



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
LOCATION: CLERMONT CITY HALL
685 WEST MONTROSE STREET
6:30 PM, Tuesday, March 7, 2023**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
MINUTES**

Approval of the February 7, 2023 Planning & Zoning Commission meeting minutes.

**REPORTS
NEW BUSINESS**

Item 1 - Ordinance No. 2023-006
*Land Development Code Amendment-Boat
Parking*

Consider an amendment to the Land Development Codes Chapter 38, adding Section 38.5, Lakefront properties parking and storage for boats.

Item 2 - Ordinance No. 2023-007
*Land Development Code Amendment-Special
Setbacks*

Consider amending Chapter 122; Section 122-342 Special Setbacks to reduce the rear yard setback for roofed patios.

Item 3 - Ordinance No. 2023-009
Land Development Code Amendment-Murals

Consider amending Chapter 102 Signs; Section 102-26 Other Signs.

**UNFINISHED BUSINESS
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 Development Services at (352) 241-7335.

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 Committee Clerk for the City's records.

City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
February 7, 2023

Vice Chairman Niemiec called the meeting of the Planning & Zoning Commission to order on Tuesday, February 7, 2023 at 6:31 p.m. Members present were: Vice Chairman Vincent Niemiec, Matthew Norton, Jane McAllister, Dieter Grube, and David Colby. Max Krzyminski and Ariel Guerrero were not present. Also, present for City staff was City Attorney Dan Mantzaris, Curt Henschel, Planning Director, Planning Manager John Kruse, Senior Planner Regina McGruder, and Planning Coordinator Rae Chidlow.

MINUTES:

MOTION TO APPROVE the January 3, 2023 minutes of the Planning & Zoning Commission made by Commissioner Grube; seconded by Commissioner Colby. Passed unanimously.

REPORTS FROM THE COMMISSION:

There were no reports

NEW BUSINESS

Item #1: Resolution No. 2023-003R – Micro-Hospital Conditional Use Permit

Planning Manager John Kruse presented as follows:

The applicant is requesting a Conditional Use Permit (CUP) to allow a micro-hospital to occupy more than 5,000 square feet of total floor space in the Tuscany Village PUD, Resolution 1532. The Tuscany Village PUD is located west of the Hammock Ridge Road and US 27 intersection. The Tuscany Village PUD was approved for Light Commercial (C-1) uses in 2005 for a mixed use commercial center not to exceed 459,000 square feet. The applicant is proposing a 28,700 square foot single-story building with associated parking on 2.82 +/- acres. This equates to a floor area ratio (FAR) of 0.23, which is below the maximum allowed of 0.25.

The micro-hospital will provide concierge-level emergency and inpatient medical care, allowing for the treatment of a larger variety of illnesses/injuries with the capability of inpatient care. The services include, but not limited to; trauma treatment, medical diagnostics and imaging, 8 dedicated patient rooms, an operating room, laboratory, and other associated services with a hospital, but on a much smaller scale. The micro-hospital will operate 24 hours a day, 7 days a week, all year long. The anticipated number of employees on a shift will consist of approximately 10 staff members. The project will be providing 47 parking spaces, which exceeds the City's requirement for hospitals/clinics. The applicant has not applied for any variances and has indicated that they can develop the site according to the Land Development Code. The proposed micro-hospital is consistent with the area as a whole and would be located in an area that would generate users of the facility. The applicant has been through the City's

preliminary site plan review process with staff on the proposed project. The proposed building would be required to meet the City's Architectural Standards.

Staff has reviewed the CUP application in accordance to Sec. 86-144 (d) of the Land Development Code. The proposed intensity, character and type of development is in compliance with the City's comprehensive plan for Commercial future land use. The Tuscan Village PUD has been massed graded and is prepared for site development. A traffic analysis has been done and it has been determined the proposed project would have less than a total of 50 AM/PM peak hour trips, which would be considered a "de minimis" impact on the transportation network. Staff recommends approval of Resolution 2023-003R.

City Attorney Dan Mantzaris stated that Commissioner Guerrero submitted an email pertaining to the agenda items. He stated that Commissioner Guerrero asked who was paying for the right turn lane for this project.

Holly Irish, 1449 SW 74th Drive, Suite 200, Gainesville, stated that she is an Engineer with Vector Civil Engineering on behalf of Concept Development who is the applicant. She stated that there is currently a right turn lane existing going to the property. Nutek Health has a strong emphasis on the quality of patient care on a concierge level. She stated that there are currently 22 facilities across seven states with fourteen more planned. One of the concerns raised was a possible negative impact on City and County emergency services. While there is not a private contract plan in place for transport there is a letter provided from Nutek explaining their typical approach for those services. If a patient requires transport to a larger facilities such as South Lake Hospital, Nutek will provide private ground transport for those services, so there is no impact on City or County services. She stated that a condition in the ordinance states that Nutek must provide an emergency transport plan for review.

Commissioner Norton asked if their organization is affiliated with the other health care facilities.

Ms. Irish stated that they are not.

Commissioner Norton asked that due to this being a smaller facility, could they explain concierge services.

James Holt, 1449 SW 47th Drive, Suite 200, Gainesville, stated that Nutek in Florida as far as concierge services means real time care. It isn't a large facility but it has all the same services as a larger facility. He stated that concierge from your fellow citizens and doing it affordable and fast. He stated that the staff will be director level employees.

Commissioner Norton asked that by being limited, do you provide exclusive serves. He asked how they handle overflow.

Mr. Holt stated that it's inclusive. He stated that the majority patients and why we work towards a concierge service.

Commissioner McAllister asked if they will have their own ambulance or hire an ambulance service.

