



**CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Wednesday, January 3, 2018
City Hall – 685 W. Montrose Street, Clermont, FL**

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

MINUTES

December 5th 2017 Planning and Zoning minutes

REPORTS

NEW BUSINESS

Item 1 - Ordinance No. 2018-01
Land Development Code Changes

Consider ordinance to change 3 chapters in the land development code that deals with minimum acreage requirements for PUD's, variance requests, and construction activity/noise.

Item 2 - Resolution No. 2018-01
Sod Depot Conditional Use Permit

Consider Conditional Use Permit to allow outside sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district for property located at 1003 Hook Street.

Item 3 - Ordinance 2018-2
Comprehensive Plan Text Change

Consider ordinance to add a policy to the Commercial Land Use Category to allow the floor area ratio (FAR) of 1.0 for residential storage facilities.

Discussion of Non-Agenda Items

ADJOURN

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

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

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

**City of Clermont
MINUTES
PLANNING AND ZONING COMMISSION
December 5, 2017**

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The meeting of the Planning & Zoning Commission was called to order Tuesday, December 5, 2017 at 6:30 p.m. by Chairman Nick Jones. Other members present were Cuqui Whitehead, Carol Thayer, Judy Proli, and Jack Martin. Curt Henschel, Planning Manager, Regina McGruder, Senior Planner, Dan Mantzaris, Legal Counsel for the City, were also in attendance.

Commissioner Whitehead moved to approve the minutes of the December 5, 2017 meeting as written; seconded by Commissioner Thayer.

MINUTES of the Planning and Zoning Commission meeting held December 5, 2017 were approved as written.

REPORTS: Commissioner Whitehead thanked all City of Clermont employees for the success on Light of Clermont as well as the parade that took place that weekend.

Chairman Jones concurred to Commissioner Whitehead's statement.

REQUEST: Item 1: To consider ordinance to change the future land use from Lake County Regional Commercial to City Commercial for property located at the Southeast Corner of Hancock Road and Trade Avenue.

Item 2: To consider ordinance to change the zoning from Lake County MP Planned Industrial District to City C-2 General Commercial for property located at the Southeast corner of Hancock Road and Trade Avenue.

Item 3: To consider Conditional Use Permit to allow for a residential self-storage facility over 20,000 square feet in the C-2 General Commercial zoning district for property located at the Southeast corner of Hancock Road and Trade Avenue.

APPLICANT: American Civil Engineering Co.

Senior Planner, Regina McGruder, presented the staff report as follows:

The applicant, is requesting a small scale comprehensive plan amendment for the subject property. The property is approximately 5.75 +/- acres in size. This request is being heard concurrently with requests for annexation, rezoning, and a conditional use permit. The applicant wishes to develop the property and have City services available.

The small scale comprehensive plan amendment would change the Future Land Use from Lake County's Regional Commercial to the City's Commercial designation. The applicant and staff looked at the Commercial future land use designation for the parcel since the end use of the site would be a self-storage facility and commercial outparcels. The City's Commercial Future Land Use designation allows a maximum intensity/density of 0.25 FAR/12 units per acre. The proposed development is consistent with the comprehensive plan policies for Commercial future land use designation.

Staff recommends approval of the small scale comprehensive plan amendment to change the future land use from Lake County Regional Commercial to City Commercial Future Land Use designation.

The applicant, is requesting a rezoning of the subject property. This request is being heard concurrently with requests for annexation, small scale comprehensive plan amendment, and a conditional use permit. Upon annexation, the applicant is requesting to change the current zoning of the property from Lake County M-P Planned Industrial to City C-2 General Commercial zoning, this will allow development of the subject parcel as a self-storage facility with two commercial outparcels. The proposed C-2 General Commercial zoning is consistent with the surrounding areas and the City's Comprehensive Plan. City Code Section 122-223, allows self-storage facilities as a permitted use with a Conditional Use Permit. The proposed development is consistent with the Land Development Regulations and C-2 General Commercial zoning designation.

The applicant has applied for a conditional use permit for the self-storage facility since it is a conditional use in the C-2 zoning district and will have one building with more than 20,000 square feet of floor space.

Staff has reviewed the rezoning application and believes that C-2 General Commercial zoning is consistent with the comprehensive plan policies and objectives and compatible with uses and improvements of the surrounding area. The self-storage facility has a very low trip generation rate for traffic and has adequate public infrastructure facilities to support the development. Staff recommends approval of the rezoning from Lake County MP Planned Industrial District to City C-2 General Commercial.

The applicant, is requesting a Conditional Use Permit for a self-storage facility with more than 20,000 square feet of floor space. The Land Development Code, Section 122-223 requires a conditional use permit for any building structure that occupies more than 20,000 square feet and Section 122-224 requires residential storage facilities to obtain a Conditional Use Permit. The applicant is proposing to develop the site into a self-storage facility with a two commercial outparcels. The self-storage building will be two story with a small office. The total square footage for this use will be 57,000 square feet. The commercial outparcels will be developed at a later date and will be required to comply with the Land Development Regulations for C-2 General Commercial zoning and meet the City's Architectural 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. The site shall be developed in substantial accordance with the conceptual plan prepared by American Civil Engineering CO., dated May 25, 2017.

Staff has reviewed the 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 for a self-storage facility over 20,000 square feet in the C-2 zoning district with the conditions contained in Resolution No. 2017-55.

Chairman Jones asked if there are any responses from the surrounding property owner's regarding this project or if any letters or comments were received.

Ms. McGruder stated notices were sent out, but no letters or calls were received.

Applicant Thomas Skelton, American Civil Engineering, 207 N. Moss Rd. Winter Springs FL 32708, representing owner and developer Ricard Beavers with Keep Smart People. He had nothing else to add to the presentation that Regina McGruder gave.

Chairman Jones asked for information on the temporary drainage easement. Mr. Skelton said the property was sold to Mattamy Homes that was annexed with the city in 2016. Mattamy Homes is required to take in the drainage from the property presented. Mattamy Homes provided them with two easements for temporary drainage meanwhile they start their construction that can be postponed for the next three to four years. In the future the presented property will have to incorporate the volume necessary for current to future commercial properties in a master retention system.

Chairman Jones opened the floor to the public. There was no one present to speak. Chairman Jones immediately closed the public portion of the hearing, and returned it to the Board.

Commissioner Whitehead mentioned it was ugly, but there is low traffic.

