

CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
7:00 PM, Tuesday, May 6, 2014
City Hall – 685 W. Montrose Street, Clermont, FL

CALL TO ORDER
INVOCATION AND PLEDGE OF ALLEGIANCE

MINUTES

MINUTES of the Planning and Zoning Commission meeting held March 4, 2014 were approved.

REPORTS

Planning & Zoning Director, Chairman, Commission Members

NEW BUSINESS

- | | |
|---|---|
| Item 1 - Resolution 2014-12;
TD Weaponry Conditional Use Permit | Request to allow a gun range in the C-2
General Commercial zoning district
located west of US Highway 27, south of
Twistee Treat, and north of Desoto
Street. |
| Item 2 - Ordinance No. 2014-12
Robbins Small Scale Comprehensive Plan
Amendment | Request to amend the future land use for
the Robbins property from Office to
Commercial located at the southeast
corner of Highway 50 and Fourth Street. |
| Item 3 - Ordinance No. 2014-13
Capital Improvements Element | Request for an amendment to the Capital
Improvements Element. |
| Item 4 - Ordinance No. 2014-14
Tree Code Amendment | Request to amend Sections 118-36, 118-
41, and 118-71 of the tree code
requirements. |
| Item 5 - Ordinance 2014-15
CBD Code Amendment | To amend Sections 122-243 and 122-244
of the Land Development
Code allow restaurants (4,000 square feet
or smaller) to be a permitted use within
the CBD zoning district. |

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 Planning and Zoning Department at 352-241-7302.

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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.

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The meeting of the Planning & Zoning Commission was called to order Tuesday March 4, 2014 at 7:00 p.m. by Chairman Nick Jones. Other members present were Herb Smith, Harry Mason, and Thomas Spencer. Also in attendance were Barbara Hollerand, Planning and Zoning Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held February 4, 2014 were approved as written.

REPORTS

Chairman Nick Jones stated that Pig on the Pond is this weekend.

1. REQUEST FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT NAME: Citrus Tower Apartments and Office
APPLICANT: Ridge Professional Group

2. REQUEST FOR REZONING

DEVELOPMENT NAME: Citrus Tower Apartments and Office
APPLICANT: Ridge Professional Group

3. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Citrus Tower Apartments and Office
APPLICANT: Ridge Professional Group

Senior Planner John Kruse presented the staff report for items 1, 2, and 3 as follows:

The applicant and owner, Daljit and Satinder Gill, are requesting a future land use amendment to change from Lake County Regional Office to the City's Residential/Office Land Use category. The 8.53-acre parcel is located along the west side of Citrus Tower Boulevard, halfway between Steve's Road to the south and Hooks Street to the north. The City of Clermont owns property directly to the north that was purchased for the new police station. The City also has a half acre site that partially adjoins the applicant's property to the south. The additional property owner to the south is Lost Lake Reserve LC and the property is currently vacant. To its west is Wilma Lake in unincorporated Lake County along with existing storm water retention basins used for existing developments in the area. This future land use application is being submitted along with requests for annexation, rezoning to the R-3 Residential/Professional zoning classification, a conditional use permit to allow an apartment community that has a higher density than 8 units per acre (applicant is requesting 12 units per acre), street right-of way/easement closing petition

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for an unused easement, and a variance for grading and filling of the site that exceeds the 10 feet requirement. As defined in the City's comprehensive plan, Policy 1.7.1 allows the following: Residential/Office. The residential/office category is intended to provide for a mixture of predominantly residential uses, while allowing for professional offices that are consistent with the general character of the adjacent residential uses. Based on current land use trends, the City estimates that the mix of uses in the residential/office category will be 65 percent residential and 35 percent non-residential. The maximum intensity for office development shall be 0.25 FAR. The FAR shall not be applied to the residential portion of a mixed-use development.

