



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
LOCATION: CLERMONT CITY HALL
685 WEST MONTROSE STREET
6:30 PM, Tuesday, May 2, 2023**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
MINUTES**

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

**REPORTS
NEW BUSINESS**

Item 1 - Resolution 2023-011R
Salt Shack Conditional Use Permit

The applicant is requesting a Conditional Use Permit (CUP) amendment to revise existing restaurant restrictions applied within Resolution 2022-003R to allow outdoor dining use for the restaurant operation.

**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
March 7, 2023

Chairman Max Krzyminski called the meeting of the Planning & Zoning Commission to order on Tuesday, March 7, 2023 at 6:30 p.m. Members present were: Matthew Norton, Jane McAllister, Dieter Grube, David Colby, Vincent Niemiec and Ariel Guerrero. 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 February 7, 2023 minutes of the Planning & Zoning Commission made by Commissioner McAllister; seconded by Commissioner Niemiec. Passed unanimously.

REPORTS FROM THE COMMISSION:

Commissioner Niemiec stated that he attended the Meet the Mayor luncheon and a lot of good questions were brought up.

Chairman Krzyminski thanked staff.

City Attorney Dan Mantzaris presented a training packet to the Planning and Zoning Commissioners.

NEW BUSINESS

Item #1: Ordinance No. 2023-006 – Land Development Code Amendment-Boat parking

Senior Planner Regina McGruder presented as follows:

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 Section 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 be limited to a maximum of four 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.

Commissioner Grube asked if this only pertains to properties that have a parcel across the street.

Ms. McGruder stated that was correct.

Commissioner Norton asked if this is allowed by current code.

Ms. McGruder stated that with the current codes this is not allowed, but with the approval of this ordinance that would allow the boats to be parked on the parcel that is on the lake side of the road.

Commissioner Niemiec asked who directed this code change.

Development Services Director Curt Henschel stated that there are some parcels that have code enforcement action on them right now. He stated that the City's code is written for parcels with houses on them and does not address this type of situations.

City Attorney Dan Mantzaris stated that when staff works on a Land Development Code it is because there seems to be repetitive need or it's happening already. He stated that staff looks at the changes and views the value of the change.

Action:

MOTION TO APPROVE Ordinance No. 2023-006 was made by Commissioner McAllister, seconded by Commissioner Grube. Passed unanimously, 7-0.

Item #2: Ordinance No. 2023-007 – Land Development Code Amendment-Special Setbacks

Planning Manager John Kruse presented as follows:

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 cannot 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.

Commissioner Norton asked first item in the matrix on page 5.

Mr. Kruse stated that the a/c pads and pool equipment must equal the side yard setback. He stated that if the side yard setback is 5 feet the homeowner or contractor can put the item in the rear up to 5 feet.

Commissioner McAllister asked if anyone would be allowed to put in a 12 x 12 patio with a 10 foot setback.

Mr. Kruse stated that was correct as long as they can meet the impervious ratio for their parcel.

Commissioner McAllister asked about the sheds being behind the front building line.

Mr. Kruse stated that the current code requires a shed to be placed behind the home and the code change would allow residents to put a shed on the side yard as long as it's not in the easement.

Commissioner Niemiec asked if the covered patio allowed would be limited to 12 x 12.

Mr. Kruse stated that the size of the patio allowed will be determined by impervious surface ratio and setbacks.

Commissioner Niemiec asked how this would affect HOAs.

Mr. Kruse stated that they would need approval from their HOA.

City Attorney stated that the HOAs still has the right to stop the project if it doesn't meet their deeds, covenants and restrictions.

Commissioner Niemiec asked if City Council requested to change the restaurant setbacks.

Mr. Kruse stated that all these are in the same table of the code so staff looked at other areas that staff received variance request. He stated that there were restaurants with canopies that would have to meet a 30 foot setback for the canopy, however the building only had to meet a 12 foot side setback.

Commissioner Niemiec suggested to change it from a 10 foot setback to a 15 foot setback.

Action:

MOTION TO APPROVE Ordinance No. 2023-007 was made by Commissioner Colby, seconded by Commissioner McAllister. Passed 6-1, with Commissioner Niemiec opposing.

Commissioner Niemiec made a motion to amend the original motion to change the portion pertaining to the restaurant canopies from fifteen feet to ten feet. Motion failed due to no second.

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

Development Services Director Curt Henschel presented as follows:

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 the 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.

Commissioner Niemiec asked how many murals are allowed on a building.

Mr. Henschel stated as many as allowed that fit the criteria.

Commissioner Niemiec asked if they can have one in the front and in the back.

City Attorney Dan Mantzaris stated that the change is to allow them in the front.

Commissioner Colby stated that as of right now they are allowed as long as no one can see them.

Mr. Henschel stated that the way the current code is written it is restrictive so the City is wanting to lift the restrictions to allow the murals to be put in more locations.

Action:

MOTION TO APPROVE Ordinance No. 2023-009 was made by Commissioner McAllister, seconded by Commissioner Colby. Passed unanimously, 7-0.

With no further comments, Chairman Krzyminski adjourned the meeting at 7:37 P.M.

Max Krzyminski, Chairman

ATTEST:

Rae Chidlow, Planning Coordinator

AGENDA ITEM

Meeting Date

Tuesday, May 2, 2023

Agenda Item Name

Resolution 2023-011R
Salt Shack Conditional Use Permit

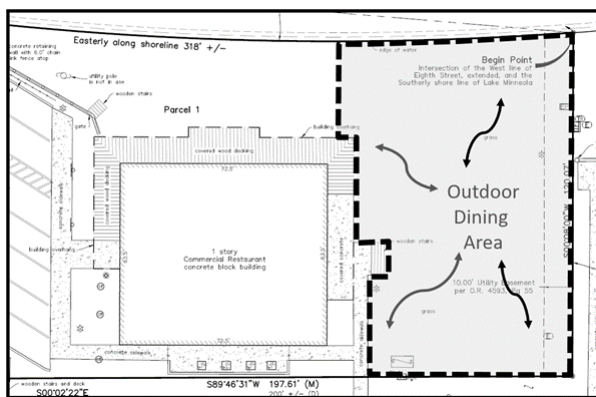
Requested Action

Recommend approval of Resolution 2023-011R

Staff Report

The applicant, Jimmy Crawford, Esq. is requesting a Conditional Use Permit (CUP) amendment to revise existing restaurant restrictions applied within Resolution 2022-003R to allow outdoor dining use for the restaurant operation. The property is located at 846 West Osceola Street, formerly known as Lilly's on the Lake. The property owner in 2012 received a conditional use permit, Resolution 2012-21, for a building greater than 3,000 square feet to be used as a restaurant within the Central Business District with certain conditions that allowed outdoor uses.

The 6,669 square foot building was constructed in 2015 and was opened as a restaurant. In 2021, City Staff received complaints that the restaurant was violating their conditional use permit due to having events that were not approved under Resolution 2012-21. The City Council, on January 24, 2022, found the property owner and permittee had violated the City Code, the Florida Fire Prevention Code, and Conditional Use Permit Resolution 2012-21. As a result of the violations, the 2012-21 Resolution was amended to only allow restaurant operations within the confines of the existing building, no outdoor activities and no outdoor music played on the premises. This resulted in the current Resolution 2022-003R. Condition 5 in Resolution 2022-003R prohibited the agent or assigns from seeking an amendment for a period of one year from January 24, 2022. This timeframe has been met.