Commissioner Thayer asked if there would be any buffers against the road. She had a huge concern that the trees would be taken down. Mr. Skelton responded by saying that trees in the back will have to be removed, but the trees in the front will have to be replaced due to code from the City of Clermont. Commissioner Whitehead responded by saying that would not be occurring, as the City of Clermont staff will make sure proper code is followed.

Commissioner White moved to approve item 1, 2 and 3 seconded by Commissioner Smith. The vote in favor of approval was unanimous.

There being no further business, the meeting was adjourned at 6:49 p.m.



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PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Wednesday, January 3, 2018
City Hall – 685 W. Montrose Street, Clermont, FL

Meeting Date	
Wednesday, January 3, 2018	
Agenda Item Name	
Ordinance No. 2018-01 <i>Land Development Code Changes</i>	
Requested Action	
Recommend approval of Ordinance 2018-01.	
Staff Report	
This request is staff initiated to update three sections of the Land Development Code. The proposal includes updates to Chapter 122 Zoning, Section 122-313; Chapter 86 Administration, Article IV Variances; and Chapter 34 Environment, Article II Noise, Section 34-35 Prohibited Acts and Section 34-38 Exceptions. The staff initiated amendment to Chapter 122 Zoning has been driven by the Downtown Master Plan and the desire to accomplish important goals identified in the plan. In order to develop at a higher density and to work within the existing site-specific characteristics, several inquiries have been made to rezone property to a Planned Unit Development (PUD). The applicant requests to go through the process to rezone the property to PUD zoning, which often provides detailed site-specific language, an inclusive site plan, and precise development standards. On many occasions, staff has to inform the applicant that PUD's are limited to one acre or more in size. This language is contained in Section 122-313. Staff has noted that many of the parcels downtown are less than one acre in size. In order to facilitate this process, staff is recommending no minimal acreage requirement in the Downtown Mixed Use Category. The applicant would still come before council for approval of a rezoning to the Planned Unit Development. The change only applies to properties in the Downtown Mixed Use Future Land Use Category. The staff initiated amendment to Chapter 86 Administration; Article IV Variances reorganizes some of the layout of the chapter while also changing the review criteria in Section 86-174. Currently, there are eight criteria in this section that the applicant and staff address. On many occasions, staff is unable to support a variance request due to one negative response to the eight criteria. In unique and particular circumstances, staff believes that the variance could be granted that would continue to protect the public safety and welfare of the city and not be in conflict with the city's comprehensive plan. The revision will reduce the existing eight criteria down to five criteria and provide a more understandable format for both the applicant, staff, and the council. In addition, it gives staff the opportunity to review variances more objectively, which may lead to supporting the variance request. The staff initiated amendment to Chapter 34 Environment, Article II Noise, Section 34-35 Prohibited Acts and Section 34-38 Exceptions is mainly due to clarify when construction activities can occur. Currently, there is a conflict in the code that in one section, 34-35, that specifically mentions days and times of construction activity. The other section, 34-38 (5), only states hours and does not mention days. This has caused confusion since it has been interpreted that every day, even Sunday, construction activity can occur. The removal of this portion of the code is still addressed in Section 34-61 (5) Noises – all unnecessary or unauthorized noises and annoying vibrations, including animal noises. An addition has been added to Section 34-38 to allow the city manager or authorized designee to allow construction equipment and activity outside of the stated timeframe on	

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a case by case basis with performance conditions in place.		
Staff recommends approval of Ordinance 2018-1, which includes updates to the Land Development Code dealing with no minimum acreage requirement for a PUD in the Downtown Mixed Future Land Use, changes to the review criteria for variances, and clarification of construction activity times and days.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2018-1 Clean Copy	ORD 2018-1 PUD DMU (clean).doc	
2. Ordinance 2018-1 Markup Copy	ORD 2018-1 PUD DMU (revised).doc	

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CITY OF CLERMONT
ORDINANCE No. 2018-1

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 122 ZONING, SECTION 122-313 GENERAL REQUIREMENTS; CHAPTER 86 ADMINISTRATION, ARTICLE IV VARIANCES; CHAPTER 34 ENVIRONMENT, ARTICLE II NOISE, SECTION 34-35 PROHIBITED ACTS, SECTION 34-38 EXCEPTIONS PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on January 3, 2018 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Clermont desires to amend Chapter 122 Zoning, Section 122-313 General Requirements; Chapter 86 Administration, Article IV Variances; and Chapter 34 Environment, Article II Noise, Section 34-35 Prohibited Acts, Section 34-38 Exceptions; of the City of Clermont's Code of Ordinances;

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

SECTION 1.

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

SECTION 2.

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

Sec. 122-313. - General requirements.

The following general requirements and special regulations shall apply to all planned unit developments:

- (1) *Minimum area.* No site shall qualify for a planned unit development unless the development consists of a contiguous area of at least one acre or more, except in the Downtown Mixed Use Future Land Use Category, which has no minimum area.
- (2) *Unified control.* All land included for purposes of development within a planned unit development shall be owned or under control of the petitioner for such zoning designation, whether that petitioner is an individual, partnership or corporation, or group



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of individuals, partnerships or corporations. The petitioner shall present firm evidence of the unified control of the entire area within the proposed planned unit development and shall state agreement that, if he proceeds with the proposed development, he shall:

- a. Do so in accord with the officially approved final master land use plan of the development, and such other conditions or modifications as may be attached to the special regulations.
 - b. Provide agreements, covenants, contracts, deed restrictions, improvements or sureties acceptable to the city council for completion of the undertaking in accordance with the formally approved final master land use plan, as well as for the continuing operation and maintenance of such areas, functions, facilities and improvements as are not to be provided, operated and maintained at general public expense.
 - c. Bind all development successors in title to any commitments made under subsections (2)a. and (2)b. of this section.
- (3) *Development approval.* Formal approval of all planned unit developments shall be granted according to comprehensive and detailed plans satisfactory to the city council. Such approval shall be contingent upon specific evaluation of project concept, uses, density or intensity, location, and recreation and open space areas. Items required for such analysis and approval may include but are not limited to:
- a. Plans detailing streets, utilities, lot or building sites, setbacks, impervious surface ratio, landscaping and the like for the overall project; and site plans, floor plans and elevations for all buildings as intended to be located, constructed or used, as related to each other, and detailed for other uses and improvements on the land as related to the buildings and structures.
 - b. A program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the planned unit development, but will not be provided, operated or maintained at general public expense.
 - c. Pertinent research studies, analysis or calculations that satisfactorily identify infrastructure impacts and indicate means for concurrency with warranted improvements.