Mr. Holt stated that they will outsource ambulance service and will not be a burden on the City or County.

Commissioner McAllister stated that if there is an accident on Highway 27 and Hartwood Marsh Road, how would the patient get to Nutek?

Dr. James Pruitt, 136 Oakdale Street, Windermere, stated that if someone is in an accident that person is going to go to the closest facility. He stated that with inter facility transport is a challenge in every state and community. He stated that the inter facility transport will not be connected with 911. He stated that when 911 is called due to injury they will be allowed to go to the closest facility.

Commissioner McAllister stated that didn't answer her question. She asked if she has an accident, how she would get to the Nutek facility.

Ms. Irish stated that an ambulance will be responsible where to transport the patient based on the proximity for the care they need. She stated that they will not provide private transport to the facility, it will be from the facility in the event that patient services is escalated outside the realm of the services provided by Nutek.

Commissioner McAllister asked how people will get to their facility to begin with.

Ms. Irish stated that a lot will drive to the facility.

Commissioner Norton asked that if 911 is called, do they have the option to come to their facility

Ms. Irish stated that yes they will have the option to come to their facility, they are a public facility.

Dr. Pruitt stated that patients could come by ambulance or drive up.

Commissioner Grube asked if they are in the queue to receive emergency patients.

Ms. Irish stated that it will be a goal it will be a public facility available to anyone who needs services.

Mr. Holt stated that yes they are part of the health care community, they have the physicians, and Nutek is part of the network and are prepared to receive patients.

Commissioner McAllister asked what queue the facility will be in.

Mr. Holt stated he did not know the technical term but he could find out. He stated that there is a governing body Agency for Health Care Administration (AHCA) that approves hospitals and ERs. He stated that it is highly regulated in that you have to meet design specifications, operational specifications, board certified ERs, and so they can accept patients.

Commissioner Colby asked what micro hospital means.

Mr. Holt stated that micro in size meaning 28,000 square feet verses 150,000 square feet. He stated that it is just an ER component so they can increase the level of care because they are only focused on those emergency responses.

Vice Chair Niemiec asked if they are purchasing or leasing the property.

Mr. Holt stated purchasing the property.

Vice Chair Niemiec asked how many ambulances they will own.

Dr. Pruitt stated they won't own any, they will contract with a private company and will be outsourced.

Vice Chair Niemiec asked where the vehicles will be stored.

Dr. Pruitt stated that they can write a contract to have a vehicle readily available or write a contract for them to wait at their own location.

Commissioner McAllister asked if the ambulance service will only be for outgoing.

Dr. Pruitt stated that the contracted ambulance service will only be outgoing.

Action:

MOTION TO APPROVE Resolution No. 2023-003R was made by Commissioner Norton, seconded by Commissioner Grube. Passed with a vote of 3-2, with Commissioner Niemiec and McAllister opposing.

Item #2: Resolution No. 2023-005R – First United Methodist Church/Wesley Christian Academy Conditional Use Permit

Planning Manager John Kruse presented as follows:

The applicant is requesting a conditional use permit amendment to allow the construction of a two-story educational building for private school use at an existing church campus, First United Methodist Church (FUMC). The property is located in the Central Business District (CBD), in which requires a CUP for buildings over 3,000 square feet and for private school use. The property is bounded by SR 50 and Desoto Street; and 7th street and 8th street. The property is approximately 10 acres. The site is currently under Resolution 1476, which allows the property to be used as a church campus, including a 35,000 square foot social hall, a 28,000 square foot sanctuary, a 6,000 square foot administration building, classrooms, and existing uses and buildings utilized by the church.

The applicant desires to add a 25,000 square foot educational building in the northeast corner of the site along with a 2,200 square foot pavilion within the lower parking lot area adjacent to the

new building. The applicant has provided a concept plan, as prepared by Germana Engineering dated 01-27-2023, showing the building and pavilion addition.

The building will be used to expand their existing educational services and students enrolled at Wesley Christian Academy. The additional building will increase school enrollment by 184 students and expand the school to include 8th grade classes. The applicant has performed a queue analysis that focused on the pick-up and drop-off periods for the K-8 students. The school's queue management system currently operates within its capacity and is projected to operate within its capacity for all age groups/time periods at the expansion buildout year in 2024. The total number of students in K-8th will be 350 students and 110 children in the VPK/3-year-old program.

Staff has reviewed the CUP application in accordance to Sec. 86-144 (d) of the Land Development Code. The proposed intensity, character and type of development is in compliance with the City's comprehensive plan for the Downtown Mixed Use future land use. The church campus and proposed private school expansion is compatible with the surrounding development. The queue management plan appears to accommodate the additional vehicles on-site with this expansion. Staff recommends approval of Resolution 2023-005R.

Steven Elmore, 9366 Halsey Drive, Groveland, stated that the congregation at the First United Methodist Church has deep roots in City of Clermont. They met for the first time in 1886 on the second floor of the General Store in downtown Clermont. He stated that the Charter in 1891. He stated that in 1954 the first Kindergarten class was established in the church basement. He stated that for 69 years they have had a school in the downtown Clermont. He stated that they have not had an issue with keeping the school traffic within their property. He stated that next year they project to have 150 children on the wait list trying to get into our school. He stated that the need is great.

Commissioner Colby stated that it's a great project and needed in the community. He asked about the coloring of the building.

Mr. Elmore stated that there is a building across the street with stucco and brick and the new facility will probably be similar to those colors.

Commissioner Colby asked about the pavilion.

Mr. Elmore stated that the pavilion is a metal roof with no walls used for recreation. He stated that it will provide shade for the children.

