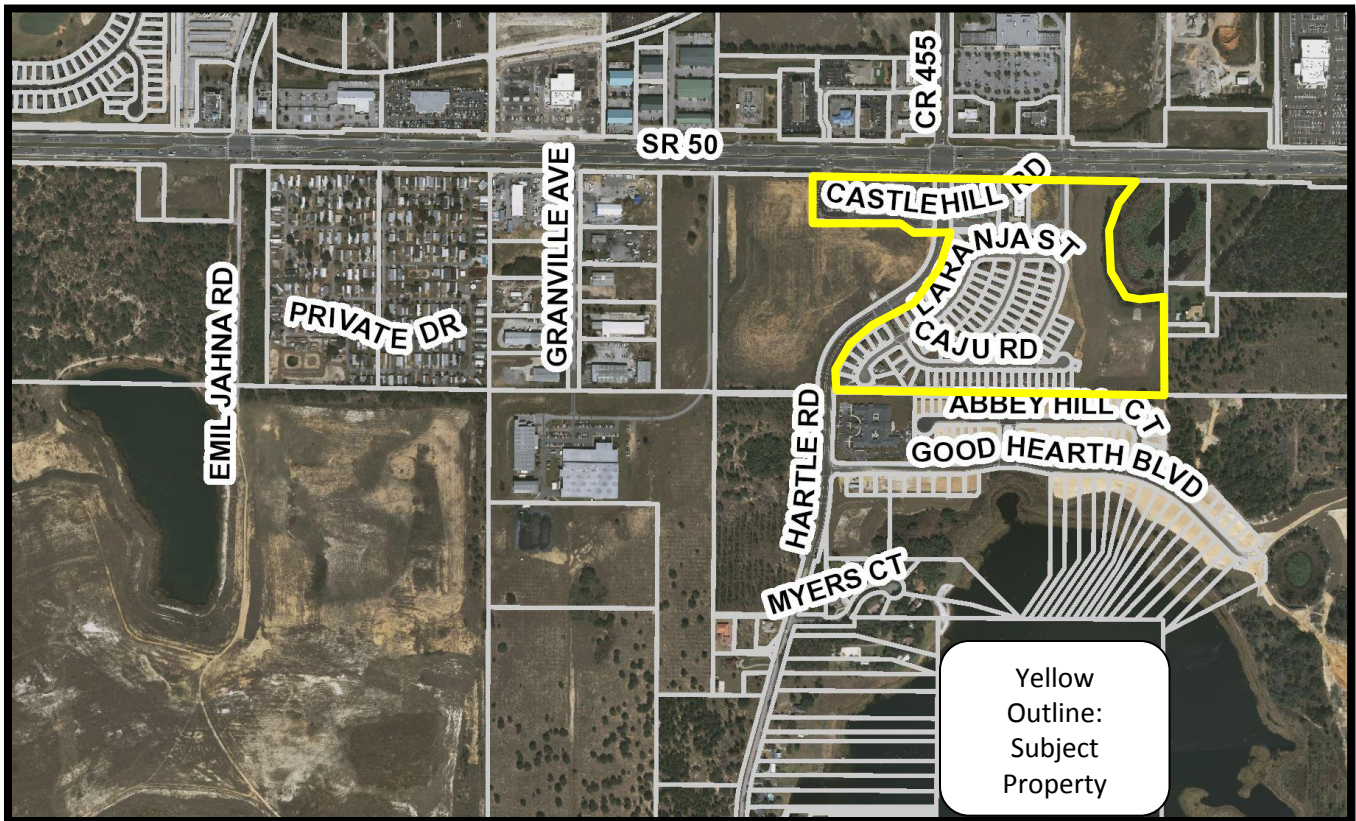