Chapter 86 Administration, Article IV Variances.

Sec. 86-171. - Purpose and general provisions, definitions

The purpose of this Section is to provide for relief from certain requirements of the land development regulations when the strict administration of such regulations prevent an important need and the reasonable use of the property for which a variance is sought. In so doing, the following rules apply:

- (1) Use variances are not permitted.



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- (2) All variances run with the land.
- (3) All variance requests to the requirements of the Florida Americans with Disabilities Accessibility Implementation Act must be preceded through the procedures required under such act.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Practical difficulty means use of all or a portion of the property at issue cannot occur with reasonable physical accommodation that is economically reasonable.

Unnecessary hardship means a practical difficulty which exists due to an unintended effect of the land development regulation.

Use variance means an exception to the uses permitted in a particular zoning district by right, special exception or conditional use.

(Code 1998, § 86-171; Ord. No. 281-C, § 1(ch. 8, § 1), 11-8-1994)

Sec. 86-172. - Submittal requirements for application

Application for variance shall be filed with the city on the designated form, and shall be accompanied by the appropriate fee as established by resolution of the city council and on file in the city clerk's office. Application for a variance shall be filed on or before the date established for such submission as adopted by resolution of the city council. The following shall be submitted for variance:

- (1) Completion of the appropriate forms;
- (2) Site Plan
- (3) Reasons identifying why a variance is warranted. (Note: The burden of proof is the obligation of the applicant. Justification for compliance with the criteria for a variance must be fully documented and proven by the applicant. Each variance must stand on its own merits. Past variance approvals will not be grounds for approval of future variances.);
- (4) Payment of the requisite application fee.

(Code 1998, § 86-172; Ord. No. 281-C, § 1(ch. 8, § 2(A)), 11-8-1994; Ord. No. 291-C, § II, 2-23-1999)

Sec. 86-173. - Notice of public hearing.

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- (1) The city shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time and place of the public hearing before the board of zoning adjustment, along with a clear and



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concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties within 150 feet of the subject property even when separated from the subject property by a road, canal, easement, right-of-way or similar barrier.

- (2) Notice of public hearing shall be published in a newspaper of general circulation within the city no less than five days prior to the date set for the hearing, and the matter shall be entered on the agenda of the next regular meeting of the board of zoning adjustment if the meeting is five or more days forthcoming. The applicant shall be responsible for the cost of advertising and it shall be paid no later than 24 hours prior to the scheduled hearing date. Failure to pay this cost will delay the hearing and the applicant may incur additional advertising costs.
- (3) After an application has been filed, the applicant shall post the subject property with signage as provided by or as directed by the city. The sign or signs shall be erected on each street side of said land or where the sign or signs would be in the most conspicuous place to the passing public as determined by the administrative official or his designated representative.

(Code 1998, § 86-173; Ord. No. 281-C, § 1(ch. 8, § 2(B)), 11-8-1994; Ord. No. 306-C, § 2, 3-27-2001)

Sec. 86-174. - Review criteria and findings.

A variance may be granted from the land development regulations if the board concludes that literal enforcement of the provisions of the land development regulations would result in either practical difficulty (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue. In order for a variance to be granted, the board must also find that, by granting the variance, the remaining regulations will protect the public safety and welfare of the city and if it finds that:

- (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 were denied.



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(Code 1998, § 86-174; Ord. No. 281-C, § 1(ch. 8, § 2(C)), 11-8-1994)

Sec. 86-175 – Review of variance applications

Under this Section, applications for variances shall be:

- (1) Reviewed by the Administrative Official. A report reviewing the circumstances surrounding the application with a recommended action shall be produced and shared with the applicant in advance of the Board of Zoning Adjustment public hearing; and
- (2) Approved, denied, or approved with conditions by the city council after one public hearing.

Sec. 86-176. - 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.

(Code 1998, § 86-175; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994; Ord. No. 294-C, § 2, 9-28-1999; Ord. No. 2010-05-C, § 2, 3-23-2010)

Sec. 86-177. - Transfer.

A variance in the zoning regulations may be transferred along with the transfer of the property ownership, but only for the specific use and approved plan originally granted.

(Code 1998, § 86-176; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994)

Sec. 86-178. - Reapplication after denial.

Variance requests which have been denied may not be resubmitted for a period of one year.

(Code 1998, § 86-177; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994)

Secs. 86-179—86-200. - Reserved.

Chapter 34 Environment, Article II Noise

Sec. 34-35. - Prohibited acts.

- (a) It shall be unlawful for any person to produce, cause to be produced, allow to be produced or project, by any means, any sound or noise across a property line in such manner as to create a sound level which exceeds the limits set forth for the receiving land use listed in



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section 34-36 when measured at or within the property line of the receiving property. For any activity or use of land or buildings not expressly listed in the zoning districts in the city, the city council, upon notice to the owner or occupant of the property producing sound, may determine the category of use under this article for which the activity or use is to be considered. Notwithstanding the foregoing, the existence of a noise which relates to the receiving land use listed in section 34-40 may be determined by the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents pursuant to section 34-40(a)(1).

- (b) Notwithstanding any violation of subsection (a) above, the following specific uses, activities and circumstances are declared to be in violation of this article:
- (1) *Radios, television sets, exterior loudspeakers, musical instruments, and similar devices.* Operating or permitting the use or operation of any radio receiving set, exterior loudspeaker, amplified sound equipment, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound in such a manner as to create a noise across the boundary of the property, including, without limitation, public and private rights-of-way from which the noise originates. In addition to the preceding, radios, cassette players, disk players and similar devices associated with motor vehicles or motorboats, shall not be operated or amplified in such a manner as to be felt or clearly heard at 25 feet or more from such device, when operated or parked on a public or private right-of-way or public or private space. In determining whether such devices may be clearly heard, the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents must utilize their normal auditory senses without any enhancements or hearing aids. Particular words or phrases or the name of any song or artist are not required to be identified. The detection of a rhythmic bass reverberating sound shall be sufficient to determine if a violation has occurred. To the extent that the Florida Uniform Traffic Control Law provisions regulate noise originating from within public or private rights-of-way, those provisions shall apply where currently existing or as amended.
 - (2) *Construction equipment and activity.* Operating or causing to be operated any equipment or performing any outside activity in furtherance of construction, repair, alteration or demolition work on buildings, structures, roads, or projects within the city except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturday, excluding all legal, state, and nationally recognized holidays. The city manager or authorized designee may allow construction equipment and activity outside of this timeframe on a case by case basis when it is determined to be in the best interest of the City. The city manager may impose conditions that limit any negative impacts to the surrounding properties.

