



**CITY OF CLERMONT
CITY COUNCIL MEETING
CLERMONT CITY HALL
AGENDA
6:30 PM, Tuesday, March 12, 2024**

Welcome to our Council meeting. In the interest of time efficiency and ensuring that everyone who wishes to address the Council is given the opportunity to do so, the following will apply to all comments made by the public. Each speaker will be permitted 3 minutes to address the Council. These time limits may be extended by the Mayor or by majority vote of the Council. To avoid disruption of the meeting, speakers should avoid inappropriate language, personal attacks and derogatory statements and direct comments to the Council. Everyone is requested to be respectful of each other even when we disagree. All public comments should be directed to the Council, and the issue at hand. Everyone should avoid personal attacks and derogatory statements. Thank you for participating in your City Government.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

Fraternal Order of Police Recognition

PUBLIC COMMENT

REPORTS

CONSENT AGENDA

The next portion of the meeting is the consent agenda which contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Council wish to speak on a consent item, they have the same opportunity.

Item No. 1 - Meeting Minutes

Consider approval of the February 20, 2024, Workshop and February 27, 2024, Council Meeting minutes.

Item No. 2 - Piggyback Contract
Fire Dept.

Consider piggyback approval of the Volusia County term contract with Florida PPE Services, LLC to provide cleaning, repair, and inspection of PPE Bunker Gear equipment.

Item No. 3 - Equipment Lease Agreement
Fire Dept.

Consider approval of a sole source agreement from Industrial Scientific to acquire an air and gas monitor equipment lease program in the total budgeted amount of \$115,024.80.

UNFINISHED BUSINESS

Item No. 4 - Board Appointments

Consider appointing members to the Code Enforcement Board.

Item No. 5 - Ordinance No. 2024-016 *Final
Special Magistrate*

Consider approval of Ordinance to establish a Special Magistrate.

**CITY OF CLERMONT
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NEW BUSINESS

Item No. 6 - Variance Request
2490 Holly Berry Circle

Consider the request to allow for a constructed walkway to encroach into the side yard setback.

Item No. 7 - Variance Request
Teamont Boba

The applicant has requested to table to March 26, 2024.

Item No. 8 - Variance Request
Vacant Lot adjacent to 190 Crystal Lake Dr.

Consider a request to allow native vegetation to exceed 18 inches on a vacant lot and not be mowed/maintained.

Item No. 9 - Variance Request
301 Chestnut Street

Consider a request to allow for a rear yard setback less than the minimum requirements for the placement of a 12 foot x 24 foot storage shed.

Item No. 10 - Ordinance No. 2024-017 *Intro*
151 W. State Road 50

Consider rezoning from Planned Unit Development to C-1 Light Commercial.

ADJOURN

Public Notice

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Meeting agendas are available on the city website and are posted within the first floor of City Hall.

Should any person desire to appeal any decision of the City Council with respect to any matter to be considered at this meeting, that person shall ensure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in this proceeding may contact the Office of the City Clerk at (352) 241-7331 (Voice) no later than two (2) business days prior to the proceeding or by contacting the City Clerk's Office at cityclerk@clermontfl.org. TTY users may call via 711 (Florida Relay Service) no later than two (2) business days prior to the proceeding.

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

City of Clermont
MINUTES
CITY COUNCIL WORKSHOP
February 20, 2024

CALL TO ORDER

The City Council met in a workshop session on Tuesday, February 20, 2024 in the Clermont City Council Chambers. The workshop was called to order at 6:30 pm with the following Council Members present: Mayor Murry, Council Members Myers and Gonzalez.

Absent: Council Member Pines

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

OPENING COMMENTS

Mayor Murry noted this is a workshop and there will be no action taken at the workshop.

AGENDA ITEMS

City Manager Bulthuis provided an overview of the 8th Street pier project. The City needs to move forward with the next phase of engineering. The final cost is estimated in the range of \$5 to \$6 million which will include grants, Recreation Impact fees and possibly General Fund in the future. There will be items on the agenda next week for Council to approve the project moving forward.

1. Meet Us in the Middle Plaza and 8th Street Docks Project Update

Jeff Powell, Powell Studio Architecture, gave a brief overview of the CRA plan and a timeline of events since 2015 when the CRA plan was approved by City Council. The idea was to link the waterfront and the downtown area.

Mr. Powell reviewed the existing conditions of the pier and space around the pier. He reviewed the conceptual plan and feedback they have received. After taking all the feedback into consideration and completing the site survey, they were able to put together a conceptual design for the area.

The new design shows 28 standard boat slips, 8 wake/ski boat slips and 8 personal watercraft docking stations with a breakwater. There will be a fishing pier, pedestrian walkways, amphitheater style greenspace, restrooms and the Meet Us in the Middle Plaza. There is no proposal to add additional parking and the project would be completed in phases.

Council will need to approve the next step to proceed to the final design and engineering.

City Manager Bulthuis asked Mr. Powell to review the number of slips being proposed.

Mr. Powell reviewed the number of slips as 28 standard slips, 8 wake/ski boat slips and 8 personal water craft docking stations.

Mayor Murry opened the floor for public comments.

Willie Montgomery, 419 E. Desoto Street - expressed disappointment. He asked for consideration for disabled individuals with this project and handicapped parking.

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Mr. Powell stated that accessibility to the park is paramount to the design and ensuring that people with disabilities have the right to use it.

Mayor Murry suggested increasing the number of handicapped parking spaces surrounding the area.

Wilburt Montgomery, 1106 Imperial Eagle St., Groveland – inquired on the time limit to complete the project.

Vincent Niemiec, Regency Hills – inquired about hours of operation at the park and time limits at the boat dock.

Banks Helfrick, 9600 Sams Lake Rd. – asked if there were plans of expanding the dock area in the future and if this was built for seaplanes as well.

Mayor Murry closed the floor from public comments.

City Manager Bulthuis explained that staff is still early in the process with this project. As far as enforcement regarding boats at the dock at night, that will be handled by park rangers and the Police Department. We are approximately one year away from plans and permitting being done. Once that is done, we will have better cost estimates. After plans and permitting are complete, the Council will decide how to phase the project. The main goal is to get the current pier removed and replaced with the docks and then move on to the park. There are no current plans to have dock spaces for seaplanes.

Mayor Murry spoke about expansion and building the dock to possibly expand in the future.

Mr. Powell stated that they are ready to move forward with the project once Council approves. It will take a year from design to permitting and then there will be a discussion regarding phasing of the project.

Council Member Myers asked about the cost of the project.

Mr. Powell stated that at this time they are estimating \$5 to \$6 million.

Mayor Murry stated that the City will be utilizing Recreation Impact fees. City Manager Bulthuis informed Council that the City has also received a couple of grants towards the project.

Council Member Myers asked how much the City has in Recreation Impact fees.

City Manager Bulthuis stated that there is currently an estimated \$4.5 million in Recreation Impact fees.

Council Member Gonzalez expressed his support for this project. He would like to have the project completed without phasing. It will change the culture of Clermont.

Council Member Myers asked about funds added for inflation.

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Mr. Powell stated that they identify the budget and have a contingency in case of overrun costs. There are different ways to deliver the project and they build a contingency into the estimates.

2. Other

City Manager Bulhuis informed all of the Comprehensive Plan Meeting on Thursday, February 22 at 6pm at the Clermont City Center.

ADJOURN: With no further comments, this workshop adjourned at 7:38pm.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

City of Clermont
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REGULAR COUNCIL MEETING
February 27, 2024

CALL TO ORDER

The City Council met in a regular meeting on Tuesday, February 27, 2024 in the Clermont City Council Chambers. Mayor Murry called the meeting to order at 6:30pm with the following Council Members present: Council Members Gonzalez, Myers and Pines.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Fire Chaplain Rick Spence gave the invocation followed by the Pledge of Allegiance.

PRESENTATION

Lake County Commissioner Sean Parks presented information on Lake County's budget process. He reviewed the General Fund expenditures and the financial challenges they face.

Commissioner Parks spoke about road resurfacing, there are funds to resurface 20 miles of road with more than 60 miles in need of resurfacing.

Discussion ensued on different roads within the city and if they were on the list to get resurfaced or patched. Commissioner Parks noted Lake County has an app for citizens to notify the county of pot holes.

There is a map that Commissioner Parks said he will update and provide to Council that shows the timeline of all the road work within south Lake County.

Mayor Murry asked when Ray Goodgame Parkway will go through to John's Lake Road. The county is in the process of acquiring two properties to be able to continue the road.

Mayor Murry asked if the public has any questions for Commissioner Parks.

Banks Helfrick, 9100 Sams Lake Road – Groveland protected the clay road district, and requested Lake County protect it to keep it a district.

Commissioner Parks stated that he is aware and fully supportive of protecting the clay road district.

Ann Valentia, 16017 John's Lake Road – Goodgame Pkwy and John's Lake Road is a dirt road. It is on google maps and has people driving that way.

Commissioner Parks said he will look into maintenance while they are in the process of acquiring the properties to build out the road.

PUBLIC COMMENTS

Adam Atherton, 13005 Summerlake Way – Clermont Sailing Regatta this weekend at Victory Point.

Banks Helfrick, 9100 Sams Road – spoke regarding supporting farmers.

Jarod Taylor, 1878 Knollcrest Drive – expressed concern regarding sidewalks and roads in Skyridge Valley.

Elaine Wade, 1677 12th Street – asked about the cost of reclaimed water.

Sharon Keyes, 644 W. Osceola Street – spoke about Black History Month.

Calvin Joseph, Lost Lake – expressed concern regarding handicapped accessibility.

City Manager Bulthuis explained that the City does not control accessibility, which is done per the building code. The City cannot require a private business to do more than what code requires.

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Charlene Forth, 939 W. Desoto Street – expressed concern regarding incident at Light Up Clermont.

Mayor Murry asked City Manager Bulthuis to address the concerns regarding Skyridge Valley and reclaimed water.

City Manager Bulthuis stated that staff has visited Skyridge Valley and looked at the issues. There are issues within the subdivision, there is a disagreement on the severity of the issues and where they fall within the scope of issues that need to be addressed.

There is a cost of having reclaimed water regardless of usage. The rates of usage are not out of line to the surrounding areas.

AGENDA CHANGES

City Manager Bulthuis informed the Council of the following agenda changes: No changes to the agenda.

REPORTS

CITY MANAGER REPORT

City Manager Bulthuis –

- The City is upgrading the Comprehensive Plan and is asking for public input. There is a flyer with a QR code to scan and take a survey.
- Clermont Splash Park opens March 8.
- Citizens Academy begins March 7. It is a 7-week program and there are still open spaces.

CITY ATTORNEY REPORT

City Attorney Mantzaris – No report.

CITY COUNCIL REPORT

Council Member Myers –

- Origin of Black History Month.
- Spent time with more Department Directors, Information Technology (IT) and the City Clerk's office. She expressed her appreciation to those departments.
- Asked the public to contact her if there is still interest in a Citizens Budget Review Committee.

Council Member Pines –

- Attending the sailing regatta as the presenter of the awards.

Council Member Gonzalez –

- Judged the beauty pageant at the Eustis Georgefest.
- Attended Lake 100 lunch in Tavares.
- The VFW post held their first car show.
- Attended the Honor the Fallen 5K.

Mayor Murry –

- Commented on long time Clermont resident, Frank Klum, who will be turning 101 years old.
- Reminded the public about the Comprehensive Plan survey.
- Special Election Qualifying is next week with the election in May.

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- Attended the first Black History celebration in Mascotte.
- Attended the Honor the Fallen 5K.
- Mayor's luncheon Tuesday at Portillo's.

City Clerk Howe confirmed the election qualifying dates begin on Monday, March 4 at 12-noon through Friday, March 8, at 12-noon for Seat 2.

CONSENT AGENDA

Mayor Murry advised the next item on the agenda for consideration was the Consent Agenda and requested anyone wishing to have any item pulled for discussion to please come forward at this time.

Item No. 1 – Meeting Minutes

Consider approval of the February 13, 2024, Council meeting minutes.

Item No. 2 – Bid Award
Fire Truck Equipment

Consider award to Advance Emergency Services Training Inc. dba. AEST Fire & Safety, North American Fire Equipment Co. Inc. and Ten-8 Fire & Safety, LLC to purchase Firefighter equipment for the total budgeted amount of \$176,232.01.

Item No. 3 – Term Contract Award
Employee Retirement Plan

Consider term contract award to Empower Retirement, LLC to obtain defined contribution record-keeper services for employee 401(a) and 457(b) retirement plans.

Item No. 4 – Piggyback Purchase
Disaster Restoration Services

Consider approval to piggyback the OMNIA Partners term contract with Belfor USA Group, Inc. to provide disaster and non-disaster restoration of operational services.

Item No. 5 – Piggyback Contract
Equipment Rental Services

Consider piggyback approval of Sourcewell term contract number 062320-URI with United Rentals (North America), Inc. to provide equipment rental services.

Item No. 6 – Resolution No. 2024-010R
Budget Amendment

Consider approval of budget amendment for the first quarter of Fiscal Year ending September 30, 2024.

Item No. 7 – Resolution No. 2024-011R
Updated Statewide Mutual Aid Agreement

Consider approval of the 2023 Statewide Mutual Aid Agreement to bring the City into compliance with the current policies and procedures for emergency responses

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Item No. 8 – Event, Open Container and Road Closure Request
Suntoberfest

Consider allowing Suncreek Brewery to host an event in downtown Clermont with road closure and open container allowance, October 5 - 6, 2024.

Item No. 9 – Task Order
Powell Studio Architecture

Consider task order approval for the design and engineering for the Meet Us in the Middle Park & Docking Facility in the budgeted amount of \$353,500.

Item No. 10 – Task Order
Halff Associates, Inc.

Consider task order approval for engineering services of the Meet Us in the Middle Park & Docking Facility in the budgeted amount of \$369,000.

Item No. 11 – Resolution No. 2024-012R
Grant Application Request

Consider approval to apply to the Florida Boating Improvement Program for a grant in the amount of \$100,000.

Council Member Gonzalez made a correction to Item No. 1 – Meeting minutes, shows Council Member Pines was in attendance and it should show Council Member Myers.

Vincent Niemiec pulled Consent Item No. 11 for further discussion.

Council Member Pines moved to approve Consent Agenda Items 1-10 with the correction to the meeting minutes; Seconded by Council Member Myers. Passed unanimously 4-0 with all members present voicing aye.

Item No. 3 – Resolution No. 2024-012R, Grant Application Request

Charlene Forth, 939 W. Desoto – asked for details of the grant request.

City Manager Bulthuis explained the grant is for the 8th Street Docks project.

Council Member Pines moved to approve Consent Agenda Item 11 as presented; Seconded by Council Member Gonzalez. Passed unanimously 4-0 with all members present voicing aye.

UNFINISHED BUSINESS

Item No. 12 – Variance Request, Wendy's at John's Lake Landing

Development Services Director Henschel presented the item. This item was tabled at the December 12, 2023 and January 23, 2024 City Council meeting to allow staff and the applicant to work through the variance requests. The applicant has submitted a revised justification statement with additional backup material supporting the variance requests. City staff have reviewed the additional information, and the previous review criteria under section 101-246 has been revised from three negative findings to one negative finding. Staff still recommends denial of the variance requests. Two additional attachments have been added to the agenda item; updated justification statement and updated review criteria.

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The property is a vacant parcel located on the south side of State Road 50 and West of Magnolia Pointe Boulevard. The applicant is proposing the development of a Wendy's Restaurant located in the John's Lake Landing Planned Unit Development (PUD). In April 2023, the property was annexed into the City. The property is part of a Master Planned Development that will be called "Westfall Station", which includes apartments, restaurants, retail and other commercial businesses.

The variance request is to allow for more than one ground sign on the Wendy's parcel. The applicant is requesting, in addition to the Wendy's sign, a Westfall Station multi-tenant development sign and a Rooms to Go (RTG)/Wendy's sign. These 2 signs require a variance in order to be placed at this location. It is the additional signage on this parcel that is triggering the variance request. In addition, the Westfall Station sign is slightly wider than code allows (13'9" vs 10'), but the copy square footage of the signage will be within code and the height is shorter than allowed by code (8'4" vs 15'). The applicant has provided additional information in support of their variance requests. The original request is still being sought, with more supportive information provided by the applicant.

Section 101-246 of the Land Development Code requires a positive finding on the review criteria in order to grant a variance. Staff has reviewed the application as submitted and finds the application does not meet a positive finding on all five review criteria. Therefore, staff recommends denial of the variance request to the code.

Mr. Opsahl, Lowndes Law Firm, was present on behalf of the applicant. The main request for the variance is due to topographical changes which can make it harder to see the businesses so the business in the rear would be placed on a sign fronting the main road.

Mayor Murry opened the public hearing. There were no comments. Mayor Murry closed the public hearing.

Council Member Gonzalez asked if there were any changes from the original request.

Development Services Director Henschel stated that there are no physical changes from the first time they presented the request.

Mayor Murry expressed his concern with skyline identifier being on the main Westfall sign, there looks to be space on the sign for additional identifiers. He is okay with the other requests.

Mr. Opsahl stated that they would like to have an identifier which is the reason they are asking to put the skyline on the Westfall Station sign. There is another back parcel that may be developed in the future, there are provisions in the code that states if any other identifier goes on the Westfall Station sign, they will need to return to Council for approval. He expressed appreciate of Council support for the Westfall Station sign.

Mayor Murry stated he is in support of the directional signs and the Westfall Station sign if the skyline identifier is removed.

Council Member Pines moved to approve the variance request with the Westfall Station sign with no other indicators for other businesses and the Wendy's/Rooms to Go sign; Seconded by Council Member Gonzalez. Passed unanimously 4-0 with all members present voicing aye.

The next three items were presented together and voted on separately.

City Clerk Howe read the titles aloud of Ordinance No. 2023-029, Ordinance No. 2023-030 and Ordinance No. 2023-031.

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Item No. 13 – Ordinance No. 2023-029, *Waterbrooke Phase 7 Annexation*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

Item No. 14 – Ordinance No. 2023-030, *Waterbrooke Phase 7 SSCPA*

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

Item No. 15 – Ordinance No. 2023-031, *Waterbrooke Phase 7 Rezoning*

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

Development Services Planner Kruse presented the ordinances. These items were tabled at the November 28, 2023, January 9, 2024, and February 13, 2024, City Council meetings. The applicant, Mattamy Orlando LLC, is requesting annexation, Small Scale Comprehensive Plan Amendment (SSCPA) and a rezoning for approximately 24 acres adjacent to the Waterbrooke subdivision.

The property boundaries are contiguous to the City boundaries, as required by Florida Statutes for annexation. The City is able to serve the proposed development, and the annexation would be a logical expansion to the boundary. Staff recommends approval of Ordinance No. 2023-029.

The applicant is requesting a future land use map change from Rural to Low Density Residential once it is annexed into the City of Clermont. Low Density Residential allows up to three dwelling units per acre.

The applicant is proposing an additional phase, Phase 7, to the existing Waterbrooke subdivision. The Low Density Residential future land use is consistent with the existing future land use for the entire Waterbrooke subdivision. The property will be accessed from within the existing Waterbrooke development, and an amendment to the existing PUD is being sought.

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The development proposal for this parcel does not conflict with the Low Density Residential future land use within the City's Comprehensive Plan. Staff recommends approval of Ordinance No. 2023-030. The Planning and Zoning Commission recommended approval, 5-2.

The applicant is requesting to add 24 acres to the existing residential subdivision through a Planned Unit Development (PUD) Amendment. The applicant is requesting a rezoning to allow 62 additional single family homes within this parcel. The internal lots will be a minimum of 60 feet in width and 75 feet on the perimeter. The Waterbrooke subdivision was annexed by the City in 2016. The project was approved by Lake County in 2006 for a residential development consisting of 894 age-restricted single family homes. The PUD has been amended several times prior to being annexed.

With the additional acreage added to the Waterbrooke subdivision, the applicant is requesting an increase from 1,100 units to 1,165 units on a total of 592.7 acres, which equates to 1.97 units per acre overall. The only permitted site access will be from within the existing Phase 6, there will be no access from Island Boulevard or any other access point. All the conditions in the existing PUD ordinance have conveyed with the exception of a change in an increase of the total number of units, an updated location map to show the additional acreage within the overall project, an updated master site plan and increased side yard setbacks for Phase 7 (7.5 feet vs 5 feet). The applicant originally requested townhomes and higher density in this phase, but staff was unable to support the request since it was not consistent with the approved development in Phase 6.

Staff has reviewed the applicant's request for a rezoning from Urban Estate (default zoning upon annexation) to be included in the Waterbrooke PUD. Staff has reviewed the project according to Section 125-486, Review Criteria for a PUD. The proposed parcel is adjacent to public utilities, and the access point is within the existing subdivision. The property is adjacent to the City limits, and the City is able to provide services in this area. The density is similar to what is existing within Phase 6 and larger lots are on the perimeter of this phase. Staff recommends approval of Ordinance No. 2023-031. The Planning and Zoning Commission recommended approval, 4-3 with the following condition: maintain the current landscape within the 25 foot enhanced buffer on the southern and western boundaries of Phase 7 where feasibly possible, engineering wise.

The applicant, Alex Stringfellow, was present. Thanked staff for their continued work and communication regarding this project. Waterbrooke has 6 successful phases and they are looking to bring a 7th phase. He presented Council with pictures of the area showing the surrounding homes and subdivisions along with renderings of their vision for this phase. The lot sizes are compatible to phase 6 with some being larger. They are in agreement with staff's recommendation and asked Council to consider removing the condition recommended by the Planning and Zoning Commission of maintaining what is within the 25 foot buffer. From an engineering prospective, the analysis indicates the trees must be removed in that space once the project is engineered. There will be new trees planted once for the 25 foot buffer.

Mayor Murry asked about lines on the drawing that was shown, is that a road or easement. Engineer John Townsend stated that is an easement for a drainage pipe to the lake.

Mayor Murry opened the public hearing.

Timothy Hobin, helping neighbors who are opposing the development – expressed concern regarding the project. He requested there are no bulldozing or bush hogging on the south and west side and 50 foot buffers with no brick walls.