Commissioner McAllister asked about the parking for the brewery.

City Attorney Dan Mantzaris stated that the City has an agreement with the Church for the use of the parking which is on a month to month at this time.

Commissioner Norton stated that he is happy about the project. He asked about the pavilion access by the children. He asked if the children will access from the north or south of the building.

Mr. Elmore stated that there are stairs from Juanita Street that lead down to what they call the bowl. He stated that it is a large paved pad with a covered structure for shade for the children. He stated that the pavilion will be built into the hillside and will look intentional. He stated that the parking agreement with the City is for nights and weekends.

Commissioner Norton asked if they are only adding 8th grade.

Mr. Elmore stated that they currently have 3 year olds through 7th grade. He stated that the new facility will be for pre-k through 5th and 6th through 8th will be in an existing facility.

Commissioner Norton asked about access to the buildings without crossing the road.

Mr. Elmore stated that Juniata looks like a 2-way street however it is a one-way street the City has given them access to. He stated that when the parking line snakes through it splits to left or right. He stated depending on which building they go to will determine if they go to the left or the right.

Vice Chair Niemiec asked if they will have any bussing.

Mr. Elmore stated there will be no bussing.

Commissioner Niemiec asked if it is faith based.

Mr. Elmore stated that they are open to any student that wants to come and learn. He stated that they do not hide what curriculum is about. He stated that they are one of the best institutions but not the most expensive.

Commissioner Niemiec asked if it's a charter school.

Mr. Elmore stated that it is not a charter school

Commissioner Niemiec asked about the hours

Mr. Elmore stated that the hours are staggered.

Commissioner Niemiec asked about number of additional vehicles for drop off and pick up.

Mr. Elmore stated that is hard to determine because a lot are current students that are moving into 8th grade.

Chris Godwin, Traffic Mobility, 3101 McGuire Blvd., Orlando, stated that the maximum PM queue was 37 vehicles for their study. He stated with their projections is 60 vehicles and the maximum capacity is 90 vehicles. He stated that it will operate well below capacity.

Action:

MOTION TO APPROVE Resolution No. 2023-005R was made by Commissioner McAllister, seconded by Commissioner Colby. Passed unanimously, 5-0.

With no further comments, Chairman Krzyminski adjourned the meeting at 7:23 P.M.

Max Krzyminski, Chairman

ATTEST:

Rae Chidlow, Planning Coordinator



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 7, 2023		
Agenda Item Name		
Ordinance No. 2023-006 <i>Land Development Code Amendment-Boat Parking</i>		
Requested Action		
Recommend approval of Ordinance No. 2023-006.		
Staff Report		
This is a staff initiated land development code change to amend Chapter 38-Mobile Homes and Recreational Vehicles, and adding Section 38.5 Lakefront properties parking and storage for boats. The current Land Development code, Sections 38.4, requires recreational vehicles and boats must be parked and stored to the rear of the building setback line. The proposed code amendment would allow certain residential lakefront properties to park and store boats and other watercraft vessels that are adjacent to the lake frontage parcels, and which could conform to the requirements and conditions of this section of the code. The lake front parcel must be located on a separate plot of land other than the primary residential lot and be separated by a roadway or street. The boat storage will prohibit temporary living quarters and any stored boats and watercraft vessels must provide a valid registration and appear to be operable by visual inspection. The watercraft vessels and boats shall be limited to a maximum of four (4) vessels per parcel. The parking and storage of any boats must be kept orderly and maintained by the property owner or occupant. Staff recommends approval of the proposed changes represented in the strikethrough (deletion) and underline (addition) language contained in ordinance 2023-006, adding Section 38.5 Lakefront properties parking and storage for boats.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ord. 2023-006 -Chapter 38	Ord. 2023-006 -Chapter 38.pdf	
2. Legal ad	Legal ad.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2023-006

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 38; ADDING SECTION 38.5 LAKEFRONT PROPERTIES PARKING AND STORAGE FOR BOATS; PROVIDING FOR CONFLICT, SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on March 7, 2023 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont shall amend the Land Development Code, Chapter 38 Mobile Homes and Recreational Vehicles, adding Section 38.5 Lakefront Properties Parking and Storage for Boats, making changes to add and clarify language on residential lakefront properties parking and storage for boats and watercraft vessels; and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, that Chapter 38 Mobile Homes and Recreational Vehicles of the Clermont Code of Ordinances shall be amended to make changes in Section 38.5 Lakefront Properties Parking and Storage for Boats, as set forth in the following amendments shown in Section 2.

SECTION 1: AUTHORITY

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

SECTION 2.

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

Sec. 38.5. Lakefront Properties parking and storage for boats.

- (1) A boat is described as any vessel such as a watercraft, Jet Ski, or airboat normally used to glide on water.
- (2) A boat and/or trailer may be parked on water frontage property in residential zoned districts, subject to the following restrictions and conditions:



CITY OF CLERMONT
ORDINANCE NO. 2023-006

- (a). The lake front property is separate from the plot that contains the primary living structure (i.e. frontage is separated by a roadway from the plot containing the primary living structure.)
- (b). The lake frontage property does not contain a structure suitable for sleeping or temporary living quarters.
- (c). All boats and trailers must have a valid registrations and license plates and be registered to the property owner. All watercraft vessels must appear operable by visual inspection.
- (d). The boat and trailer may not be parked on any rights of way or dedicated easements.
- (e). All ground cover or overgrown vegetation around the boat must be in compliance to City Codes and maintained by the property owner or occupant.
- (f). A maximum of four (4) watercraft vessels and/or two (2) trailers shall be permitted on each parcel or lot. (i.e. 3 jet skis and 1 boat), paddleboats and kayaks shorter than 10 feet in length are exempt from this section of the code.
- (g).No paid storage for boats or trailers shall be allowed for areas that are zoned residential.
- (h).Temporary structures or tents will not be allowed to remain on lakefront properties more than 24 hours in a 14 day timeframe.