Sec. 34-38. - Exceptions.

- (a) The following noise and sounds are exempt from this article:
- (1) Noise and sounds caused by or related to emergency vehicles, equipment, and personnel during emergencies, which shall be deemed to include all work made necessary by an emergency to restore property to a safe condition, all work made



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necessary by an emergency to restore public utility service and all work made necessary by an emergency to protect persons or property from imminent injury, death, or substantial harm.

- (2) Noise and sounds produced by city, county, state, and federal government vehicles, equipment and personnel during the pursuit of official duties of the respective governments, including but not limited to public works construction and maintenance, authorized safety signals, warning devices and emergency testing.
- (3) Noise and sounds produced by public utility vehicles, equipment and personnel during the pursuit of the public duty of such public utility.
- (4) Noise and sounds produced by activities or events approved by the city council where the person responsible for such activities or events obtains the city council's approval after such person clearly and expressly has advised the city council that the noise or sounds associated with the activities or events would be in violation of this article but for this exemption.
- (5) Railway locomotives and railway cars.
- (6) Aircraft and airport activity conducted in accordance with federal laws and regulations.
- (7) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 or other provisions of the Florida Uniform Traffic Control Law that regulate noise and sounds originating from within public or private right-of-way where currently existing or as amended.
- (8) Organized athletic contests.
- (9) Noise and sounds produced from churches between the hours of 7:00 a.m. and 10:00 p.m.
- (10) Community events, such as fairs, school activities, community festivals and the like which do not extend their activities beyond 11:00 p.m. or commence before 7:00 a.m. Any community activity which extends beyond 11:00 p.m. or commences before 7:00 a.m. and would otherwise violate this article must apply for and receive prior approval from the city.
- (11) Noise and sounds produced by an electrical generator during a time period in which regular electrical utility service is temporarily unavailable to the property upon which the generator is located.
- (12) Noise and sound associated with uses or activities for which a variance has been obtained from the city approving such noises and sounds contrary to the restrictions of this article.



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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT
ORDINANCE No. 2018-1

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 122 ZONING, SECTION 122-313 GENERAL REQUIREMENTS; CHAPTER 86 ADMINISTRATION, ARTICLE IV VARIANCES; CHAPTER 34 ENVIRONMENT, ARTICLE II NOISE, SECTION 34-35 PROHIBITED ACTS, SECTION 34-38 EXCEPTIONS PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

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The Land Development Code of the City of Clermont Code of Ordinances is hereby amended to read as follows (underlined indicates added and strikethrough indicates deletion):

Sec. 122-313. - General requirements.

The following general requirements and special regulations shall apply to all planned unit developments:

- (1) *Minimum area.* No site shall qualify for a planned unit development unless the development consists of a contiguous area of at least one acre or more, except in the Downtown Mixed Use Future Land Use Category, which has no minimum area.
- (2) *Unified control.* All land included for purposes of development within a planned unit development shall be owned or under control of the petitioner for such zoning designation, whether that petitioner is an individual, partnership or corporation, or group



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of individuals, partnerships or corporations. The petitioner shall present firm evidence of the unified control of the entire area within the proposed planned unit development and shall state agreement that, if he proceeds with the proposed development, he shall:

- a. Do so in accord with the officially approved final master land use plan of the development, and such other conditions or modifications as may be attached to the special regulations.
 - b. Provide agreements, covenants, contracts, deed restrictions, improvements or sureties acceptable to the city council for completion of the undertaking in accordance with the formally approved final master land use plan, as well as for the continuing operation and maintenance of such areas, functions, facilities and improvements as are not to be provided, operated and maintained at general public expense.
 - c. Bind all development successors in title to any commitments made under subsections (2)a. and (2)b. of this section.
- (3) *Development approval.* Formal approval of all planned unit developments shall be granted according to comprehensive and detailed plans satisfactory to the city council. Such approval shall be contingent upon specific evaluation of project concept, uses, density or intensity, location, and recreation and open space areas. Items required for such analysis and approval may include but are not limited to:
- a. Plans detailing streets, utilities, lot or building sites, setbacks, impervious surface ratio, landscaping and the like for the overall project; and site plans, floor plans and elevations for all buildings as intended to be located, constructed or used, as related to each other, and detailed for other uses and improvements on the land as related to the buildings and structures.
 - b. A program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the planned unit development, but will not be provided, operated or maintained at general public expense.
 - c. Pertinent research studies, analysis or calculations that satisfactorily identify infrastructure impacts and indicate means for concurrency with warranted improvements.

Chapter 86 Administration, Article IV Variances.

Sec. 86-171. - ~~Permitted variances; exclusions.~~ Purpose and general provisions, definitions

The purpose of this Section is to provide for relief from certain requirements of the land development regulations when the strict administration of such regulations prevent an important need and the reasonable use of the property for which a variance is sought. In so doing, the following rules apply:

- (1) Use variances are not permitted.



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(2) All variances run with the land.

(3) All variance requests to the requirements of the Florida Americans with Disabilities Accessibility Implementation Act must be preceded through the procedures required under such act.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Practical difficulty means use of all or a portion of the property at issue cannot occur with reasonable physical accommodation that is economically reasonable.

Unnecessary hardship means a practical difficulty which exists due to an unintended effect of the land development regulation.

Use variance means an exception to the uses permitted in a particular zoning district by right, special exception or conditional use.

~~(a) *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 or structure 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.~~

(Code 1998, § 86-171; Ord. No. 281-C, § 1(ch. 8, § 1), 11-8-1994)



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Sec. 86-172. - ~~Application.~~ Submittal requirements for application

Application for variance shall be filed with the city on the designated form ~~made on the appropriate forms provided by the department of planning and zoning~~, and shall be accompanied by the appropriate fee as established by resolution of the city council and on file in the city clerk's office. Application for a variance shall be filed ~~in the office of the director of planning~~ on or before the date established for such submission as adopted by resolution of the city council. The following shall be submitted for variance; ~~information shall be provided~~:

- (1) Completion of the appropriate forms; ~~Proof of ownership, or notarized authorization of the owner if represented by an agent or contract purchaser.~~
- (2) Site Plan ~~Legal description of the property.~~
- (3) Reasons identifying why a variance is warranted. (Note: The burden of proof is the obligation of the applicant. Justification for compliance with the criteria for a variance must be fully documented and proven by the applicant. Each variance must stand on it's own merits. Past variance approvals will not be grounds for approval of future variances.); and Plot plan or schematic drawing of the property involved, showing the location of existing buildings or structures and the location of proposed buildings or structures, which specifically delineates and illustrates the extent of the variance request.
- (4) Payment of the requisite application fee. ~~A written statement which explains the conditions and circumstances of the alleged hardship and the necessity of the action. The written statement shall clearly justify the granting of relief from requirements of the land development code and satisfactorily address the review criteria of this article.~~

(Code 1998, § 86-172; Ord. No. 281-C, § 1(ch. 8, § 2(A)), 11-8-1994; Ord. No. 291-C, § II, 2-23-1999)

Sec. 86-173. - Notice of public hearing.