Jose Dominquez, 16615 John's Lake Road – opposes the project and asked if there will need to be a retaining wall built on the site that border the lake.

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Ann Valentia, 16017 John's Lake Road – opposes the project and spoke about endangered species and the vegetation in the area.

Susie Westbrook, 16131 John's Lake Road, - opposes the project, this is not compatible to their properties.

Paul Adams, 15051 John's Lake Road – opposes the project. He spoke about the City doing their due diligence when annexing properties. Furthermore, he provided the definition and requirements for annexing properties larger than 110 acres.

Mayor Murry closed the public hearing.

City Attorney Mantzaris clarified that this is a voluntary annexation which is a petition made by the applicant. The criteria for chapter 171, voluntary annexation is for the property to be contiguous, reasonably compacted and not create any enclaves. This property meets the criteria of voluntary annexation.

Mr. Stringfellow stated that the compatibility of this project is to the other sites within the city limits. This is not the point of the process where trees are looked at. When they submit their site plan, they will have a plan for the trees in the area. Within the Waterbrooke PUD, there are 40 acres of conservation.

Council Member Pines inquired about retaining walls on the lake side properties. Mr. Stringfellow stated that it is unknown at this time, which would be done at the engineering phase.

Council Member Gonzalez stated that if the City does not annex the property, then the applicant can proceed through the County.

City Attorney Mantzaris clarified that if Council does not annex the property, the County would control jurisdiction of how the property is developed.

Council Member Gonzalez moved to approve Ordinance No. 2023-029, Waterbrooke Phase 7 Annexation; Seconded by Council Member Myers. The motion passed by roll call vote 4-0.

Council Member Gonzalez moved to approve Ordinance No. 2023-030, Waterbrooke Phase 7 SSCPA; Seconded by Council Member Myers. The motion passed by roll call vote 4-0.

Council Member Gonzalez moved to approve Ordinance No. 2023-031, Waterbrooke Phase 7 Rezoning; Seconded by Council Member Myers. The motion passed by roll call vote 4-0.

The next four items were presented together and voted on separately.

City Clerk Howe read the titles aloud of Ordinance No. 2024-009, Ordinance No. 2024-010, Ordinance No. 2024-011 and Resolution No. 2024-004R.

Item No. 16 – Ordinance No. 2024-009, Hooks Street Self-Storage Facility Annexation Final

AN ORDINANCE UNDER THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

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Item No. 17 - Ordinance No. 2024-010, *Hooks Street Self-Storage Facility SSCPA Final*

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

Item No. 18– Ordinance No. 2024-011, *Hooks Street Self-Storage Facility Rezoning Final*

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

Item No. 19 – Resolution No. 2024-004R, *Hooks Street Self-Storage Facility CUP*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A SELF-STORAGE FACILITY OCCUPYING MORE THAN 20,000 SQUARE FEET OF FLOOR SPACE IN THE C-2 GENERAL COMMERCIAL ZONING DISTRICT; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

Development Services Director Henschel presented the items. The applicant is requesting annexation, small scale comprehensive plan amendment, rezoning and Conditional Use Permit for a 2.29 acre parcel located east of US Highway 27 and north of Hooks Street.

The property boundaries are contiguous to the City boundaries, as required by Florida Statutes for annexation. The City is able to serve the proposed development, and the annexation would be a logical expansion to the boundary. Staff recommends approval of Ordinance No. 2024-009.

The small scale comprehensive plan amendment would change the Future Land Use designation from Lake County's Regional Commercial to City Commercial. The proposed development is consistent with the comprehensive plan goals, objective and policies and the intent of the Commercial Land Use Category. The Future Land Use Policy 1.9.5 indicates, Residential Self-Storage Facilities shall be allowed as a Conditional Use Permit and shall be limited to 1.00 Floor Area Ratio. This shall not include the storage of manufactured or commercial products.

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Staff recommends approval of Ordinance No. 2024-010 to change the future land use designation from Lake County Regional Commercial to City Commercial. Planning and Zoning Commission recommended approval, 7-0.

The proposed rezoning request would change the current zoning from Lake County R-6 Urban Residential District to City C-2 General Commercial zoning. The C-2 Commercial zoning category is compatible with the uses and improvements of the surrounding area, and is consistent with the City's Comprehensive Plan goals, objectives and policies. The project will be compatible with the surrounding development pattern and not out of character with the adjacent properties. The project will be required to meet all the land development regulations, and any buildings must be designed to comply with the Clermont Architectural Design Standards. Staff recommends approval of Ordinance No. 2024-011 to change the zoning from Lake County R-6 Urban Residential District to City C-2 General Commercial zoning. Planning and Zoning Commission recommended approval, 7-0.

The applicant is also requesting a conditional use permit (CUP) to allow for a self-storage facility with more than 20,000 square feet of floor space. The Land Development Code, Section 125-337 requires a conditional use permit for any building that occupies more than 20,000 square feet and to allow for residential storage facilities in the C-2 General Commercial zoning district. The proposed development will provide an enclosed three-story building that will be up to 74,400 square feet with 453 units. The building will be designed to comply with the Clermont Architectural Design Standards. The proposed self-storage facility will be gated and secured. Any fencing along or adjacent to roadways shall be ornamental metal or decorative vinyl/pvc. No outside storage will be allowed. Staff has reviewed the CUP application and believes that the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity and the proposed use will comply with the regulations and conditions specified. Therefore, staff recommends approval of the Conditional Use Permit request. Planning and Zoning Commission recommended approval, 7-0.

The applicant, Michael Rankin of LPG Urban & Regional Planners was present. The project meets the architectural standards for the City of Clermont. Fencing around will be ornamental or decorative fencing and there will be no outside storage. The applicant asked Council for approval to move forward.

Mayor Murry opened the public hearing. There were no comments. Mayor Murry closed the public hearing.

Council Member Pines moved to approve Ordinance No. 2024-009, Hooks Street Self-Storage Annexation; Seconded by Council Member Myers. The motion passed by roll call vote 4-0.

Council Member Pines moved to approve Ordinance No. 2024-010, Hooks Street Self-Storage SSCPA; Seconded by Council Member Myers. The motion passed by roll call vote 4-0.

Council Member Pines moved to approve Ordinance No. 2024-011, Hooks Street Self-Storage Rezoning; Seconded by Council Member Myers. The motion passed by roll call vote 4-0.

Council Member Pines moved to approve Resolution No. 2024-004R, Hooks Street Self-Storage CUP; Seconded by Council Member Myers. Passed unanimously 4-0 with all members present voicing aye.

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Item No. 20 – Ordinance No. 2024-012, LDC Change – Section 125-527 Final

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, REPEALING SECTION 125-527 WORKFORCE HOUSING DENSITY BONUS AND REPLACING WITH 125-527 LIVE LOCAL ACT; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

City Clerk Howe read the title aloud.

Development Services Planner Kruse presented the ordinance. On August 22, 2023, the City Council passed a resolution that provided a six month window for City staff to prepare and process an ordinance to create city code and/or land development regulations to address Chapter 2023-17, Laws of Florida, known as the Live Local Act (LLA). The LLA will preempt some provisions of the City's local comprehensive plan, zoning and land development regulations for certain mixed-use projects and multifamily projects having at least 40 percent of residential units within a project having affordable housing units for at least a 30-year period.

Senate Bill 102 was signed by the Governor and went into effect July 1, 2023. In order to provide a process to review LLA projects, staff researched many different jurisdictions to see how they dealt with the State's preemption on this matter. Staff drafted procedures, and they are being proposed as a revision to Section 125-527 in the Land Development Code. This language is replacing language that provided projects an opportunity to develop workforce housing in a very similar way. Since this new law affects all of the State of Florida and preempts existing land development codes that deal with affordable housing, staff is proposing to repeal the existing language and replacing with the proposed language. The LLA takes the public hearing process of decision-making out of the local government's hand.

Staff has explored many different options; and in an effort to inform the residents and community, staff is recommending a neighborhood workshop as a requirement in the LLA process. An applicant will be responsible for conducting a workshop and informing the neighbors and provide an avenue for any other interested parties to discuss the project. An application form will be part of the process along with a sworn affidavit that the project meets all the requirements of the LLA. Another part of the LLA is to develop a written process to expedite the building permit/development review process for affordable housing projects. Staff recommends approval of Ordinance No. 2024-012. The Planning and Zoning Commission recommended approval, 7-0.

Mayor Murry opened the public hearing. There were no comments. Mayor Murry closed the public hearing.

Council Member Gonzalez moved to approve Ordinance No. 2024-012 LDC Change – Section 125-527; Seconded by Council Member Pines. The motion passed by roll call vote 4-0.

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Item No. 21 – Ordinance No. 2024-015, *PKY Clermont MF Annex Final*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF A CERTAIN PARCEL OF LAND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES; PROVIDING FOR CONFLICT, SEVERABILITY, ADMINISTRATIVE CORRECTION OF SCRIVINERS ERROR, RECORDING, PUBLICATION AND AN EFFECTIVE DATE.

City Clerk Howe read the title aloud.

Development Services Planner Kruse presented the item. This is a City initiated annexation of the subject property through the use of an Annexation Agreement executed by the property owner, PKY Clermont MF, LLC. Under Florida Statutes Section 171.062(2), property that is annexed and subject to a county land use plan and county zoning may continue with the regulations until the municipality adopts a comprehensive plan amendment. The benefit of annexing the property at this stage is that the City has the jurisdiction over permitting and collection of impact fees that is absent when a property is fully developed in Lake County and then annexed into the City at a later date. Since this parcel is a portion of the overall development of the John's Lake Landing PUD, a major portion of it has already developed or is currently under development. The entire project is served by City water and sewer and once the entire development is complete, then the City will assign it a future land use of Master Planned Development with PUD zoning. The subject property meets the requirements for annexation under Florida Statutes Chapter 171.044, the City is capable of serving the property and staff recommends approval of Ordinance No. 2024-015.

Mayor Murry opened the public hearing. There were no comments. Mayor Murry closed the public hearing.

Council Member Myers moved to approve Ordinance No. 2024-015, PKY Clermont MF Annexation; Seconded by Council Member Pines. The motion passed by roll call vote 4-0.

Item No. 22 – Ordinance No. 2024-016, *Special Magistrate Intro*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, AMENDING ARTICLE V, "CODE ENFORCEMENT", DIVISION 1, "GENERALLY", SECTION 1-41 "INTENT OF ARTICLE" AND SECTION 1-42 "ALTERNATE CODE ENFORCEMENT SYSTEM AND DIVISION 2 "CODE ENFORCEMENT BOARD"; SECTION 2-187, "ALTERNATE CODE ENFORCEMENT SYSTEM" AND AMENDING DIVISION II, "CODE ENFORCEMENT BOARD", SECTION 1-75, "CREATED; JURISDICTION; POWERS AND DUTIES; ENFORCEMENT BY COURTS", SECTION 1-76, "COMPOSITION; APPOINTMENT" AND SECTION 1-77, "COUNSEL NAMED" PROVIDING FOR THE CREATION AND APPOINTMENT OF A CODE ENFORCEMENT SPECIAL MAGISTRATE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

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City Clerk Howe read the title aloud.

City Manager Bulthuis informed Council that staff has not received a lot of interest from residents to serve on the Code Enforcement Board. There have been four applicants for the vacancies on the board, along with an email from a resident who had previously applied. Staff brought back the first reading of Special Magistrate, at the next meeting we will provide Council with all of the applicants along with the second reading of this ordinance. At that point Council can discuss and decide in what direction they would like to move forward.

Mayor Murry stated that he has no problem with introduction and Council can discuss further at the next meeting.

Council Member Pines moved to introduce Ordinance No. 2024-016, Special Magistrate; seconded by Council Member Gonzalez. Passed unanimously 4-0 with all members present voicing aye.

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ADJOURN: With no further comments, this meeting adjourned at 9:19 pm.

APPROVED:

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, March 12, 2024		
Agenda Item Name		
Piggyback Contract <i>Fire Dept.</i>		
Requested Action		
Requesting approval to piggyback the Volusia County term contract number 20558 with Florida PPE Services, LLC. to provide cleaning, repair, and inspection for PPE (Bunker Gear) equipment for the Fire Department.		
Staff Report		
The Procurement Services Department and the Fire Department recommend approval of the above action. At the request of the Fire Department, the Procurement Services Department sought a contract from Volusia County number 20558, to provide cleaning, repair, and inspection for PPE (Bunker Gear) equipment. The Volusia County contract was obtained through a fully competitive solicitation and complies with the City of Clermont Procurement Policy. The award includes an initial two (2) year term agreement ending January 24, 2026, with two (2) additional one (1) year renewals. The proposed contract start date is March 13, 2024. The estimated value is \$50,000 for the initial term of the contract. The contract with Florida PPE Services will provide cleaning, inspection, and repair for firefighting bunker gear. The contract will secure rates and services for the ongoing repair and maintenance of turnout and extrication gear over the contract period, which will also ensure compliance with State law, NFPA standards, and industry best-practices. It is an essential cost for the city which has historically come from the annually budgeted repair and maintenance line items. Funding will be determined on a project-by-project basis and funded from the General fund, account number 10522-55203. The use of piggyback contracts is allowed under the Procurement Policy, Section E.9, and is a procurement best practice that takes advantage of competitive pricing on a contract formerly bid by another government agency. The Procurement Services Department has determined that the use of piggyback contracts is advantageous and in the City's best interest to reduce administrative time and expense while providing favorable pricing. Approval of this contract does not commit the City to purchases or require that the contract be utilized. Purchases associated with piggyback contracts are budgeted by each department. The estimated annual value does not represent the budgeted amount by a department.		
Additional Analysis		
Fiscal Impact Summary		
Department Account Codes: 10522-54614		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$0.00	10522-54614 R&M Equipment	\$35,426.44
Exhibits Attached (copies of original agreements)		
1. Price List	Price List .pdf	
2. Master Agreement	Master Agreement.pdf	
3. Evaluation	Evaluation.pdf	

Description	Quantity	Price per unit	Total	
Advanced cleaning and inspection of PPE coat (per cleaning)	300		\$35.00	\$10,500.00
Advanced cleaning and inspection of PPE pants (per cleaning)	300		\$35.00	\$10,500.00
Advanced cleaning and inspection of PPE boots (per cleaning)	300		\$10.00	\$3,000.00
	900			\$24,000.00

Description	Quantity	Price per unit	
Moisture Barrier Patch (small)	1	\$	8.00
Moisture Barrier Patch (medium)	1	\$	12.00
Moisture Barrier Patch (large)	1	\$	14.00
Thermal Barrier Patch (small)	1	\$	18.00
Thermal Barrier Patch (medium)	1	\$	22.00
Thermal Barrier Patch (large)	1	\$	26.00

ITB 22-B-119AK
Price List

Cleaning, Repair, and Inspection of PPE Equip.

Description	Quantity	Price per unit	Total	
Heavy-duty cleaning of PPE pants (heavy contaminants, oil, tar, etc.)	1		\$15.00	\$15.00
Heavy-duty cleaning of PPE coats (heavy contaminants, oil, tar, etc.)	1		\$15.00	\$15.00
Heavy-duty cleaning of PPE boots (heavy contaminants, oil, tar, etc.)	1		\$15.00	\$15.00
Specialized cleaning of PPE pants (biohazard)	1		\$26.00	\$26.00
Specialized cleaning of PPE coats (biohazard)	1		\$26.00	\$26.00
Specialized cleaning of PPE boots (biohazard)	1		\$26.00	\$26.00
Replacement of reflective trim on coat sleeve only	1		\$30.00	\$30.00
Replacement of reflective trim on coat	1		\$150.00	\$150.00
Replacement of reflective trim on pant leg	1		\$30.00	\$30.00
Seam re-stitching	1		\$5.00	\$5.00
Replacement of rivets and caps	1		\$2.00	\$2.00
Repair of cuffs including replacement of trim	1		\$30.00	\$30.00
Replacement of Velcro® on jacket closure	1		\$20.00	\$20.00
Name panel (personalized) with Velcro® backing (see section 1.4)	1		\$45.00	\$45.00
Velcro® attachment on PPE for name panel	1		\$10.00	\$10.00
Knee pad replacement	1		\$52.00	\$52.00
Fabric patch and stitching	1		\$15.00	\$15.00
	17			\$512.00



Master Agreement

NO. 540 20558 - 1

TERM: 2023-01-24 to 2026-01-24

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Date Issued: 03/10/2023

Vendor contact: Name: Tonya Herbert Phone: 407-821-3999 Ext.: E-mail: Tonya@FloridaPPEservices.com		County contact: Name: CARL LAUNDRIE Phone: 386-736-5940 Ext.: 5940 E-mail: CLaundrie@volusia.org	Bill To: County of Volusia FIRE RESCUE ADMIN. 125 W NEW YORK AVE., STE 220 DELAND, FL 32720-4619
Vendor Name: Florida PPE Services LLC 970 Sunshine Lane Unit J/K Altamonte Springs, FL 32714		Vendor No. VS12450	Ship To: FIRE RESCUE RESOURCE/#31 1970 S VOLUSIA AVE RESOURCE/#31 ORANGE CITY, FL 32763
Solicitation Number: Award Date: 2023-01-24 Award Authorization: DIRECTOR		Purchasing Phone: ANDREW KOKITUS 386-943-7009 Ext: E-mail: akokitus@volusia.org Payment Terms: Net 45 Days, FOB Dest, Freight allowed	
Document Description: Cleaning, Repair, and Inspection of PPE Equip. (Bunker Gear)			

Line Item	Commodity Code	Unit	Description	Unit Price or Contract Amount
1	34034	EA	Cleaning, Repair, and Inspection of PPE Equip. (Bunker Gear) as per attached price list.	0.000000

Pam Wilsky, CPPO, CPPB
Purchasing & Contracts Director

County of Volusia
Sales Tax Exemption Number
85-8012622393C-9

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A delivery order is required for the release of items / services from the referenced Master Agreement. If a solicitation number is referenced then the terms and conditions of said solicitation become part of the Master Agreement. Deviation from prices stated is not permitted without a signed corrected Change Order.

If vendor terms and conditions conflict with County of Volusia Terms and Conditions, the County's Terms and Conditions prevail. See reverse side for terms and conditions.

Round Offer

Rank	Organization	Status	MR	Unanswered	Price	Price score	Points	Total score
1	Fire-Dex GW LLC dba Gear Wash	Awaiting evaluation	1	3	\$25500.00	0	0	0
1	FLORIDAPPE SERVICES	Awaiting evaluation	1	0	\$24000.00	0	0	0



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, March 12, 2024		
Agenda Item Name		
Equipment Lease Agreement <i>Fire Dept.</i>		
Requested Action		
Consider approval of a sole source agreement from Industrial Scientific to acquire an air and gas monitor equipment lease program in the total budgeted amount of \$115,024.80.		
Staff Report		
The Procurement Services Department and the Fire Department recommend approval of the above action. The Procurement Services Department issued a Request for Interest (RFI) number 24-018 to verify whether the specifications for the commodity specified are non-restrictive and capable of being met by more than one company. The City of Clermont Procurement Policy provides that a purchase may be made without competition when there is only one source for the required product or service. Therefore, a single/sole source purchase is justified if there is only one product or service that can reasonably meet the City's needs and there is only one company that can provide such a product or service. This request is an extension of the current contract with iNet from a one-year to a five-year agreement period. The extended term will reduce the annual cost by 5% per year in addition to securing equipment pricing for the duration of the contract. This contract ensures that equipment the department utilizes to monitor and detect hazardous atmospheres such as carbon monoxide, flammable atmospheres from a natural gas leak, or the presence of other hazardous gases are fully functional, properly maintained, and calibrated prior to use. The RFI was posted on the City's website for seven (7) business days. At the completion of the RFI, the Procurement Services Department received no interest. Based on this, staff recommends that the City Council approve the single/sole source purchase.		
Additional Analysis		
Fiscal Impact Summary		
The fiscal impact of the contract over five years is \$115,024.80. The amount for the current fiscal year, \$23,004.96, is included in the current year's approved budget.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
\$23,004.96	10522-53401-22022	\$25,000
Exhibits Attached (copies of original agreements)		
1. City of Clermont Fire Department - 60 Mo iNet Launch - 2-15-2024	City of Clermont Fire Department - 60 Mo iNet Launch - 2-15-2024.docx	
2. PTOU	PTOU.pdf	
3. RFI 24-018	RFI 24-018.pdf	

CUSTOMER

City of Clermont Fire Department
Steven Hage
+1 407-431-2715
shage@clermontfl.org
439 W. Hwy 50
Clermont, FL 34711

Case #: TBD
Date: February 15, 2024
Delivery: 6 Weeks ARO
Expiration: 60 days
iNet Account #: 54260

ISC CONTACT

Name: Jon McKenzie
Title: Deal Desk Representative
Phone: (412) 395-8153
Email: jmckenzie@indsci.com

Payment Terms: Net 30 days

iNet® Exchange Quotation and Order Form

TOTAL EQUIPMENT

iNet Equipment			With AutoReplenish Plus™ (Gas included)	
Qty	Part Number	Description	Price Per Month Per Unit	Total Price Per Month
7	VP5-K1B34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	63.18	442.26
2	VP5-KJB34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO/H2S, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	78.14	156.28
4	VP5-K1234101111	Ventis Pro 5, LEL (Pentane), CO, H2S, O2 sensor, Lithium-ion Slim Extended battery pack, Desktop Charger, Without Pump, High Visibility Orange, UL/CSA, English	61.75	247.00
2	VP5-RJYT4100111	Ventis Pro Series, PID, CO/H2S, O2 (Long Life), ULP HC IR (0-100% LEL), Slim Extended Li-ion Battery, Desktop Charger, Black, UL/CSA, LENS™ Wireless, English	97.42	194.84
10	TX1-1	Tango TX1, CO	14.73	147.30
1	18100060-7	GasBadge Pro Single Gas Monitor - Chlorine (Cl2)	36.20	36.20
5	18109327-161	DSXi Cloud-Connected Docking Station for Ventis, 6 Inlet Ports, North American Power Cord	52.25	261.25
5	18109330-131	DSXi Cloud-Connected Docking Station for Tango TX1, 3 Inlet Ports, North American Power Cord	52.25	261.25
1	18109331-131	DSXi Cloud-Connected Docking Station for GasBadge Pro, 3 Inlet Ports, North American Power Cord	52.25	52.25
13	18109244	Regulator, Demand Flow iGas, 250 PSI Pressure Switch, CGA-C10 for 58L, 103L, 116L Cylinders	19.00	247.00
5	18105924	5-Port Gas Regulator Manifold Clamp, DSX	2.85	14.25
2	18109162-1111	Ventis Slide-on Pump, Lithium-ion battery pack, High Visibility Orange, UL/CSA, English /French /Spanish /German /Chinese	16.15	32.30
Calibration Gas –AutoReplenish Plus™ Program includes calibration gas for the term of the iNet Program.				
2	18109165	Cylinder, Calibration Gas, 100 ppm Carbon Monoxide, .35% Pentane (25% LEL), 18% Oxygen, Steel, 103L	Included	Included
3	18109157	Cylinder, Calibration Gas, 25 ppm Hydrogen Sulfide, 100 ppm Carbon Monoxide, .35% Pentane (25% LEL), 18% Oxygen, Aluminum, 116L	Included	Included
5	18109085	Cylinder, Calibration Gas, 10 ppm Hydrogen Cyanide, Aluminum, 116L	Included	Included
2	18102939	Cylinder, Calibration Gas, 100 ppm Isobutylene, Steel, 103L	Included	Included
1	18109082	Cylinder, Calibration Gas, 10 ppm Chlorine, Aluminum, 116L	Included	Included

Consumable Items – Initial Supply of items below only. Replacement consumable items must be purchased by customer.				
10	17058157		Included	Included
Trade-in				
8	Single Gas		-2.10	-16.80
10	4 Gas		-12.50	-125.00
2	6 Gas		-16.65	-33.30
Total Monthly Fee (USD)*				1,917.08

PROGRAM INITIAL TERM (months)	60
CURRENCY	USD
MONTHLY USAGE FEE	1,917.08
60-MONTH TOTAL USAGE FEE	115,024.80

- Prices valid for sixty (60) days from the Date above.
- iNet Exchange is an equipment-leasing program. Monthly Usage Fees cover: (a) the quoted hardware, as well as replacement parts, labor, shipping and handling, training, and access to the iNet® Control SaaS platform; and (b) On-Site installation.
- Monthly Usage Fee includes AutoReplenish Plus calibration gas for the duration of the Term.
- Monthly Usage Fee is for 60-months—early termination fees apply.