The applicant and owner, Daljit and Satinder Gill, are also requesting a rezoning change from Urban Estate ("RA" Ranchette District in the County) to R-3 Residential/Professional zoning designation upon approval of annexation into the City of Clermont. A small scale-comprehensive plan amendment change to Residential/Office is also requested. The current zoning in the area along with the future land use designations would allow the R-3 Residential/Professional zoning designation

The Citrus Tower Apartments and Professional Office project is a proposed multi-family development consisting of 92 apartments and outparcel used for professional office. The apartments will consist of four 2 and 3 story buildings arranged so that the parking is not adjacent to Citrus Tower Boulevard and is located between the four apartment buildings. The total land area of the project is 8.53 +/- acres. Of this, the apartment complex will consist of 7.7 +/- acres. With the proposed 92 apartment units on the 7.7 +/- acres, this provides for a total density of 12 units per acre. The remaining 1.0 +/- acre will be developed for professional office use. The conditional use permit request is based upon the development proposal consisting of multi-family apartments having 12 or more units and professional office uses in the R-3 zoning district. Sec. 122-184 (a) of the Land Development Code requires a conditional use permit for these uses in the R-3 zoning district.

The applicant has indicated the proposed project will provide a transition between the higher intensity commercial, non-residential uses to the north and the single family residential subdivision to the south. The multi-family project with limited professional office use and appropriate buffering would provide a step down of intensities. The site has city utilities adjoining the property. The major challenge in developing the site is severe topography changes, with significant fall from northeast to southwest of over 100 feet in relief (225' to 123'). The applicant proposes to overcome this relief change through grading, slopes, and walls that meet city standards. However, the applicant will be seeking a variance request for grading and filling of the site since existing elevation changes will exceed ten feet in developing the site.

Staff feels this use is consistent with the uses in the area and recommends approval of the proposed small scale comprehensive plan amendment, rezoning, and conditional use permit requests.

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Dave Carter, 137 5th St. NW, Winter Haven, stated that he is representing Mr. Gill. He stated that there is a significant slope on the site, however they have presented a site plan to staff that shows a step down grading. He stated that parking will be in the center of the site. He stated that they have completed a traffic study showing the peak trips.

Commissioner Harry Mason asked if there has been any sinkhole activity on the property.

Mr. Carter stated that he does not know of any sinkhole activity on this site. He stated that they will be required to do geotechnical borings to make sure the surface is suitable.

Chairman Nick Jones asked what the height of the retaining walls will be on the property.

Mr. Carter stated that the way they have designed the site there will be six foot retaining walls, but there will be areas where the fill may exceed the 10 foot fill for the six foot walls.

Diane Castro, 2454 Linkwood Ave., stated that she knows they said the applicant has done the traffic study; however, Beazer Homes will be building 109 homes off of Steve's Road. She stated that Steve's Road is only two lanes and she would like for the Commission to take that into consideration.

Chairman Nick Jones asked if there were any plans to widen or improve Steve's Road.

Planning Manager Curt Henschel stated that there are plans to improve the road near the Beazer Homes property; however, he does not know that the improvements will continue all the way to Citrus Tower Boulevard.

Mary Jo Pfeiffer, 789 W. Montrose St., asked about the impact of the schools in the area.

Mr. Carter stated that they have contacted the school board about the process, and they will have to meet concurrency on the school system.

Commissioner Herb Smith asked if the zoning for the assisted living facility was the same, and are they allowed 12 units per acre as the request for Citrus Tower Apartments.

Mr. Henschel stated that Crane's View Lodge has its own conditional use permit and being they are an assisted living facility, their density is much higher than 12 units per acre. He stated that to the south, the Lost Lake Reserve Apartments are right at 12 units per acre.

Josephine Keller, 2458 Linkwood Ave., stated that Real Life Christian Center is adding to their property along with the Beazer Homes which will be adding a lot more traffic to the area.

Commissioner Herb Smith stated that he feels there are too many apartments on the acreage.

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Chairman Nick Jones asked what the mix was of one, two, and three bedroom units and how many parking spaces.

Mr. Kruse stated that there are 24 three bedroom units, 68 two bedroom units, and there are 196 parking spaces.

Commissioner Harry Mason asked if there was only one entrance to the property.

Mr. Kruse stated that there are two entrances to the property.

Commissioner Thomas Spencer moved to recommend approval of the small-scale comprehensive plan amendment; seconded by Commissioner Harry Mason. The vote was 3-1 to recommend approval for the small-scale comprehensive plan amendment to City Council, with Commissioner Herb Smith opposing.