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- (1) The city shall send notice of the proposed variance to the owners of all adjoining properties to the subject property. Such notice shall include the date, time and place of the public hearing before the board of zoning adjustment, along with a clear and concise description of the proposed variance. For the purposes of such notification, adjoining properties shall include those properties within 150 feet of the subject property even when separated from the subject property by a road, canal, easement, right-of-way or similar barrier.
- (2) Notice of public hearing shall be published in a newspaper of general circulation within the city no less than five days prior to the date set for the hearing, and the matter shall be entered on the agenda of the next regular meeting of the board of zoning adjustment if the meeting is five or more days forthcoming. The applicant



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shall be responsible for the cost of advertising and it shall be paid no later than 24 hours prior to the scheduled hearing date. Failure to pay this cost will delay the hearing and the applicant may occur additional advertising costs.

- (3) After an application has been filed, the applicant shall post the subject property with signage as provided by or as directed by the city. The sign or signs shall be erected on each street side of said land or where the sign or signs would be in the most conspicuous place to the passing public as determined by the administrative official or his designated representative.

(Code 1998, § 86-173; Ord. No. 281-C, § 1(ch. 8, § 2(B)), 11-8-1994; Ord. No. 306-C, § 2, 3-27-2001)

Sec. 86-174. - Review criteria and findings.

A variance may be granted from the land development regulations if the board concludes that literal enforcement of the provisions of the land development regulations would result in either practical difficulty (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue. In order for a variance to be granted, the board must also find that, by granting the variance, the remaining regulations will protect the public safety and welfare of the city and if it finds that:

- (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 were denied.

~~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) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;~~



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- ~~(2) — The condition giving rise to the requested variance has not been created by any person presently having an interest in the property;~~
- ~~(3) — Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code, and would work unnecessary and undue hardship on the applicant;~~
- ~~(4) — The variance request is not based exclusively upon a desire to reduce the cost of developing the site or otherwise economically founded;~~
- ~~(5) — The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;~~
- ~~(6) — Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same zoning district;~~
- ~~(7) — The proposed variance will not substantially diminish property value in, or alter the essential character of, the area surrounding the site; and~~
- ~~(8) — The granting of the variance will be in harmony with the general intent and purpose of this land development code, and will not be injurious to the surrounding properties or detrimental to the public welfare.~~

(Code 1998, § 86-174; Ord. No. 281-C, § 1(ch. 8, § 2(C)), 11-8-1994)

Sec. 86-175 – Review of variance applications

Under this Section, applications for variances shall be:

- (1) Reviewed by the Administrative Official. A report reviewing the circumstances surrounding the application with a recommended action shall be produced and shared with the applicant in advance of the Board of Zoning Adjustment public hearing; and
- (2) Approved, denied, or approved with conditions by the city council after one public hearing.

Sec. 86-175 176. - Time limit for commencing construction.

When any variance is granted, construction of the structure or other variance item must begin within one year ~~two years~~ 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.

(Code 1998, § 86-175; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994; Ord. No. 294-C, § 2, 9-28-1999; Ord. No. 2010-05-C, § 2, 3-23-2010)

Sec. 86-176 177. - Transfer.



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A variance in the zoning regulations may be transferred along with the transfer of the property ownership, but only for the specific use and approved plan originally granted.

(Code 1998, § 86-176; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994)

Sec. 86-177 178. - Reapplication after denial.

Variance requests which have been denied may not be resubmitted for a period of one year.

(Code 1998, § 86-177; Ord. No. 281-C, § 1(ch. 8, § 2(D)), 11-8-1994)

Secs. 86-178 179—86-200. - Reserved.

Chapter 34 Environment, Article II Noise

Sec. 34-35. - Prohibited acts.

- (a) It shall be unlawful for any person to produce, cause to be produced, allow to be produced or project, by any means, any sound or noise across a property line in such manner as to create a sound level which exceeds the limits set forth for the receiving land use listed in section 34-36 when measured at or within the property line of the receiving property. For any activity or use of land or buildings not expressly listed in the zoning districts in the city, the city council, upon notice to the owner or occupant of the property producing sound, may determine the category of use under this article for which the activity or use is to be considered. Notwithstanding the foregoing, the existence of a noise which relates to the receiving land use listed in section 34-40 may be determined by the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents pursuant to section 34-40(a)(1).
- (b) Notwithstanding any violation of subsection (a) above, the following specific uses, activities and circumstances are declared to be in violation of this article:
 - (1) *Radios, television sets, exterior loudspeakers, musical instruments, and similar devices.* Operating or permitting the use or operation of any radio receiving set, exterior loudspeaker, amplified sound equipment, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound in such a manner as to create a noise across the boundary of the property, including, without limitation, public and private rights-of-way from which the noise originates. In addition to the preceding, radios, cassette players, disk players and similar devices associated with motor vehicles or motorboats, shall not be operated or amplified in such a manner as to be felt or clearly heard at 25 feet or more from such device, when operated or parked on a public or private right-of-way or public or private space. In determining whether such devices may be clearly heard, the city's law enforcement officers, code enforcement officers, code inspectors, and/or their agents must utilize their normal auditory senses without any enhancements or hearing aids. Particular words or phrases or the name of any song or artist are not required to be identified. The detection of a rhythmic bass reverberating sound shall be sufficient to determine if

CITY OF CLERMONT
ORDINANCE No. 2018-1

a violation has occurred. To the extent that the Florida Uniform Traffic Control Law provisions regulate noise originating from within public or private rights-of-way, those provisions shall apply where currently existing or as amended.

- (2) *Construction equipment and activity.* Operating or causing to be operated any equipment or performing any outside activity in furtherance of construction, repair, alteration or demolition work on buildings, structures, roads, or projects within the city except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturday, excluding all legal, state, and nationally recognized holidays. ~~A variance may be obtained as set forth in this article from the city for such construction or repair work outside of such hours.~~ The city manager or authorized designee may allow construction equipment and activity outside of this timeframe on a case by case basis when it is determined to be in the best interest of the City. The city manager may impose conditions that limit any negative impacts to the surrounding properties.