Sec. 38.6. Penalty for violation of chapter.

Every person violating any provision of this chapter shall be subject to penalties as provided by section 1-15.

(Code 1962, § 24-5; Code 1998, § 38-5; Ord. No. 230-C, § 1, 3-22-1983)

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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



CITY OF CLERMONT
ORDINANCE NO. 2023-006

SECTION 5: CODIFICATION

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

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

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

SECTION 7: RECORDING

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

SECTION 8: PUBLICATION AND EFFECTIVE DATE

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



CITY OF CLERMONT
ORDINANCE NO. 2023-006

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of March 2023.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

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

Date:	02/09/2023
Order Number:	8446987
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	53.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	2	02/21/2023 - 03/14/2023	Govt Public Notices
LEE dailycommercial.com	2	02/21/2023 - 03/14/2023	Govt Public Notices

Total Order Confirmation	\$164.76
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Ad Preview

LEGAL NOTICE

On Tuesday, March 7, 2023 at 6:30 PM the Clermont Planning and Zoning Commission will consider the proposed ordinance. The final enactment of the proposed ordinance will be heard by the City Council on Tuesday, March 28, 2023 at 6:30 PM.

ORDINANCE NO. 2023-006

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; CHAPTER 38 MOBILE HOMES AND RECREATIONAL VEHICLES; PROVIDING FOR CONFLICT, SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

All meetings will be held in Clermont City Hall, 1st floor Council Chambers, located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

This ordinance is available for public inspection in the Development Services Office, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352)241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk
Daily Commercial 8446987
February 21, 2023 and
March 14, 2023



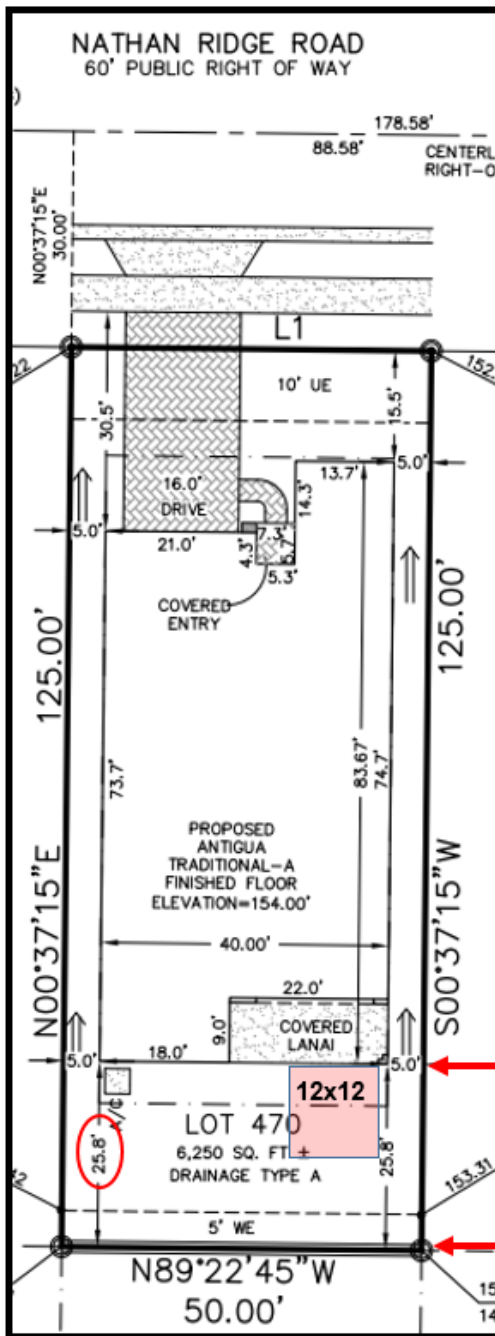
CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, March 7, 2023	
Agenda Item Name	
Ordinance No. 2023-007 <i>Land Development Code Amendment-Special Setbacks</i>	
Requested Action	
Recommend approval to City Council of Ordinance No. 2023-007	
Staff Report	
This is a staff initiated land development code change encompassing Section 122-342 Special Setbacks to adjust and clarify that section of the code. The major amendment in this Section is to allow screened/unscreened patios with a solid roof to be constructed up to 10 feet of the rear property line. The current code allows the construction up to 25 feet of the rear property line. The rear yard setback has posed a challenge to homeowners who would like a roofed outdoor seating area behind their home in the newer subdivisions. These subdivisions have larger homes while the lot sizes have been decreasing. A review of variance applications for a reduction in rear yard setbacks indicates a growing trend. The City had three (3) requests in 2020, seven (7) requests in 2021, four (4) requests in 2022 and four (4) requests so far in 2023. The City Council approved 70% of these requests. Each variance is evaluated on its own merits and past variance approvals are not grounds for approval of future variances, according to Section 86-172 of the Land Development Code. The demand for the roofed patios appear to be more common since the start of the Pandemic. Staff is also seeing more applicants stating that due to medical conditions, they cannot be exposed directly to the sun and desire the solid roof for protection with the ability to enjoy the outdoors. The solid roof patio also provides relief from Florida's weather elements as well. If this change is approved, the applicant will still be limited by the Impervious Surface Ratio (ISR) for the lot and the existing drainage/utility easements on the lot. Staff considered a 15 foot rear yard setback, but with the addition of a standard 12 feet by 12 feet roofed patio; this would still require a variance request if the primary structure was located 25 feet from the rear property line. This change is only for patios, screened or unscreened, with a solid roof built with dissimilar materials, limited to non-habitable space. Other changes in this section include the placement of air conditioner pads, generators, pool equipment and utility buildings within the property. Placement of these items can not be located within the drainage/utility easements and this change was clarified in the code. Specifications on limiting the size of a detached garage and storage building was also added to limit the square footage with a maximum up to 50% of the primary structure's habitable space. A clarification setback for restaurant canopies was also included since the current code requires all canopies be 30 feet from all property lines, including restaurant. This grouped all types of canopies into the 30 feet setback requirement. This has posed a challenge for some restaurants desiring canopies with their drive-thru since the building setback is much less than the current canopy setback. Restaurant canopies do not resemble the much larger types associated with gas stations, in regards to height and square footage, and they are more prone to be scaled with the building size. The addition of this setback would require a canopy used in a restaurant setting to meet the commercial zoning district building setbacks, which could be 12 feet from the side property line. Staff recommends approval of the proposed changes represented in the strikethrough (deletion) and underline (addition) language contained in ordinance 2023-007 for Section 122-342 Special Setbacks.	
Additional Analysis	
Fiscal Impact Summary	