Commissioner Harry Mason moved to recommend approval of the rezoning to not exceed 10 units per acre; seconded by Commissioner Herb Smith. The vote was 3-1 to recommend approval for the rezoning to City Council, with Commissioner Thomas Spencer opposing.

Commissioner Harry Mason moved to recommend approval of the conditional use permit to not exceed 10 units per acre; seconded by Commissioner Herb Smith. The vote was 3-1 to recommend approval for the conditional use permit to City Council, with Commissioner Thomas Spencer opposing.

4. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Kingdom Revelation Ministries

APPLICANT: Kingdom Revelation Ministries

Planning Manager Curt Henschel presented the staff report as follows:

The applicant is requesting a Conditional Use Permit to establish a house of worship in the C-2 zoning district. The applicant/church proposes to occupy a 28,000 square foot office/retail building available at 290 Citrus Tower Blvd. The church plans to utilize the upper floor for administrative offices, a nursery for kids during services, and for smaller assemblies on Wednesday evenings and Sundays. The first floor will be used for assemblies/gatherings (approx. 7,000 square feet), and will also retain the existing 7,400 square feet for general retail and commercial sales.

Chris Dutruch, 1585 Kennesaw Dr., stated that the use of this building is to operate offices during the week and small assemblies on Wednesday evenings. He stated that their Sunday congregation will continue to meet at the Celebration of Praise location until they can do

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something different in the future. He stated that the Citrus Tower Boulevard location will probably only be utilized Monday through Saturday. He stated that this property has been vacant for a while, and it will fit what they need for the next few years.

Commissioner Thomas Spencer stated that he is a member of the church and is also involved in this ministry; however, he does not have any financial gain of the project.

Commissioner Harry Mason asked what are the “other associated ministries” that are mentioned in the staff report.

Mr. Dutruch stated that if there were smaller congregations that would like to meet at the Citrus Tower Boulevard location on Sundays, they would like to be able to accommodate them.

Commissioner Thomas Spencer moved to recommend approval of the conditional use permit; seconded by Commissioner Herb Smith. The vote was unanimous to recommend approval for the conditional use permit to City Council.

5. REQUEST FOR CONDITIONAL USE PERMIT

DEVELOPMENT NAME: Erika’s Tea Room & Gifts

APPLICANT: Leila Shanoff

Senior Planner John Kruse presented the staff report as follows:

The applicant, Leila Shanoff, is requesting a Conditional Use Permit to allow a restaurant and gift shop in the Central Business District. The applicant desires to operate an English style tea room and gift shop. The proposed location is an existing building located at 787 West Montrose Street. The building is a single story structure with an interior square footage of 1,925 square feet. The front portion of the building, approximately 20 percent, will be used for the gift shop, while the remaining areas will be used for food prep and patron use in the restaurant. The applicant estimates seating of up to 60 patrons. The hours of operation will be normal business hours of surrounding businesses, open daily. The applicant has indicated that no type of frying equipment will be used at the facility, with cooked food prep limited to the use of a stove/oven.

Under Sec. 122-243 of the Land Development Code, the Central Business District permits retail businesses. The gift shop would be permitted under this section of the code. Under Sec. 122-244(a)(11) of the LDC, restaurants are permitted in the Central Business District through a Conditional Use Permit. The restaurant aspect of this proposal has warranted the Conditional Use Permit request by the applicant. Section 122-247(b)(2), Off-street parking, states “existing nonresidential structures, no additional parking spaces shall be required for a change in use to another nonresidential use, provided the square footage remains the same.” The applicant is not changing square footage of the existing structure.

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The restaurant and gift shop are consistent with the area as a whole and would provide a business that is unique to the downtown area. The conditional use permit would provide the applicant an opportunity to redevelop this site into a more appropriate use, as permitted under the Central Business District and Downtown Mixed Use land use category, therefore, staff recommends approval of this request based upon the information presented.

Leila Shanoff, stated that she has been a business woman for 35 years in banking. She stated that she feels that Clermont would be a perfect location. She stated that tea rooms are unique and flourish in many small towns. She stated that she does everything herself, along with the help of her daughter Erika.

Mary Jo Pfeiffer, 789 W. Montrose St., stated that Erika's Tea Room will be next door to her existing business in downtown Clermont and she welcomes her.