CUSTOMER

DSXi cloud-connected docking stations ("Docks") require Internet access to upload data using the connection provided by Customer. By default, Docks will utilize dynamic host configuration protocol ("DHCP") from Customer's network, if available. If Customer requires pre-defined static IP addresses for Docks, Customer must alert ISC at the time of order and provide the required IP information.

Static IP Required: ☐ **Yes** Provide the IP information on the form located at [2023.08.22_piaf.pdf \(indsci.com\)](#).

Customer PO#: _____
(Please provide a copy of your PO, along with any tax-exempt information)

Equipment is typically delivered within thirty (30) of signature. If you would like ISC to consider an earlier delivery, please provide your requested date here: _____

Customer accepts the Order terms above and the Program Terms of Use available at <https://www.indsci.com/hubfs/PTOU.pdf>, intending to be legally bound:

Sign
Here



Authorized Customer Signature

Title

Date

ISC

Agreed and Accepted by Industrial Scientific Corporation (ISC):

Authorized ISC Signature

Title

Date

No contract will be formed until this Order is countersigned by ISC. This Order will automatically expire and be void if it is not executed by Customer and received by ISC prior to the Expiration Date; provided, however, that ISC may elect to accept such Order, in its sole discretion, after such Expiration Date by countersignature.

For completion by ISC:

Initial Subscription Term:

Start Date: _____

End Date: _____

LOCATION BREAKDOWN

Location 1:

<u>iNet Equipment</u>			<u>With AutoReplenish Plus™ (gas included)</u>	
<u>Qty</u>	<u>Part Number</u>	<u>Description</u>	<u>Price Per Month Per Unit</u>	<u>Total Price Per Month</u>
1	VP5-K1B34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	63.18	63.18
2	TX1-1	Tango TX1, CO	14.73	29.46
1	18109327-161	DSXi Cloud-Connected Docking Station for Ventis, 6 Inlet Ports, North American Power Cord	52.25	52.25
1	18109330-131	DSXi Cloud-Connected Docking Station for Tango TX1, 3 Inlet Ports, North American Power Cord	52.25	52.25
2	18109244	Regulator, Demand Flow iGas, 250 PSI Pressure Switch, CGA-C10 for 58L, 103L, 116L Cylinders	19.00	38.00
1	18105924	5-Port Gas Regulator Manifold Clamp, DSX	2.85	2.85
Calibration Gas —AutoReplenish Plus™ Program includes calibration gas for the term of the iNet Program.				
1	18109165	Cylinder, Calibration Gas, 100 ppm Carbon Monoxide, .35% Pentane (25% LEL), 18% Oxygen, Steel, 103L	Included	Included
1	18109085	Cylinder, Calibration Gas, 10 ppm Hydrogen Cyanide, Aluminum, 116L	Included	Included
Trade-in				
1	Single Gas		-2.10	-2.10
1	4 Gas		-12.50	-12.50
Total Monthly Fee (USD)*				223.39

Station 2:

<u>iNet Equipment</u>			<u>With AutoReplenish Plus™ (gas included)</u>	
<u>Qty</u>	<u>Part Number</u>	<u>Description</u>	<u>Price Per Month Per Unit</u>	<u>Total Price Per Month</u>
2	VP5-K1B34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	63.18	126.36
4	VP5-K1234101111	Ventis Pro 5, LEL (Pentane), CO, H2S, O2 sensor, Lithium-ion Slim Extended battery pack, Desktop Charger, Without Pump, High Visibility Orange, UL/CSA, English	61.75	247.00
1	VP5-RJYT4100111	Ventis Pro Series, PID, CO/H2S, O2 (Long Life), ULP HC IR (0-100% LEL), Slim Extended Li-ion Battery, Desktop Charger, Black, UL/CSA, LENS™ Wireless, English	97.42	97.42
1	VP5-KJB34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO/H2S, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	78.14	78.14
3	TX1-1	Tango TX1, CO	14.73	44.19
1	18100060-7	GasBadge Pro Single Gas Monitor - Chlorine (Cl2)	36.20	36.20
1	18109327-161	DSXi Cloud-Connected Docking Station for Ventis, 6 Inlet Ports, North American Power Cord	52.25	52.25
1	18109330-131	DSXi Cloud-Connected Docking Station for Tango TX1, 3 Inlet Ports, North American Power Cord	52.25	52.25

1	18109331-131	DSXi Cloud-Connected Docking Station for GasBadge Pro, 3 Inlet Ports, North American Power Cord	52.25	52.25
4	18109244	Regulator, Demand Flow iGas, 250 PSI Pressure Switch, CGA-C10 for 58L, 103L, 116L Cylinders	19.00	76.00
1	18105924	5-Port Gas Regulator Manifold Clamp, DSX	2.85	2.85
1	18109162-1111	Ventis Slide-on Pump, Lithium-ion battery pack, High Visibility Orange, UL/CSA, English /French /Spanish /German /Chinese	16.15	16.15
Calibration Gas –AutoReplenish Plus™ Program includes calibration gas for the term of the iNet Program.				
1	18109157	Cylinder, Calibration Gas, 25 ppm Hydrogen Sulfide, 100 ppm Carbon Monoxide, .35% Pentane (25% LEL), 18% Oxygen, Aluminum, 116L	Included	Included
1	18109085	Cylinder, Calibration Gas, 10 ppm Hydrogen Cyanide, Aluminum, 116L	Included	Included
1	18102939	Cylinder, Calibration Gas, 100 ppm Isobutylene, Steel, 103L	Included	Included
1	18109082	Cylinder, Calibration Gas, 10 ppm Chlorine, Aluminum, 116L	Included	Included
Consumable Items – Initial Supply of items below only. Replacement consumable items must be purchased by customer.				
5	17058157	Internal Dust Filter/Water Stop for Aspirated Monitors	Included	Included
Trade-in				
4	Single Gas		-2.10	-8.40
6	4 Gas		-12.50	-75.00
1	6 Gas		-16.65	-16.65
Total Monthly Fee (USD)*				781.01

Station 3:

iNet Equipment			With AutoReplenish Plus™ (gas included)	
Qty	Part Number	Description	Price Per Month Per Unit	Total Price Per Month
1	VP5-K1B34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	63.18	63.18
1	VP5-KJB34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO/H2S, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	78.14	78.14
1	VP5-RJYT4100111	Ventis Pro Series, PID, CO/H2S, O2 (Long Life), ULP HC IR (0-100% LEL), Slim Extended Li-ion Battery, Desktop Charger, Black, UL/CSA, LENS™ Wireless, English	97.42	97.42
2	TX1-1	Tango TX1, CO	14.73	29.46
1	18109327-161	DSXi Cloud-Connected Docking Station for Ventis, 6 Inlet Ports, North American Power Cord	52.25	52.25
1	18109330-131	DSXi Cloud-Connected Docking Station for Tango TX1, 3 Inlet Ports, North American Power Cord	52.25	52.25
3	18109244	Regulator, Demand Flow iGas, 250 PSI Pressure Switch, CGA-C10 for 58L, 103L, 116L Cylinders	19.00	57.00
1	18105924	5-Port Gas Regulator Manifold Clamp, DSX	2.85	2.85
1	18109162-1111	Ventis Slide-on Pump, Lithium-ion battery pack, High Visibility Orange, UL/CSA, English /French /Spanish /German /Chinese	16.15	16.15
Calibration Gas –AutoReplenish Plus™ Program includes calibration gas for the term of the iNet Program.				
1	18109157	Cylinder, Calibration Gas, 25 ppm Hydrogen Sulfide, 100 ppm Carbon Monoxide, .35% Pentane (25% LEL), 18% Oxygen, Aluminum, 116L	Included	Included
1	18109085	Cylinder, Calibration Gas, 10 ppm Hydrogen Cyanide, Aluminum, 116L	Included	Included

1	18102939	Cylinder, Calibration Gas, 100 ppm Isobutylene, Steel, 103L	Included	Included
Consumable Items – Initial Supply of items below only. Replacement consumable items must be purchased by customer.				
5	17058157	Internal Dust Filter/Water Stop for Aspirated Monitors	Included	Included
Trade-in				
2	Single Gas		-2.10	-4.20
2	4 Gas		-12.50	-25.00
1	6 Gas		-16.65	-16.65
Total Monthly Fee (USD)*				402.85

Station 4:

iNet Equipment			With AutoReplenish Plus™ (gas included)	
Qty	Part Number	Description	Price Per Month Per Unit	Total Price Per Month
1	VP5-K1B34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	63.18	63.18
1	TX1-1	Tango TX1, CO	14.73	14.73
1	18109327-161	DSXi Cloud-Connected Docking Station for Ventis, 6 Inlet Ports, North American Power Cord	52.25	52.25
1	18109330-131	DSXi Cloud-Connected Docking Station for Tango TX1, 3 Inlet Ports, North American Power Cord	52.25	52.25
2	18109244	Regulator, Demand Flow iGas, 250 PSI Pressure Switch, CGA-C10 for 58L, 103L, 116L Cylinders	19.00	38.00
1	18105924	5-Port Gas Regulator Manifold Clamp, DSX	2.85	2.85
Calibration Gas – AutoReplenish Plus™ Program includes calibration gas for the term of the iNet Program.				
1	18109157	Cylinder, Calibration Gas, 25 ppm Hydrogen Sulfide, 100 ppm Carbon Monoxide, .35% Pentane (25% LEL), 18% Oxygen, Aluminum, 116L	Included	Included
1	18109085	Cylinder, Calibration Gas, 10 ppm Hydrogen Cyanide, Aluminum, 116L	Included	Included
Trade-in				
1	Single Gas		-2.10	-2.10
1	4 Gas		-12.50	-12.50
Total Monthly Fee (USD)*				208.66

Station 5:

iNet Equipment			With AutoReplenish Plus™ (gas included)	
Qty	Part Number	Description	Price Per Month Per Unit	Total Price Per Month
2	VP5-K1B34101111	Ventis Pro5 Personal Gas Monitor, LEL (Pentane), CO, HCN, O2, Li-ion Slim Extended Battery, Desktop Charger, No Pump, Orange, UL/CSA, LENS Wireless, English	63.18	126.36
2	TX1-1	Tango TX1, CO	14.73	29.46
1	18109327-161	DSXi Cloud-Connected Docking Station for Ventis, 6 Inlet Ports, North American Power Cord	52.25	52.25
1	18109330-131	DSXi Cloud-Connected Docking Station for Tango TX1, 3 Inlet Ports, North American Power Cord	52.25	52.25
2	18109244	Regulator, Demand Flow iGas, 250 PSI Pressure Switch, CGA-C10 for	19.00	38.00

		58L, 103L, 116L Cylinders		
1	18105924	5-Port Gas Regulator Manifold Clamp, DSX	2.85	2.85
Calibration Gas — <i>AutoReplenish Plus™ Program includes calibration gas for the term of the iNet Program.</i>				
1	18109165	Cylinder, Calibration Gas, 100 ppm Carbon Monoxide, .35% Pentane (25% LEL), 18% Oxygen, Steel, 103L	Included	Included
1	18109085	Cylinder, Calibration Gas, 10 ppm Hydrogen Cyanide, Aluminum, 116L	Included	Included
Total Monthly Fee (USD)*				301.17

PROGRAM TERMS OF USE

Version 1 - Sept 2023

1. Scope. As set forth in the signed Order, ISC shall provide Customer with: (a) instruments/devices, hardware, consumables, and related parts/accessories ("Equipment"); (b) installation, training, monitoring, maintenance, repair, and/or other services ("Services"); and/or (c) SaaS and/or software ("Platform(s)"). The applicable Equipment, Services, and/or Platform(s) constitute the "Program." The Program is governed by the Order and these Program Terms of Use ("TOU").

2. Term. ISC will deliver the Program to Customer during the Initial Subscription Term identified in the Order. Unless a party provides written notice of termination at least sixty (60) days before the end of the Initial Subscription Term, the Order shall automatically renew for a term equal in length to the Initial Subscription Term (a "Renewal Term"). Additional Renewal Terms shall follow under the same sixty-day-notice requirement for termination. The Initial Subscription Term and any Renewal Term(s) shall constitute the "Term" of the Order.

3. Termination. Either party may terminate the Order for a material breach that remains uncured for fifteen (15) business days after receipt of the non-breaching party's written notice. Customer may terminate the Order for its convenience by providing ISC at least sixty (60) days' prior written notice and paying ISC's final invoice which will include an "Early Termination Fee" as follows: Early Termination Fee = [Total Monthly Usage Fee] x [Months Remaining in Term] x [Factor]. If terminated with 36-48 months remaining in the Term, the Factor is 0.245. If terminated with 24-35 months remaining in the Term, the Factor is 0.184. If terminated with 12-23 months remaining in the Term, the Factor is 0.123. If terminated with 0-11 months remaining in the Term, the Factor is 0.062. In the event of a reduction of the Monthly Usage Fee for Customer's convenience, Customer shall pay an equitably adjusted portion of the Early Termination Fee based on the percentage of the Program that Customer will no longer use.

4. Fees. ISC bills the Monthly Usage Fee on the last day of each month, and Customer agrees to pay the same within thirty (30) days of the invoice date. Customer shall provide a purchase order(s) to contractadminus@indsci.com sufficient to cover all fees during the Term. For any Renewal Term, ISC may adjust the Monthly Usage Fee. Any change to pricing or terms for a Renewal Term will be provided by ISC in writing no less than 90 days prior to the end of the Initial Subscription Term or any Renewal Term(s). If Customer fails to pay any amount when due, ISC has the right to charge a late fee of 1.5% of the invoice value per month or the highest applicable rate allowed by law, whichever is lower, on all such overdue amounts. Customer shall be liable for all costs of collection, including attorneys' fees and costs.

5. Equipment Delivery, Repair, and Return. Customer is leasing the Equipment, to which ISC retains all right and title. Customer shall keep the Equipment free of all liens, claims, and encumbrances. ISC will deliver Equipment to the site(s) identified in the Order. All Equipment shipped in the U.S. is DAP Destination (Incoterms® 2020). Using prepaid shipping packages, Customer shall promptly send malfunctioning or broken Equipment to ISC for repair or replacement (new or refurbished). Notwithstanding the foregoing: (a) Customer is responsible for Equipment that is lost or unrepairable for any reason or damaged due to unauthorized or negligent use; (b) Customer shall promptly return Equipment to ISC at the end of the Term; and (c) Customer shall pay ISC the fair-market-value for any such unreturned or damaged Equipment.

6. Installation & Use. Customer will provide the necessary cabling, wireless networking components, and technical assistance to facilitate installation. ISC will provide the installation and training on the Order. One day of on-site installation includes one visit of up to eight (8) hours. Customer is responsible for ongoing user training and network operability/connectivity, including maintaining electrical connectivity, Internet bandwidth, internal servers, and web browsers. Customer will use Equipment only as described in the relevant documentation and properly dock the Equipment. The parties acknowledge that improperly docking Equipment will prevent ISC from collecting and analyzing data, providing reports, or taking remedial action. Customer will promptly notify ISC, in writing, if Equipment is transferred from the site(s) identified in the Order. Customer will not transfer Equipment outside the country of initial installation without ISC's prior written approval. With AutoReplenish Plus: (a) ISC will monitor Customer's cal-gas usage and replenish as needed (ISC may modify gas concentration and/or cylinder size); (b) either party may request an audit of Customer's cal-gas usage once during each twelve (12) month period of the Term; and (c) ISC may adjust the Monthly Usage Fee if Customer's cal-gas usage varies from the initial estimate.

7. Platform Use. Customer shall provide ISC all information necessary to create the account(s). ISC grants Customer and its designated users the right to use the Platform(s) identified in the Order for its business purposes during the Term. ISC will provide logins/passwords for Customer's designated users. Customer shall maintain confidentiality of the logins/passwords, which shall not be shared or transferred. Customer is responsible for all Platform activity stemming from use of the designated users' logins/passwords. Customer shall immediately notify ISC of any unauthorized use.

8. Taxes. All prices are exclusive of, and Customer is responsible for, all government taxes and/or fees related to Customer's use of the Program ("Taxes"). ISC is responsible for all taxes related to ISC's income/profit from delivering the Program. If Customer is exempt from any Taxes, it shall furnish ISC a certificate of exemption prior to shipment.

9. Warranties. During the Term, Equipment shall be delivered substantially free of defects in material and workmanship, Platforms will substantially conform to ISC's documentation, and Services shall be substantially free of defects in workmanship. If a nonconformity to the foregoing warranty is discovered in the Equipment, Platform, or Services under normal and proper use, ISC shall repair or replace the nonconforming portion of the Equipment or Platform or re-perform the nonconforming Services. If ISC is unable to do so, ISC may terminate the Order and return any prepaid Monthly Usage Fees for such allegedly defective Equipment, Platform, or Services for the period commencing from Customer's notice of nonconformity. ISC will have no obligation for any Equipment which is: (i) improperly installed, operated, maintained, stored, repaired, or altered by a party other than ISC; (ii) misused, neglected, or accidentally damaged; (iii) used in a manner contrary to ISC's instructions; or (iv) used in combination with unauthorized equipment or materials. THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, WHETHER WRITTEN, ORAL, OR IMPLIED, AND ISC HEREBY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR WARRANTIES ARISING FROM COURSE OF DEALING OR USAGE OF TRADE. THE REMEDIES STATED HEREIN CONSTITUTE CUSTOMER'S EXCLUSIVE REMEDIES AND ISC'S ENTIRE LIABILITY FOR ANY BREACH OF WARRANTY.

10. Data. "Customer Data" is electronic information that Customer uploads to or enters in the Equipment and/or Platform, excluding ISC's data and intellectual property. Customer shall own all right, title, and interest, including intellectual property rights, in and to Customer Data. ISC may compile cumulative electronic information derived from Customer's use of the Program ("Aggregated Data") and may utilize remote reporting functionality in its products and services to obtain Aggregated Data. ISC shall own all right, title, and interest, including all intellectual property rights, in and to Aggregated Data. Notwithstanding anything to the contrary, ISC and its parent and their affiliated entities may use, modify, and combine the Aggregated Data for purposes of improving products and services, creating statistical and/or benchmarking data, and providing products, services, and analytics. To the extent applicable, all Aggregated Data shall be de-identified and aggregated pursuant to applicable privacy laws and regulations.

11. Compliance with Laws. Customer is responsible for using the Program in a manner that complies with all applicable laws, sanctions, and regulations. Customer will not permit use of the Program in a manner: (a) violating export control regulations or economic sanctions, including the export and import laws of Canada, the United States, the European Union, and any other applicable country; or (b) supporting the development, production, handling, operation, maintenance, storage, detection, identification, or dissemination of chemical or biological weapons, nuclear explosive devices, missiles, or naval nuclear propulsion activities. ISC reserves the right to limit Customer access to the Program if providing the same would violate any applicable law, sanction, or regulation.

12. Limitation of Liability. NOTWITHSTANDING ANYTHING TO THE CONTRARY, (A) NEITHER PARTY WILL BE LIABLE FOR ANY SPECIAL, INDIRECT, CONTINGENT, INCIDENTAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES; AND (B) ISC'S MAXIMUM LIABILITY FOR ANY REASON, WILL NOT EXCEED THE PRICE ALLOCABLE TO THE EQUIPMENT, PLATFORM, OR SERVICES WHICH GIVES RISE TO THE RELATED CLAIM. THE FOREGOING LIMITATIONS APPLY WHETHER THE ALLEGED LIABILITY IS BASED ON CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY, OR ANY OTHER BASIS, AND EVEN IF A PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY.