The applicant has indicated a new long-term leasee, the Salt Shack, will be occupying the restaurant and controlling the property as part of their lease. The company has experience with a successful waterfront restaurant in Tampa and they would like to be able to use the full potential of the current property for outdoor dining. Several restaurants within the Central Business District use outdoor dining and entertainment areas as an integral and essential option.

Staff has reviewed the CUP amendment in accordance to Sec. 86-144 (d) of the Land Development Code. The proposed intensity, character and type of development is comparable to other restaurant uses within the Central Business District. Several restaurants have outdoor dining options. The site lends itself through the waterfront views and an open area adjacent to the east of the existing restaurant to offer outdoor dining. Staff recommends approval of Resolution 2023-011R and reinstatement of the outdoor dining area.

Additional Analysis

Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. 2023-011R - Salt Shack CUP (4-26-23)	2023-011R - Salt Shack CUP (4-26-23).pdf	
2. Salt Shack Location Map	Salt Shack Location Map.pdf	
3. 846 W Osceola Survey	846 W Osceola Survey.pdf	
4. Signed Resolution 2012-21	Signed Resolution 2012-21.pdf	
5. Resolution No. 2022-003R	Resolution No. 2022-003R.pdf	
6. Application	Application.pdf	
7. Legal ad	Legal ad.pdf	



CITY OF CLERMONT
RESOLUTION NO. 2023-011R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING AN AMENDMENT TO CONDITIONAL USE PERMIT, RESOLUTION 2012-21 AND RESOLUTION 2022-003R TO INCLUDE ADDITIONAL USES WITHIN THE PROPERTY; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held May 2, 2023 recommended approval of this Conditional Use Permit Amendment; at the following location:

LOCATION:
846 & 848 West Osceola Street
Salt Shack
(AK 3784611 & 1616891)

WHEREAS, from the evidence presented at the public hearing and after consideration of the factors set forth in Sec. 86-144 (d) of the Land Development Code, the City Council finds, that: (1) granting the conditional use permit will not adversely affect the officially adopted comprehensive plan of the city; (2) Such use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity; (3) The proposed use will comply with the regulations and conditions specified in the codes for such use; and (4) The proposed use may be considered desirable at the particular location.

WHEREAS, the City Council determines that the application for a conditional use permit meets the criteria set forth in the Land Development Code and otherwise it is in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that based on the findings stated above and incorporated herein:

This application for a Conditional Use Permit Amendment, Resolution 2012-21 and 2022-003R to allow a restaurant greater than 3,000 square feet; be granted subject to the following conditions:

SECTION 1: GENERAL CONDITIONS

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.



CITY OF CLERMONT
RESOLUTION NO. 2023-011R

3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project, as shown in Attachment A, without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The Fire Inspector shall provide building inspections for life safety requirements and all fire code regulations must be in compliance prior to the issuance of any Building Certificate of Occupancy.
5. The Building Inspector shall inspect all structures and building for compliance and any building code violations shall be corrected before the issuance of the Certificate of Occupancy.
6. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
7. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above and in Attachment B is subject to the terms and conditions of the Conditional Use Permit.
8. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by Resolution.
9. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Clermont Development Services Department.
10. Should approved uses cease operation for more than 180 days, a new Conditional Use Permit shall be required for the same or similar operations.

SECTION 2: LAND USE

1. Permitted uses shall include a restaurant over 3,000 square feet at 846 West Osceola St., as well as uses permitted with the CBD Central Business District. Outdoor dining may occur in the area east of the restaurant, as indicated on Attachment A, Outdoor Dining Area.



CITY OF CLERMONT
RESOLUTION NO. 2023-011R

2. The existing 4,040 square foot building (west of the restaurant) shall only be permitted for storage and a 150 square foot office space, directly associated with the restaurant use. Any warehouse rental operations or similar use shall not be permitted. No other uses shall be permitted without a Conditional Use Permit amendment. No signage shall be permitted on the existing 4,040 square foot building.
3. This Resolution will repeal and replace Resolution 2012-21 and 2022-003R.

SECTION 3: CONFLICT

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4: SEVERABILITY

If any portion of this Resolution is declared invalid, the invalidated portion shall be severed from the remainder of the Resolution, and the remainder of the Resolution 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 Resolution as a whole.

SECTION 5: ADMINISTRATIVE CORRECTION

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

SECTION 6: PUBLICATION AND EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.



CITY OF CLERMONT
RESOLUTION NO. 2023-011R

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of May 2023.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

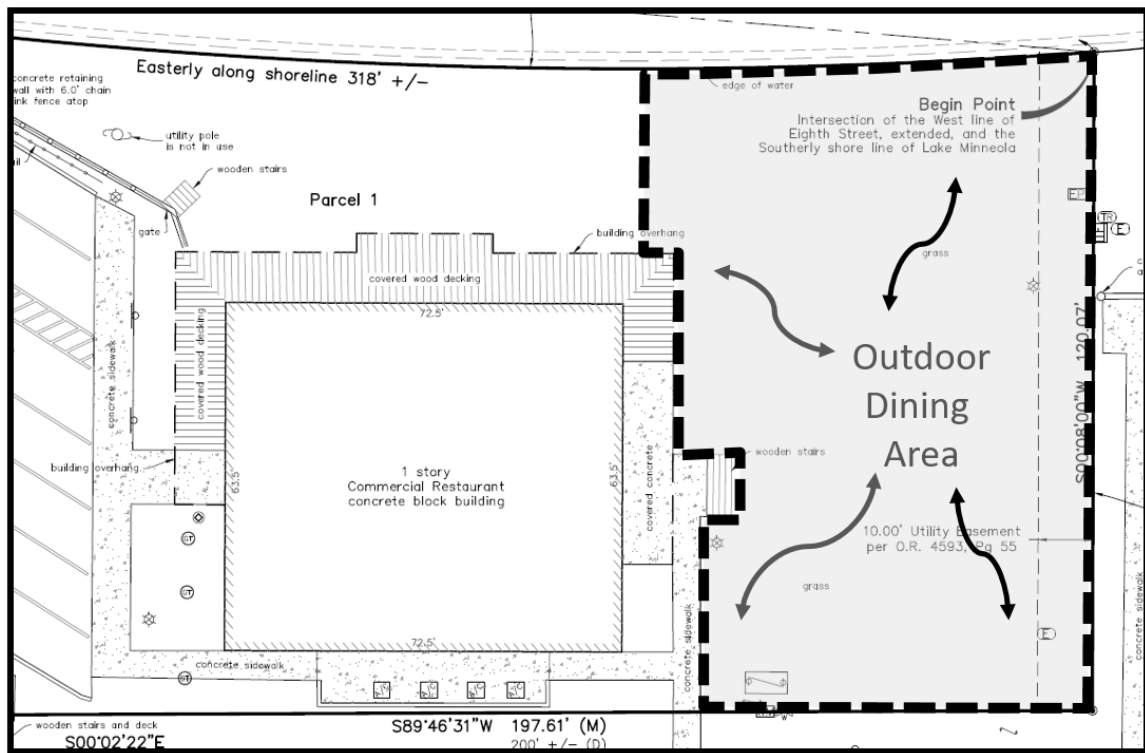
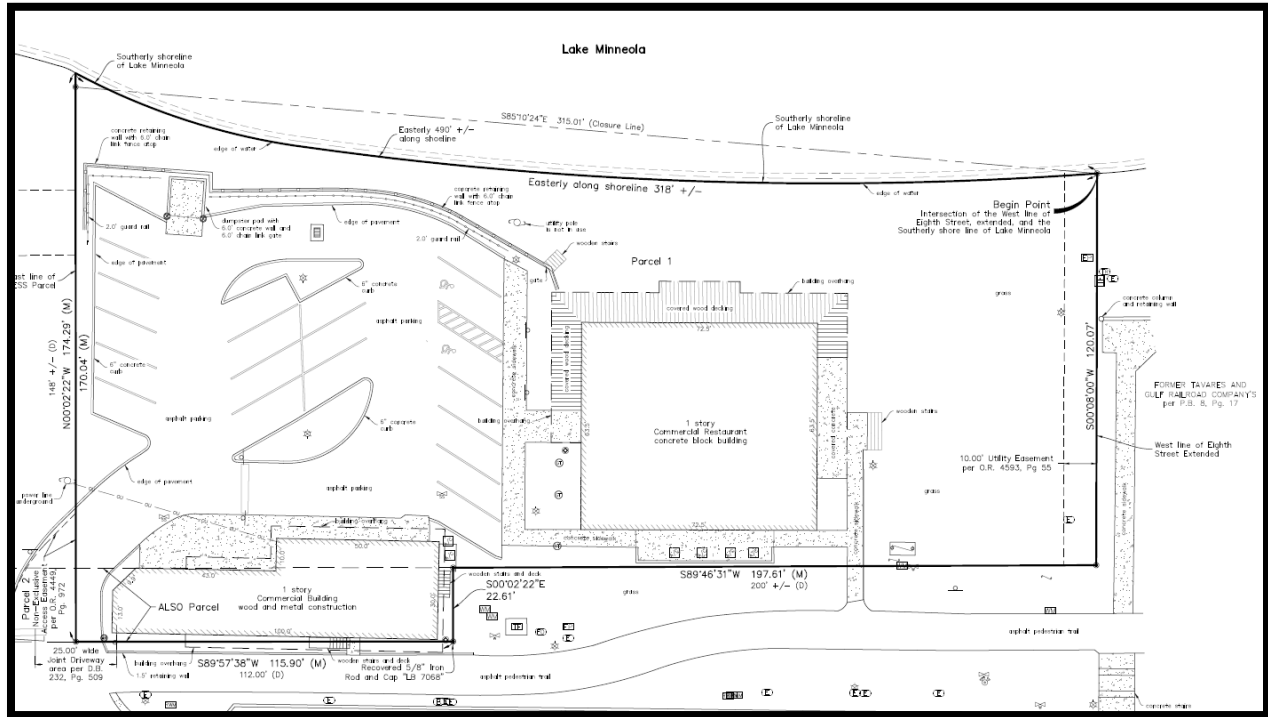
Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