Sec. 34-38. - Exceptions.

- (a) The following noise and sounds are exempt from this article:

- (1) Noise and sounds caused by or related to emergency vehicles, equipment, and personnel during emergencies, which shall be deemed to include all work made necessary by an emergency to restore property to a safe condition, all work made necessary by an emergency to restore public utility service and all work made necessary by an emergency to protect persons or property from imminent injury, death, or substantial harm.
- (2) Noise and sounds produced by city, county, state, and federal government vehicles, equipment and personnel during the pursuit of official duties of the respective governments, including but not limited to public works construction and maintenance, authorized safety signals, warning devices and emergency testing.
- (3) Noise and sounds produced by public utility vehicles, equipment and personnel during the pursuit of the public duty of such public utility.
- (4) Noise and sounds produced by activities or events approved by the city council where the person responsible for such activities or events obtains the city council's approval after such person clearly and expressly has advised the city council that the noise or sounds associated with the activities or events would be in violation of this article but for this exemption.
- ~~(5) Noise and sounds produced between the hours of 7:00 a.m. and 9:00 p.m. by the mowing of grass; the operation of other yard maintenance equipment; the construction of properly permitted buildings, structures and other improvements; and the operation of farm equipment during farming activities.~~
- (65) Railway locomotives and railway cars.
- (76) Aircraft and airport activity conducted in accordance with federal laws and regulations.

CITY OF CLERMONT
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- (87) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 or other provisions of the Florida Uniform Traffic Control Law that regulate noise and sounds originating from within public or private right-of-way where currently existing or as amended.
- (98) Organized athletic contests.
- (109) Noise and sounds produced from churches between the hours of 7:00 a.m. and 10:00 p.m.
- (110) Community events, such as fairs, school activities, community festivals and the like which do not extend their activities beyond 11:00 p.m. or commence before 7:00 a.m. Any community activity which extends beyond 11:00 p.m. or commences before 7:00 a.m. and would otherwise violate this article must apply for and receive prior approval from the city.
- (121) Noise and sounds produced by an electrical generator during a time period in which regular electrical utility service is temporarily unavailable to the property upon which the generator is located.
- (1312) Noise and sound associated with uses or activities for which a variance has been obtained from the city approving such noises and sounds contrary to the restrictions of this article.

CITY OF CLERMONT
ORDINANCE No. 2018-1

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Wednesday, January 3, 2018		
Agenda Item Name		
Resolution No. 2018-01 <i>Sod Depot Conditional Use Permit</i>		
Requested Action		
Recommend approval of Resolution No. 2018-01.		
Staff Report		
The applicant, is requesting a conditional use permit to allow outdoor sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district. The Land Development Code, Section 122-263 (c) requires uses to be enclosed; outdoor storage; all manufacturing and commercial uses must be conducted within a completely enclosed building, except for outdoor storage, which must be completely screened from any public street and adjacent properties. The applicant is requesting to operate a distribution facility for sales and outside storage of Sod and Landscape Materials. The existing building will be used as the office and garage without any major renovations. Concrete bins will be constructed to store landscape materials like mulch and stone. The site shall be developed in substantial accordance with the conceptual plan prepared by McCoy and Associates. Staff has reviewed the 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 to allow outdoor sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district with the conditions contained in Resolution No. 2018-01.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution No. 2018-01	CUP RES 2018-01.pdf	
2. Location Map	Sod Depot Location Map.pdf	
3. Site Plan	Site Plan.pdf	
4. Application	CUP Application.pdf	
5. Legal Ad	CUP SOD DEPOT LEGAL AD.pdf	

**CITY OF CLERMONT
RESOLUTION NO. 2018-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW OUTSIDE SALES AND
STORAGE OF SOD AND LANDSCAPE MATERIALS IN THE M-1
INDUSTRIAL ZONING DISTRICT**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held January 3, 2018 recommended approval of this Conditional Use Permit to allow outside sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district, at the following location:

LOCATION:
1033 Hook Street, Clermont, FL
Alternate Key #2665858 and 2665840

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

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

This application for a Conditional Use Permit to allow outside sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district, be granted subject to the following conditions:

CONDITIONAL USE PERMIT CONDITIONS:

Section 1 - General Conditions

1. The conditions as set forth in this Conditional Use Permit shall be legally binding upon any heirs, assigns and successors in title or interest.
2. No expansion of the use or additions to the facility shall be permitted except as approved by another Conditional Use Permit.
3. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the project without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and those of other appropriate jurisdictional entities.
4. The structure shall be inspected by the Fire Inspector for life safety requirements and all requirements must be met prior to any Certificate of Occupancy being issued.

CITY OF CLERMONT
RESOLUTION NO. 2018-01

5. The structure shall be inspected by the Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.
6. The final Certificate of Occupancy shall not be issued until each of the stated conditions has been met and all impact fees have been paid per City standards.
7. If any of the stated conditions are violated, the applicant understands and agrees that the City Council may revoke this Conditional Use Permit by resolution.
8. The Conditional Use Permit must be executed and filed in the office of the City Clerk within 90 days of its date of grant by the City Council or the Permit shall become null and void.
9. The applicant shall record in the Public Records of Lake County within 90 days of its date of approval by the City Council, a short-form version of this Conditional Use Permit as provided by the City or a form acceptable to the City, to provide notice to all interested parties, the assigns, successors and heirs of the developer/applicant and all future owners of the above-referenced property that the real property described above is subject to the terms and conditions of the Conditional Use Permit.
10. No business can occupy any portion of the building(s) after construction and final Certificate of Occupancy, unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Development Services Department.
11. The property shall be developed in substantial accordance with the Conceptual Site Plan prepared by McCoy & Associates, dated November, 2017. Any new development on the subject property must be submitted for site plan review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual site plans submitted with the Conditional Use Permit application are not the approved construction plans.
12. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date of this Conditional Use Permit is executed and signed by the permittee. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements ultimately finalized at completion.

Section 2 – Land Use

1. This Conditional Use permit is to allow outside sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district.
2. The site may also be used for any permitted use in the M-1 Industrial zoning district.
3. The site shall be developed according to the City of Clermont Land Development Codes and all building must meet the City of Clermont Architectural Standards.