13. Inventions and Use. All right, title, and interest to any intellectual property, inventions, developments, trade secrets, confidential or proprietary information, improvements, or modifications related to the Program shall remain with and be exclusively owned by ISC. Any design, manufacturing drawings, or other information provided to Customer shall remain the exclusive property of ISC and shall be used solely for the operation or maintenance of the Program and not for any other purpose.

14. Platform Restrictions. Neither Customer nor its agent shall, whether directly or indirectly: (a) reproduce or modify the Program; (b) use any device, software, or routine to interfere with the proper working of the Program; (c) use any automated means to access, monitor, or copy the Program; or (d) use the Program in any manner other than as permitted hereunder. Without limiting the foregoing, Customer further agrees that it will not take any action that imposes an unreasonable or disproportionately large load on the Platforms' infrastructure, as reasonably determined by ISC. Unless otherwise provided as part of the Services, Customer shall be solely responsible for all actions of and agreements with third parties engaged by Customer to integrate any portion of the Program with Customer's infrastructure.

15. Risks. Except for payment obligations, neither party shall be liable for inadequate performance to the extent caused by a condition (for example, natural disaster, act of war or terrorism, riot, labor condition, governmental action, pandemic, electrical interruption, server or related equipment failure and internet disturbance) that was beyond such party's reasonable control.

16. Assignment. Customer shall not sell, assign, delegate, nor transfer its rights and duties under this Agreement without providing prior written notice to ISC. This Agreement may be assigned by ISC to any subsidiary, affiliate, related company, or successor in interest without Customer's consent.

17. Communications. Neither party shall use the other's name in connection with advertising or publicity without said other party's prior written consent. Notwithstanding the foregoing, either party may include the other's name and logo on a supplier or customer list on its corporate website(s). Customer agrees not to make any representations about the Program not authorized by ISC in writing.

18. Choice of Law and Venue. All disputes between the parties shall be governed by the laws of the Commonwealth of Pennsylvania, excluding any conflicts of law considerations and the United Nations Convention on Contracts for the International Sale of Goods. Disputes shall be brought in Federal District Court for the Western District of Pennsylvania ("PAWD") or, to the extent jurisdiction cannot be established in PAWD, within Pennsylvania state court(s) located in Allegheny County, Pennsylvania. The parties agree that the notice provisions hereunder shall suffice for the purposes of satisfying service-of-process requirements arising under the Federal Civil Rules of Procedure or related state laws. THE PARTIES WAIVE ANY AND ALL DEFENSES BASED ON VENUE OR PERSONAL JURISDICTION AND THE RIGHT TO TRIAL BY JURY.

19. General. These TOU and the Order ("Agreement") constitute the parties complete and fully integrated agreement and supersede all prior or contemporaneous communications, writings, or understandings. The terms of the Order will control over any conflicting TOU terms. The Agreement shall not be changed or superseded by any different or additional terms proposed by Customer to which ISC objects. Any translation of the Agreement from English is for convenience and in the event of any ambiguity or conflict, the English version shall govern. The Agreement may only be amended by a written instrument. Sections 3-5, 8-15, and 17-20 of this TOU shall survive termination of the Agreement. A party's failure to exercise any of its rights under the Agreement on one occasion shall not waive its rights to enforce the same on another occasion.

20. Notice. Required notice(s) under the TOU shall be in writing and delivered by both: (a) courier and (b) email, as set forth below:

Customer's notice to ISC:

Industrial Scientific Corporation
ATTN: Legal Dept.
One Life Way, Pittsburgh, PA 15205-7500
isclegal@indsci.com

ISC's notice to Customer:

Customer's physical address identified on the Order
Customer's contact email address identified on the Order



REQUEST FOR INFORMATION

RFI 24-018

JUSTIFICATION OF SOLE SOURCE ACQUISITION INDUSTRIAL SCIENTIFIC

City of Clermont
685 W. Montrose Street
Clermont, FL 34711

RELEASE DATE: September 15, 2023

DEADLINE FOR QUESTIONS: September 25, 2023

RESPONSE DEADLINE: September 25, 2023, 3:00 pm

RESPONSES MUST BE SUBMITTED ELECTRONICALLY TO:

<https://procurement.opengov.com/portal/clermontfl>

City of Clermont
REQUEST FOR INFORMATION
Justification of Sole Source Acquisition Industrial Scientific

- I. Introduction
- II. Response Procedures.....
- III. Sole/Single Source.....

Attachments:

E - OpenGov Vendor Registration

1. Introduction

Thank you for your interest in doing business with the City of Clermont. If you are interested in preparing a response to this Request For Information, please read the solicitation package in its entirety prior to submitting a response.

Hardcopy responses may be delivered to the City of Clermont Procurement Services Department, 685 West Montrose Street, 2nd Floor, Clermont, FL 34711.

All respondents must be registered with the Florida Department of State and licensed to do business in the State of Florida.

1.1. Summary

Justification of Sole Source Acquisition Industrial Scientific

1.2. Contact Information

Rick Casler

Assistant Chief Administration
439 w hwy 50
clermont, FL 34711
Email: rcasler@clermontfl.org
Phone: [\(352\) 801-1248](tel:(352)801-1248)

Department:

Fire

1.3. Timeline

Solicitation Release Date	September 15, 2023
Question Deadline	September 25, 2023, 12:30pm
Response Deadline	September 25, 2023, 3:00pm

2. Response Procedures

2.1. Electronic Bidding System

The City of Clermont uses OpenGov ("Software Administrator"), an e-Procurement system ("Portal") that provides bid notification services to interested vendors. The Portal allows for vendors to register online and receive notification of new solicitations, addenda, and awards. There is no charge to vendors/contractors to register and participate in the solicitation, nor will any fees be charged to the awarded vendor. Vendors with internet access should review the registration options at the following website: <https://procurement.opengov.com/portal/clermontfl>.

The City of Clermont uses the NIGP Commodity Codes to notify vendors of whenever projects are issued that include category codes that match the codes added to the vendor profile.

2.2. Justification of Single/Sole Source Acquisition

This Request for Information (RFI) is intended to verify whether the specifications for the commodity specified are non-restrictive and capable of being met by more than one company. **This is not an invitation to submit a bid or quote.** This notice will be posted for seven (7) business days.

The City of Clermont Purchasing Policy provides that a purchase may be made without competition when there is only one source for the required product or service. Therefore a single/sole source purchase is justified if there is only one product or service that can reasonably meet the City's needs and there is only one company that can provide such a product or service.

Single/Sole Source Information

- A. Company Name: Industrial Scientific
- B. Product or Service Provided: iNet exchange program 12-month subscription and ongoing services for hazardous materials and air quality monitoring devices, calibration and equipment service.
- C. Estimated Annual Expenditure: \$23,074.30
- D. Single/Sole Source Justification: No competitive product exists or is available from another vendor. Repair and maintenance for specific brand of existing equipment is available from only original equipment manufacturer or designated services dealer.

Action to be Taken

No action is required if you agree the proposed purchase is a valid single/sole source. If you disagree that the justification for single/sole source purchase is valid, please upload information regarding the company's ability to provide the product or service described. **Do not provide pricing.**

All responses will be evaluated by the Procurement Services Department and the Department requesting the product or service, which will be the sole determining power in establishing the approval of the commodity offered by the respondent.

3. Sole/Single Source

3.1. 1. Upload information regarding your company's ability to provide the product or service described.*

*Response required



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 12, 2024		
Agenda Item Name		
Board Appointments		
Requested Action		
Staff Report		
The City advertised for applicants to serve on the Code Enforcement Board which has a total of seven (7) members. The City received qualified applications from new candidates, and requests from candidates who had not previously been appointed yet wished to be reconsidered. Domingo Flornoles, currently serving in Seat 4, has requested to be reappointed. Seat 1: Jenny May - term expires on 3/31/26 Seat 2: Vacant - term expires 3/31/26 Seat 3: Vacant - term expires 3/31/26 Seat 4: Domingo Fornoles Jr current term expires 3/31/24 Seeking reappointment to term expiring 3/31/27 Seat 5: Paul Duhon term expires 3/31/24 New term expires 3/31/27 Seat 6: Vacant - term expires 3/31/25 Seat 7: Vacant - term expires 3/31/25		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Nllsa Whitehead	Nllsa Whitehead.pdf	
2. Linda Camps	Linda Camps.pdf	
3. Bill_Kilburn_Board_App	Bill_Kilburn_Board_App.pdf	
4. Falcone, Frances	Falcone, Frances.pdf	
5. Maria Gulati	Maria Gulati.pdf	



CITY OF CLERMONT CITIZEN BOARD APPLICATION

Name: Nilsa Whitehead AKA Cuqui Whitehead
Home Address: 700 Hooks St
Phone: 352-348-9222 Alternate: _____
Email: Cuqui Whitehead @ Gmail Occupation: Retired

Provide a statement about yourself indicating background experience:

8 yrs - Parks & Rec Chair - before Dept.
11 1/2 yrs - Planning & Zoning - Chairperson

Describe your understanding of what the Board of Interest does:

Maintain Ordinances of City - and uphold them
for all Depts - apply to ALL

Boards previously served on:

8 yrs Parks & Rec - Chair - before made Dept.
11 1/2 yrs Plan & Zoning - Chairperson

Describe the importance of the Board of Interest to the City of Clermont:

We must care about our City! And not just take everything
for granted. - As far as Police & Firemen. I have
full respect and always keep in touch w/ both.

Describe what you feel you could bring to the Board of Interest:

43 yrs living in City of Clermont - I feel I bring
experience - and caring back to the city - I have
nothing to personally gain.
I have always been active in City -



CITY OF CLERMONT – CITY CLERK’S OFFICE
685 W. MONTROSE ST. – CLERMONT, FL 34711
WWW.CLERMONTFL.GOV

Board(s) of interest: **Please check all that apply**

- ☒ Planning and Zoning Commission*
- ☐ Code Enforcement Board*
- ☒ Community Redevelopment Agency (CRA) Board**
- ☒ Firefighters Pension Board of Trustees*
- ☒ Police Officers Pension Board of Trustees*

Please note:

- Members on boards are required to file an annual Form 1 Financial Disclosure.
- Attach any additional supporting documents relevant to your application.
- This form becomes a **public record** once submitted to the City Clerk’s office.

* Must be a registered elector of the City of Clermont.

** Board Members must reside in or be engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency.

Questions?

- Contact: City Clerk’s Office – 352-241-7330
- Email: Cityclerk@clermontfl.org

Please submit to:

- In person: City Clerk’s Office, 685 W. Montrose Street (2nd Floor), Clermont, FL 34711
- Mail: Tracy Ackroyd Howe, City Clerk, 685 W. Montrose Street or P.O. Box 120219, Clermont, FL 34711
- E-mail: Cityclerk@clermontfl.org
- Fax: 352-394-2394



CITY OF CLERMONT CITIZEN BOARD APPLICATION

Name: Linda Camps

Home Address: 1360 Camden Court, Clermont, FL 34711

Phone: 631-897-0427 Alternate: _____

Email: mamagrewfangs@gmail.com Occupation: Retired

Provide a statement about yourself indicating background experience:

I worked on the Long Island Railroad as a Conductor for 20 years and learned how to negotiate and mediate. This experience has also served well as a Legends Community Architectural Review Committee (ARC) member for Beacon Ridge HOA and as a Board Member of the Beacon Ridge HOA.

Describe your understanding of what the Board of Interest does:

The Code Enforcement Board is responsible in hearing cases brought forth and deciding the outcome in which violations are alleged of any city Code and its ordinances.

Boards previously served on:

As stated above, I have served 5 years on the Legends Community Architectural Review Committee for Beacon Ridge HOA within the Legends Country Club Community. Im currently serving my 3rd year as a Board Member of the Beacon Ridge HOA.

Describe the importance of the Board of Interest to the City of Clermont:

As stated above, the Code Enforcement Board is responsible in hearing cases brought forth and deciding the outcome in which violations are alleged of any city Code and its ordinances. Even though the Board is known as the Code Enforcement Board, the Board main objective for the City of Clermont is to assist the community in understand ng the City codes and work towards compliance.

Describe what you feel you could bring to the Board of Interest:

Based on my work experience, I bring the knowledge of negotiating, listening, mediating, providing fair judgment and looking for a common medium. All key components of a Code Enforcement Board member



Board(s) of Interest: **Please check all that apply**

- ☐ Planning and Zoning Commission*
- ☒ Code Enforcement Board*
- ☐ Community Redevelopment Agency Board**
- ☐ Firefighters Pension Board of Trustees*
- ☐ Police Officers Pension Board of Trustees*

Please note:

- Members on boards are required to file an annual Form 1 Financial Disclosure.
- Attach any additional supporting documents relevant to your application.
- **This form becomes a public record once submitted to the City Clerk’s office.**

* Must be a registered elector of the City of Clermont.

** Board Members must reside in or be engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency.

Questions?

Contact: City Clerk’s Office – 352-241-7330

Email: Cityclerk1@clermontfl.org

Please submit to:

- In person: City Clerk’s Office, 685 W. Montrose Street (2nd Floor), Clermont, FL 34711
- Mail: Tracy Ackroyd Howe, City Clerk, 685 W. Montrose Street or P.O. Box 120219, Clermont, FL 34711
- Email: Cityclerk1@clermontfl.org
- Fax: 352-394-2394



CITY OF CLERMONT CITIZEN BOARD APPLICATION

Name: Bill Kilburn

Home Address: 660 Rob Roy Dr, Clermont, FL 34711

Phone: 518-495-9620 Alternate: _____

Email: bill@scrabblehollow.com Occupation: Senior Manager, Software Engineering

Provide a statement about yourself indicating background experience:

I have worked in software development for the last 28 years specializing in post-acute healthcare software for the last 22. I have remained with the same company through acquisitions for all 22 years serving as engineer, executive, and manager at various points.

Describe your understanding of what the Board of Interest does:

My understanding of the code enforcement board is that it serves as the judicial arm for code violations in the city. Specifically, to resolve violations that have been identified by the code enforcement officer that they have been unable to resolve with the party on their own.

Boards previously served on:

I have not served on any board previously.

Describe the importance of the Board of Interest to the City of Clermont:

I believe this board is important to both make the city the type of place we all want to live and also to maintain the safety of both residents and visitors.

Describe what you feel you could bring to the Board of Interest:

I have lived in the city for almost five years now and felt that this would be a good way to get involved in the community. I don't have a lot of experience in this role, but I have a great desire to learn and will try to be a fair and responsible member of the board.



Board(s) of Interest: **Please check all that apply**

- ☐ Planning and Zoning Commission*
- ☒ Code Enforcement Board*
- ☐ Community Redevelopment Agency Board**
- ☐ Firefighters Pension Board of Trustees*
- ☐ Police Officers Pension Board of Trustees*

Please note:

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- Fax: 352-394-2394



CITY OF CLERMONT CITIZEN BOARD APPLICATION

Name: Frances (FRAN) Falcone

Home Address: 3904 Doune Way, Clermont, FL 34711

Phone: 407 352 2149 Alternate: 352 988 5570

Email: visitor10309@aol.com Occupation: Retired /Stage Manager

Provide a statement about yourself indicating background experience:

Long time home owner (2 in Orange County, 1 in Lake County); 7 year resident, Secretary
BOD Kings Ridge Brighton Neighborhood, 39 years with Disney (learning guest service and
following rules), Catholic school graduate (again, accustome to following rules).

Describe your understanding of what the Board of Interest does:

The Code Enforcement board will focus on keeping a standard in Clermont - consistent
enforcement of violations that impact the neighborhoods, neighborhoods and overall city
appearance.

Boards previously served on:

Currently, Brighton Neighborhood in Kings Ridge, Secretary - 2nd term

Describe the importance of the Board of Interest to the City of Clermont:

With increased growth in the city, it is increasingly important to maintain consistant standards
to keep our city of interest to new residents.

Describe what you feel you could bring to the Board of Interest:

Because of my years of "following the rules" - I feel that I can see the big picture and can
support upholding codes that are in place. I am comfortable expressing an opinion in a group
and am open minded enough to listen to points of view as the violations are explored.



Board(s) of Interest: **Please check all that apply**

- ☐ Planning and Zoning Commission*
- ☒ Code Enforcement Board*
- ☐ Community Redevelopment Agency (CRA) Board**
- ☐ Firefighters Pension Board of Trustees*
- ☐ Police Officers Pension Board of Trustees*

Please note:

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- Attach any additional supporting documents relevant to your application.
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- Fax: 352-394-2394



CITY OF CLERMONT CITIZEN BOARD APPLICATION

Name: MAHA GULATI

Home Address: 1245 7TH ST, CLERMONT

Phone: 858 722 5159 Alternate: _____

Email: MYGITANA@GMAIL.COM Occupation: REAL ESTATE MGR

Provide a statement about yourself indicating background experience:

REAL ESTATE, LAW, FINANCIAL APPRAISAL, TITLE ESCROW
VACATION RENTAL, MANAGEMENT, MARKETING
I JUST MOVED FROM CA 2 YRS AGO, AND
I LOVE CLERMONT AND WANT TO KEEP IT GROWING

Describe your understanding of what the Board of Interest does:

AS THE CITY IS GROWING THERE IS MORE NEED THAN
EVER FOR HOME OWNERS AND BUSINESSES TO MAKE SURE
THEY KEEP THEIR PLACE CLEAN AND PERMIT ANY AND
ALL ADDITION, OUTDOOR STRUCTURES AND SIGNAGE

Boards previously served on:

Describe the importance of the Board of Interest to the City of Clermont:

CITY OF CLERMONT IS A MIXTURE OF OLD AND NEW
AND THE BOARD CAN HELP WITH KEEPING A P
WITH THE DEMAND OF A GROWING CITY

Describe what you feel you could bring to the Board of Interest:

I AM HIGHLY EDUCATED IN ALL REAL ESTATE
MATTERS AND I HAVE LIVED IN MULTIPLE WELL
KEPT CITIES IN CALIFORNIA.
I AM NOT LICENSED IN RE IN FLORIDA.
I AM A VACATION HOME OWNER AND RETIRED
I OWN SEVERAL HOMES AND WANT TO KEEP
CITY GROWING.



CITY OF CLERMONT – CITY CLERK’S OFFICE
685 W. MONTROSE ST. – CLERMONT, FL 34711
WWW.CLERMONTFL.GOV

Board(s) of Interest: **Please check all that apply**

- ☒ Planning and Zoning Commission*
- ☒ Code Enforcement Board*
- ☒ Community Redevelopment Agency Board**
- ☐ Firefighters Pension Board of Trustees*
- ☐ Police Officers Pension Board of Trustees*

Please note:

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CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Tuesday, March 12, 2024		
Agenda Item Name		
Ordinance No. 2024-016 <i>Final</i> <i>Special Magistrate</i>		
Requested Action		
Requesting approval of Ordinance No. 2024-016.		
Staff Report		
The attached Ordinance provides for changes to the City Code to allow the City to appoint a Special Magistrate for code enforcement.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Ord. 2024-016 - Code Enforcement Special Magistrate (02.14.2024)	Ord. 2024-016 - Code Enforcement Special Magistrate (02.14.2024).pdf
2.	Legal Ad	Legal Ad.pdf



CITY OF CLERMONT
ORDINANCE NO. 2024-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, AMENDING ARTICLE V, “CODE ENFORCEMENT”, DIVISION 1, “GENERALLY”, SECTION 1-41 “INTENT OF ARTICLE” AND SECTION 1-42 “ALTERNATE CODE ENFORCEMENT SYSTEM AND DIVISION 2 “CODE ENFORCEMENT BOARD”; SECTION 2-187, “ALTERNATE CODE ENFORCEMENT SYSTEM” AND AMENDING DIVISION II, ‘CODE ENFORCEMENT BOARD”, SECTION 1-75, “CREATED; JURISDICTION; POWERS AND DUTIES; ENFORCEMENT BY COURTS”, SECTION 1-76, “COMPOSITION; APPOINTMENT” AND SECTION 1-77, “COUNSEL NAMED” PROVIDING FOR THE CREATION AND APPOINTMENT OF A CODE ENFORCEMENT SPECIAL MAGISTRATE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Florida, as follows:

SECTION 1:

Chapter 1, “General Provisions, Article II “Code Enforcement”, Division 1, “Generally”; Section 1-41 “Intent of article” and Section 1-42 “Alternate code enforcement system” are hereby amended to read as follows: (note strikethrough indicates removed words and underlined indicates added)

Division 1. Generally.

Sec. 1-41. Intent of article.

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

Sec. 1-42. Alternate code enforcement system.

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

Sec. 1-43. Supplemental enforcement.

Nothing contained in this article shall prohibit the city from enforcing its codes by any other means.



CITY OF CLERMONT
ORDINANCE NO. 2024-016

SECTION 2:

Chapter 1, “general Provisions, Article II “Code Enforcement”, Division 2, “Code Enforcement Board”; Section 1-75 “Created; jurisdiction; powers and duties; enforcement by courts”; Section 1-76 “Appointment and qualifications” and Section 1-77 “Counsel named” are hereby amended to read as follows: (note strikethrough indicates removed words and underlined indicates added)

Division 1. Code Enforcement Special Magistrate Board.

Sec. 1-75. Created; jurisdiction; powers and duties; enforcement by courts.

- (a) There is hereby created a municipal code enforcement special magistrate board pursuant to F.S. ch. 162.
- (b) The city code enforcement special magistrate board shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of the city Code and its ordinances.
- (c) The code enforcement special magistrate board shall have all of the powers and duties granted under F.S. ch. 162, as amended. The city hereby adopts such provision by reference as if set out fully herein.
- (d) The regular meetings of the code enforcement special magistrate board shall meet ~~be~~ on such dates and times as may be designated by the city manager.
- (e) Any alleged violations of such Code and ordinances may also be enforced in any court of competent jurisdiction.

Sec. 1-76. Appointment and qualifications.

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

Sec. 1-77. Counsel named.

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

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. 2024-016

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 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. 2024-016

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 12th day of March, 2024.

CITY OF CLERMONT

Tim Murry, Mayor

ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Daniel F. Mantzaris, City Attorney

Ad Preview

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance at a public hearing on Tuesday, March 12, 2024 at 6:30 PM for the final reading and ordinance adoption.