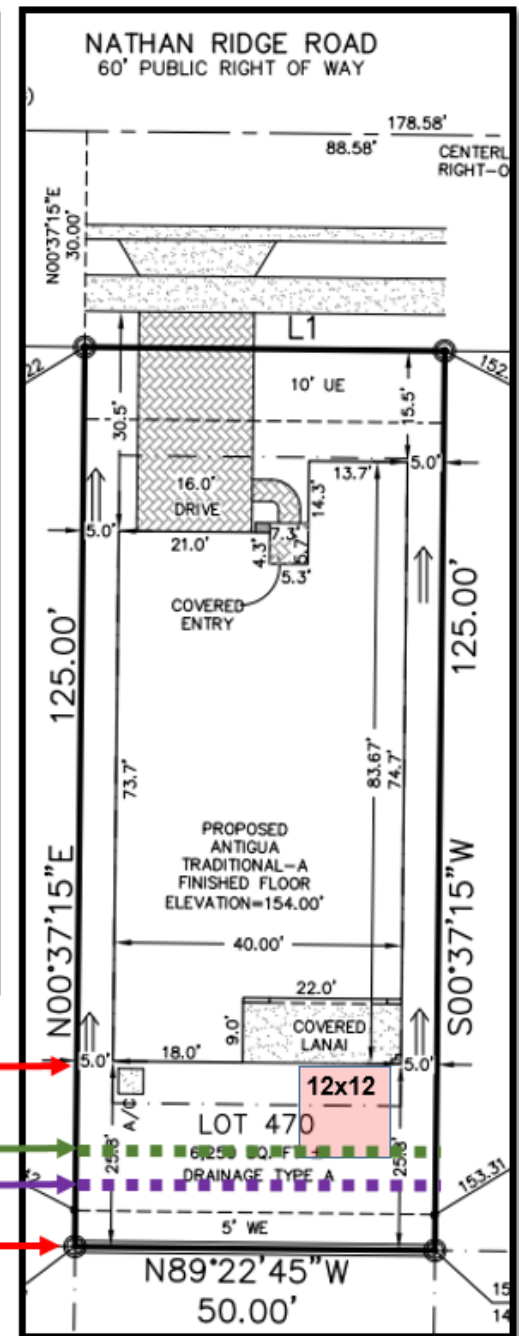
Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	Setback Comparison	Setback Comparison.pdf	
2.	Ord. 2023-007 - Section 122-342 Special Setbacks-strikethroughs (02.14.2023)	Ord. 2023-007 - Section 122-342 Special Setbacks-strikethroughs (02.14.2023).pdf	
3.	Ord. 2023-007 - Section 122-342 Special Setbacks (02.14.2023)	Ord. 2023-007 - Section 122-342 Special Setbacks (02.14.2023).pdf	
4.	2023-007 Legal ad	2023-007 Legal ad.pdf	



Comparison of reduced rear yard setbacks for solid roof patio. The figure on the left has the current 25 foot setback at the back of the home (red oval). A variance would be required in order to install a standard 12 feet by 12 feet roofed patio (red square).

The figure on the right has the proposed 10 foot setback (purple line) and 15 foot setback (green line). The 15 foot setback was shown to indicate the installation of a standard 12 feet by 12 feet solid roof patio would be intruding into the setback by 2 feet. The 10 foot setback would provide for ample room to install a usable roofed patio.

*Note: The property will still be subject to easements and impervious surface ratio.



25 foot setback line

15 foot setback line

10 foot setback line

Rear Property Line



CITY OF CLERMONT
ORDINANCE NO. 2023-007

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 122 ZONING; SECTION 122-342 SPECIAL SETBACKS; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; RECORDING; PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on March 7, 2023 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont shall amend the Land Development Code, Chapter 122 Zoning, Section 122-342 Special Setbacks, making changes to clarify language on special setbacks for generators, pool equipment, restaurant canopies, accessory structure sizes and patios with solid roofs from rear property line setback; and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, that Chapter 122 Zoning of the Clermont Code of Ordinances be amended to make changes in Section 122-342 Special Setbacks, as set forth in the following amendments shown in Section 2 with strikethroughs indicating the removal of existing language and underlines indicating the addition of language.

SECTION 1: AUTHORITY

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

SECTION 2.