Commissioner Harry Mason moved to recommend approval of the conditional use permit; seconded by Commissioner Thomas Spencer. The vote was unanimous to recommend approval for the conditional use permit to City Council.

There being no further business, the meeting was adjourned at 7:51 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Administrative Assistant

**AGENDA ITEM**

Council Meeting Date	
Tuesday, May 6, 2014	
Agenda Item Name	
Resolution 2014-12; TD Weaponry Conditional Use Permit	
Requested Action	
MOVE TO APPROVE Resolution No. 2014-12.	
Staff Report	
TD Weaponry Gun Store and Range CUP The applicant, Aaron Collins, is requesting to renew an expired CUP for an indoor gun range in the C-2 General Commercial zoning district. The gun range consists of 12 shooting stations and will also have a retail gun store. The gun range is not listed in the LDC as a permitted use and therefore would require a CUP. The gun store is considered retail and would not require a CUP. The overall square footage will be approximately 7,000 square feet. This project was previously approved by the City Council under Resolution No. 2010-26 (October 26, 2010) and amended by Resolution No. 2012-01 (January 10, 2012). The previous applicant, David Heck, did not start construction on the project within the two (2) year time frame, as indicated in item 10 under General Conditions of Resolution No. 2012-01. This resulted in the CUP becoming null and void. The two (2) year time frame expired on January 10, 2014. Mr. Heck passed away prior to starting the project, and the property has finally cleared probate. The new applicant is proposing no changes to the previously approved CUP. He is simply seeking a resetting of the two year time frame to complete the project. Staff has reviewed the CUP application and has not observed any changes from the originally approved CUP and Conceptual Site Plan. Based upon this, staff recommends approval.	
Legal Impact	
Additional Analysis	
Fiscal Impact Summary	

Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Resolution with Conditions	CUP RES 2014-12.doc	
2. CUP site plan	2014 CUP plans.pdf	
3. CUP Conceptual site plan	2014 CUP Conceptual Site Plan.pdf	
4. Site Map	TD Weaponry 2014 Map.pdf	
5. Application	2014 CUP Application.pdf	
6. Legal ad	2014-CUP legal ad P&Z5-6-14,CC5-27-14.doc	

**CITY OF CLERMONT
RESOLUTION NO. 2014-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CLERMONT, LAKE COUNTY, FLORIDA, GRANTING A
CONDITIONAL USE PERMIT TO ALLOW A GUN RANGE WITHIN
THE C-2 GENERAL COMMERCIAL ZONING DISTRICT.**

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held May 6, 2014 recommended for approval of this Conditional Use Permit to allow a gun range within the C-2 General Commercial Zoning District; at the following location:

LOCATION:

West of Highway 27, south of Twistee Treat and north of DeSoto Street
(Alternate Key 1620881)

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

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

This application for a Conditional Use Permit to allow a gun range within the C-2 General Commercial 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 further 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 final Certificate of Occupancy shall not be issued until each of the stated conditions has been met.
5. 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.

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RESOLUTION NO. 2014-12

6. 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.
7. This Conditional Use Permit shall be recorded by the City into the Public Records.
8. 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.
9. No business can occupy any portion of the building unless the proposed business has applied for and obtained a Local Business Tax Receipt from the Planning and Zoning Department.
10. This permit shall become null and void if substantial construction work has not begun within two (2) years of the date 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.
11. The owner shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees.
12. A slab survey shall be submitted after the form boards have been installed and before the concrete has been poured. This is to ensure the setbacks and location of the building will conform to the Land Development Regulations.
13. The structure shall be inspected by the Fire Marshall for life safety requirements. All requirements must be met prior to any Certificate of Occupancy being issued.
14. The structure shall be inspected by the City Building Inspector and all building code violations must be corrected prior to a Certificate of Occupancy being issued.

Section 2 – Land Use

1. The property is approved for C-2 General Commercial Zoning District permitted uses and may include a gun range as provided by the Conditional Use Permit conditions.
2. In the event that the noise levels create a nuisance to the surrounding property owners, the City reserves the right to require additional sound attenuated measures be installed. Any range noise must be inaudible from the adjacent properties.