CITY OF CLERMONT
RESOLUTION NO. 2018-01

4. All outside storage of sod and landscape materials shall be completely screened from public view and adjacent properties with an opaque at planting landscape buffers. A minimum 20 feet wide landscape buffers shall be required adjacent to any arterial or collector roads. Any fencing shall be ornamental metal or decorative PVC/vinyl.
5. Interior lighting on the site shall be directed downward into the site and shall not spill over onto adjacent properties.
6. All landscaping, drainage/water retention and site plan approved conditions must be maintained in perpetuity for the site.

CITY OF CLERMONT
RESOLUTION NO. 2018-01

DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
FILING INSTRUCTIONS
Page 2**

In addition to the attached application, the applicant shall provide the follow information:

1. Proof of ownership, i.e. tax receipt, deed, or Lake County Property record card.
2. A complete legal description and survey of the subject property.
3. A preliminary site plan clearly depicting the proposed project, showing the location and dimensions of the site, topographic features including floodplains and wetlands, all existing and proposed structures, architectural elevations (all sides), signs, driveways, parking areas and landscaping, etc. Maximum size for plans is 11" x 17" (two full size copies for detail as needed, depending on type of CUP)
4. One PDF copy of the Site Plan on disk, as directed by City staff. This will depend if the project borders a Lake County right-of-way.
5. Plans for the provision of services and infrastructure, and if required, traffic studies, Transportation Proportionate Fair Share information, or School Concurrency information.
6. Landscape plans in conformance with Chapter 118 of the Code. (see #3 above)
7. Original signature application

APPLICATION FEE: \$845.00, plus the cost of the advertisement

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



**CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
FILING INSTRUCTIONS**

1. Prior to submitting an application, a meeting with the Development Services Director is required. Call 394-4083 to schedule a meeting.
2. After meeting with the Planning Manager, the applicant shall prepare and submit 6 sets of preliminary site plans for review by the Site Review Committee (SRC) (if required). The preliminary site plan shall clearly depict the proposed project, showing the location and dimensions of the site, topographic features including floodplains and wetlands, all existing and proposed structures, architectural elevations (all sides), signs, driveways, parking areas and landscaping, etc.
3. After the preliminary site plans are reviewed by the Site Review Committee (SRC), a list of review comments will be forwarded to the applicant. The applicant will then revise the preliminary site plan, addressing the comments from the SRC. The revised plans must be approved by the SRC prior to submitting the CUP application.
4. Upon preliminary site plan approval, the applicant will submit a complete CUP application, including the revised preliminary site plan. The revised preliminary site plan is for purposes of the conditional use permit only, and is not an approved site plan for construction.*
5. Complete CUP applications that are submitted to and accepted by the Development Services Director on or before the 1st of the month will be scheduled for public hearings the following month. Public hearings are scheduled for the 1st and 4th Tuesdays of the following month for the Planning & Zoning Commission and the City Council respectively.
6. Your presence at the Public Hearings is strongly recommended. Staff will present the application, but it is the applicant's responsibility to make a case for their request.

** The site plan submitted with the CUP application is not the final site plan approved for construction. After the CUP is approved by the Council, site plans and the site review application shall be submitted to the Site Review Committee for review and approval, pursuant to Chapter 86 of the City of Clermont's Land Development Regulations. Construction can commence only after the final site plans have been approved and a zoning clearance has been issued.*



**CONDITIONAL USE PERMIT (CUP)
APPLICATION**

DATE: November 30, 2017

FEE: \$845
+ cost of advertisement

PROJECT NAME (if applicable): Sod Depot of Clermont

APPLICANT: JHL Landscape Supply, LLC

CONTACT PERSON: Luis Silva, AMBR

Address: 1127 Coastal Circle

City: Ocoee State: FL Zip: 34761

Phone: Fax:

E-Mail: soddepotorlando@gmail.com

OWNER: Green, Alan J.

Address: 21385 County Road 455

City: Clermont State: FL Zip: 34715

Phone: 407-412-8266 Fax:

Address of Subject Property: 1033 Hook Street, Clermont, FL 34711

General Location: Southeast corner U.S. Highway 27 & Hooks Street, Clermont, FL

Legal Description (include copy of survey): See Attached

Land Use (City verification required): Commercial

Zoning (City verification required): M-1



CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

Page 2

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

The property is located on the southeast corner of Hooks St. and the eastbound exit for northbound US Hwy 27. We are requesting to operate a distribution facility for sod and landscape materials. The existing building will be used as the office and garage without major renovations. Concrete bins will be constructed to contain landscape materials like mulches and stone. If business is good, a second building could be constructed next to the existing building in the future for expansion purposes.

Luis Silva

Applicant Name (print)

x 

Applicant Name (signature)

Alan Green

Owner Name (print)

x 

Owner Name (signature)

******* NOTICE *******

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

City of Clermont
Development Services Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL. 34712-021 9
(352) 394-4083 Fax: (352) 394-3542

Daily Commercial

Advertising Receipt

The Daily Commercial
PO Box 490007
Leesburg, FL 34749-0007
Phone: (352) 365-8200
Fax: (352) 365-1951

CITY OF CLERMONT
Carlie Zinker
P.O. BOX 120219
CLERMONT, FL 34712

Account Number: 7101866
Order Number: 10071518
Phone: (352) 241-7331
Date: 12/13/17
Ad Taker: liana.rickman

Ad Classification: LEGAL NOTICES

Description	Start	End	Total
LEGAL NOTICE Notice is hereby given that the City of Clermont will consider a i	12/28/2017	01/16/2018	\$156.00

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow outside sales and storage of Sod and Landscape Materials in the M-1 Industrial zoning district.

LOCATION

1033 Hook Street, Clermont, FL
Alternate Key #2665858 and
2665840

A complete legal description may be obtained in the Development Services Department located at 685 W. Montrose Street, Clermont, FL 34711.

This request will be considered by the Planning & Zoning Commission on Wednesday, January 3, 2018 at 6:30pm.

A public meeting to consider the request will be held before the City Council on Tuesday, January 23, 2018 at 6:30pm.

All meetings will be held in City Hall located at 685 West Montrose Street.

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.