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

Sec. 122-342. Special setbacks

- (a) This section provides for specific accessory structures and architectural appurtenances and features to be located within required building setback areas. Recorded easements, Impervious Surface Ratio (ISR) and required landscaped buffers shall supersede the minimum dimensions permitted by this section.
- (b) Special setbacks are as follows:

CITY OF CLERMONT
ORDINANCE NO. 2023-007

Structure or Building Feature	Special Setback
Air conditioner pads, <u>generators and pool equipment</u>	Equal to required side yard setback from rear property line <u>and must be placed in the rear yard unless side yard setback can be met. side yard allows placement not in an easement.</u>
Antennas, private noncommercial (i.e., dish antennas)	Front yard, not allowed; side yard, 7.5 feet; rear yard, 25 feet.
Awnings, eaves, belt courses, chimneys, buttresses, cornices and sills	May project into the required yard setback no more than 36 inches.
Canopies, commercial (i.e., service stations)	30-foot setback from all property lines.
<u>Canopies, restaurant</u>	<u>Commercial zoning setback from all property lines.</u>
Driveways	Must maintain at least a five-foot setback from a side lot line for landscaping, and may be located in the rear yard no closer to the rear lot line than the required side yard setback. One shared driveway may be used with site plan approval.
Garages and storage buildings greater than 150 square feet and greater than nine feet in height. <u>No building shall be larger than 50 % of the primary structure's habitable space.</u>	May be located behind the front building line and shall be subject to the setbacks required for all other structures.
Patios, unroofed and unenclosed	May be located in the rear yard no closer than the required side yard setback.
<u>Patios, screened/unscreened with solid roof built with dissimilar materials. Limited to non-habitable space.</u>	<u>May be located in the rear yard no closer than 10 feet from the rear property line.</u>
Porches or terraces, open, unroofed and unenclosed	May project into a required front yard for a distance of ten feet.
Retaining walls and decorative walls	Exempt from yard requirements.
Screen enclosures with screen material roofs	May be located in the rear yard no closer to the rear property line than the required side yard setback.
Sidewalks, unroofed	May be located in the rear yard no closer than the required side yard setback.
Swimming pools, above ground, and their decks	Must be located behind the front building line, and shall be subject to the setbacks required for all other structures.
Swimming pools, in-ground, and their decks	Must be located behind the front building line, and shall be no closer to any property line than the required side yard setback.
Utility buildings, single, less than 150 square feet and less than nine feet tall (must be located in the rear yard behind the front building line)	30 inches from side and rear property lines. <u>No encroachment into any drainage and/or utility easement.</u>
Yard ornaments	Exempt from yard requirements.



CITY OF CLERMONT
ORDINANCE NO. 2023-007

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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

SECTION 5: CODIFICATION

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

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

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

SECTION 7: RECORDING

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

SECTION 8: PUBLICATION AND EFFECTIVE DATE

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



CITY OF CLERMONT
ORDINANCE NO. 2023-007

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of March 2023.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT
ORDINANCE NO. 2023-007

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 122 ZONING; SECTION 122-342 SPECIAL SETBACKS; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; RECORDING; PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on March 7, 2023 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont shall amend the Land Development Code, Chapter 122 Zoning, Section 122-342 Special Setbacks, making changes to clarify language on special setbacks for generators, pool equipment, restaurant canopies, accessory structure sizes and patios with solid roofs from rear property line setback; and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, that Chapter 122 Zoning of the Clermont Code of Ordinances be amended to make changes in Section 122-342 Special Setbacks, as set forth in the following amendments shown in Section 2.

SECTION 1: AUTHORITY

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

SECTION 2.

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

Sec. 122-342. Special setbacks

- (a) This section provides for specific accessory structures and architectural appurtenances and features to be located within required building setback areas. Recorded easements, Impervious Surface Ratio (ISR) and required landscaped buffers shall supersede the minimum dimensions permitted by this section.
- (b) Special setbacks are as follows:



CITY OF CLERMONT
ORDINANCE NO. 2023-007

Structure or Building Feature	Special Setback
Air conditioner pads, generators and pool equipment	Equal to required side yard setback from rear property line and must be placed in the rear yard unless side yard setback can be met.
Antennas, private noncommercial (i.e., dish antennas)	Front yard, not allowed; side yard, 7.5 feet; rear yard, 25 feet.
Awnings, eaves, belt courses, chimneys, buttresses, cornices and sills	May project into the required yard setback no more than 36 inches.
Canopies, commercial (i.e., service stations)	30-foot setback from all property lines.
Canopies, restaurant	Commercial zoning setback from all property lines.
Driveways	Must maintain at least a five-foot setback from a side lot line for landscaping, and may be located in the rear yard no closer to the rear lot line than the required side yard setback. One shared driveway may be used with site plan approval.
Garages and storage buildings greater than 150 square feet and greater than nine feet in height. No building shall be larger than 50 % of the primary structure's habitable space.	May be located behind the front building line and shall be subject to the setbacks required for all other structures.
Patios, unroofed and unenclosed	May be located in the rear yard no closer than the required side yard setback.
Patios, screened/unscreened with solid roof built with dissimilar materials. Limited to non-habitable space.	May be located in the rear yard no closer than 10 feet from the rear property line.
Porches or terraces, open, unroofed and unenclosed	May project into a required front yard for a distance of ten feet.
Retaining walls and decorative walls	Exempt from yard requirements.
Screen enclosures with screen material roofs	May be located in the rear yard no closer to the rear property line than the required side yard setback.
Sidewalks, unroofed	May be located in the rear yard no closer than the required side yard setback.
Swimming pools, above ground, and their decks	Must be located behind the front building line, and shall be subject to the setbacks required for all other structures.
Swimming pools, in-ground, and their decks	Must be located behind the front building line, and shall be no closer to any property line than the required side yard setback.
Utility buildings less than 150 square feet and less than nine feet tall (must be located behind the front building line)	30 inches from side and rear property lines. No encroachment into any drainage and/or utility easement.
Yard ornaments	Exempt from yard requirements.