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RESOLUTION NO. 2023-011R

Attachment A:
Existing Site Plan & Outdoor Dining Area





CITY OF CLERMONT
RESOLUTION NO. 2023-011R

Attachment B – Legal Description:

SALT SHACK LEGAL DESCRIPTION

Property Description Parcel 1: The land referred to herein below is situated in the County of Lake, State of FL, and is described as follows: BEGIN at the intersection of the West line of Eighth Street, extended, and the Southerly shore line of Lake Minneola, according to the Official Map of Clermont, recorded in Plat Book 8, Pages 17 through 23, inclusive, Public Records of Lake County, Florida, run thence Southerly along the West line of Eighth Street to a point 54 feet Northerly, measured at right angles, from the center line of the Seaboard Coast Line Railroad Company's main tract; thence Westerly, parallel with the center line of said main track 200 feet, more or less, to the point of intersection with a line parallel to and 30 feet Southerly, measured at right angles, from the center line of the former Tavares and Gulf Railroad Company's main track as formerly located; thence Westerly along said line parallel to said center line of Tavares and Gulf Railroad Company's former track, 287.5 feet, more or less, to the east line of West Avenue, Official Map of Clermont; thence North along the East line of West Avenue extended to the Southerly shore line of Lake Minneola; thence Easterly along said shore line 490 feet, more or less, to the POINT OF BEGINNING.

Also: The East 112.5 feet of the following described parcel of land: BEGIN at the intersection of the East line of West Avenue with the North line of Osceola Street, in Clermont, Lake County, Florida; thence run North along the East line of West Avenue 35 feet, more or less, to the right-of-way of the Tavares and Gulf Railway; thence in an Easterly direction 300 feet along said right-of-way; thence South to the North line of Osceola Street; thence West 300 feet to the POINT OF BEGINNING. Less the following: Commence at the intersection of the East right of way line of West Avenue with the North right of way line of Osceola Street in Clermont, Lake County, Florida, thence run North 00°04'04" East along said East right of way line of West Avenue for a distance of 43.10 feet to the POINT OF BEGINNING; thence continue North 00°04'04" East along said East right of way line for a distance of 161 feet, more or less, to a point on the shoreline of Lake Minneola, said point hereafter referred to as point "A"; thence return to the POINT OF BEGINNING and run South 84°57'54" East for a distance of 187.98 feet; thence run North 00°02'22" West for a distance of 148 feet, more or less, to a point on the shore line of Lake Minneola; thence run Westerly along said shoreline to the aforesaid point "A". Parcel 2: Together with Non-Exclusive Easement for the benefit of Parcel 1 above, as set forth in that certain Non-Exclusive Access Easement between the City of Clermont, and Lilly Pad Lodge, LLC, recorded March 10, 2014 in Official Records Book 4449, Page 972, of the Public Records of Lake County, Florida. Parcel 3: Together with Non-Exclusive Easement for the benefit of parcel 1 above, as set forth in that certain Non-Exclusive Stormwater Utility Easement and Stormwater Pond Use Agreement between the City of Clermont, and Lilly Pad Lodge, LLC, recorded March 10, 2014 in Official Records Book 4449, Page 976, of the Public Records of Lake County, Florida.