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3. The property shall be developed in substantial accordance with the conceptual site plan as prepared by G L Summitt Engineering, Inc. Formal construction plans, incorporating all conditions stated in this permit shall be submitted for review and approved by the Site Review Committee prior to the issuance of a zoning clearance or other development permits. The conceptual Conditional Use Permit site plans submitted with the Conditional Use Permit application are not the approved construction plans.
4. Should this use cease operation for more than 180 days, a new Conditional Use Permit shall be required for the same or similar operation.
5. In the event that the gun range ceases operation, the range portion may only be used as storage/warehouse space for a permitted business unless a parking variance is applied for and granted. This is due to the actual range area not being calculated for parking.
6. Definitions for the type of firearms and uses at the gun range:
 - a. *Autoloader* shall be defined as: Any firearm that loads another bullet or cartridge from a magazine without the need to operate a bolt or other loading mechanism.
 - b. *Semi-automatic* firearm shall be defined as: Any autoloader firearm that fires only one shot at each pull of the trigger. Single fire and Semi-automatic weapons may be discharged on the gun range.
 - c. *Fully automatic* firearm shall be defined as: Any autoloader firearm that fires continual (two or more) shots when the trigger is pulled once. **No fully-automatic weapons shall be discharged, sold or housed at this facility at anytime.**

Section 3 - Transportation Improvements

1. DeSoto Street shall be constructed by the applicant in accordance with City codes to connect to the existing street and U.S. Highway 27 prior to issuance of the Certificate of Occupancy.
2. Sidewalks shall be required along all public road frontages in accordance with Florida Department of Transportation regulations and City Code.
3. A traffic study shall be required to address any connection to U.S. Highway 27 as needed per Code or policy. Florida Department of Transportation and City of Clermont shall determine if any deceleration turning lane off U.S. Highway 27 would be required for access to DeSoto Street. Installation shall be at the developer's cost.

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Section 4 - Architectural Design Standards

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

1. All fencing within public view shall be ornamental metal or brick, as approved by the City's Site Review Committee.
2. A security plan for the building must be submitted to the City for approval by the Police Department and staff, and may include items such as; but not limited to, security lighting or cameras.

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DONE AND RESOLVED by the City Council of the City of Clermont, Lake County, Florida, this 27th day of May, 2014.

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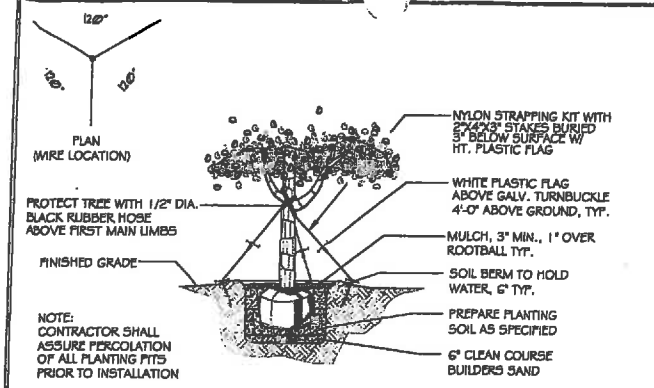
Harold S. Turville, Jr., Mayor

ATTEST:

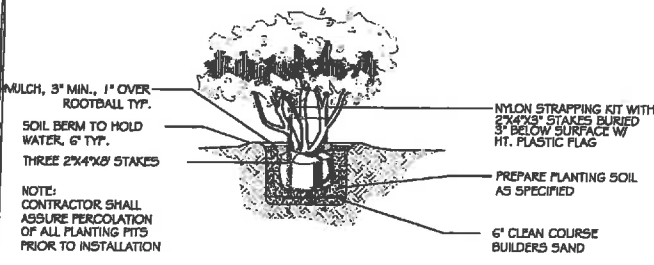
Tracy Ackroyd, City Clerk

Approved as to form and legality:

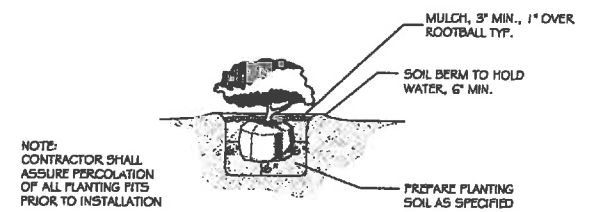
Daniel F. Mantzaris, City Attorney



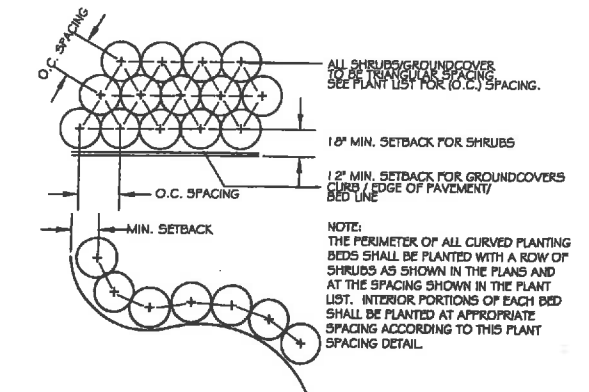
LARGE TREE DETAIL
Scale: N.T.S. 1/8"=1'-0"



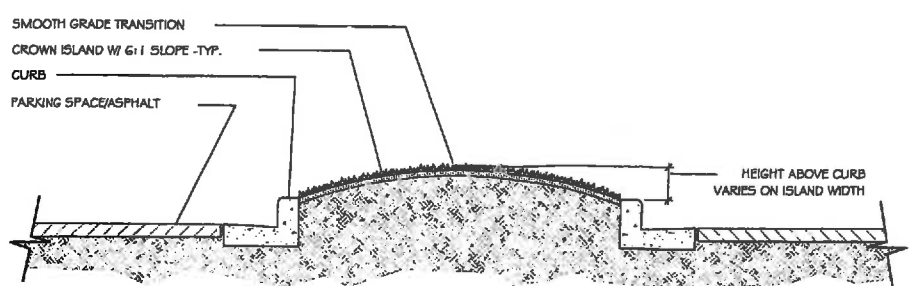
MULTI TRUNK TREE DETAIL
Scale: N.T.S. 1/8"=1'-0"



SHRUB DETAIL
Scale: N.T.S. 1/8"=1'-0"