ORDINANCE NO. 2024-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, FLORIDA, AMENDING ARTICLE V, "CODE ENFORCEMENT", DIVISION 1, "GENERALLY", SECTION 1-41 "INTENT OF ARTICLE" AND SECTION 1-42 "ALTERNATE CODE ENFORCEMENT SYSTEM AND DIVISION 2 "CODE ENFORCEMENT BOARD"; SECTION 2-187, "ALTERNATE CODE ENFORCEMENT SYSTEM" AND AMENDING DIVISION II, "CODE ENFORCEMENT BOARD", SECTION 1-75, "CREATED; JURISDICTION; POWERS AND DUTIES; ENFORCEMENT BY COURTS", SECTION 1-76, "COMPOSITION; APPOINTMENT" AND SECTION 1-77, "COUNSEL NAMED" PROVIDING FOR THE CREATION AND APPOINTMENT OF A CODE ENFORCEMENT SPECIAL MAGISTRATE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

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

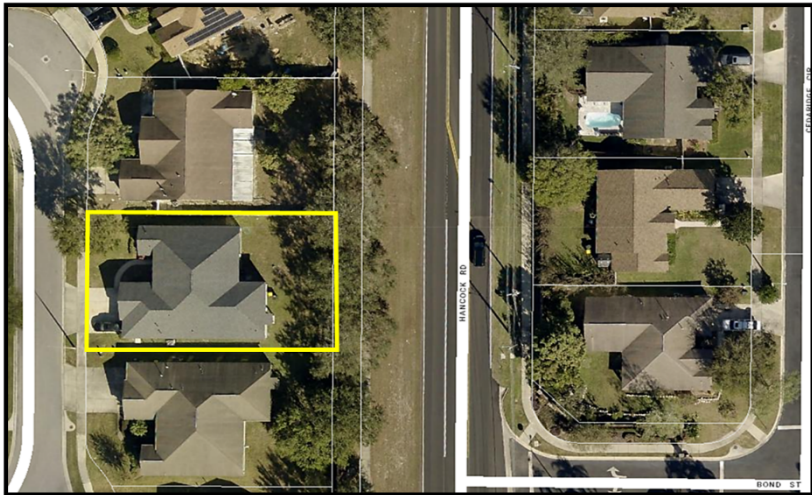
This Ordinance is available for public inspection in the City Clerk's Office, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

All interested parties will 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 may 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
9858608 February 27, 2024

AGENDA ITEM

Meeting Date	
Tuesday, March 12, 2024	
Agenda Item Name	
Variance Request 2490 Holly Berry Circle	
Requested Action	
Recommend denial of the requested variance.	
Staff Report	
The applicant is requesting a variance to allow for a walkway constructed of concrete pavers to remain as existing for a single family residence located at 2490 Holly Berry Circle in the Southridge Subdivision. This case is a result of code enforcement action on the parcel.	
	
The paver walkway has been constructed on both sides of the house within the side yard setback. It has been constructed all the way to the property lines on each side of the house. Per city code, a setback of 5 feet is required for any driveway or walkway for a single family residence, and the house itself is required to maintain a minimum 7.5 foot side yard setback. The survey of the house indicates a side yard setback of 8 feet, this would allow a 3 foot paved walk way on each side of the house leading back to the rear yard (leaving a 5 foot setback to the property line). In this case, the applicant has filled the entire side yard with pavers leaving a zero foot setback. The survey also identifies a utility easement on each side of the single family structure. The purpose of the utility easement is to ensure sufficient water runoff and prevent property flooding. The existing walkways may be considered intrusive and could impede the proper water runoff and drainage for the lot. All utility easements should remain free of this type of improvement or encroachments to ensure proper drainage. The applicant has provided HOA approval documents for the improvements. The Land Development Code, Section 101-246, requires a positive finding on the five review criteria for granting a variance. Staff has reviewed the application and supporting documents and finds the applicant does not meet the required positive findings for the provisions of the code. Therefore, staff recommends denial of the requested	

variances to the Clermont Land Development Code.		
Additional Analysis		
Fiscal Impact Summary		
None.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. 101-246 Review Criteria 2490 Holly Berry Circle	101-246 Review Criteria 2490 Holly Berry Circle.pdf	
2. LOCATION MAP	LOCATION MAP.pdf	
3. Survey	Property Layout.pdf	
4. Additional Information - Backup	Additional Information - Backup.pdf	
5. HOA Approval Letters	HOA Approval Letters.pdf	
6. Letter of No Objection	Letter of No Objection.pdf	
7. 06_Indemnification, Hold Harmless and Waiver Agreement	06_Indemnification, Hold Harmless and Waiver Agreement.pdf	
8. Photos	Photos.pdf	
9. Side Yard Photos	Side Yard Photos.pdf	
10. 01_Application	01_Application.pdf	
11. Legal Ad	Legal Ad.pdf	

2490 Holly Berry Circle -- Variance

The requirements for a variance are as follows:

“Sec. 101-246, Review Criteria and Finding. When reviewing an application for a variance, the City Council shall not vary the requirements of the land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners of negatively impact the standard of living of the citizens of the city;
Applicant response:

Staff comments: *The variance request to allow for the pavers encroachment into the required side yard setback. The paver have currently been installed and the applicant is requesting a variance to allow the pavers to remain as existing. A permit was never approved for the installation of the paver walkway.*

Negative finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response:

Staff comments: *The variance request would allow for the pavers to remain as installed. The pavers have been placed in the required side yard setback which could interfere with proper and sufficient drainage for the lot.*

Negative finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response:

Staff comments: *The requested variances to the Land Development Code will not further any legitimate city objective, and granting the variance would not outweigh the benefits over if it was denied.*

Positive finding

- (4) The granting of the variance is consistent with the city’s comprehensive plan;

Applicant response

Staff comments: *The variance request is consistent with the comprehensive plan goals, objectives and policies for single family residential lots.*

Positive finding

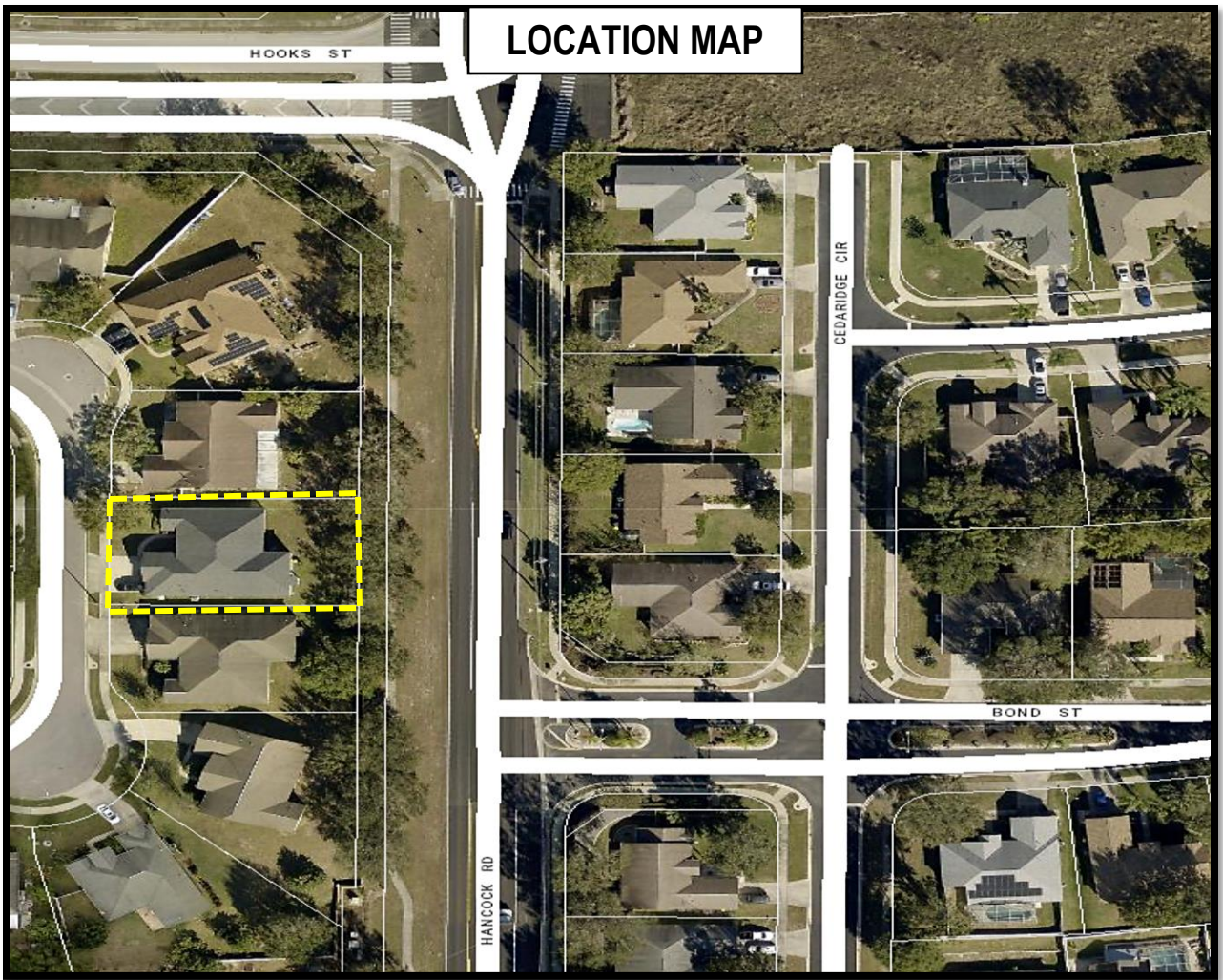
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

Applicant response:

Staff comments: The installation of the pavers into the side yard setback which has been identified as a utility easement on the survey may be considered as intrusive and could impede the proper water runoff and drainage for the lot. The purpose of utility easement is to ensure sufficient water runoff and prevent property flooding. Although pavers are considered pervious because of the ability for water to percolate, all utility easements should remain free of any type of improvements or encroachment into that easement

Negative finding

STAFF RECOMMENDATION: Section 101-246 of the Land Development Code requires a positive finding on all Review Criteria and Findings requirements for granting a variance. Staff has reviewed the application as presented and finds the application does not meet the criteria for a positive finding on all five of the review criterion. Therefore, staff recommends denial of the variance request to the Land Development Code.



imp 39% w/ pavers
6209.50' imp
10,400 - lot

Rohit Deeyal /
Somwathi Deeyal

646-244 4590

2490 Holly Berry Circle Clermont FL 34711

Description: Lot 16, South Ridge
Recorded in Plat Book 52, Page(s) 28-29 of the Public Records of Lake County, Florida

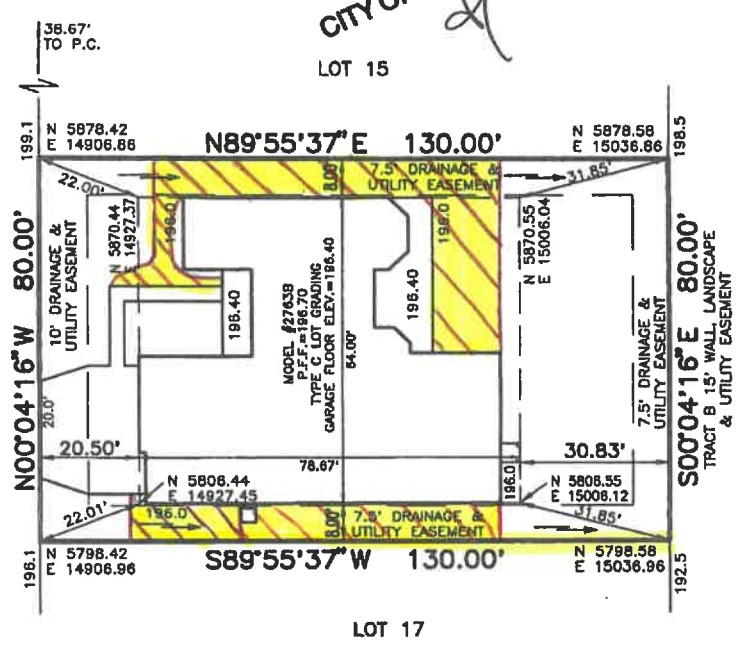
Bearings shown hereon are based
on the North line of Greater Pines
- Phase 1, Plat Book 34, Pages
27 & 28, being South 89°23'29"
West, an assumed meridian.

THIS LOT CONTAINS
10,400 SF±



CITY OF CLERMONT

HOLLY BERRY
CIRCLE
50' R/W



HANCOCK ROAD
50' TO CENTERLINE

- ABBREVIATIONS:
- A/C = AIR CONDITIONER
 - ELEV. = ELEVATION
 - F.F. = FINISHED FLOOR
 - FND. = FOUND
 - R/W = RIGHT-OF-WAY
 - SF = SQUARE FEET
 - P.C. = POINT OF CURVATURE
 - P.F.F. = PROPOSED FINISHED FLOOR

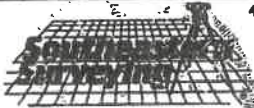
LA 3853
IMP 4378
Lot 10,400
42%

SURVEYORS REPORT:

- Easements or rights of way that appear on recorded plans or that have been furnished to the surveyor by others have been incorporated into this drawing with appropriate notation. Other easements may be discovered by a search of the Public Records.
- Based on the National Flood Insurance Program-FIRM-Map-No. 12089C0565D, dated 07/05/2002, the above described property lies within Zone "X".
- Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

NOTE: THE ELEVATIONS SHOWN HEREON
ARE PROPOSED GRADES BASED ON THE
GRADING PLAN FOR THIS SUBDIVISION.

BASED ON CH. 61G17-6 FLORIDA ADMINISTRATIVE CODE
THIS IS NOT A SURVEY

Plot Plan FOR The Greater Construction Corp.	Date: Oct. 18, 2004 ALK			49302016	
	Job No: 49302-016	Scale: 1"=30'			
	CAUTION CONTRACTOR CHECK THIS LAYOUT FOR CONFORMITY TO APPROVED BUILDING PLANS			SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 282-8580 CERT. NO. LB2108 e-mail: info@southeasternsurveying.com  GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4245	
	Revised:				

**Queens 1**

66-55 Fresh Pond Rd.
Ridgewood, NY 11385
Phone: 718-497-1919
Fax: 718-386-2152

Queens 2

68-23 Fresh Pond Rd.
Ridgewood, NY 11385
Phone: 718-497-2322
Fax: 718-497-2391

Queens 3

66-86 Fresh Pond Rd.
Ridgewood, NY 11385
Phone: 718-576-360
Fax: 347-987-3565

Queens 4/Glendale

74-01 Myrtle Ave.
Glendale, NY 11385
Phone: 718-821-5500
Fax: 718-456-0778

Date: 11/13/2023

To Whom It May Concern,

This letter is to inform you that Somwatti Deeyal is under my orthopedic care.

Mrs. Deeyal had right knee surgery on 11/8/2019 and is still in treatment. She is unable to walk more than a block, stand, sit or bend her knee for a long amount of time.

She is still experiencing an increase amount of pain. Mrs. Deeyal is a candidate for a total knee replacement for the right knee. However, the surgery date has not been determined. She ambulates with a cane and may require the use if a wheelchair.

Please accommodate Mrs. Deeyal.

If you have any questions, please do not hesitate to call the number above.

Thank you,

AMB Medical Services

Maury Harris, MD



NEW YORK
STATE OF
OPPORTUNITY
Department of
Motor Vehicles

DMV-664N (8/19)



5119843

NOT TRANSFERABLE



IN NYC, THIS PERMIT IS VALID ONLY IN
OFF-STREET DISABLED PARKING SPACES.
Permit expires last day of month & year punched.

05/25-

669

Issuing Locality and Phone No.:

City of New York

NOTICE OF APPROVAL
OF ARC APPLICATION



COMMUNITY MANAGEMENT

April 11, 2023

South Ridge of Clermont Homeowner's Association, Inc.

71 S. Central Avenue
Oviedo, FL 32765
407-359-7202/Office
407-971-1490/Fax

MAIL TO:

ROHIT & SOMWATTI DEEYAL
2490 Holly Berry Cir
Clermont, FL 34711

1st Approval.

Regarding: 2490 Holly Berry Cir / SRD14967

Dear ROHIT DEEYAL,

Your Request for an Architectural Modification on your property at 2490 Holly Berry Cir has been approved by the Architectural Request Committee of South Ridge of Clermont Homeowner's Association, Inc.. Specifically, you have approval to proceed with the following request as submitted: Paver Patio/Driveway/Walkway - Paver Patio installation.

Please note that the ARC reserves the right to make a final inspection to ensure that your project is compliant with the Architectural Design Standards applicable to your neighborhood.

You must follow all local building codes and setback requirements when making this change. A Building Permit may be needed. This can be applied for at the County offices.

Automatically approved - 30-days has expired

Our approval here is only based on the aesthetics of your proposed change. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Be aware that you are responsible for contacting the appropriate Utility Companies before digging.

Thank you for adhering to the architectural guidelines of the community. We appreciate your patience while this information was being reviewed.

Sincerely,

South Ridge of Clermont Homeowner's Association, Inc.

Rt Side Approval for Pavers -
06/09/2023.

NOTICE OF APPROVAL
OF ARC APPLICATION

South Ridge of Clermont Homeowner's Association, Inc.

71 S. Central Avenue
Oviedo, FL 32765
407-359-7202/Office
407-971-1490/Fax



MAIL TO:

ROHIT & SOMWATTI DEEYAL
2490 Holly Berry Cir
Clermont, FL 34711

Rt side Pavers

Regarding: 2490 Holly Berry Cir / SRD14967

Dear ROHIT DEEYAL,

Your Request for an Architectural Modification on your property at 2490 Holly Berry Cir has been approved by the Architectural Request Committee of South Ridge of Clermont Homeowner's Association, Inc.. Specifically, you have approval to proceed with the following request as submitted: **Paver Patio/Driveway/Walkway - Pavers type: APPIAN COMBO ENGINEER PAVER. Specs: 6x6x2 9x9x2. Thickness: 60mm Color: Titanium.**

Please note that the ARC reserves the right to make a final inspection to ensure that your project is compliant with the Architectural Design Standards applicable to your neighborhood.

You must follow all local building codes and setback requirements when making this change. A Building Permit may be needed. This can be applied for at the County offices.

Approved as submitted

Our approval here is only based on the aesthetics of your proposed change. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Be aware that you are responsible for contacting the appropriate Utility Companies before digging.

Thank you for adhering to the architectural guidelines of the community. We appreciate your patience while this information was being reviewed.

Sincerely,

South Ridge of Clermont Homeowner's Association, Inc.

City of Clermont

To Whom it may concern,

I Dhanwantie Basdeo

Lived at 2486 Holly Berry Circle Clermont FL
Is the neighbor for Mr & Mrs Somwatti/Rohit
Deeyal whom is Living at 2490 Holly Berry
Circle Clermont FL

I Mrs Basdeo is providing this Letter to
City Clermont FL for the setback of
Pavers advertising for Public Hearing
03/12/24 @ 630pm

The setback of Pavers have no
Obstruction to me or my property.

Thank you

Dhanwantie Basdeo

03/06/2024



INDEMNIFICATION, HOLD HARMLESS AND WAIVER AGREEMENT

The undersigned as owners of the property located at 2490 Holly Berry Cr.

Clermont, Florida, on behalf of themselves, their heir, assigns and transferees, (hereinafter collectively referred to as Owners), do hereby agree as follows:

1. In consideration of the City Code Section 122-342(a) and in recognition and acknowledgment that the City of Clermont is entitled to locate, operate, install and maintain public utilities that may run in front of or along the side of the above-referenced residence, the Owners, do hereby agree, promise and covenant to hold harmless, indemnify and defend the City of Clermont for any and all damages, including attorney's fees at all levels including appeal arising from any claims, causes of action or demands of any kind related in any manner to the Owners maintenance of any equipment being used within the drainage and utility easement. Furthermore, Owners, do hereby waive any right for repair or replacement, or reimbursement therefore, from the City for any damages caused to any equipment as part of any maintenance, repair, renovation, relocation or replacement of any utilities located or to be installed in the drainage and utility easement.
2. Owners, do hereby waive any right for repair or replacement, or reimbursement therefore, from the City for any damages caused to any equipment as part of any maintenance, repair, renovation, relocation or replacement of any drainage maintenance located or to be installed in the drainage and utility easement.
3. The undersigned further acknowledges and agrees that the City of Clermont requires this document be recorded in the Public Records of Lake County, upon which it shall become an encumbrance on the property applicable to and binding all future owners or assignees of the subject property, further described (legal description) as:
- 4.

STATE OF FLORIDA: Florida
COUNTY OF LAKE: Lake

Signature: Somwati Deoyal

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this 7th day of Nov., 2023, by Somwati Deoyal who is personally known to me or who has produced NY DL as identification, and who executed the foregoing instrument, and who did ☐ or did not ☒ take an oath.