Exhibit - Location Map – 846 W. Osceola Street

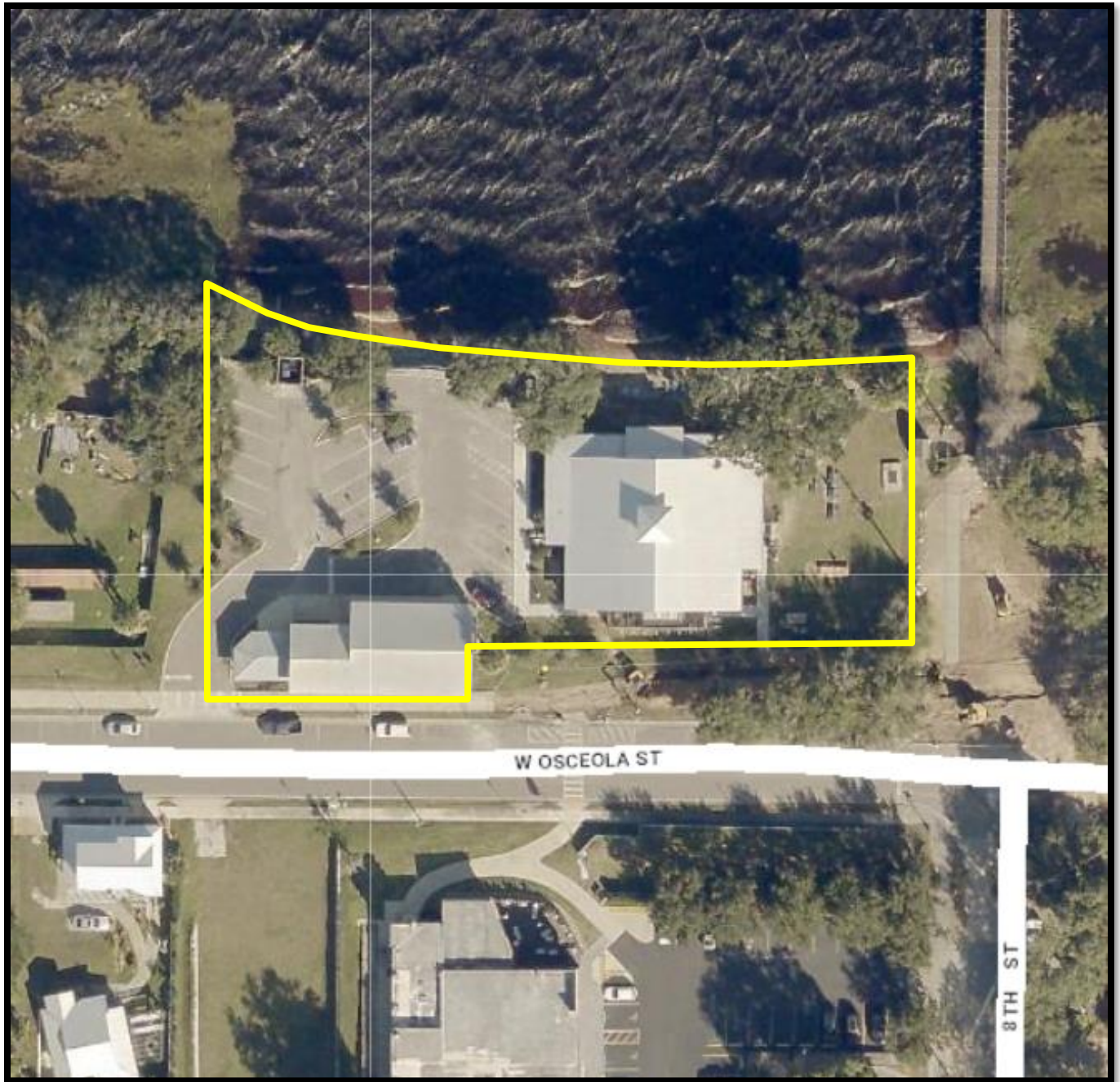
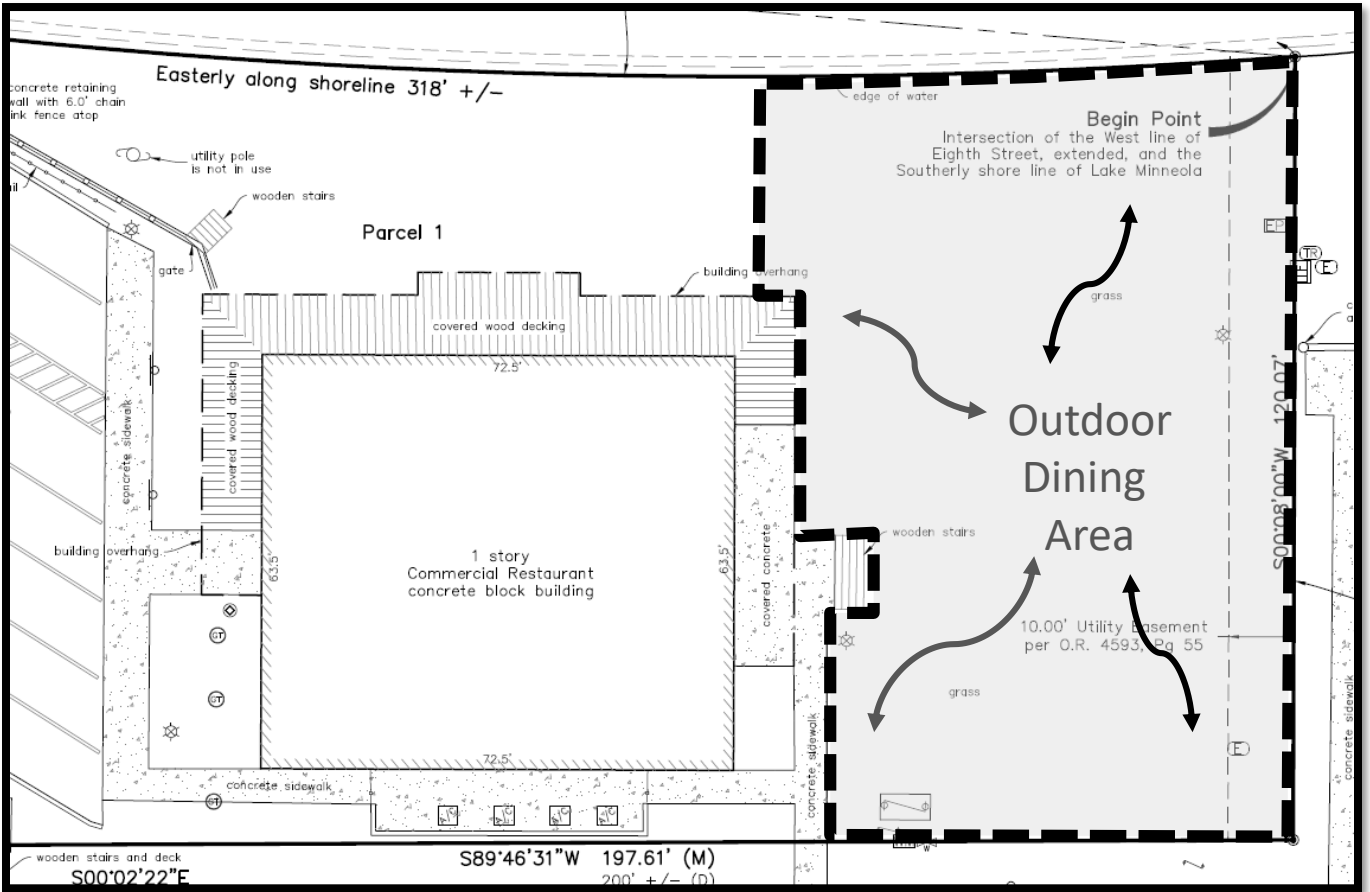


Exhibit – 846 W. Osceola Street



Boundary Survey of
846 W Osceola Street, Clermont, Florida
Section 24, Township 22 South, Range 25 East
Lake County, Florida

Surveyor's Report

- The bearings shown are based on the extended West line of Eighth Street, being assumed as South 00°08'00" West.
- This Survey was performed with the benefit of a Title Commitment prepared by Old Republic Title Insurance Company, commitment number 23024965P3, dated February 28, 2023. This firm relied on said Title Commitment and did not search the public records for easements or restrictions of record. See Title Exception Notes on this sheet for title exceptions as listed in said title commitment.
- Subject property contains 0.954 acres (41,599 square feet), more or less, and is occupied by 2 commercial business buildings and parking lot.
- Subject property lies within Zone X, an area determined to be outside the 0.2% annual chance floodplain, and Zone AE, an area with determined Base Flood Elevations (98.6'), according to the National Flood Insurance Program, Flood Insurance Rate Map numbers 12069C0570E, dated December 18, 2012.
- This Survey was performed for the sole and exclusive benefit of the entities listed herein and shall not be relied upon by any other entity or individual whomsoever.
- The aboveground observed evidence of underground utilities are shown hereon. There may be underground utilities with the area of this survey that were not located and not shown hereon.
- The feature symbols depicted on this survey and in the legend are shown for graphic purposes and may not be drawn to scale.
- This survey meets the Standards of Practice set forth in Florida Administrative Code Rule 5J-17, pursuant to Florida Statute Chapter 472.
- A paper original of this Survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper and a Portable Document Format (PDF) file version of this survey is not valid without a digital signature and seal of a Florida licensed surveyor and mapper.