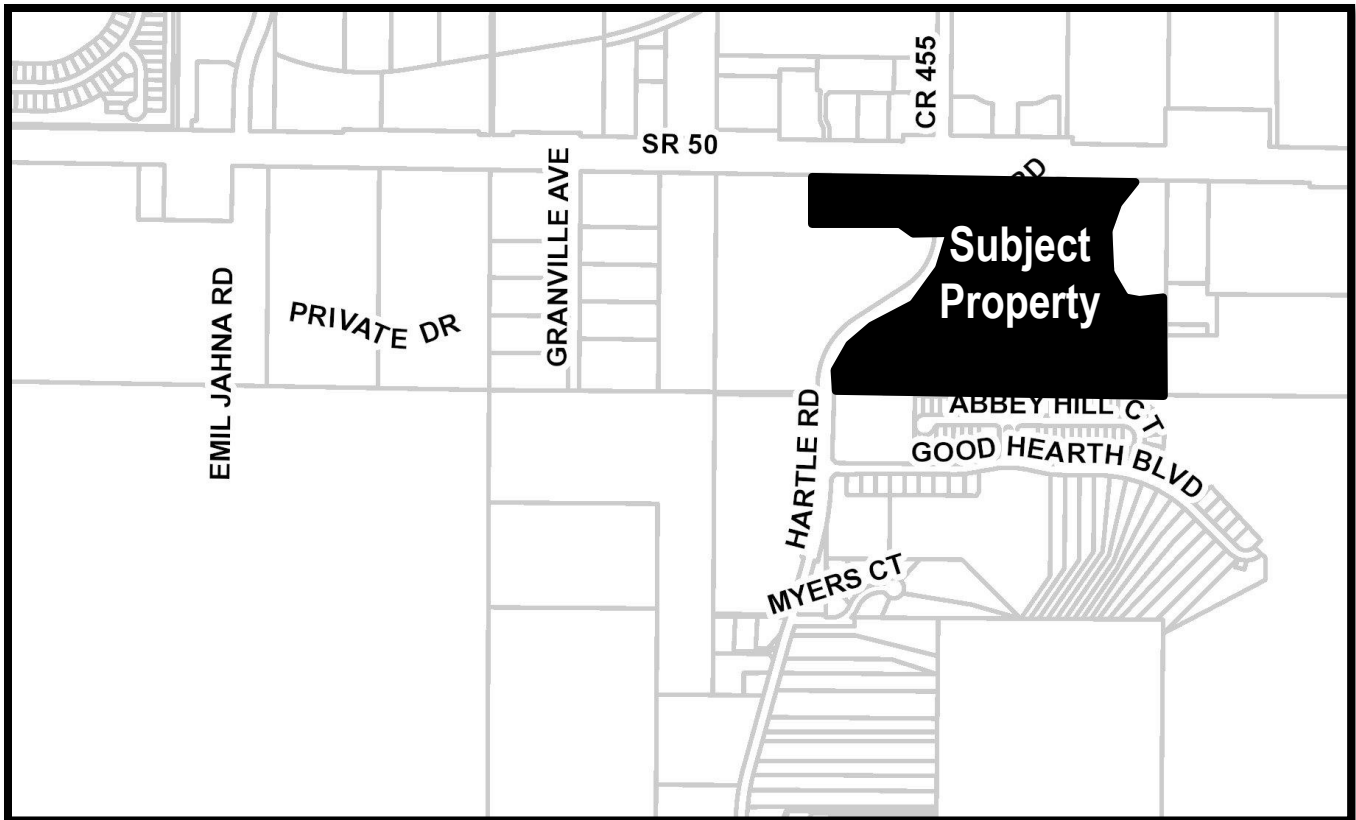
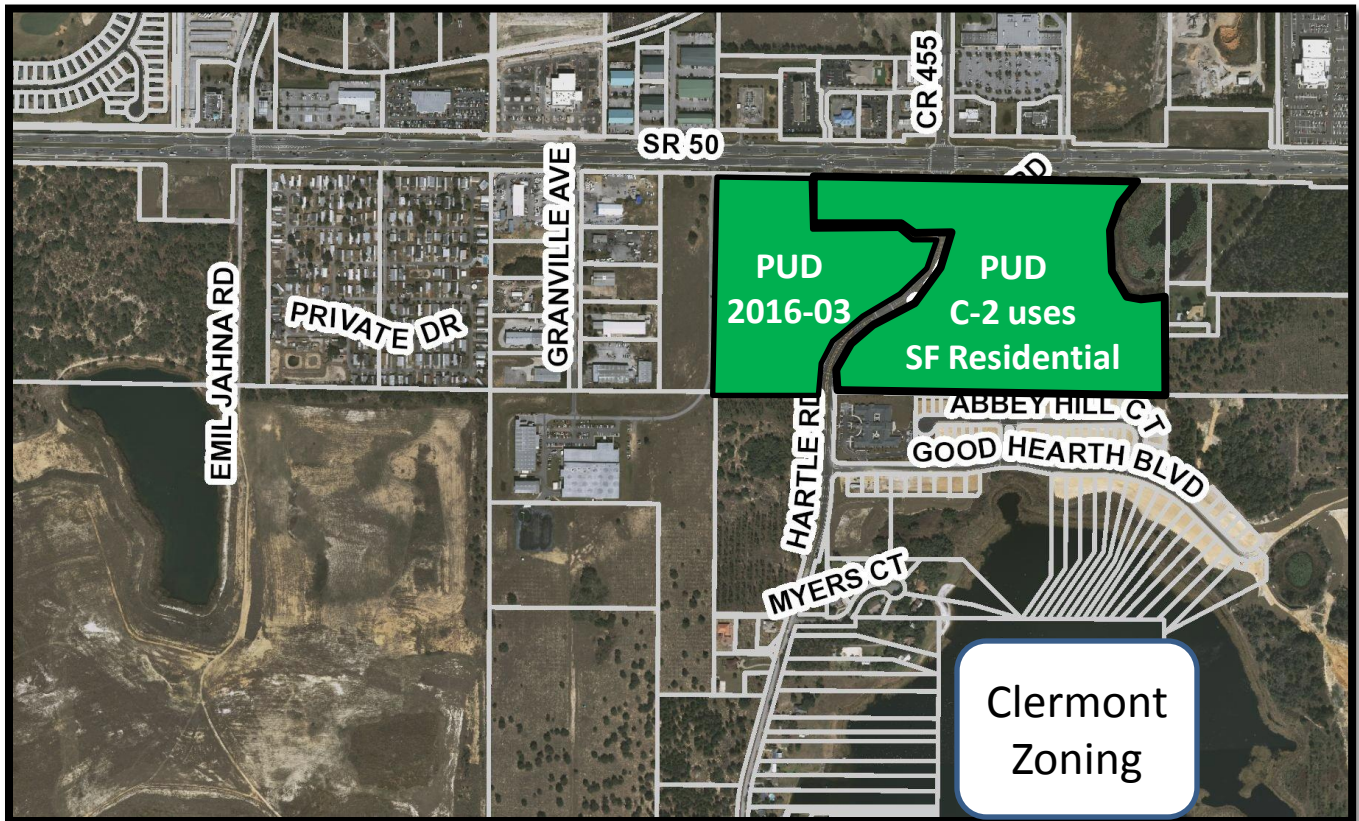