Dawn Stalaker
Signature of Notary Public – State of Florida
Dawn Stalaker

(Print, type, or stamp commissioned name of Notary Public)

My commission expires:





03/04/2024
09:32



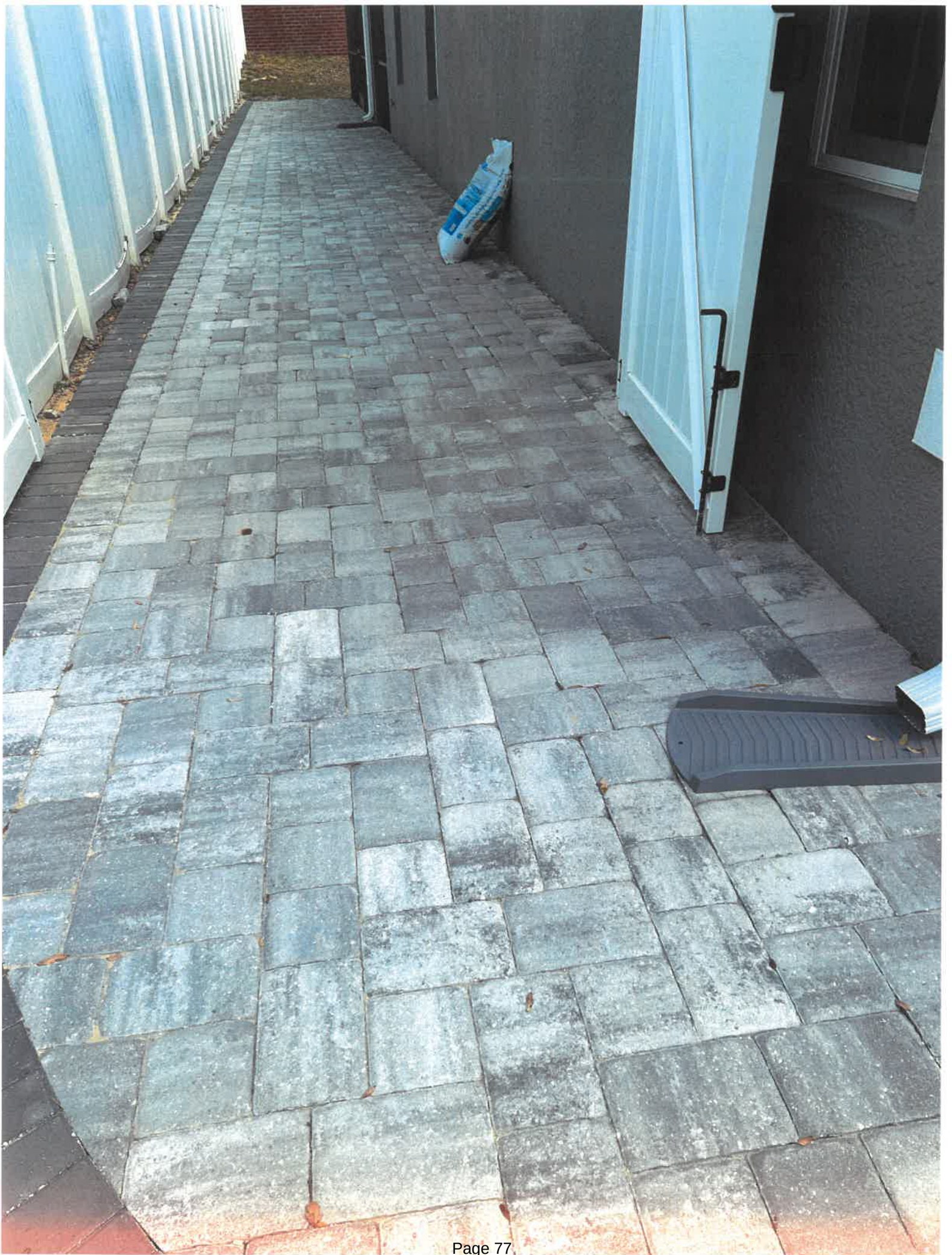


03/04/2024
09:32

PUBLIC
HEARING









CITY OF CLERMONT VARIANCE APPLICATION

DATE 11/4/2023		FEE:	
Project Name (if applicable)			
Applicant SOMWATTI & ROHIT DEEYAL			
Contact Person SOMWATTI DEEYAL			
Address 2490 HOLLY BERRY CIR		City CLERMONT	State FL Zip 34711
Telephone 046-244-4590		Fax	
Email anniemohabir@yahoo.com			
OWNER INFORMATION ☒ (Check box if information is same as Applicant)			
Owner's Name			
Owner Address		City	State Zip
Telephone		Email	
PROPERTY INFORMATION			
Address of Subject Property 2490 HOLLY BERRY CIR		City CLERMONT	State FL Zip 34711
General Location			
Legal Description & Alternate Key (include copy of survey) SOUTH RIDGE PB 52 PG 28-29 LOT 16 ORB 5146 PG 1154 / ALT KEY # 3827515			
Land Use (City verification required)			
Zoning (City verification required) PUB			



CITY OF CLERMONT VARIANCE APPLICATION

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:

Variance for paver setback

What are you proposing to do that would require a variance and why?

Placed paver's in required 5 ft setback / Driveway & utility easement

How does the Code create a hardship?

due to medical issues not allowing hard surface to walk with my
handicap ~~is~~ ^{is} my handicap

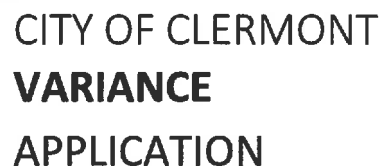
The following justifications must be completed for any variance requested:

Variance requested – subject and code section:

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the City Council shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;



(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.

Applicant Name (signature)

Owner Name (signature)

Page 80



ARTICLE IV. VARIANCES

Sec. 86-171. Permitted variances; exclusions.

Hardship relief. A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape, surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.

(b) *Exclusions.* Requests for variances from requirements of the land development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. The following request for variances shall not be considered?

- (1) Requests for variances to the adopted comprehensive plan.
- (2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.
- (3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.

(c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.

(Ord. No. 281-C, § 1(Ch. 8, § 1), 11-8-94)

Sec. 86-172. Application.

Sec. 86-173. Notice of public hearing.



Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;
- (4) The granting of the variance is consistent with the city's comprehensive plan; and
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.

(Ord. No. 281-C, §1(Ch. 8, §2(C)), 11-8-94)

Sec. 86-175. Time limit for commencing construction.

When any variance is granted, construction of the structure or other variance item must begin within one year from the date of grant. It shall be the obligation of the owner to file written notice with the administrative official and director of planning that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.

(Ord. No. 281-C, § 1(Ch. 8, § 2(D)), 11-8-94; Ord. No. 294-C, § 2, 9-28-9)

Order Confirmation

Not an Invoice

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City Of Clermont-Legals P.O. BOX 120219 CLERMONT FL 34712
Contact Name:	Christina Perry
Contact Phone:	
Contact Email:	cperry@clermontfl.org
PO Number:	

Date:	02/15/2024
Order Number:	9858721
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	45.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	02/26/2024 - 02/26/2024	Govt Public Notices
LEE dailycommercial.com	1	02/26/2024 - 02/26/2024	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$81.10
Service Fee 3.99%	\$3.24
Cash/Check/ACH Discount	-\$3.24
Payment Amount by Cash/Check/ACH	\$81.10
Payment Amount by Credit Card	\$84.34

Order Confirmation Amount	\$81.10
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Ad Preview

LEGAL NOTICE

Notice is hereby given that the Clermont City Council will consider a request at a public hearing to be held on Tuesday, March 12, 2024 at 6:30pm for the following variance: To allow for a side yard setback to be less than the minimum requirements for a Planned Unit Development (PUD) zoning district, City Code Section 125-484, at the following location:

LOCATION

South Ridge Subdivision
2490 Holly Berry Circle
(Alternate Key #3827515)

All public hearings are held in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711.

This application is available for public inspection in the Development Services Department, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

All interested parties will 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
City Clerk, MMC
9858721 February 26, 2024

AGENDA ITEM

Meeting Date	
Tuesday, March 12, 2024	
Agenda Item Name	
Variance Request <i>Teamont Boba</i>	
Requested Action	
Recommend denial of the requested variances.	
Staff Report	
The applicant is requesting three (3) variances to the Land Development Code to allow for the development of a specialty beverage building with two residential units. The following variances are being requested: (1) To allow for offsite public parking to meet the minimum onsite parking space requirements, (2) to allow for the elimination of the dumpster for solid waste collection, and (3) To allow for two residential units to have a minimum living area less than 600 square feet as required by the Land Development Regulations, Section 125-369. The subject parcel is located on 7th Street on the north side of West Montrose Street. The property zoning is Central Business District (CBD). The applicant is proposing to construct a 1,320 square foot single story building to operate a restaurant with 35 seats and two one-bedroom apartments.	
	
The Land Development Code, Section 115-14, requires 0.5 parking spaces per every four patron seats on the premises, which requires a minimum of five (5) onsite parking spaces. The project is also required to provide a minimum of three (3) parking spaces for the residential units, calculated at 1.5 spaces per one bedroom unit. The project as designed would require a minimum of eight (8) onsite spaces. The variance request allows for the use of public parking in compliance with the minimum parking space requirements. The Land Development Code, Section 115-2 requires parking spaces to be provided for all buildings and permitted use on the premises. The requirements shall apply for all development, whether new structures, alterations or existing structures.	
On June 22, 2021, the City Council approved two of the three requested variances, which were valid for one year after the approval date. In addition, the applicant was also granted another one year extension to allow for the construction of the project. The variance approval has expired, therefore requiring the application to be resubmitted. The applicant has also added to the project to allow no onsite parking for the proposed residential units. The one apartment requires an additional three spaces on a lot that cannot accommodate any onsite parking. Although City staff encourages new development in the Central Business District, with the existing limited amount of public parking for all businesses located in the Downtown vicinity, staff cannot support a new business that cannot provide any onsite parking for their patrons, especially the requirements for ADA-accessible spaces. This lot, which	

measures 25 feet wide by 75 deep, was split from a parent parcel with lot dimensions of 75 feet wide by 75 feet deep. Therefore, the existing property hardship was created from the property split.

STAFF RECOMMENDATION: The Land Development Code, Section 101-246, requires a positive finding on the five review criteria for granting a variance. Staff has reviewed the application and supporting documents and finds the applicant does not meet positive findings for the provisions of the criteria. Therefore, staff recommends denial of the requested variances to the Clermont Land Development Code.

Additional Analysis	
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Fiscal Impact Summary	
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None.

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

Meeting Date	
Tuesday, March 12, 2024	
Agenda Item Name	
Variance Request <i>Vacant Lot adjacent to 190 Crystal Lake Dr.</i>	
Requested Action	
Recommend denial of the variance request.	
Staff Report	
The applicant is requesting to allow for a vacant lot east of 190 Crystal Lake Drive to remain in a natural Florida Xeriscape condition without mowing or maintaining the lot. The applicant has owned the vacant lot since 2004. This variance application is a result of a pending code enforcement case.	
	
The current vegetative condition on the site consists of vegetation exceeding 18 inches. Section 18-53 (1) of the Land Development Code states: "Weeds. Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds; or any other vegetation, including grass, other than trees, ornamental bushes, flowers or other ornamental plants with a height exceeding 18 inches." The applicant has indicated that it is necessary to continue to maintain the area of native plant species without mowing the land since it would destroy a fragile ecosystem that protects and feeds a number of other species and would harm the plant seed heads that are vital for continued growth. The applicant is requesting a variance to allow the vegetation to grow without mowing to protect the vibrancy of the certified Wildlife Habitat by the Florida Wildlife Federation.	
Staff has reviewed the applicant's request and no substantial documentation has been provided to indicate the benefit of approving this variance other than the Certified Wildlife Habitat certificate. The lot is located within a single family zoning area, and the variance request is out of character with other properties in the area. A review of similar variance requests within the past 10 years has not yielded any requests of this nature. The Certified Wildlife Habitat certificate appears to be a self-checked analysis with a minimal fee of \$20 for certification.	
The Land Development Code, Section 101-246, requires a positive finding on the five review criteria for granting a variance. Staff has reviewed the application and supporting documents and finds the applicant meets <u>one of the five</u> criteria for a positive finding to support the variance request. Therefore, staff recommends denial of the variance request.	

Additional Analysis			
Fiscal Impact Summary			
None.			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Location Map	Location Map.pdf	
2.	Site Photos	Site Photos.pdf	
3.	101-246 Review Criteria 190 Crystal Lake Mar 2024	101-246 Review Criteria 190 Crystal Lake Mar 2024.pdf	
4.	NWF_Garden-Certification-Checklist	NWF_Garden-Certification-Checklist.pdf	
5.	Applicant's Justifications	Applicant's Justifications.pdf	
6.	Application	Application.pdf	
7.	Legal Ad	Legal Ad.pdf	

190 Crystal Lake Drive Variance

Applicant is requesting a variance to allow native vegetation on a vacant lot
to exceed 18 inches and not be mowed,
Section 18-53 (1) Land Development Code



190 Crystal Lake Drive Variance Photos



190 Crystal Lake Drive Variance Photos



190 Crystal Lake Drive Variance Photos



190 Crystal Lake Drive - Variance

The requirements for a variance are as follows:

“Sec. 101-246, Review Criteria and Finding. When reviewing an application for a variance, the City Council shall not vary the requirements of the land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
Applicant response: *The applicant has provided 3 pages of justifications for the variance request along with a Certified Wildlife Habitat certificate.*

Staff comments: *The variance request may cause interference with reasonable enjoyment of adjacent or nearby property owners since majority of the area consists of single-family residences and the properties appear to be maintained according to the Land Development Code. In addition, the Certified Wildlife Habitat certification program appears to be a self-checked analysis with a minimal fee involved (\$20).*

Negative finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response: *See the applicant's 3 pages of justifications in support of the variance request.*

Staff comments: *The variance request is out of character with other properties in this area and in this zoning district, which is R-1 Single Family Medium Density Residential. While the lot is located on a street with very little traffic and the existing pavement ends further past the lot, there is right-of-way that could be improved to make a connection to East Avenue for a public road in the future. A search on the number of variance applications for this type of request over the past 10 years has yielded no results. This is a very unique variance request.*

Negative finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response: *See the applicant's 3 pages of justifications in support of the variance request.*

Staff comments: *While the variance request may have merit on the desire to provide a habitat for the growth of indigenous plants to preserve natural biodiversity, the location of this within a single-family residential area is not particularly suited. No substantial documentation has been provided to indicate the benefit of approving this variance other than the Certified Wildlife Habitat certificate.*

Negative finding

- (4) The granting of the variance is consistent with the city's comprehensive plan;

Applicant response: *See the applicant's 3 pages of justifications in support of the variance request.*

Staff comments: *The variance request is consistent with the comprehensive plan goals, objectives and policies.*

Positive finding

- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

Applicant response: *See the applicant's 3 pages of justifications in support of the variance request.*

Staff comments: *While the variance request may have merit on the desire to provide a habitat for the growth of indigenous plants to preserve natural biodiversity, the location of this within a single-family residential area is not particularly suited. No substantial documentation has been provided to indicate the benefit of approving this variance other than the Certified Wildlife Habitat certificate. One thing to note is under National Wildlife Federation checklist, under the "Cover" section, it states "leave dead perennial stems 12-18 inches for overwintering insects." Section 18-53 (1) considers vegetation exceeding 18 inches in height as a nuisance.*

Negative finding

STAFF RECOMMENDATION: Section 101-246 of the Land Development Code requires a positive finding on all Review Criteria and Findings requirements for granting a variance. Staff has reviewed the application as presented and finds the application meets one of the five criteria on a positive finding. Therefore, staff recommends denial of the variance request to the Land Development Code.



**NATIONAL
WILDLIFE
FEDERATION**

**Certified
Wildlife
Habitat®**

Requirements Checklist

Use this walk-through checklist to confirm you have all the elements necessary to be certified:

***Note:** this checklist is only a tool to prepare your garden, please certify online at www.nwf.org/certifiedwildlifehabitat

FOOD: Your habitat should provide a minimum of three of the following types of food. Supplemental feeders are optional.

- | | | | |
|--|---------------------------------|---|--|
| ☐ Native Plants | ☐ Fruits | ☐ Bird Feeder | |
| ☐ Berries/Seeds | ☐ Sap | ☐ Squirrel Feeder | ☐ Butterfly Host plants to feed caterpillars- |
| ☐ Nectar | ☐ Pollen | ☐ Hummingbird Feeder | |
| ☐ Foliage/Twigs | ☐ Suet | ☐ Fallen Leaf Layer | |

National Wildlife Federation recommends a habitat garden space strive for a minimum of 50-70% native plants.

WATER: Your habitat needs one of the following sources to provide clean water for wildlife to drink and bathe:

- | | | | |
|-----------------------------------|--|--|--|
| ☐ Birdbath | ☐ Seasonal Pool | ☐ River | ☐ Rain Garden |
| ☐ Lake | ☐ Ocean | ☐ Butterfly Puddling Area | ☐ Water Garden/Pond |
| ☐ Stream | ☐ Spring | | |

Note: options for nearby natural water sources do qualify that are on or near your property.

COVER: Wildlife needs at least two places to find shelter from the weather and predators:

- | | | | |
|--|--|---|--|
| ☐ Wooded Area | ☐ Roosting Box | ☐ Meadow or Prairie | ☐ Leave dead perennial stems 12-18 inches for overwintering insects |
| ☐ Bramble Patch | ☐ Evergreens | ☐ Dense Shrubs/Thicket | |
| ☐ Ground Cover | ☐ Brush or Log Pile | ☐ Water Garden or Pond | |
| ☐ Rock Pile or Wall | ☐ Burrow | | |

PLACES TO RAISE YOUNG: You need at least two places for wildlife to engage in courtship behavior, mate and then bear and raise their young:

- | | | | |
|--|----------------------------------|---|---|
| ☐ Mature Trees | ☐ Wetland | ☐ Dead Trees or Snags | ☐ Water Garden/Pond |
| ☐ Meadow or Prairie | ☐ Cave | ☐ Dense Shrubs/Thicket | ☐ Host Plants for Caterpillars |
| ☐ Nesting Box | ☐ Burrow | ☐ Fallen Leaf Debris | |

SUSTAINABLE PRACTICES: You need to employ practices from at least two of the three categories below to help manage your habitat in a sustainable way- *to better help wildlife, we advocate employing one or more practices from each category:*

- | | |
|--|---|
| ☐ Soil and Water Conservation: <ul style="list-style-type: none">• Riparian Buffer• Capture Rain Water from Roof• Xeriscape (water-wise landscaping)• Drip or Soaker Hose for Irrigation• Limit Water Use | <ul style="list-style-type: none">• Reduce Erosion• Use Mulch• Rain Garden• Leave the leaves in garden beds and around the base of trees and shrubs. |
| ☐ Controlling Exotic Species: <ul style="list-style-type: none">• Practice Integrated Pest Management• Remove Non-Native Plants and Animals | <ul style="list-style-type: none">• Use Native Plants• Reduce Lawn Areas |
| ☐ Organic Practices: <ul style="list-style-type: none">• Eliminate Chemical Pesticides• Eliminate Chemical Fertilizers | <ul style="list-style-type: none">• Compost |

Since 2006 Kent and Owaissa Vanderberg have been the owners and stewards of the Natural-Florida Xeriscape Lot #3780991 directly adjacent to our residence at 190 Crystal Lake Drive.



We propose to be allowed the opportunity to continue to maintain the area of native plant species without eliminating those seed heads which are native to our *“bioregion without resort to artificial methods of planting and care such as chemical fertilizer, mowing, watering other than by through natural processes (rain), with the goal of harmonizing the landscape with the larger biotic community and ecosystem of the immediate and surrounding bioregion”*.

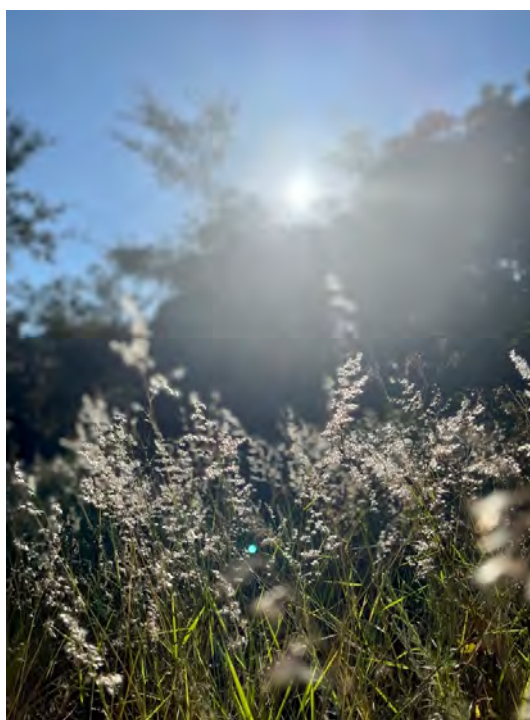


The hardship created by mowing the land to meet the codes requirement of plant material to be less than 18” would destroy a fragile ecosystem that protects and feeds a number of other species and would harm the plant seed heads that are vital for continued growth. Since all native grasses must not be disturbed even after they stop showing color, the mature seeds must be allowed to reseed to sustain the landscaping.

Additionally, multiple wildflower seeds must be allowed to dry on the flowerhead or scatter to the ground, to attract songbirds like finches, titmice, warblers, and late winter migratory robins.



Throughout the winter, when the plant material dies back to well below 18", the dormant foliage hosts spaces for insects, moths, and butterfly larva. Hollow stems, if left alone, will serve as overwintering homes for other beneficial insects. And, the decomposing litter provides habitat for many arthropods, which migratory birds use as food sources. The open areas of sandy soil provide spaces for ground-nesting insects, mourning doves, sand hill cranes, nesting lake cooters and chicken turtles, and non-aggressive native bees.



We request a reprieve from the rule of mowing anything over 18" and we request a variance to permanently protect the vibrancy of this certified Wildlife Habitat by the Florida Wildlife Federation. Further, we request relief to be free to promote the growth of indigenous plants to preserve natural biodiversity and to protect the community by inviting insects for biological control, eliminating the use of toxic herbicides and pesticides, and lowering noise by creating a landscape requiring maintenance only with manual or electric pruning tools instead of machine/gas driven tools, providing beneficial erosion control and ensuring that no harmful pesticides or fertilizers flow into the lake.



The vibrant lot at 192 Crystal Lake Drive along the Lake Wales Ridge is home to an abundance of Florida native scrub species such as rabbits, zebra long wings, queen butterflies, cloudless sulphur butterflies, cassius blue butterflies, multiple pollinators, hummingbirds, bats, great horned owls, red-shouldered hawks, ibis, sand-hill cranes, and a variety of other water birds, several varieties of woodpeckers, many kinds of songbirds, including mockingbirds, cardinals, cedar waxwings, painted buntings, red winged blackbirds, and a variety of amphibians such as skinks, short-tailed snakes, corn snakes, black racers, lizards, and many other beneficial bugs.