CITY OF CLERMONT
ORDINANCE NO. 2023-007

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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

SECTION 5: CODIFICATION

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

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

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

SECTION 7: RECORDING

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

SECTION 8: PUBLICATION AND EFFECTIVE DATE

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



CITY OF CLERMONT
ORDINANCE NO. 2023-007

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 28th day of March 2023.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

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

Date:	02/06/2023
Order Number:	8432788
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	51.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	2	02/20/2023 - 03/13/2023	Govt Public Notices
LEE dailycommercial.com	2	02/20/2023 - 03/13/2023	Govt Public Notices

Total Order Confirmation	\$158.92
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Ad Preview

LEGAL NOTICE

On Tuesday, March 7, 2023 at 6:30 PM the Clermont Planning and Zoning Commission will consider the proposed ordinance. The final enactment of the proposed ordinance will be heard by the City Council on Tuesday, March 28, 2023 at 6:30 PM.

ORDINANCE NO. 2023-007

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; CHAPTER 122 ZONING; SECTION 122-342 SPECIAL SETBACKS; PROVIDING FOR CONFLICT, SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

All meetings will be held in Clermont City Hall, 1st floor Council Chambers, located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

This ordinance is available for public inspection in the Development Services Office, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

L# 2/20, 3/13/23 2t



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 7, 2023		
Agenda Item Name		
Ordinance No. 2023-009 <i>Land Development Code Amendment-Murals</i>		
Requested Action		
Recommend approval to City Council of Ordinance No. 2023-009.		
Staff Report		
City staff is proposing a sign code change regarding murals. This proposed change will clarify the location of where murals may be placed. The current language in the code does not allow a mural to be on the side of a building if the side fronts a right-of-way. The new language will allow murals to be placed in these locations. Murals proposed for the front of buildings will remain prohibited.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. ORD 2023-009 - 2023 Sign Code Amendment-with strikethrough (02.08.2023)	ORD 2023-009 - 2023 Sign Code Amendment-with strikethrough (02.08.2023).pdf	
2. ORD 2023-009 - 2023 Sign Code Amendment - clean version (02.08.2023)	ORD 2023-009 - 2023 Sign Code Amendment - clean version (02.08.2023).pdf	
3. Legal ad	Legal ad.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2023-009

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; CHAPTER 102 SIGNS; AMENDING SECTION 102-26 “OTHER SIGNS”; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; RECORDING; PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on March 7, 2023 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont shall amend the Land Development Code, Chapter 102-Signs, amending section 102-26 “Other Signs” to allow murals and artworks that reflects and enhances the City’s diversity, character and heritage through designs by artists for commercial development in the Central Business District; and

WHEREAS, the City of Clermont Code of Ordinances, Land Development Code, Chapter 102 “Signs”, purpose and intent is to ensure adequate means of communication through signage while maintaining attractive visual appearance within the City, and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, that Chapter 102 “Signs” of the Clermont Code of Ordinances be amended to amend Section 102-26 “Other Signs” as set forth in the following amendments shown in Section 2.

SECTION 1: AUTHORITY

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

SECTION 2.

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

Sec. 102-26. “Other Signs”

- (1) *Mural signs.* Artwork painted or affixed to building walls, facades or other exterior surfaces shall be limited to the sides and rear building façades on the first floor of any commercial buildings located in the Central Business District. The city council may approve larger murals as a variance to the land development codes, at a public hearing after notice to adjacent property owners. Mural art works are to be exclusively non-commercial in nature, and in no way identify a product and deemed to provide artistic value and benefit to the surrounding area and not just of benefit to the building or business proposing the mural.



CITY OF CLERMONT
ORDINANCE NO. 2023-009

Murals and works of art shall be permitted on the sides and rear of any commercial building walls and shall not be allowed on any front building facades and walls. ~~The front building façade is determined as any façade facing a vehicular street right-of-way.~~

- (a) Works of art and murals shall be located in the Clermont Central Business District (CBD). Murals and artwork projects are prohibited for residential only buildings and uses.
- (b) The artwork should show sensitivity be family-oriented, appropriate for all ages, educational, display community values, provide creativity and quality workmanship, enrich history, and create a vision of what makes it unique. Artwork projects may not encompass any nudity, offensive languages or gestures, gang symbols, graffiti, political affiliations, drugs or alcohol symbols, violence, and no racial or hate messages within its content. The maximum amount of text within any mural shall be limited to five (5) percent.
- (c) Corporate logos and/or any commercial signage shall be prohibited for any art project or artwork design content. This article will not permit or allow any type of illegal sign, irrespective of artist content.
- (d) The property owner is required to obtain a permit for any artwork and/or mural art project display before the installation of any art display on any buildings. The artwork permit application must include an 11" x 17" sketch/graphic design of the proposed artwork for review and approval by the designated city staff. All proposed artwork must include the artwork display location on site and/or buildings.
- (e) All works of art must comply with any applicable Clermont Codes and Regulations that include any applicable building and fire code requirements for installation, creation, and construction on site. No art project can be placed on or located on any streets, sidewalks, dedicated easements; city owned property, rights-of-way, public access and must comply with any ADA requirements for the site.
- (f) Custody, supervision, maintenance and preservation of the murals and art works is the responsibility of the property owner. The property owner is required to maintain the mural and artwork in good condition at the approved location, failure to comply with this requirement as required by law or other applicable guidelines shall subject the property owner to code enforcement action including violations and fines, and the Clermont City Council may revoke the permit after a public hearing.
- (g) A hold-harmless release and identification waiver in a form acceptable to the City must be signed by the property owner that excludes, indemnifies and releases the City of Clermont of any liability for public art projects on private property.