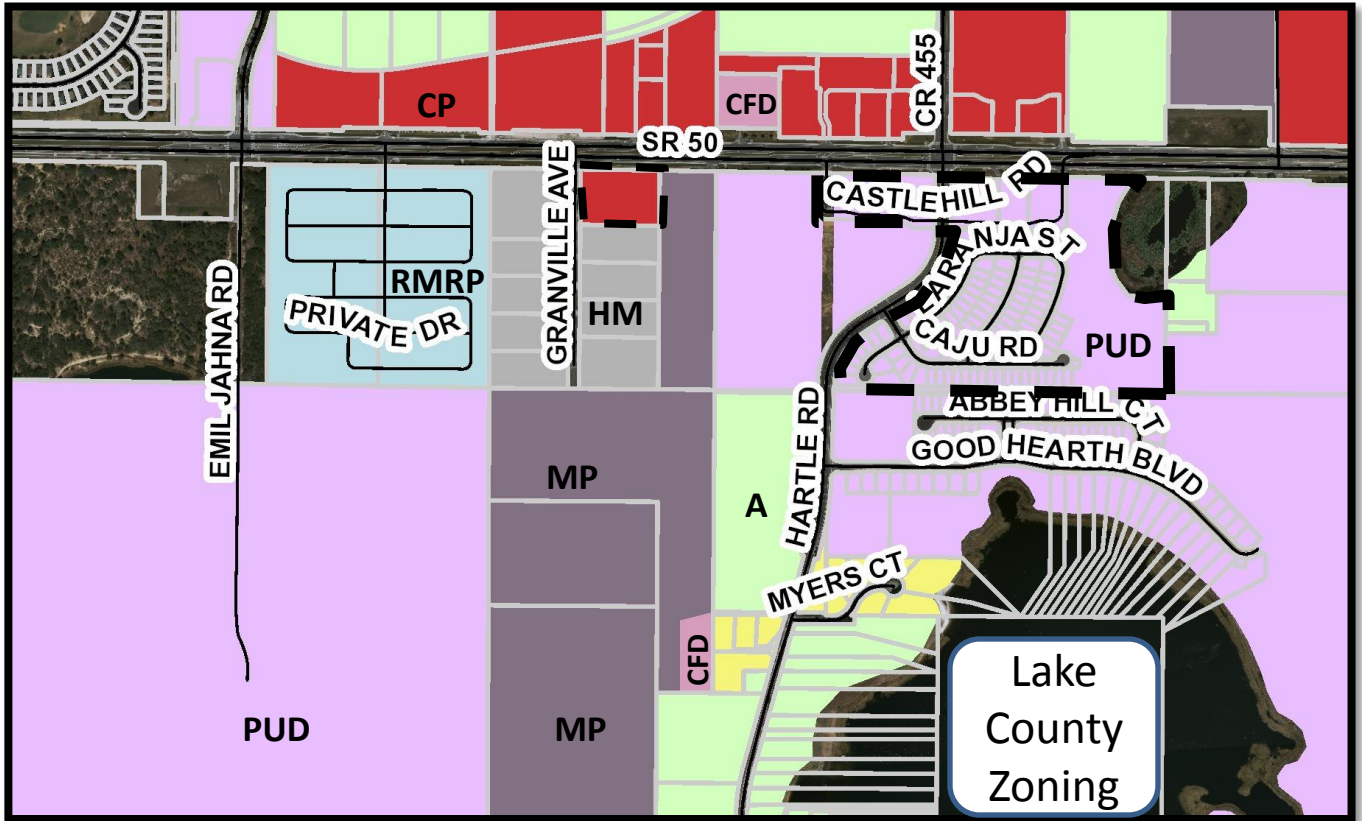