Plants in this mature xeriscaped system include but are not limited to native Florida scrub materials such as Saw palmetto, Scrub morning glory, Powderpuff Mimosa, Thistles, Silver-leafed aster, Oak stands, Threeawns, Densetuft hairsedge, Broom sedge, Sandyfield beaksedge, Ground lichens, Prickly-pear Cactus, wiregrass, pink muhly grass, lemongrass, switch grass, and wool grass.



Respectfully submitted for your consideration. Thank you.

Resources and websites:

<https://www.flawildflowers.org/habitat-not-garden/>

[Florida Native Plant Society \(FNPS\)](#)

<https://gulfcounty.news/2021/04/02/thistles-are-floridas-good-guys/>

[IRC - Natives for Your Neighborhood \(regionalconservation.org\)](#)

SARA STEIN, NOAH'S GARDEN, RESTORING THE ECOLOGY OF OUR OWN BACK YARDS 52-75 (1992)

Mia Amato, Backyard Restoration; How To Garden As if Your Yard Were A Habitat... Which It Is, GARBAGE, Mar.-Apr. 1991, at 50.

"Appropriate native vegetation' is [defined as] vegetation found in the natural community that is suited to the soil, topography, and hydrology of a particular site. The use of appropriate native vegetation in local landscaping can help achieve water conservation goals, preserve habitat in urban areas, greatly reduce maintenance costs for landscaping, and protect property values. "Weed control laws" have been used to harass native landscapers for failing to conform to aesthetic standards favoring exotics."

Bret Rappaport, As Natural Landscaping Takes Root We Must Weed Out the Bad Laws - How Natural Landscaping and Leopold's Land Ethic Collide with Unenlightened Weed Laws and What Must Be Done about It, 26 J. Marshall L. Rev. 865

(1993) <https://repository.law.uic.edu/lawreview/vol26/iss4/4>

— CERTIFIED — **WILDLIFE HABITAT**



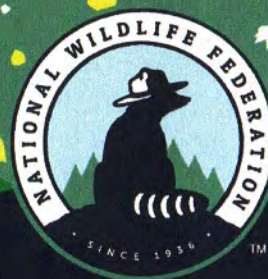
BECAUSE OF THE OWNER'S CONSCIENTIOUS PLANNING, LANDSCAPING
AND SUSTAINABLE GARDENING, WILDLIFE WILL FIND QUALITY HABITAT
HERE—FOOD, WATER, COVER, AND PLACES TO RAISE THEIR YOUNG.

PROPERTY NAME

Vanderberg Family

NO. 297,549

*in the National Wildlife Federation's
network of habitats*



COLLIN O'MARA
PRESIDENT & CEO

UNITING ALL AMERICANS TO ENSURE WILDLIFE THRIVE IN A RAPIDLY CHANGING WORLD



CITY OF CLERMONT VARIANCE APPLICATION

DATE November 27, 2023		FEE:	
Project Name (if applicable)			
Applicant Kent and Owaissa Vanderberg			
Contact Person Owaissa Vanderberg			
Address 190 Crystal Lake Dr.	City Clermont	State FL	Zip 34711
Telephone 352.406.9381	Fax		
Email owaissa63@gmail.com			
OWNER INFORMATION ☒ (Check box if information is same as Applicant)			
Owner's Name			
Owner Address	City	State	Zip
Telephone	Email		
PROPERTY INFORMATION			
Address of Subject Property 192 Crystal Lake Dr.	City Clermont	State FL	Zip 34711
General Location East of owners primary residence. Between neighbor and homeowner along privately maintained dead end driveway. Only 3 neighbors along road. Located North of Crystal Lake and main drainage basin.			
Legal Description & Alternate Key (include copy of survey) #3780991 - Part of lots 10, 11, 14 Basin. Blk 2, From NW Cor of lot 11, run thence S 0 DEG 05 min 45 SEC W along the W line of Lot A of Dist 128.17 Ft to POB, thence S 81 DEG 43 min 10 SEC E 75.77 thence S 0 DEG 05 min 45 Sec W 160.91 Ft to APT on the S Line of			
Land Use (City verification required)			
Zoning (City verification required)			

(cont) thence W + NWLY along the SLY Line of lots 11 + 14 to APT on the W line of Lot 11, thence N 0 DEG 05 min 45 SEC E 127.52 FT to POB P88 PG 17 ORB 2635 PG 1235.



CITY OF CLERMONT VARIANCE APPLICATION

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:

Unknown

What are you proposing to do that would require a variance and why?

See written Pdf

How does the Code create a hardship?

The following justifications must be completed for any variance requested:

Variance requested – subject and code section:

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the City Council shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable used of the property, which use in not out of character with other properties in the same zoning category;
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;



CITY OF CLERMONT
VARIANCE
APPLICATION

(4) The granting of the variance is consistent with the city's comprehensive plan; and

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.

Dwaisa Vanderberg
Applicant Name (print)

x [Signature]
Applicant Name (signature)

Kent Vanderberg
Owner Name (print)

x [Signature]
Owner Name (signature)

NOTICE

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

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

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City Of Clermont-Legals P.O. BOX 120219 CLERMONT FL 34712
Contact Name:	Christina Perry
Contact Phone:	
Contact Email:	cperry@clermontfl.org
PO Number:	

Date:	02/15/2024
Order Number:	9858829
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	49.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	02/26/2024 - 02/26/2024	Govt Public Notices
LEE dailycommercial.com	1	02/26/2024 - 02/26/2024	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$87.42
Service Fee 3.99%	\$3.49
Cash/Check/ACH Discount	-\$3.49
Payment Amount by Cash/Check/ACH	\$87.42
Payment Amount by Credit Card	\$90.91

Order Confirmation Amount	\$87.42
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Ad Preview

LEGAL NOTICE

Notice is hereby given that the Clermont City Council will consider a request at a public hearing to be held on Tuesday, March 12, 2024 at 6:30pm for the following variance: To allow native vegetation and growth to occur on an unimproved lot instead of being maintained by mowing, cutting or removal of such vegetation and detrital materials as required in the Land Development Regulations, Section 125-522, at the following location:

LOCATION

Vacant Lot adjacent to
190 Crystal Lake Drive
(Alternate Key #3780991)

All public hearings are held in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711.

This application is available for public inspection in the Development Services Department, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

All interested parties will 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
City Clerk, MMC

9858829 February 26, 2024

AGENDA ITEM

Meeting Date	
Tuesday, March 12, 2024	
Agenda Item Name	
Variance Request 301 Chestnut Street	
Requested Action	
Recommend denial of the requested variance.	
Staff Report	
The applicant is requesting to allow for a rear yard setback less than the 25 feet minimum requirement for the placement of a 12' x 24' storage shed. The subject property is located at 301 Chestnut Street. This variance application is a result of a pending code enforcement case for a shed placed without a permit. The Land Development Code, Section 125-520 Special Setbacks, requires storage buildings greater than 150 square feet to meet the rear yard setback for the primary structure. The existing shed is 288 square feet. The property zoning is R-2 Medium Density Residential and the future land use designation is Medium Density Residential. The current use of the subject parcel is a two-family dwelling unit (duplex). The shed is currently located on the lot and it appears that it has been recently placed. If the variance is approved, it will allow for the shed to remain four feet from the rear property line and the applicant will be required to obtain an after-the-fact building permit. The location of the shed may be considered intrusive and out of character with other sheds in the neighborhood.	
	
The Land Development Code, Section 101-246, requires a positive finding on the five review criteria for granting a variance. Staff has reviewed the application and supporting documents and finds the applicant does not meet positive findings for the provisions of the requirements. Therefore, staff recommends denial of the requested variance to the Clermont Land Development Code.	
Additional Analysis	
Fiscal Impact Summary	
None.	

Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	101-246 Review Criteria 301 Chestnut Street	101-246 Review Criteria 301 Chestnut Street.pdf	
2.	LOCATION MAP	LOCATION MAP .pdf	
3.	Survey	Layout.pdf	
4.	Picture 1	Picture 1.jpg	
5.	Picture 2	Picture 2.jpg	
6.	Application	Application.pdf	
7.	Legal Ad	Legal Ad.pdf	

301 Chestnut Street -- Variance

The requirements for a variance are as follows:

“Sec. 101-246, Review Criteria and Finding. When reviewing an application for a variance, the City Council shall not vary the requirements of the land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:”

FINDINGS:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners of negatively impact the standard of living of the citizens of the city;
Applicant response:

Staff comments: The variance request to allow for the placement of a shed to be located 4 feet from the rear lot line may negatively impact the adjacent property owner because the 12' x 24' square foot shed placement would be 4 foot from the rear property line. The adjacent property has a shed that was able to comply with the code requirements.

Negative finding

- (2) The variance will allow reasonable use of the property; which use is not out of character with other properties in the same zoning category;
Applicant response:

Staff comments: The variance request would allow for the shed to be located 4 foot from the rear property line. The placement of the shed could be considered as intrusive and out of character with other storage units in this area.

Negative finding

- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied;
Applicant response:

Staff comments: The requested variances to the Land Development Code will not further any legitimate city objective, and granting the variance would not outweigh the benefits over if it was denied.

Positive finding

- (4) The granting of the variance is consistent with the city's comprehensive plan;

Applicant response

Staff comments: The variance request is consistent with the comprehensive plan goals, objectives and policies for single family residential lots.

Positive finding

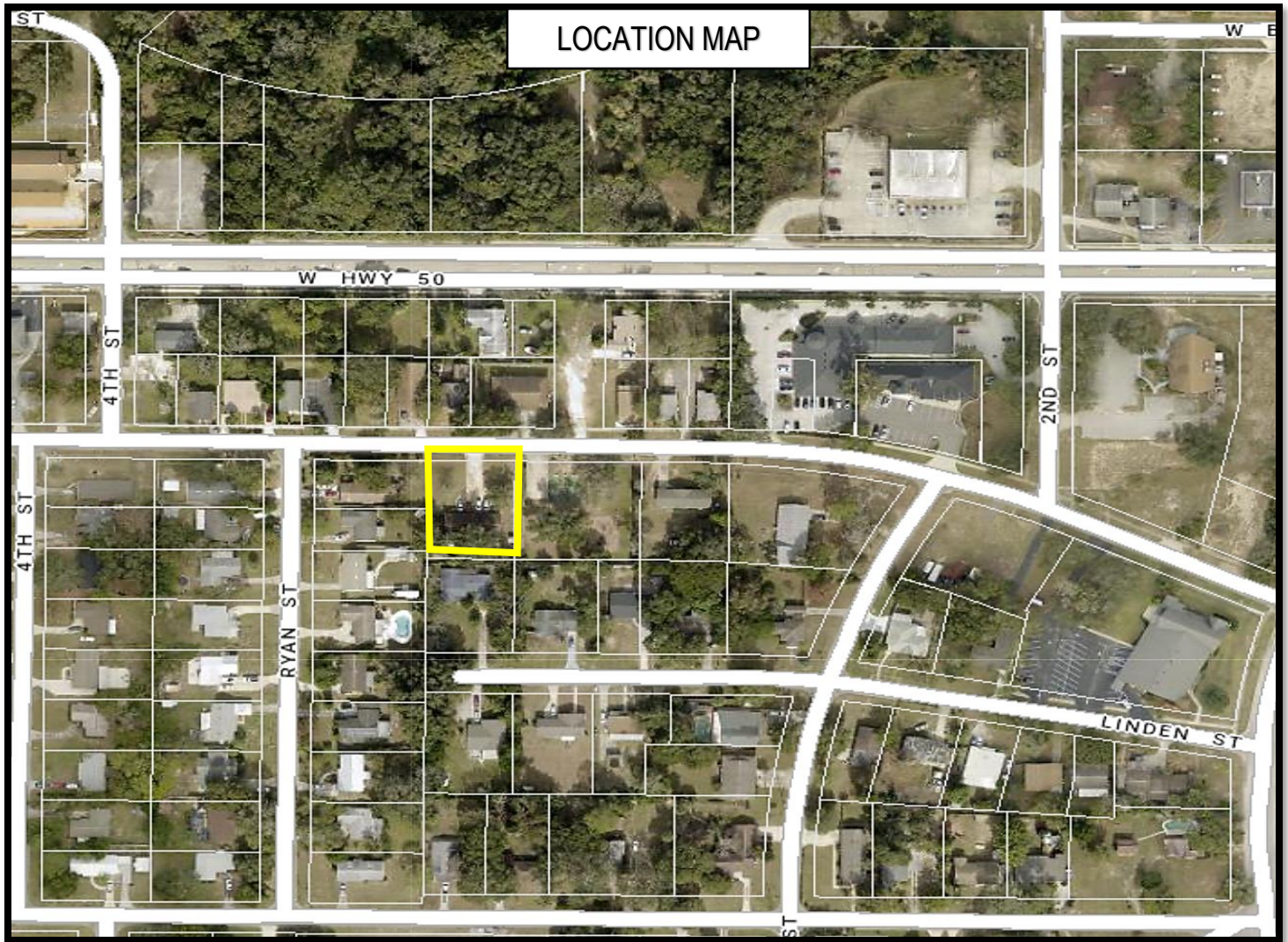
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure of the benefits that would be achieved under the other variance criteria by granting of the variance outweigh the benefits under this criteria if the variance was denied;

Applicant response:

Staff comments: *The requested variance is not the minimum allowed for reasonable use of the land and the placement of the shed on the lot. The current use of the property is two family dwelling unit (duplex) and with the close proximity of the adjacent unit, the shed may be considered as intrusive and out of character with the intent of storage buildings.*

Negative finding

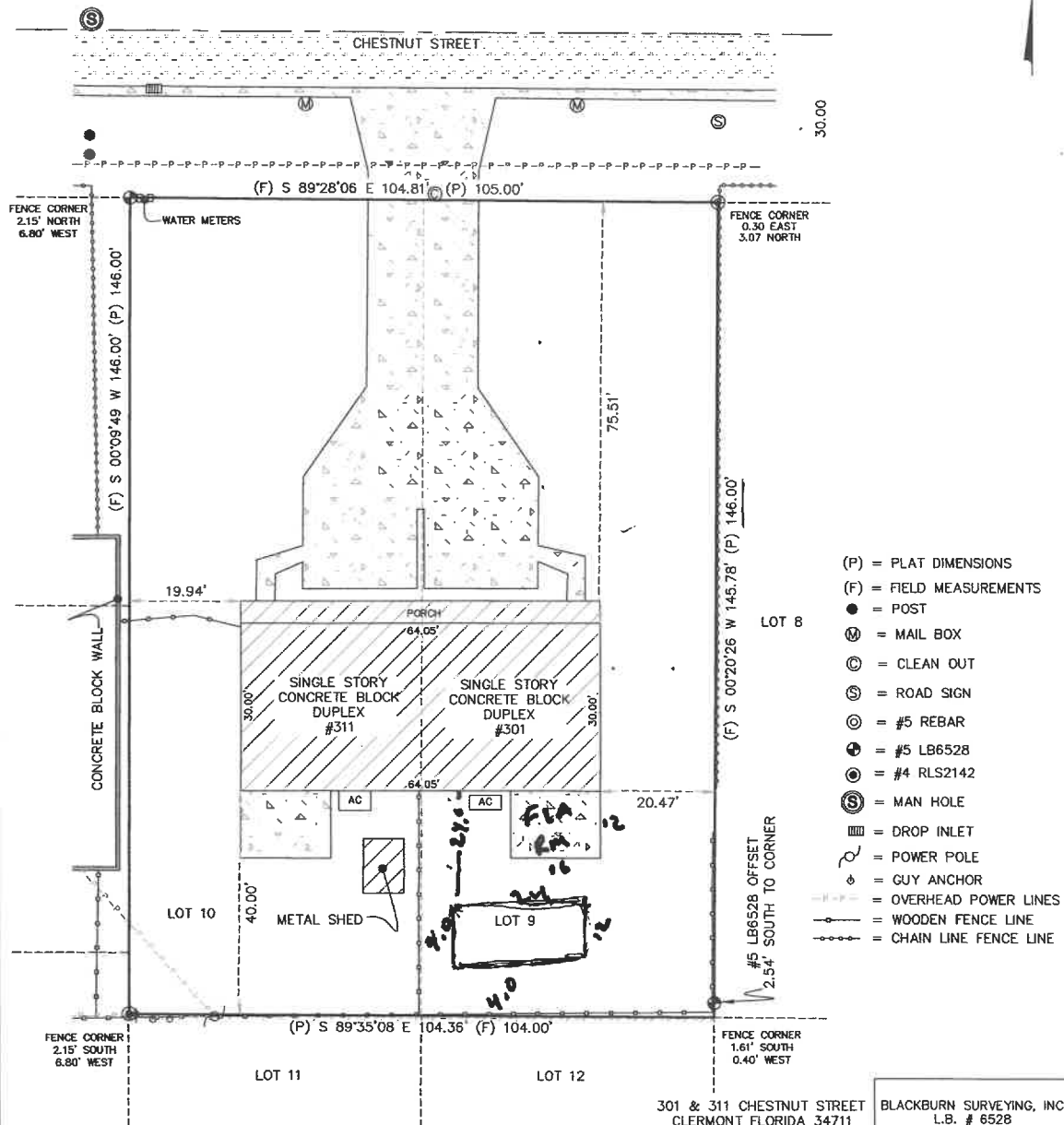
STAFF RECOMMENDATION: Section 101-246 of the Land Development Code requires a positive finding on all Review Criteria and Findings requirements for granting a variance. Staff has reviewed the application as presented and finds the application does not meet the criteria for a positive finding on all five of the review criterion. Therefore, staff recommends denial of the variance request to the Land Development Code.



DESCRIPTION PER O.R. BOOK 5060 PAGE 5134: (CONTAINS 0.35 ACRES)
 LOT 9 AND 10, BLOCK 15, OF SUNNYSIDE UNIT OF CLERMONT HEIGHTS, A SUBDIVISION IN THE CITY OF CLERMONT, AS REPRESENTED ON
 THE OFFICIAL MAP OF THE CITY OF CLERMONT, DULY RECORDED IN PLAT BOOK 8, PAGES 17 TO 23, INCLUSIVE, PUBLIC RECORDS OF LAKE
 LAKE COUNTY, FLORIDA.

NOTES:

1. BEARINGS BASED ON THE ASSUMED BEARING OF S 89°28'06" E. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF CHESTNUT STREET.
2. ABOVEGROUND ENCROACHMENTS, IF ANY, AS SHOWN IF SAID SURVEY IS A BOUNDARY SURVEY.
3. UNDERGROUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED.
4. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT OF WAY, SETBACKS OR RESTRICTIONS.
5. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MIGHT BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
6. ADDITIONS OR DELETIONS TO THE SURVEY SHOWN HEREON BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
7. FENCE LINES, DEPICTED HEREON, MEANDER ALONG SHOWN PATH.
8. THERE HAS BEEN NO ATTEMPT TO LOCATE ANIMAL OR PLANT SPECIES THAT MAY BE ENDANGERED, THREATENED, OR PROTECTED.
9. PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "X" PER GIS MAP 2012 DATUM.



ELECTRONICALLY SIGNED AND SEALED BY PATRICK M. KELLEY ON 05/31/2023

PATRICK M. KELLEY, P.L.S. FLORIDA SURVEYOR;S CERTIFICATE NO. 4423
 THIS SURVEY IS NOT VALID WITHOUT ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR.
 EXCEPT WHEN THE ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR IS AFFIXED HERETO.
 THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

301 & 311 CHESTNUT STREET
 CLERMONT FLORIDA 34711
 O.R. BOOK 5134 PAGE 1503
 ALT KEY: 1627711
 PARCEL ID:
 25-22-25-1000-015-00900

BLACKBURN SURVEYING, INC.
 L.B. # 6528
 642 WEST HIGHWAY 50
 P.O. BOX 121022
 CLERMONT, FLORIDA 34712
 (352) 394-4417

BOUNDARY SURVEY FOR:
 ROY & JUDY BARTON

SCALE: 1" = 20' 11x17	APPROVED BY: PMK	DRAWN BY: JCP
DATE: 05/24/2023	FB/PAGE: 115/50 & 386/61	GPS POINTS FILE: SunnySideBk15-9&10

SUNNYSIDE UNIT
 LAKE COUNTY, FLORIDA

PAGE NO. 1-1 DRAWING NO. SunnySideBk15-9&10





2024/02/28
16:16



CITY OF CLERMONT VARIANCE APPLICATION

DATE 1-3-2024		FEE: \$300	
Project Name (if applicable) SHED			
Applicant ROY BARTON			
Contact Person SAME			
Address 301 CHESTNUT ST		City CLERMONT	State FL Zip 34711
Telephone 352 727 1343		Fax	
Email BO.BARTON13@GMAIL.COM BO.BARTON13@gmail.com			
OWNER INFORMATION ☒ (Check box if information is same as Applicant)			
Owner's Name			
Owner Address		City	State Zip
Telephone		Email	
PROPERTY INFORMATION			
Address of Subject Property 301 CHESTNUT ST		City CLERMONT	State FL Zip 34711
General Location BACK YARD			
Legal Description & Alternate Key (include copy of survey) 1627711			
Land Use (City verification required)			
Zoning (City verification required)			



CITY OF CLERMONT VARIANCE APPLICATION

Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:

BACK YARD SETBACK

What are you proposing to do that would require a variance and why?

PLACE SHED

How does the Code create a hardship?

WE DO NOT HAVE 25 FT FROM BACK PROPERTY LINE WITHOUT SHED
BEING NEXT TO BACK OF HOUSE

The following justifications must be completed for any variance requested:

Variance requested – subject and code section:

SEC 125-195 YARDS. REQUESTING TO PLACE SHED 4' FROM BACK
YARD PROPERTY LINE

Sec. 86-174. Review criteria and findings.

When reviewing an application for a variance, the City Council shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;



CITY OF CLERMONT
VARIANCE
APPLICATION

(4) The granting of the variance is consistent with the city's comprehensive plan; and

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.

ROY BARTON

Applicant Name (print)

x

Roy Barton

Applicant Name (signature)

ROY BARTON

Owner Name (print)

x

Roy Barton

Owner Name (signature)

NOTICE

IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.

