

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