Property Description

Parcel 1:

The land referred to herein below is situated in the County of Lake, State of FL, and is described as follows:

BEGIN at the intersection of the West line of Eighth Street, extended, and the Southerly shore line of Lake Minneola, according to the Official Map of Clermont, recorded in Plat Book 8, Pages 17 through 23, inclusive, Public Records of Lake County, Florida, run thence Southerly along the West line of Eighth Street to a point 54 feet Northerly, measured at right angles, from the center line of the Seaboard Coast Line Railroad Company's main track; thence Westerly, parallel with the center line of said main track 200 feet, more or less, to the point of intersection with a line parallel to and 30 feet Southerly, measured at right angles, from the center line of the former Tavares and Gulf Railroad Company's main track as formerly located; thence Westerly along said line parallel to said center line of Tavares and Gulf Railroad Company's former track, 287.5 feet, more or less, to the east line of West Avenue, Official Map of Clermont; thence North along the East line of West Avenue extended to the Southerly shore line of Lake Minneola; thence Easterly along said shore line 490 feet, more or less, to the POINT OF BEGINNING.

Also:

The East 112.5 feet of the following described parcel of land: BEGIN at the intersection of the East line of West Avenue with the North line of Osceola Street, in Clermont, Lake County, Florida; thence run North along the East line of West Avenue 35 feet, more or less, to the right-of-way of the Tavares and Gulf Railway; thence in an Easterly direction 300 feet along said right-of-way; thence South to the North line of Osceola Street; thence West 300 feet to the POINT OF BEGINNING.

Less the following:

Commence at the intersection of the East right of way line of West Avenue with the North right of way line of Osceola Street in Clermont, Lake County, Florida, thence run North 00°04'04" East along said East right of way line of West Avenue for a distance of 43.10 feet to the POINT OF BEGINNING; thence continue North 00°04'04" East along said East right of way line for a distance of 161 feet, more or less, to a point on the shoreline of Lake Minneola, said point hereafter referred to as point "A"; thence return to the POINT OF BEGINNING and run South 84°57'54" East for a distance of 187.98 feet; thence run North 00°02'22" West for a distance of 148 feet, more or less, to a point on the shore line of Lake Minneola; thence run Westerly along said shoreline to the aforesaid point "A".

Parcel 2:

Together with Non-Exclusive Easement for the benefit of Parcel 1 above, as set forth in that certain Non-Exclusive Access Easement between the City of Clermont, and Lilly Pad Lodge, LLC, recorded March 10, 2014 in Official Records Book 4449, Page 972, of the Public Records of Lake County, Florida.

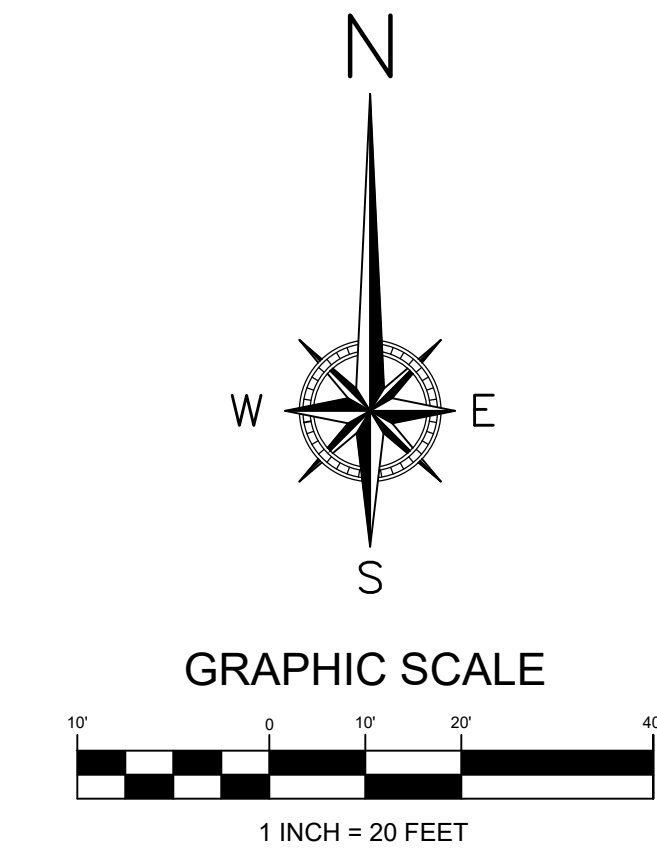
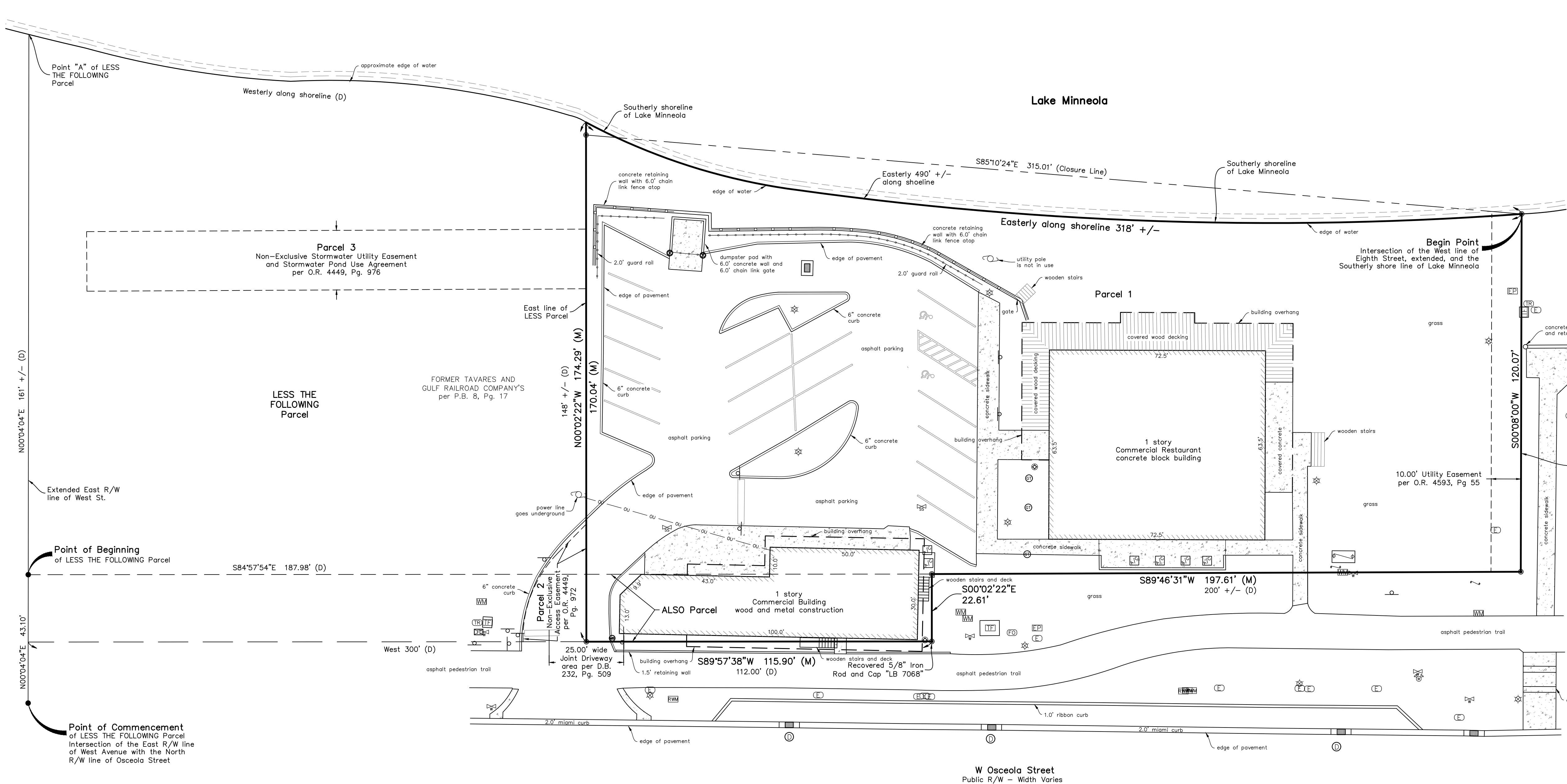
Parcel 3:

Together with Non-Exclusive Easement for the benefit of parcel 1 above, as set forth in that certain Non-Exclusive Stormwater Utility Easement and Stormwater Pond Use Agreement between the City of Clermont, and Lilly Pad Lodge, LLC, recorded March 10, 2014 in Official Records Book 4449, Page 976, of the Public Records of Lake County, Florida.

Title Exception Notes

*Items 1 through 11 are not survey related.

- Agreement for Joint Driveway between Albert H. Hinman and wife, Mary E. Hinman, and B. J. Willis and wife, Ellen I. Willis, parties of the first part, and Helen O. Kreider and husband, F. B. Kreider, parties of the second part, recorded in Deed Book 232, Page 509. (as to all Parcels) (Driveway agreement affects the subject property and joint driveway area is shown hereon)
- Easement in favor of the City of Clermont, recorded in Official Records Book 500, Page 303. (as to all Parcels) (Does not apply to subject property)
- Agreement between the Seaboard Coast Line Railroad Company, a Virginia corporation, and the City of Clermont, recorded in Official Records Book 502, Page 731. (as to all Parcels) (Surveyor cannot determine if this affects the subject property based on information provided. This agreement describes railroad tracks and spur tracks, said railroad tracks are no longer in place in the area of the subject property)
- Short Form Conditional Use Permit recorded October 22, 2012 in Official Records Book 4228, Page 2396. (as to Parcel 1) (Applies to subject property - no plottable easements)
- Terms and conditions of that certain Non-Exclusive Access Easement between the City of Clermont, and Lilly Pad Lodge, LLC, recorded March 10, 2014 in Official Records Book 4449, Page 972. (as to all Parcels) (Benefits the subject property - plotted hereon)
- Terms and conditions of that certain Non-Exclusive Stormwater Utility Easement and Stormwater Pond Use Agreement between the City of Clermont, and Lilly Pad Lodge, LLC, recorded March 10, 2014 in Official Records Book 4449, Page 976. (as to all Parcels) (Benefits the subject property - plotted hereon)
- Easement in favor of Duke Energy Florida, Inc., d/b/a Duke Energy, recorded March 5, 2015 in Official Records Book 4593, Page 55. (as to Parcel 1) (Applies to subject property - plotted hereon)
- Terms and conditions of that certain Lease dated _____, 2023, by and between Lilly Pad Lodge, LLC, a Florida limited liability company, (Landlord), and SS 2 Clermont LLC, a Florida limited liability company, (Tenant), as evidenced by Memorandum of Lease recorded _____, 2023, in Official Records Book _____ Page _____ (as to Parcel 1)



Symbol and Abbreviation Legend

- RW - denotes right of way
- P.B. - denotes Plat Book
- O.R. - denotes Official Records Book
- D.B. - denotes Deed Book
- Pg. - denotes page
- LB - denotes licensed business
- FEMA - denotes Federal Emergency Management Agency
- (D) - denotes Deed measurement
- (M) - denotes field measurement
- ACU - denotes air conditioner unit
- B - denotes bollard
- CN - denotes cleanout
- FOC - denotes fiber optic cabinet
- FOP - denotes fiber optic pullbox
- M - denotes mailbox
- RWM - denotes reclaimed water meter
- WUP - denotes wooden utility pole
- TR - denotes telecommunications riser
- IS - denotes traffic or information sign
- DI - denotes storm drainage inlet
- DM - denotes storm drainage manhole
- GT - denotes grease trap manhole
- SSV - denotes sanitary sewer valve
- FH - denotes fire hydrant
- BFP - denotes back flow preventer
- WM - denotes water meter
- WV - denotes water valve
- EB - denotes electric box
- EP - denotes electric panel
- ET - denotes electrical transformer
- ML - denotes metal light pole
- OW - denotes overhead utility lines
- ISC - denotes set 5/8" iron and cap or nail and disk stamped "PSM 5205", unless otherwise noted

 Benchmark Surveying & Mapping, LLC Certificate of Authorization Number - LB-7874 Post Office Box 771065, Winter Garden, Florida 34777-1065 3110 Red Fox Run, Kissimmee, Florida 34746 (407) 654-6183 www.benchmarksurveyingandmapping.com		Prepared For: The Salt Shook, LLC Prepared By: Billy Joe Jenkins, Jr. Professional Surveyor and Mapper Florida Licensed # 5205		Boundary Survey of 846 W Osceola Street, Clermont, Florida Section 24, Township 22 South, Range 25 East Lake County, Florida																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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**CITY OF CLERMONT
RESOLUTION NO. 2012-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT IN THE
CBD CENTRAL BUSINESS DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held July 3, 2012 recommended for approval of this Conditional Use Permit to allow a restaurant in the CBD Central Business District; at the following location:

LOCATION:

848 West Osceola Street

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit.

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

This application for a Conditional Use Permit to allow a restaurant in the CBD Central Business District; be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No further expansion of the use or additions to the facility shall be permitted except as approved by the Site Review Committee. An amendment to the Conditional Use Permit may be required.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Code and those of other appropriate jurisdictional entities.

CITY OF CLERMONT
RESOLUTION NO. 2012-21

4. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Planning and Zoning Department.
5. The Conditional Use Permit must be executed and processed through the office of the City Clerk within 90 days of its date of approval by the City Council or the permit shall become null and void.
6. The Applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit in the form set forth in Exhibit "A" to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
7. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date the Conditional Use Permit is executed and signed by the appropriate parties. Substantial construction work means the commencement and continuous construction of required improvements ultimately finalized at completion.
8. The restaurant use shall be required to install and maintain any required grease trap for food services in accordance with the Clermont Code of Ordinances and other local or state regulations. Installation and size are to be determined by the Utility Director.
9. The applicant shall be required to submit a formal site plan for review and approval by the City staff. The project shall be designed in substantial accordance with the site plan (Exhibit "A") presented at the preliminary site review meetings and public hearings with the exception of modifications necessary to comply with final Conditional Use Permit conditions and State, County or City Codes.
10. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may open the Conditional Use Permit for further conditions or revoke this Conditional Use Permit by resolution.
11. Should the restaurant use cease operations for a period greater than one year, a new Conditional Use Permit shall be required.