Exhibit – Zoning
Hartle/Terrace Groves



LEGAL NOTICE

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

ORDINANCE NO. 2016-11

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

LOCATION

South of S.R. 50, East and West of the Hartle Road

LEGAL DESCRIPTION

All of that tract or parcel of land lying and being in Section 26, Township 22 South, Range 26 East, Lake County, Florida, and being more particularly described as follows:

Commence at an iron axle found at the center of Section 26, Township 22 South, Range 26 East, Lake County, Florida; thence run N89 degrees 33 minutes 31 seconds West along the South line of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1330.63 feet to a set $\frac{1}{2}$ inch iron rod with cap; thence leave said South line and run North 00 degrees 26 minutes 07 seconds East along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1285.28 feet to a point located on the southern right-of-way line of State Road No. 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 572.14 feet to the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING as thus established, continue along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East a distance of 710.16 feet to a point; thence leave said right-of-way line of State Road No. 50, and run South 00 degrees 30 minutes 29 seconds West a distance of 314.88 feet to a point; thence North 89 degrees 06 minutes 32 seconds West a distance of 114.80 feet to a point; North 62 degrees 10 minutes 41 seconds West a distance of 99.09 feet to a point; thence North 89 degrees 06 minutes 32 seconds West a distance of 507.31 feet to a point; thence North 00 degrees 30 minutes 29 seconds East a distance of 270.00 feet to the TRUE POINT OF BEGINNING.

(As described in Official Records Book 4258 Page 317, Public Records of Lake County, Florida.)

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence N89°33'31"W along the South line of the Northwest $\frac{1}{4}$ of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along

the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation Right-of-way Maps Section 11070-2505; thence continue the following courses along said South right-of-way line run S89°06'32"E, 1306.18 feet; thence S00°53'28"W, 20.00 feet; thence S89°06'32"E, 107.05 feet to the POINT OF BEGINNING; thence continue along said South right-of-way line S89°06'32"E, 254.34 feet; thence leaving said South right-of-way line run S00°53'28"W, 286.82 feet; thence N89°06'32"W, 277.22 feet; thence N00°30'29"E, 261.82 feet; thence N45°27'06"E, 35.10 feet to the POINT OF BEGINNING. (As described in Official Records Book 3998 Page 359, Public Records of Lake County, Florida.)

That part of Section 26, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at an axle found at the center of said Section 26; thence N89°33'31"W along the South line of the Northwest $\frac{1}{4}$ of said Section 26 for a distance of 1330.63 feet; thence leaving said South line run N00°26'07"E along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 for a distance of 1285.28 feet to the South right-of-way line of State Road 50 as shown on the Florida Department of Transportation Right-of-way Maps Section 11070-2505; thence continue the following courses along said South right-of-way line run S89°06'32"E, 1306.18 feet; thence S00°53'28"W, 20.00 feet; thence S89°06'32"E, 361.39 feet to the POINT OF BEGINNING; thence continue along said South right-of-way line S89°06'32"E, 175.82 feet; thence leaving said South right-of-way line run S00°53'28"W, 286.82 feet; thence N89°06'32"W, 175.82 feet; thence N00°53'28"E, 286.82 feet to the POINT OF BEGINNING. (As described in Official Records Book 3982 Page 1745, Public Records of Lake County, Florida.)

All that tract or parcel of land lying and being in Section 26, Township 22 South, Range 26 East, Lake County, Florida, and being more particularly described as follows:

Commence at an iron axle found at the center of Section 26, Township 22 South, Range 26 East, Lake County, Florida; thence run N89 degrees 33 minutes 31 seconds West along the South line of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1330.63 feet to a set $\frac{1}{2}$ inch iron rod with cap; thence leave said South line and run North 00 degrees 26 minutes 07 seconds East along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 26 a distance of 1285.28 feet to a point located on the Southern right-of-way line of State Road No. 50 as shown on the Florida Department of Transportation right-of-way maps Section 11070-2505; thence run along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 1306.18 feet; thence run South 00 degrees 53 minutes 28 seconds West, 20.0 feet; thence run South 89 degrees 06 minutes 32 seconds East, 537.21 feet to the TRUE POINT OF

BEGINNING. FROM THE TRUE POINT OF BEGINNING as thus established, continue along said right-of-way line of State Road No. 50, South 89 degrees 06 minutes 32 seconds East, a distance of 162.79 feet to a point; thence North 00 degrees 53 minutes 28 seconds East, 20.0 feet; thence South 89 degrees 06 minutes 32 seconds East, 61.26 feet; thence leave said right-of-way line of State Road No. 50, and run South 00 degrees 30 minutes 29 seconds West, a distance of 306.83 feet to a point; thence North 89 degrees 06 minutes 32 seconds West, a distance of 226.10 feet to a point; thence North 00 degrees 53 minutes 28 seconds East, a distance of 286.82 feet to the TRUE POINT OF BEGINNING. (As described in Official Records Book 4571 Page 754, Public Records of Lake County, Florida.)

All of Terrace Grove as recorded in Plat Book 64 Page 18, Public Records of Lake County, Florida.

All of Terrace Grove Partial Replat as recorded in Plat Book 64 Page 46, Public Records of Lake County, Florida.