CITY OF CLERMONT
ORDINANCE NO. 2023-009

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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

SECTION 5: CODIFICATION

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

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

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

SECTION 7: RECORDING

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

SECTION 8: PUBLICATION AND EFFECTIVE DATE

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



CITY OF CLERMONT
ORDINANCE NO. 2023-009

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 14th day of March 2023.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT
ORDINANCE NO. 2023-009

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; CHAPTER 102 SIGNS; AMENDING SECTION 102-26 “OTHER SIGNS”; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; RECORDING; PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on March 7, 2023 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont shall amend the Land Development Code, Chapter 102-Signs, amending section 102-26 “Other Signs” to allow murals and artworks that reflects and enhances the City’s diversity, character and heritage through designs by artists for commercial development in the Central Business District; and

WHEREAS, the City of Clermont Code of Ordinances, Land Development Code, Chapter 102 “Signs”, purpose and intent is to ensure adequate means of communication through signage while maintaining attractive visual appearance within the City, and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, that Chapter 102 “Signs” of the Clermont Code of Ordinances be amended to amend Section 102-26 “Other Signs” as set forth in the following amendments shown in Section 2.

SECTION 1: AUTHORITY

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

SECTION 2.

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

Sec. 102-26. “Other Signs”

- (1) *Mural signs.* Artwork painted or affixed to building walls, facades or other exterior surfaces shall be limited to the sides and rear building façades on the first floor of any commercial buildings located in the Central Business District. The city council may approve larger murals as a variance to the land development codes, at a public hearing after notice to adjacent property owners. Mural art works are to be exclusively non-commercial in nature, and in no way identify a product and deemed to provide artistic value and benefit to the surrounding area and not just of benefit to the building or business proposing the mural.



CITY OF CLERMONT
ORDINANCE NO. 2023-009

Murals and works of art shall be permitted on the sides and rear of any commercial building walls and shall not be allowed on any front building facades and walls.

- (a) Works of art and murals shall be located in the Clermont Central Business District (CBD). Murals and artwork projects are prohibited for residential only buildings and uses.
- (b) The artwork should show sensitivity be family-oriented, appropriate for all ages, educational, display community values, provide creativity and quality workmanship, enrich history, and create a vision of what makes it unique. Artwork projects may not encompass any nudity, offensive languages or gestures, gang symbols, graffiti, political affiliations, drugs or alcohol symbols, violence, and no racial or hate messages within its content. The maximum amount of text within any mural shall be limited to five (5) percent.
- (c) Corporate logos and/or any commercial signage shall be prohibited for any art project or artwork design content. This article will not permit or allow any type of illegal sign, irrespective of artist content.
- (d) The property owner is required to obtain a permit for any artwork and/or mural art project display before the installation of any art display on any buildings. The artwork permit application must include an 11" x 17" sketch/graphic design of the proposed artwork for review and approval by the designated city staff. All proposed artwork must include the artwork display location on site and/or buildings.
- (e) All works of art must comply with any applicable Clermont Codes and Regulations that include any applicable building and fire code requirements for installation, creation, and construction on site. No art project can be placed on or located on any streets, sidewalks, dedicated easements; city owned property, rights-of-way, public access and must comply with any ADA requirements for the site.
- (f) Custody, supervision, maintenance and preservation of the murals and art works is the responsibility of the property owner. The property owner is required to maintain the mural and artwork in good condition at the approved location, failure to comply with this requirement as required by law or other applicable guidelines shall subject the property owner to code enforcement action including violations and fines, and the Clermont City Council may revoke the permit after a public hearing.
- (g) A hold-harmless release and identification waiver in a form acceptable to the City must be signed by the property owner that excludes, indemnifies and releases the City of Clermont of any liability for public art projects on private property.



CITY OF CLERMONT
ORDINANCE NO. 2023-009

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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

SECTION 5: CODIFICATION

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

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

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

SECTION 7: RECORDING

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

SECTION 8: PUBLICATION AND EFFECTIVE DATE

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



CITY OF CLERMONT
ORDINANCE NO. 2023-009

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 14th day of March 2023.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

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

Date:	02/06/2023
Order Number:	8429990
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	50.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	2	02/21/2023 - 02/28/2023	Govt Public Notices
LEE dailycommercial.com	2	02/21/2023 - 02/28/2023	Govt Public Notices

Total Order Confirmation	\$156.00
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Ad Preview

LEGAL NOTICE

On Tuesday, March 7, 2023 at 6:30 PM the Clermont Planning and Zoning Commission will consider the proposed ordinance. The final enactment of the proposed ordinance will be heard by the City Council on Tuesday, March 14, 2023 at 6:30 PM.

ORDINANCE NO. 2023-009

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; CHAPTER 102 SIGNS; SECTION 102-26 OTHER SIGNS; PROVIDING FOR CONFLICT, SEVERABILITY; CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

All meetings will be held in Clermont City Hall, 1st floor Council Chambers, located at 685 West Montrose Street. All interested parties will be given an opportunity to express their views on this matter.

This ordinance is available for public inspection in the Development Services Office, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

Please be advised that, under State law, if you should decide to appeal a decision made with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7330, at least 48 hours prior to the public hearings.

Tracy Ackroyd Howe, MMC
City Clerk

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