CITY OF CLERMONT
RESOLUTION NO. 2012-21

12. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to open the Conditional Use Permit for further review and additional conditions. Recurring documented complainants related to noise or other disturbances emanating from the operation shall be considered prima facie evidence of a violation of this provision. The owner shall be given written notice of such violations and shall have seven (7) days after receipt of such notice within which to demonstrate that adequate measures have been taken to alleviate the source of the disturbance which gave rise to the recurring complaints. If in the opinion of the Planning and Zoning Director, the disturbances have not been corrected, the owner will be scheduled for the next available City Council meeting to determine the appropriate action necessary to alleviate the disturbance, including any additional restrictions on the operation of the business deemed necessary to alleviate the complaints.
13. No outdoor music shall be allowed past 11:00 P.M. on Friday or Saturdays, and 10:00 P.M. Sunday thru Thursday.
14. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
15. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
16. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.

Section 2 – Land Use

1. Permitted uses shall include a restaurant at 848 West Osceola St., as well as uses permitted with the CBD Central Business District. Additional uses, events and activities permitted in direct association with the restaurant operation may include the following:
 - a) Weddings, holiday parties, special event venues.
 - b) Live music (on the restaurant deck and outdoor area)
 - c) Public movie night and poetry night.
 - d) Contests – talent show, hot dog eating, competition hosting for Miss Clermont and Lake County, dancing, singing, music, karate, high school cheer/dance, sand castle, doggie dress-up parades, and similar functions.
 - e) Children playground area, beach volleyball, horseshoe, corn hole and similar activities.
 - f) Bicycle and water sport rental area, ice/vending machines and bait sales.
2. No outdoor storage or display shall be permitted without obtaining City approvals (see variance) in accordance with the Land Development Code.

**CITY OF CLERMONT
RESOLUTION NO. 2012-21**

3. Once construction has commenced, the existing 4,040 square foot building shall only be permitted for storage and a 150 square foot office space, directly associated with the restaurant use. Any warehouse rental operations or similar use shall not be permitted. No other uses shall be permitted without a Conditional Use Permit amendment.

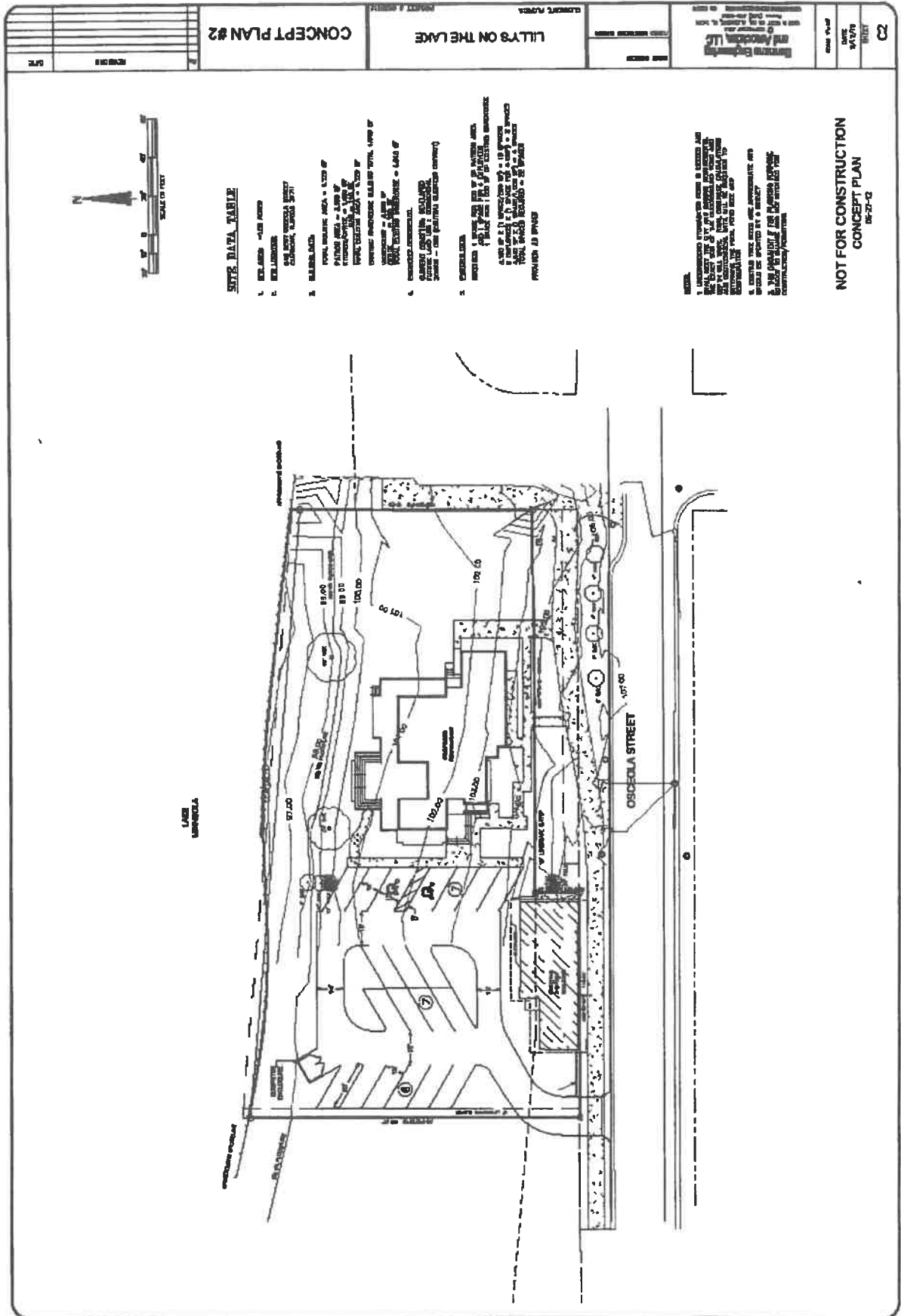
Section 3 - Architectural Design and signage:

All structures shall be designed and constructed in accordance with the Architectural Standards of the City of Clermont. In addition, the following shall be required:

1. All fencing within public view shall be ornamental metal or brick, as approved by the City's Site Review Committee. Chain link fencing shall be prohibited.
2. Direct exposed view neon tubing and scrolling text message boards are prohibited. Neon tubing shall not be utilized for building trim or accent areas.
3. No signage shall be permitted on the existing 4,040 square foot building.
4. All other signage shall comply with applicable codes.

CITY OF CLERMONT
RESOLUTION NO. 2012-21

Exhibit "A"



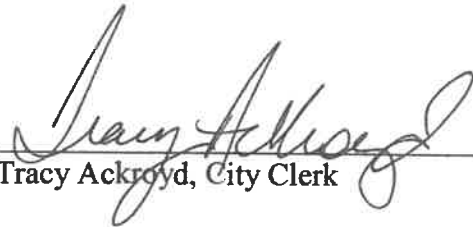
**CITY OF CLERMONT
RESOLUTION NO. 2012-21**

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 24th day of July, 2012.