Containing 44 +/- acres

FROM UE Urban Estate
TO Planned Unit Development

This request will be considered by the Planning & Zoning Commission on Tuesday, March 1, 2016 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, April 12, 2016 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
February 23 and March 29, 2016



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 1, 2016		
Agenda Item Name		
Ordinance 2016-12 Miller Rezoning		
Requested Action		
Move to recommend approval of Ordinance 2016-12.		
Staff Report		
The applicant is requesting a rezoning of the subject parcel located at 770 Almond Street. The proposed rezoning is from the current R-3-A Residential / Professional district to the City's C-1 Light Commercial zoning district. The applicant proposes to redevelop the site from the current single-family residential structure to a professional office. Parking, water retention and landscape buffers will be included with the redevelopment. The future land use designation for the parcel is Commercial which matches the request for rezoning to C-1 Light Commercial zoning. Staff recommends approval of the rezoning to C-1 Light Commercial zoning district.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance		REZ ORD 2016-12.docx
2. Location Map		Location Map.doc
3. Zoning and Future Land Use		Current Zoning Map.doc
4. Street Picture		Street Picture.doc
5. Legal ad		REZ legal ad.docx

CITY OF CLERMONT
ORDINANCE No. 2016-12

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

The City Council of the City of Clermont, Lake County, Florida hereby ordains that:

SECTION 1:

The official Zoning Map of the City of Clermont, Lake County, Florida referred to in Chapter 122 of Ordinance No. 289-C, Code of Ordinances, is hereby amended by rezoning the following described property:

LEGAL DESCRIPTION

Clermont, Clermont Heights, Lots 291, 292; PB 4 PG 1, ORB 4736 PG 1043

LOCATION

770 Almond Street, Alternate Key 1618436

**FROM: R-3-A Residential Professional
TO: C-1 Light Commercial**

SECTION 2:

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

SECTION 3:

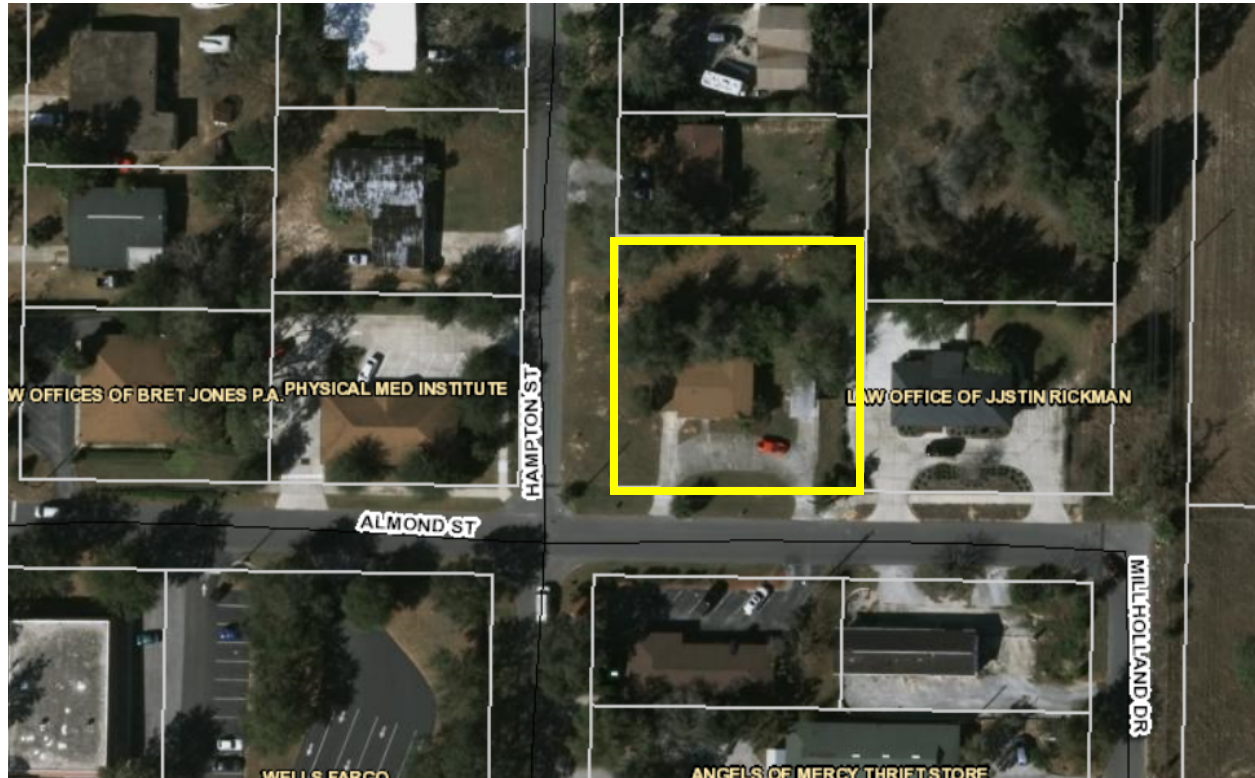
Should any Section or part of this Section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire Section or part of the Section may be inseparable in meaning and effect from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

SECTION 4:

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

CITY OF CLERMONT
ORDINANCE No. 2016-12

Location map:



CITY OF CLERMONT
ORDINANCE No. 2016-12

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 22nd day of March, 2016.