Tracy Ackroyd Howe, MMC
City Clerk

Ad No: 10071518
December 28, 2017 &
January 16, 2018

Payment Info	
Ad Price	\$156.00
Tax	\$0.00
Sub Total	\$156.00
Prepaid Amount	\$0.00
Balance Due	\$156.00



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Meeting Date		
Wednesday, January 3, 2018		
Agenda Item Name		
Ordinance 2018-2 Comprehensive Plan Text Change		
Requested Action		
Recommend approval of Ordinance 2018-2.		
Staff Report		
This request is staff initiated to add a policy to the Commercial Land Use Category in the City's Comprehensive Plan. Recently, the City has processed two residential storage facility requests, the Huber self-storage project and the Citrus Tower self-storage project. Both of the projects have the Industrial Future Land Use category with C-2 General Commercial zoning along with a conditional use permit. Staff believes that the Industrial future land use is not the most appropriate land use for this type of use. Staff believes the residential self-storage use is more compatible within the Commercial Future Land Use and the uses associated within the C-2 General Commercial zoning designation. Unfortunately, the Commercial Future Land Use only allows a floor area ratio (FAR) up to 0.25 (25%). This proposes a challenge with residential self-storage facilities since a majority of the site is buildings with very little required parking. Therefore, the sites are assigned an Industrial Future Land Use, which allows a floor area ratio up to 1.0, to allow the project to be in compliance with the comprehensive plan. The proposed addition of the policy below will allow residential self-storage facilities in the Commercial future land use. This type of use will still require C-2 General Commercial zoning along with a conditional use permit and is only applicable to residential storage facilities. Policy 1.9.5: Residential storage facilities shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 1.0 FAR. This shall not include the storage of manufacturing or commercial products. Staff recommends approval of Ordinance 2018-2.		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Ordinance 2018-2	2018-2 Residential storage facilities Policy 1.9.5 addition.doc	
2. Legal Ad	Self Storage Comp Plan Ad.doc	
3. Self Storage FLU Amendment	Self Storage FLU amendment language.docx	



CITY OF CLERMONT
ORDINANCE No. 2018-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CLERMONT, FLORIDA, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES BY ADOPTING TEXT CHANGES TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO AMEND THE COMMERCIAL LAND USE CATEGORY TO ALLOW FLOOR AREA RATIO (FAR) OF 1.0 FOR RESIDENTIAL SELF STORAGE FACILITIES; SETTING FORTH THE AUTHORITY FOR ADOPTION OF THE COMPREHENSIVE PLAN AMENDMENTS; SETTING FORTH THE PURPOSE AND INTENT OF THE COMPREHENSIVE PLAN AMENDMENTS; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on August 13, 1991, in accordance with the Local Government Planning and Land Development Regulations Act of 1985, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Comprehensive Plan of the City of Clermont may be amended pursuant to Florida Statutes 163.3187; and

WHEREAS, the Planning and Zoning Commission, acting as the Local Planning Agency, held a public hearing January 3, 2018 and made recommendations to the City Council for amendments to the plan; and

WHEREAS, the City Council of the City of Clermont held public hearings January 9, 2018 and January 23, 2018 on the proposed amendments to the plan in light of written comments, proposals and objections from the general public;

NOW, THEREFORE, BE IT ORDAINED and enacted by the City Council of the City of Clermont, Florida that:

Section 1.

After public hearings held by the City of Clermont Local Planning Agency and the Clermont City Council, the Future Land Use Element is hereby amended with the addition of Policy 1.9.5 under Objective 1.9: Commercial Land Use Category, as shown below.

Policy 1.9.5: Residential storage facilities shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 1.0 FAR. This shall not include the storage of manufacturing or commercial products.



CITY OF CLERMONT
ORDINANCE No. 2018-2

Section 2.

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

Section 3.

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

Section 4.

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



CITY OF CLERMONT
ORDINANCE No. 2018-2

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 23rd day of January, 2018.

CITY OF CLERMONT

Gail L. Ash, Mayor

ATTEST:

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2018-2

The City of Clermont will hold public hearings on Wednesday, January 3, 2018 at 6:30 pm before the Planning and Zoning Commission and on Tuesday, January 23, 2018 (final hearing) at 6:30 pm before the City Council to consider proposed changes to the Future Land Use Element of the City's adopted comprehensive plan.

Ordinance #2018-2:

An ordinance of the City Council of the City of Clermont, Lake County, Florida, amending the Comprehensive Plan for the City of Clermont, Florida, pursuant to the local government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes by adopting a text change to the Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan; setting forth the authority for adoption of the Comprehensive Plan Amendments; setting forth the purpose and intent of the Comprehensive Plan Amendments; establishing the legal status of the Comprehensive Plan Amendments; providing for severability, conflict and an effective date.

The public hearings will be in the Council chambers of City Hall, 685 W. Montrose St., and are open to public comment. Please call (352) 394-4083 Ext. 7598 if you have any questions.

The proposed amendment may be inspected at the City's Development Services Department (first floor, City Hall) between 8am and 5pm. Monday-Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearing will need a record of the proceedings and may need to ensure a verbatim record is made. Persons with disabilities who need assistance should contact the City Clerk's office, (352) 241-7331, at least 48 hours prior to the public hearing.

Tracy Ackroyd Howe, MCC
Clermont City Clerk

Daily Commercial
December 24, 2017 & January 9, 2018

Objective 1.9: Commercial Land Use Category. The commercial category is established to assure availability of sufficient office and commercial sites to serve the needs of the existing and projected population. In addition to office and commercial uses, residential uses are allowed, preferably as mixed-use, high-density developments, as well as supportive accessory uses, churches and schools as conditional uses, minor public utilities (i.e., telephone switching stations, lift stations, drainage infrastructure, and similar facilities), parks and open space, municipal facilities and other civic and cultural uses subject to standards and performance criteria set forth in this plan and in the land development regulations.

Policy 1.9.1: The commercial land use category shall accommodate activities such as general retail sales and services, professional and business offices, personal services and limited residential use. Based on current land use trends, the City estimates that the mix of uses will be 90 percent office and commercial uses and 10 percent residential, public facilities/institutional and recreation uses.

Policy 1.9.2: The maximum intensity of commercial development shall be limited to 0.25 FAR. Residential development shall be limited to 12 units per acre; however, densities higher than eight units per acre shall require a conditional use permit or a Planned Unit Development (PUD) zoning.

Policy 1.9.3: Hotels and hospitals shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 3.0 FAR.

Policy 1.9.4: Nursing homes, assisted living facilities and independent living facilities shall be permitted in the commercial land use category as a PUD consistent with land development regulations and may have a maximum intensity of 3.0 FAR.

Policy 1.9.5: Residential storage facilities shall be allowed as a conditional use within the commercial land use category and shall be limited to a maximum intensity of 1.0 FAR. This shall not include the storage of manufacturing or commercial products.