CITY OF CLERMONT


Harold S. Turville, Jr., Mayor

ATTEST:


Tracy Ackroyd, City Clerk

Approved as to form and legality:


Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT
RESOLUTION NO. 2022-003R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING AND REVISING RESOLUTION 2012-21 WHICH GRANTED A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A RESTAURANT IN THE CENTRAL BUSINESS DISTRICT AT 848 WEST OSCEOLA STREET (LILLY'S ON THE LAKE); AND, PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held on January 18, 2022 received testimony and evidence from the City and from the property owner on the City's Amended Notice of Revocation of Conditional Use Permit granted by Resolution 2012-21 issued July 24, 2012 and Certificate of Occupancy issued July 24, 2015 for Lilly's on the Lake and thereafter unanimously recommended that the City Council revoke the subject Certificate of Occupancy and Conditional Use Permit;

WHEREAS, the City Council at a meeting held on January 24, 2022 received testimony and evidence from the City and the property owner on the City's Amended Notice of Revocation Certificate of Occupancy and Conditional Use Permit for Lilly's on the Lake;

WHEREAS, Section 10 of Resolution 2012-21 provides that the City Council may open or amend or revoke the Conditional Use Permit, if any of the conditions in the Conditional Use Permit are violated;

WHEREAS, Section 14-62 of the City Code provides that a certificate of occupancy may be revoked if, among other things, it is determined that the occupancy and use of the building has become detrimental to the public health, safety and welfare;

WHEREAS, Section 86-146 of the City Code, provides that a conditional use permit may be revoked if the permittee under the conditional use, among other things, fails to comply with the city code;

WHEREAS, at the January 24, 2022 meeting the City Council found that the property owner and permittee had violated or allowed to be violated the City Code Sections 42-81, 42-82, 42-83, 95-31, 95-34 and 95-37, Florida Fire Prevention Code sections 101:13.2 and 101:13.7.6 and Section 1, Subsection 13 and Section 2, Subsection 1 of Conditional Use Permit Resolution 2012-21 and unanimously acted to find that the terms of Resolution 2012-21 and City Code Section 86-146 have been violated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that based on the findings stated above and incorporated herein:

1. Previously adopted Resolution 2012-21 is hereby amended to provide as follows:
 - a) Allowable use is for a restaurant operation operating under the city's land development code.



CITY OF CLERMONT
RESOLUTION NO. 2022-003R

- b) that there shall be no outdoor activities on the premises other than the service of food and beverages as part of the restaurant activities; all food and beverage service shall be within the roofline of the existing building; and
 - c) there shall be no outdoor music played on the premises;
- 2. Any and all provisions of Resolution 2012-21 inconsistent herewith are repealed and no longer applicable to the Conditional Use Permit for the premises, all other provisions of Resolution 2021-21 and this Resolution shall remain in full force and effect.
 - 3. The conditions as set forth in this Resolution shall be legally binding upon any heirs, assigns and successors in title or interest.
 - 4. No expansion of the use or structural additions to the facility or the premises shall be permitted except as approved by a subsequent Conditional Use Permit. Provided, however, that the owner may without amendment to this Conditional Use Permit may upgrade the onsite fire alarm system as approved by the Fire Marshall to allow for expanded use of the interior of the premises for restaurant related activities.
 - 5. The owner of the property, its agents or assigns may not apply for a revision of the conditional use permit granted by this Resolution or by Resolution 2012-21 for a period of one (1) year from January 24, 2022.
 - 6. If any of the stated conditions or any other applicable City Code are violated, the applicant understands and agrees that the City Council may revoke or amend this Conditional Use Permit by resolution after a public hearing.

SECTION 2: CONFLICT

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 3: SEVERABILITY

If any portion of this Resolution is declared invalid, the invalidated portion shall be severed from the remainder of the Resolution, and the remainder of the Resolution 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 Resolution as a whole.

SECTION 4: ADMINISTRATIVE CORRECTION

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

SECTION 5: PUBLICATION AND EFFECTIVE DATE

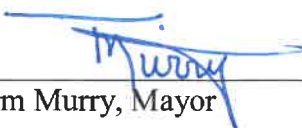
This Resolution shall take effect immediately.



CITY OF CLERMONT
RESOLUTION NO. 2022-003R

DONE AND RESOLVED by the Mayor and City Council of the City of Clermont, Lake County, Florida, this 24th day of January, 2022.

CITY OF CLERMONT



Tim Murry, Mayor

ATTEST:



Tracy Ackroyd Howe, MMC
City Clerk





CITY OF CLERMONT CONDITIONAL USE PERMIT APPLICATION

Date 03.07.2023		FEE: \$845 + cost of advertisement + cost of traffic review (if necessary)	
Project Name (if applicable) Salt Shack			
Applicant Jimmy D. Crawford, Esq			
Contact Person Jimmy Crawford or Amanda Titus			
Address 702 West Montrose Street	City Clermont	State Florida	Zip 34711
Telephone 352 432 8644	Fax 352 432 8699		
Email jcrawford@cmhlawyers.com & atitus@cmhlawyers.com			
OWNER INFORMATION ☐ (Check box if owner information is same as applicant)			
Owner's Name Lilly Pad Lodge LLC			
Owner Address 11427 Waterstone Loop Drive	City Windermere	State Florida	Zip 34786
Telephone	Fax		
PROPERTY INFORMATION			
Address of Subject Property 848 W. Osceola Street	City Clermont	State Florida	Zip 34711
General Location Lake front by 8th street			
Legal Description & Alternate Key (include copy of survey) Alternate Key(s): 1616891, 3784611 See Attached			
Land Use (City verification required) Downtown District			
Zoning (City verification required) CBD CENTRAL BUSINESS DISTRICT			



CITY OF CLERMONT
**CONDITIONAL USE PERMIT
APPLICATION**

Detailed Description of request (What are you proposing to do and why is it appropriate for this location?) Attach additional page if necessary.

The current owners are in the process of long-term leasing the restaurant to new owners, who currently operate the Salt Shack in Tampa. The new owners wish to 'reopen' the outdoor venue for family-friendly entertainment, and need to adjust the current CUP (Resolutions 2012-22 and 2022-003R) to do so.

Jimmy Crawford

Applicant Name (print)

x

Applicant Name (signature)

Jimmy Crawford, Authorized Agent

Owner Name (print)

x

Owner Name (signature)

*****NOTICE*****

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY ON PROCESSING AND WILL NOT BE SCHEDULED UNTIL CORRECTIONS ARE MADE.

City of Clermont

Development Services Department

685 W. Montrose St.

P.O. Box 120219

Clermont, FL 34712-0219

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

5/26/2020

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:	04/13/2023
Order Number:	8710075
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	52.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	2	04/25/2023 - 05/16/2023	Govt Public Notices
LEE dailycommercial.com	2	04/25/2023 - 05/16/2023	Govt Public Notices

Total Order Confirmation	\$161.84
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Ad Preview

LEGAL NOTICE

On Tuesday, May 2, 2023 at 6:30 PM the Clermont Planning & Zoning Commission will consider a request for an amendment to Conditional Use Permit, Resolution 2012-21 and 2022-003R, to include additional uses within the property. The final hearing of the proposed request will be heard by Clermont City Council on Tuesday, May 23, 2023 at 6:30.

LOCATION

846 & 848 West Osceola Street
Salt Shack
(AK 3784611 & 1616891)

A complete legal description may be obtained in the Development Services Department located at 685 West Montrose Street, Clermont, FL 34711, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

All public meetings will be held in the Clermont City Hall, Council Chambers located at 685 W. Montrose Street, Clermont, FL 34711.

All interested parties shall be given an opportunity to express their views on this matter.

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

Tracy Ackroyd Howe, MMC
City Clerk
4/25, 5/16/23