CITY OF CLERMONT

Gail L. Ash, Mayor

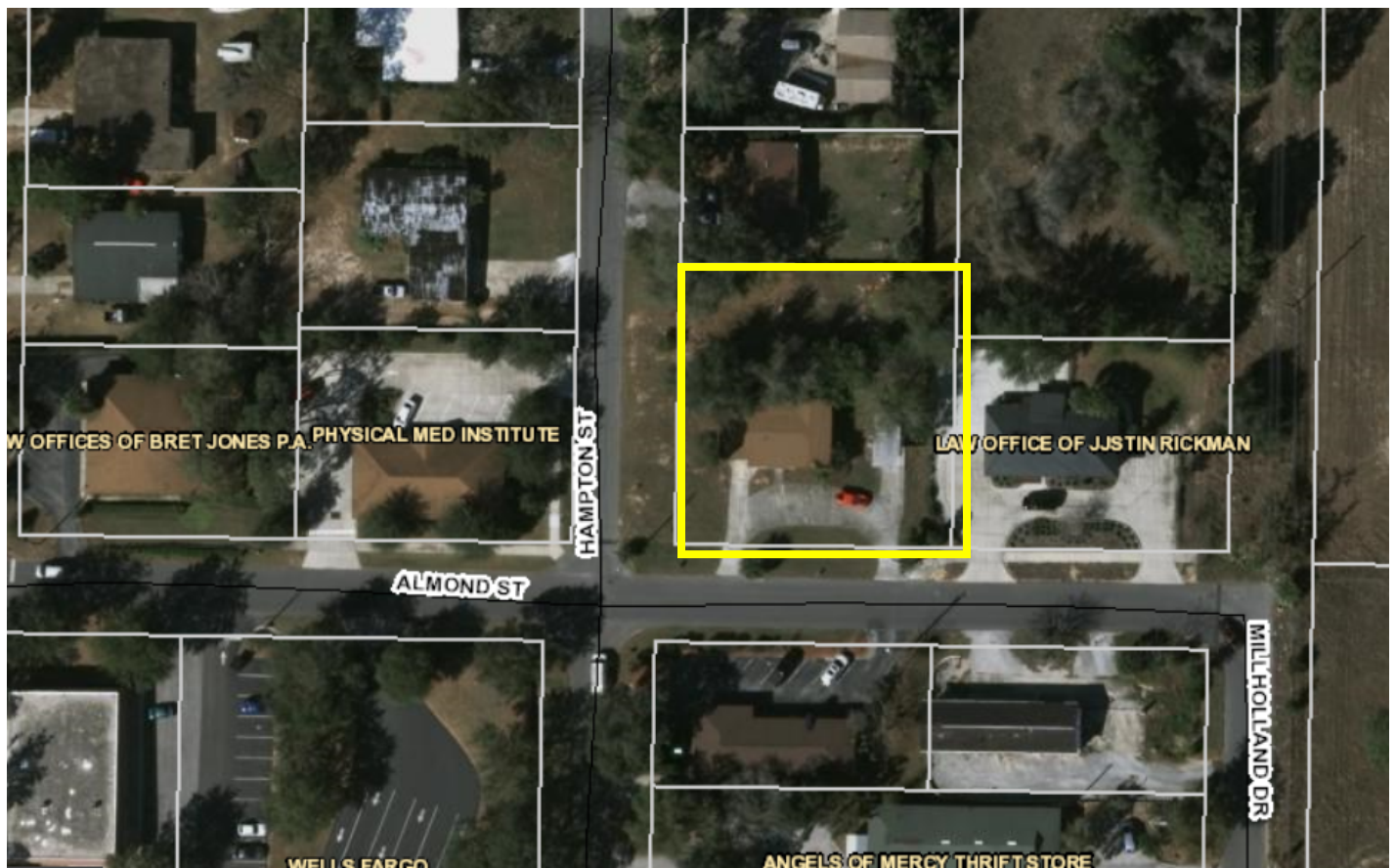
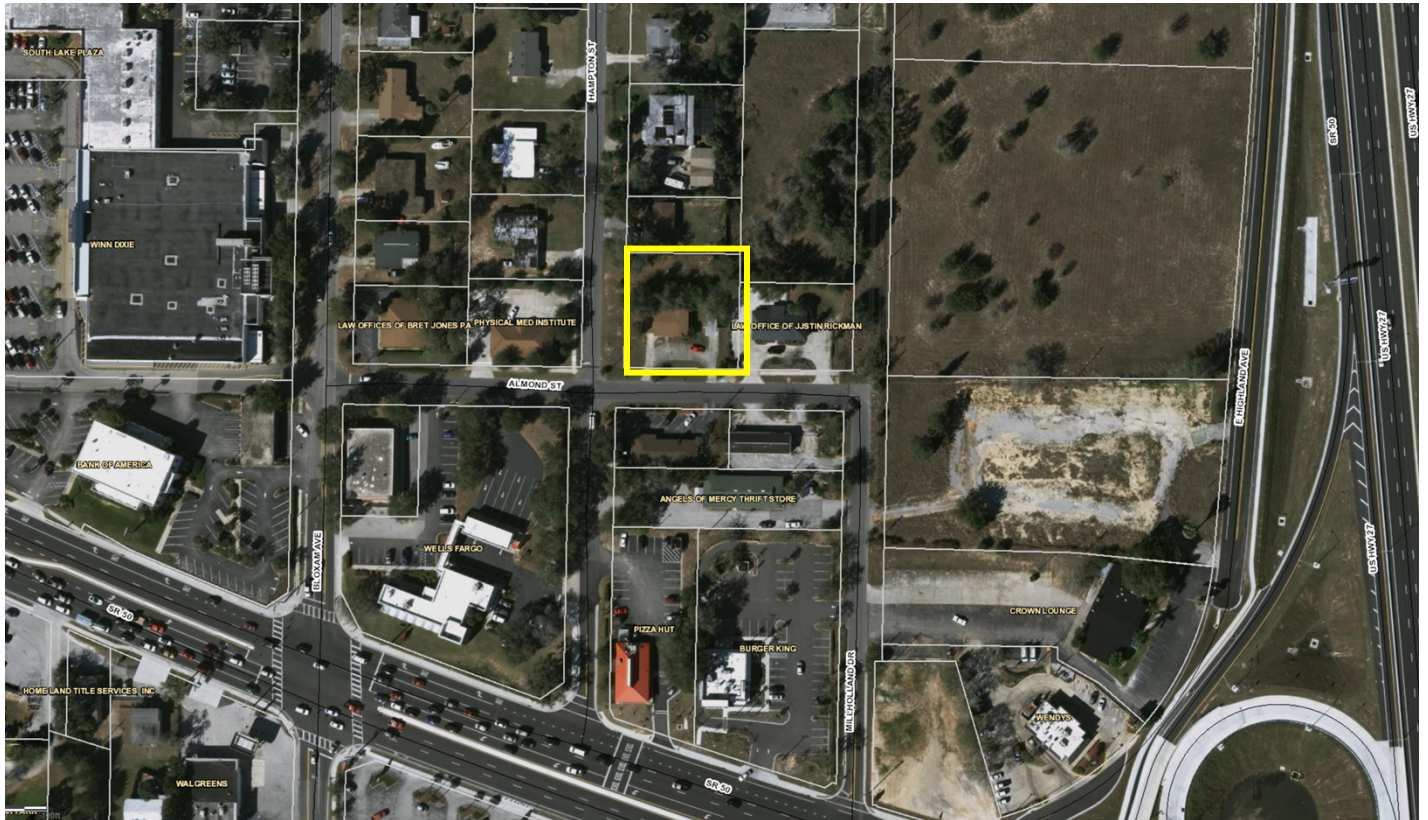
ATTEST:

Tracy Ackroyd Howe, City Clerk

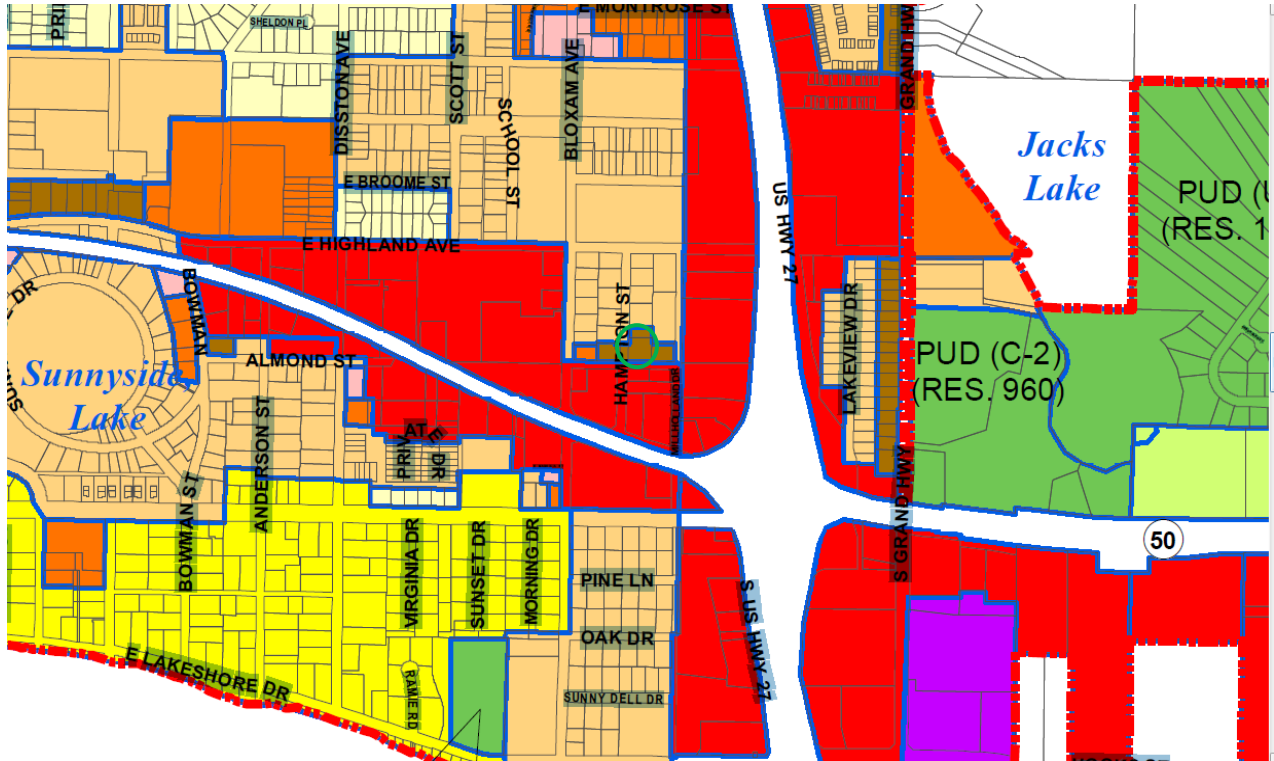
Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