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

PLACING MY SHED 25' FEET FROM BACK
YARD PROPERTY LINE WOULD PLACE THE SHED
3' FROM THE BACK OF MY HOME. THERE IS ALSO
A FLORIDA ROOM ON THE BACK OF THE HOUSE WHICH
WOULD NOT ALLOW THAT AS SHOWN ON SURVEY.

PLACING THE SHED AT 7.5 FEET FROM SIDE
PROPERTY LINE + 25 FEET FROM BACK PROPERTY
LINE WOULD PLACE THE SHED AT 1 FOOT FROM
SIDE OF HOME.

~~SHED IS A WOOD SHED~~

Minimum yard requirements for the R-2 district are as follows:

- (1) *Front yard.* Property adjacent to Hartwood Marsh Road, SR 50 and U.S. Highway 27 shall maintain a 50-foot setback. The setback on all other streets shall be 25 feet.
- (2) *Side yard.* The minimum side yard setback is 7.5 feet. On corner lots the setback shall be 50 feet on Hartwood Marsh Road, SR 50 and U.S. Highway 27 and 25 feet on any side adjacent to any other street and 7.5 feet on the interior side yard.
- (3) *Rear yard.* The minimum rear yard setback is 25 feet except where a rear yard abuts Hartwood Marsh Road, SR 50 or U.S. Highway 27, a setback of 50 feet shall be maintained. The rear building line on lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.
- (4) *Buffer strip.* When a conditional use or multifamily use abuts a residential use, the conditional use or the multifamily use shall provide a buffer strip along the abutting property line.
- (5) *Other setbacks.* All yard setbacks for principal buildings shall be a minimum of 25 feet from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

(Code 1998, § 122-146; Code 2008, § 122-146; Ord. No. 281-C, § 1(ch. 7), 11-8-1994; Ord. No. 298-C, § 2, 6-27-2000)

Order Confirmation

Not an Invoice

Account Number:	526733
Customer Name:	City Of Clermont-Legals
Customer Address:	City Of Clermont-Legals P.O. BOX 120219 CLERMONT FL 34712
Contact Name:	Christina Perry
Contact Phone:	
Contact Email:	cperry@clermontfl.org
PO Number:	

Date:	02/16/2024
Order Number:	9863134
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	48.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	02/26/2024 - 02/26/2024	Govt Public Notices
LEE dailycommercial.com	1	02/26/2024 - 02/26/2024	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$85.84
Service Fee 3.99%	\$3.43
Cash/Check/ACH Discount	-\$3.43
Payment Amount by Cash/Check/ACH	\$85.84
Payment Amount by Credit Card	\$89.27

Order Confirmation Amount	\$85.84
----------------------------------	----------------

Ad Preview

LEGAL NOTICE

Notice is hereby given that the Clermont City Council will consider a request at a public hearing to be held on Tuesday, March 12, 2024 at 6:30pm for the following variance: To allow for a storage building rear yard setback to be less than the minimum requirements for special setbacks in the R-2 Medium Density Residential zoning district, City Code Section 125-520, at the following location:

LOCATION

Clermont Sunnyside
301 Chestnut Street
(Alternate Key #1627711)

All public hearings are held in the Clermont City Hall, Council Chambers, located at 685 West Montrose Street, Clermont, FL 34711.

This application is available for public inspection in the Development Services Department, Monday through Friday between the hours of 8:00 AM and 5:00 PM.

All interested parties will 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
City Clerk, MMC

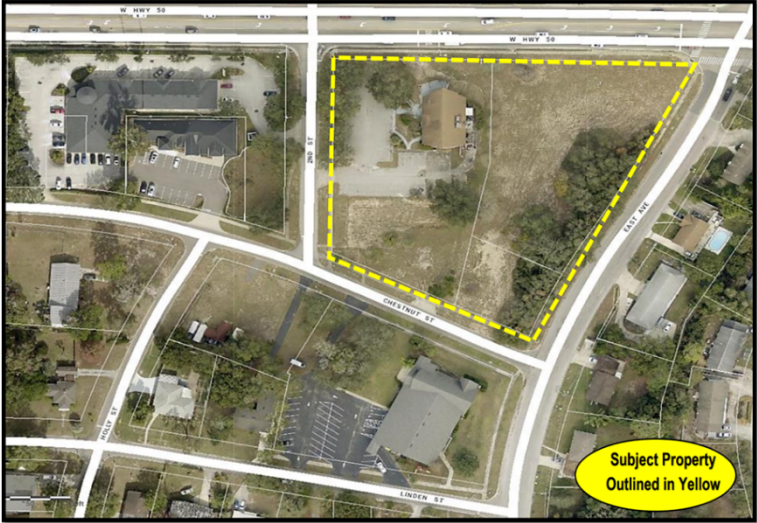
9863134 February 26, 2024



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 2

Meeting Date	
Tuesday, March 12, 2024	
Agenda Item Name	
Ordinance No. 2024-017 Intro 151 W. State Road 50	
Requested Action	
Recommend approval of Ordinance No. 2024-017	
Staff Report	
The applicant, Salvatore, Inc., is requesting to rezone the subject property from Planned Unit Development (PUD) to C-1 Light Commercial district. The site consists of three parcels that are located at the southwest corner of State Road 50 and East Avenue and is approximately 3.04 acres, with a Commercial Future Land Use Designation.  On January 14, 2020, the City Council approved Ordinance No. 2020-01, to change the zoning from C-1 Light Commercial to Planned Unit Development (PUD) to allow for the development of 36 multifamily dwelling units. The project was never constructed, and the applicant has petitioned to allow for a rezoning change back to the previous C-1 Light Commercial. The applicant has not identified any future development endeavors for the parcels. The application specifies that C-1 Light Commercial is a more appropriate zoning category and will be more consistent with the existing development pattern and character of the neighborhood. Staff has reviewed the application as submitted and finds the request to change the zoning from Planned Unit Development to C-1 Light Commercial is consistent with the intent of the goals, objective and policies for the Commercial land use designation. Therefore, staff recommends approval to rezone the subject property to C-1 Light Commercial with the conditions contained in Ordinance No. 2024-017. <i>The Planning and Zoning Commission recommended approval 6-0.</i>	
Additional Analysis	
Fiscal Impact Summary	
None.	

Fiscal Impact		Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)			
1.	Ord. 2024-017	Ord. 2024-017 - Salvatore's 151 SR 50 Rezoning (2.21.2024).pdf	
2.	LOCATION MAP	LOCATION MAP.pdf	
3.	Survey	Survey.pdf	
4.	ZONING MAPS	ZONING MAPS.pdf	
5.	Application	Application.pdf	
6.	Display Ad	Display Ad.pdf	



CITY OF CLERMONT
ORDINANCE NO. 2024-017

PROPERTY REZONING
FROM: Planned Unit Development (PUD) District
TO: C-1 Light Commercial District

SECTION 2: CONFLICT

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

SECTION 3: SEVERABILITY

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

SECTION 4: ADMINISTRATIVE CORRECTION

This Ordinance may be re-numbered or re-lettered and 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 5: RECORDING

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

SECTION 6: PUBLICATION AND EFFECTIVE DATE

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



CITY OF CLERMONT
ORDINANCE NO. 2024-017

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 26th day of March, 2024.

CITY OF CLERMONT

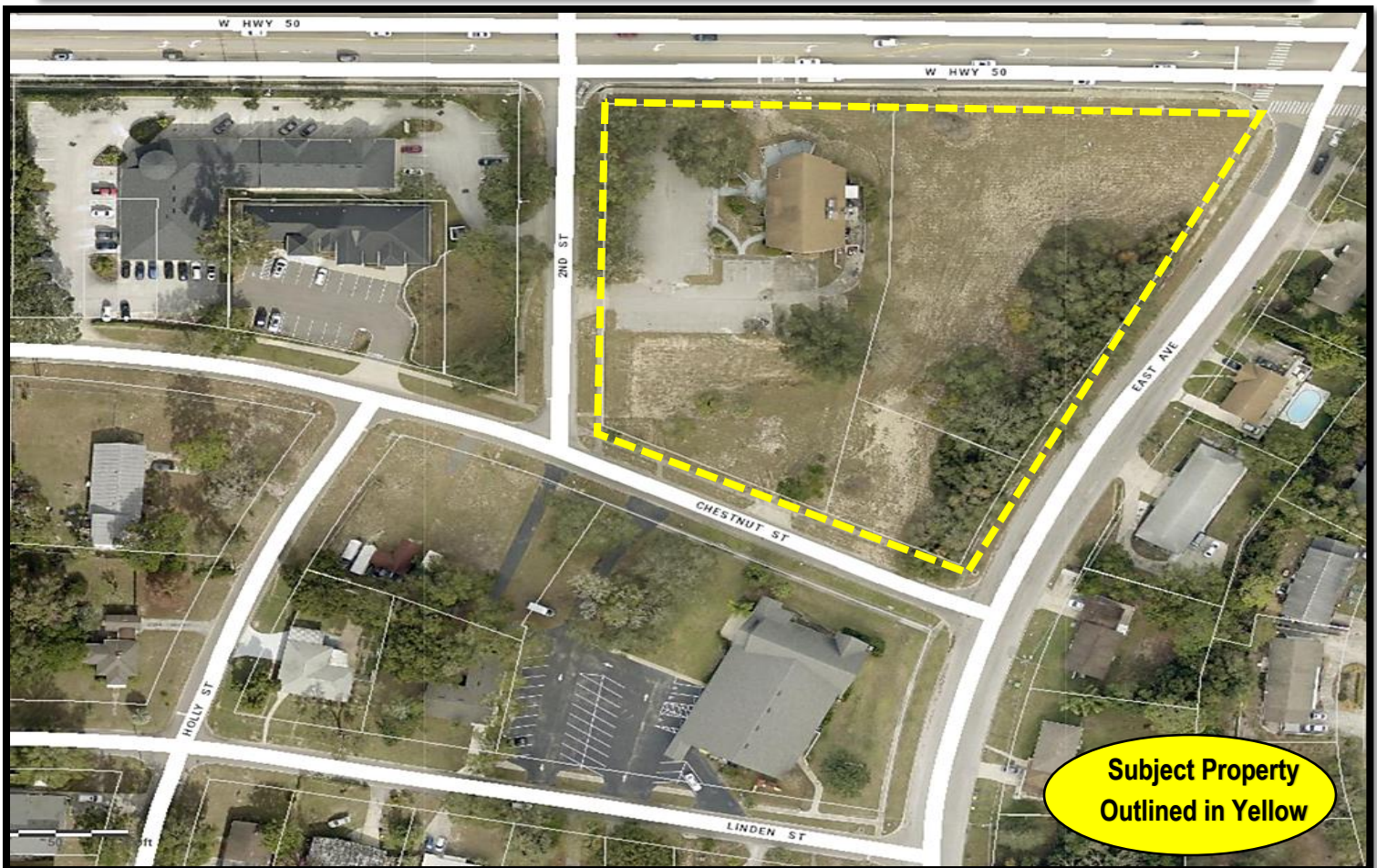
Tim Murry, Mayor

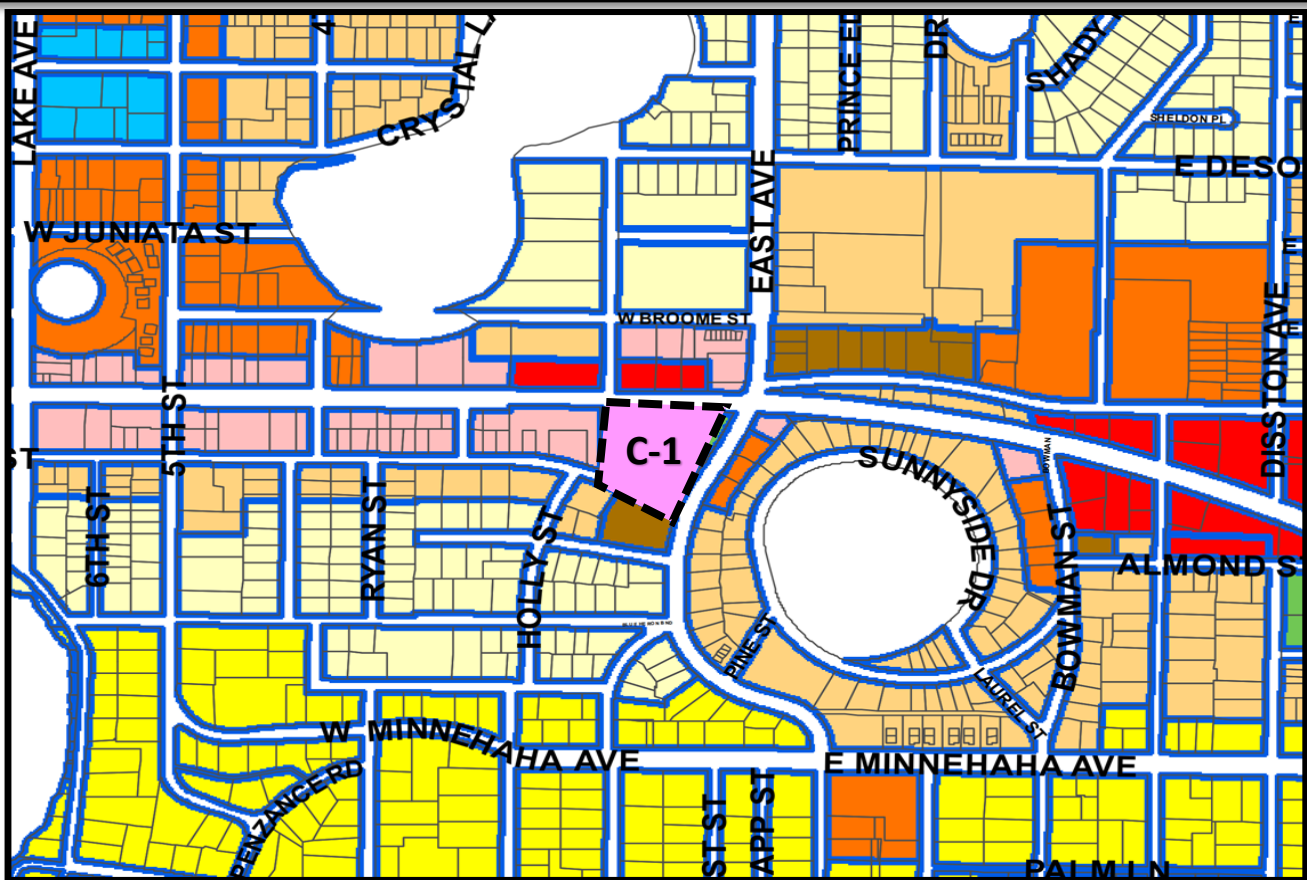
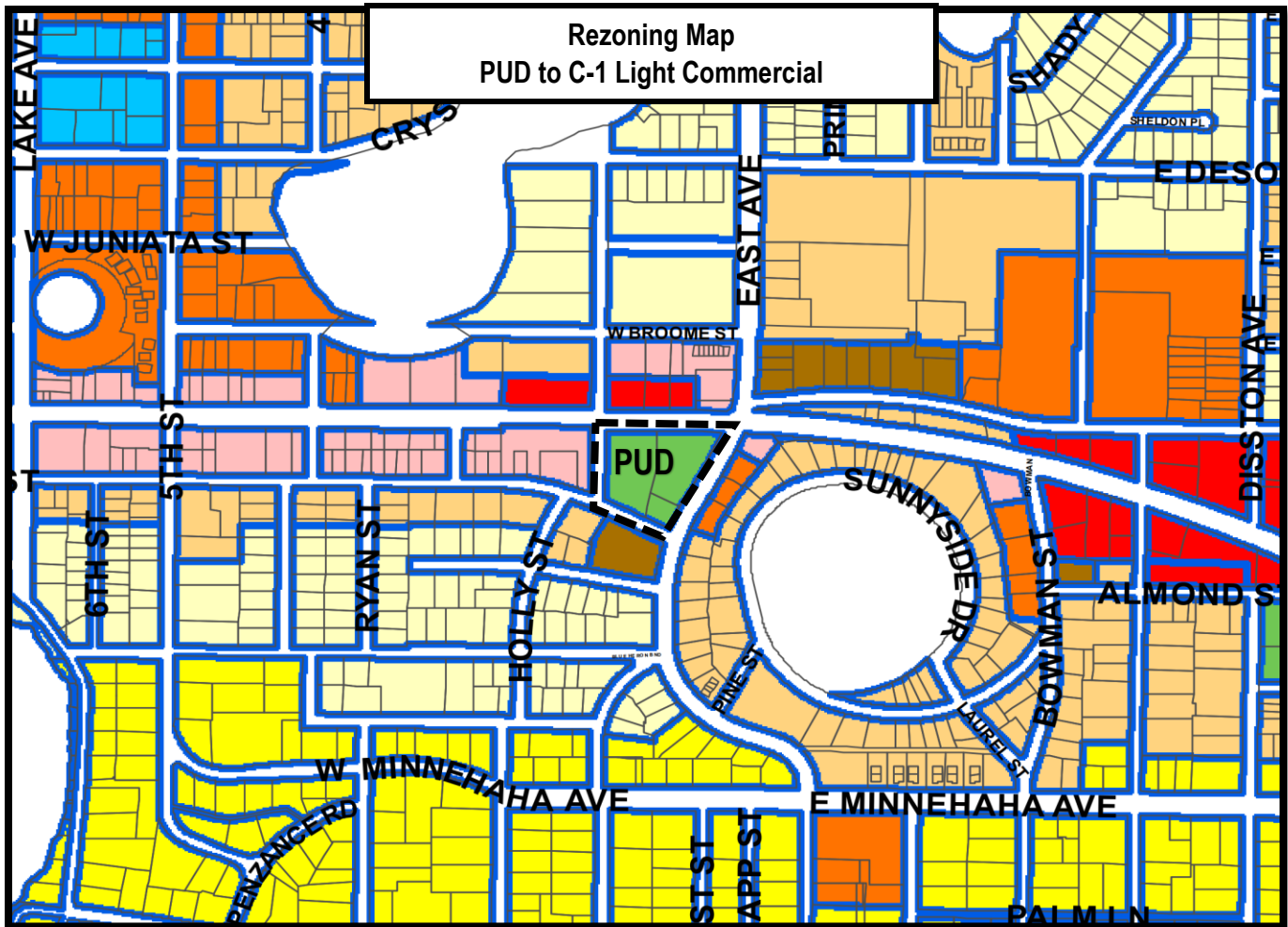
ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney







CITY OF CLERMONT REZONING APPLICATION

DATE December 20, 2023		FEE: \$542.00 + cost of advertisement + cost of traffic review, if necessary	
Project Name (if applicable)			
Applicant Bret Jones, P.A.			
Contact Person Madelyn Damon			
Address 700 Almond St	City Clermont	State FL	Zip 34711
Telephone 352-394-4025	Fax		
Email mdamon@bretjonespa.com			
OWNER INFORMATION			
Owner's Name Otero United LLC			
Owner Address 10816 Lake Minneola Shrs	City Clermont	State FL	Zip 34711
Telephone 407-446-4119	Email raul@southlakecoc.org		
PROPERTY INFORMATION			
Address of Subject Property 151 W Hwy 50 & Chestnut St	City Clermont	State FL	Zip 34711
Legal Description (include copy of survey) See attached.			
Acreage Total for all three parcels = 2.89608114 acres		Land Use (City verification required) Commercial	
Present Zoning (City verification required) PUD Planned Unit Development		Proposed Zoning C-1 Light Commercial District	



CITY OF CLERMONT REZONING APPLICATION

Answers to the following questions are required to complete this application.

What are you proposing to do that would require a rezoning?

The property was previously zoned as C-1. The owner believes that C-1 zoning is more appropriate for the character and nature of the property and requests rezoning.

Check box to indicate additional materials are provided via attachment. ☒

Bret Jones, P.A.

Applicant Name (print)

Raul Otero

Owner Name (print)

x  DocuSigned by:
Applicant Name (signature)
x 
0D9D3391A611478...
Owner Name (signature)

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

5/22/2020

LEGAL NOTICE

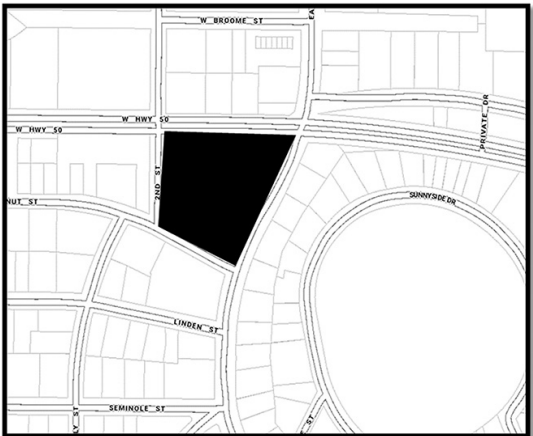
On Tuesday, March 5, 2024 at 6:30 PM, the Clermont Planning & Zoning Commission will consider the enactment of the following proposed ordinance, and on Tuesday, March 26, 2024 at a public hearing the request will be presented before the City Council for Final Adoption.

ORDINANCE NO. 2024-017

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

LOCATION

151 West Highway 50
Vacant parcel located on Highway 50 and
north of Chestnut Street
(Alternate Key 2697431, 2919761 and 1619432)



LEGAL DESCRIPTION

ALL OF LOTS 1 THROUGH 20, IN BLOCK 8, ELLA VISTA HEIGHTS, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLERMONT, AS RECORDED IN PLAT BOOK 8, AT PAGES 17 THROUGH 23, OF THE PUBLIC RECORDS OF LAKE COUNTY FLORIDA, LESS THE PART OF LOT 20 CONVEYED TO THE STATE OF FLORIDA AS RECORDED IN OFFICIAL RECORDS BOOK 624, AT PAGE 449, OF THE PUBLIC RECORDS OF LAKE COUNTY FLORIDA, AND LESS THE RIGHT OF WAY FOR STATE ROAD 50.

CONTAINING 3.04 ACRES MORE OR LESS

PROPERTY REZONING

**FROM: Planned Unit Development District (PUD)
TO: C-1 Light Commercial District**

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

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

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