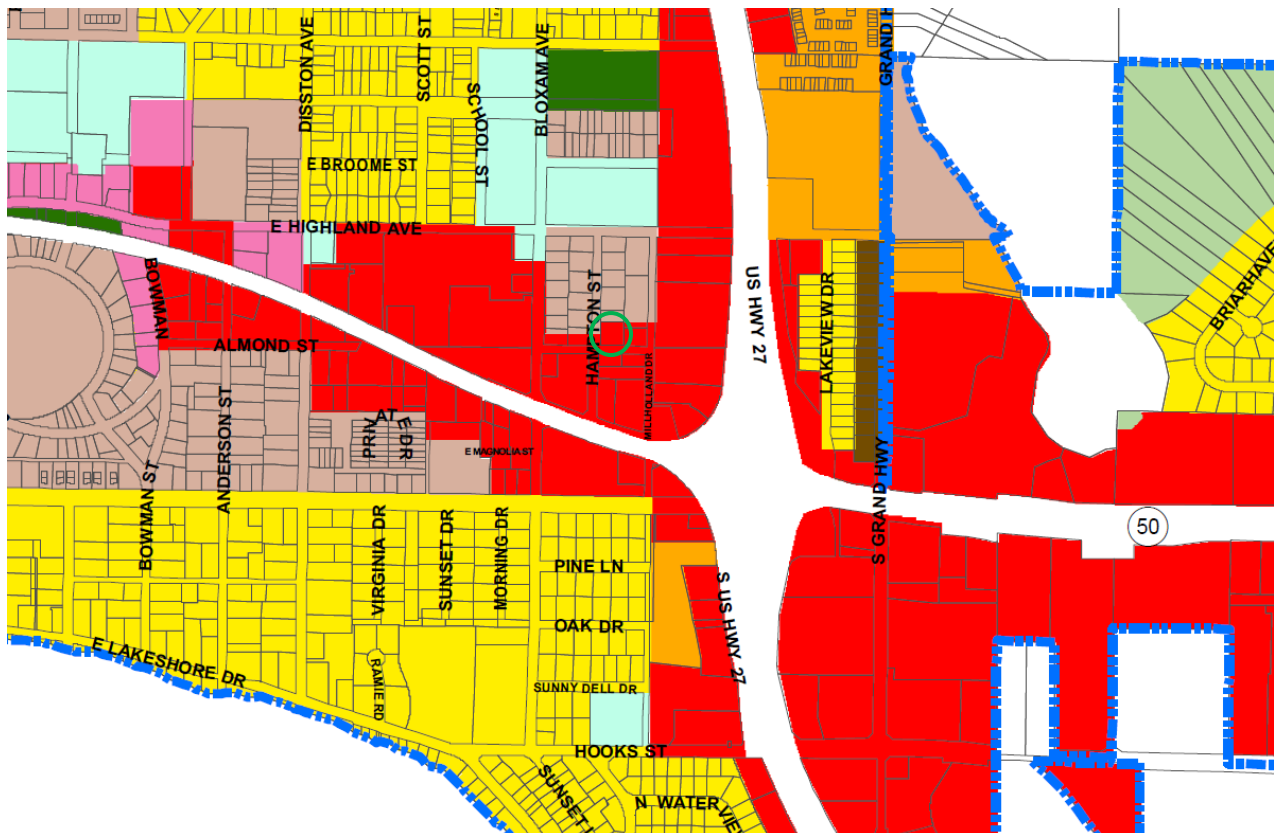
Location Map:



Current Zoning Map: R-3-A Residential Professional



Current Land Use Map: Commercial



770 Almond Street (from intersection of Hampton and Almond St.)



LEGAL NOTICE

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

ORDINANCE NO. 2016-12

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

LOCATION

770 Almond Street, Alternate Key 1618436

LEGAL DESCRIPTION

Clermont, Clermont Heights Lots 291, 292; PB 4 PG 1, ORB 4736 PG 1043

FROM R-3-A Residential Professional
TO C-1 Light Commercial

This request will be considered by the Planning & Zoning Commission on Tuesday, March 1, 2016 at 6:30 p.m.

A public meeting to consider the request will be held before the City Council on Tuesday, March 22, 2016 at 6:30 p.m. for final enactment.

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

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

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

Tracy Ackroyd Howe, MMC
City Clerk

Daily Commercial
February 23 and March 8, 2016