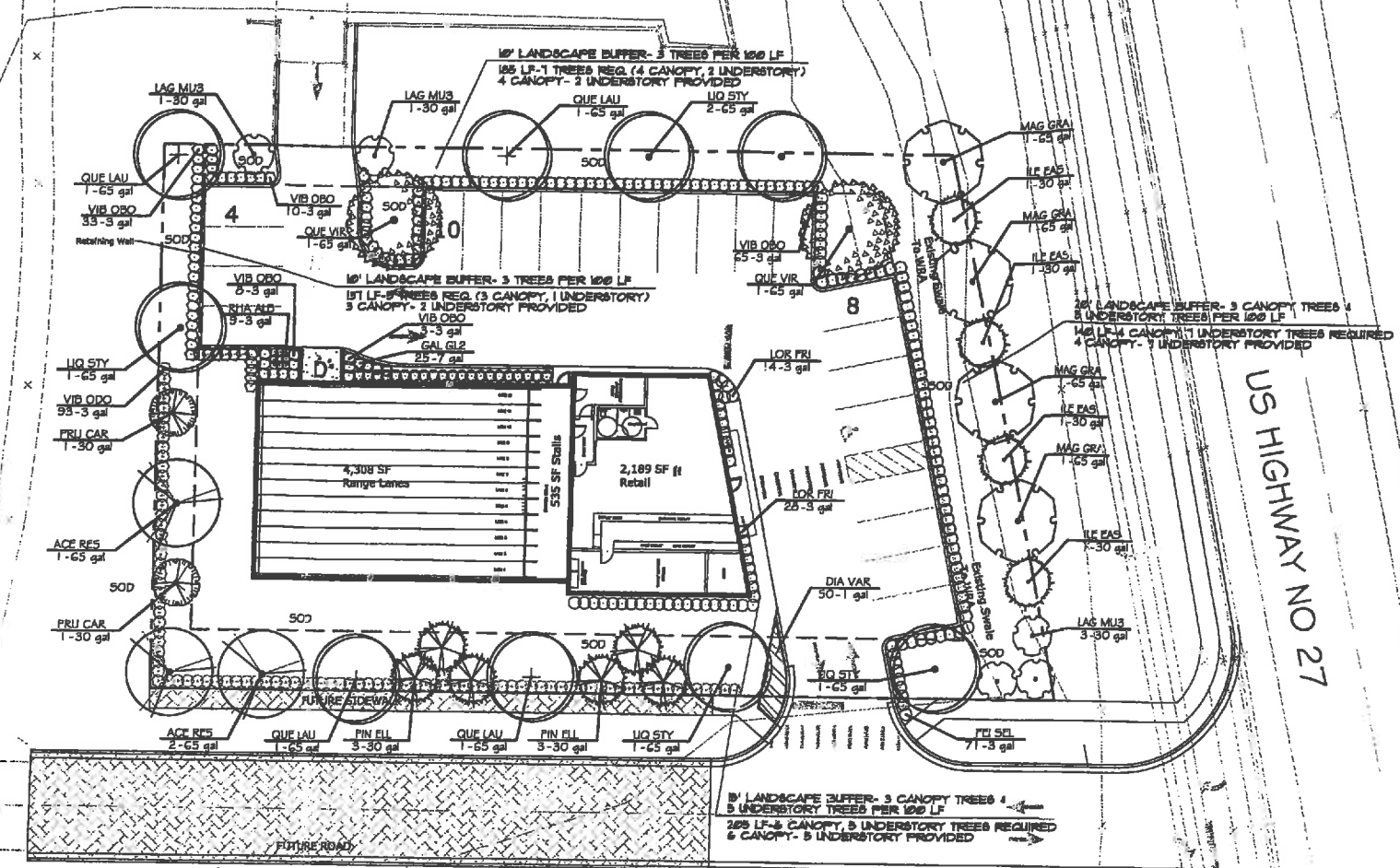


PLANT SPACING DETAIL
Scale: N.T.S. 1/8"=1'-0"



PARKING ISLAND FINISH GRADE DETAIL
Scale: N.T.S. 1/8"=1'-0"

NOTE: ALL TREES SHALL BE LOCATED NO CLOSER THAN 5' FROM UTILITIES.



PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL	COMMON	CONT	CAL	SIZE	REMARKS
ACE RES	3	Acer rubrum	Red Maple	65 gal	3" Cal	10'-12'	
LIQ STY	5	Liquidambar styraciflua	Sweet Gum	65 gal	3" Cal	12' HT.	4" C.T., 5" C.S.
EVERGREEN TREES	QTY	BOTANICAL	COMMON	CONT	CAL	SIZE	REMARKS
ILF PAS	4	Ilex attenuata 'East Palatka'	East Palatka Holly	30 gal	2" Cal	8'-10' H	
FIN ELL	6	Pinus elliotii 'Densa'	Slash Pine	30 gal	2" Cal	8'-10' H	
PRU CAR	2	Prunus caroliniana	Carolina Laurel Cherry	30 gal	2" Cal	8'-10' H	
QUE LAU	4	Quercus laurifolia	Laurel-leaved Oak	65 gal	3" Cal	10'-12'	
QUE VIR	2	Quercus virginiana	Southern Live Oak	65 gal	3" Cal	12' HT.	
FLOWERING TREES	QTY	BOTANICAL	COMMON	CONT	CAL	SIZE	REMARKS
LAG MUS	5	Lagerstroemia indica 'Muskogee'	Mult-Trunked Muskogee Crape Myrtle	30 gal	2.5" Cal	8'-10' H	3" C.T., 5" C.S.
MAG GRA	4	Magnolia grandiflora	Southern Magnolia	65 gal	3" Cal	12' HT.	
SHRUBS	QTY	BOTANICAL	COMMON	CONT	CAL	SIZE	REMARKS
FEI SEL	71	Feyoa sellowiana	Pineapple Guava	3 gal			30" H x 24"-30" spd., 30" O.C.
GAL GL2	25	Galphimia glauca	Thyris	7 gal			36"-42" H x 30"-36" spd.
LOR FRI	42	Loropetalum chinense rubrum 'Razzleberry'	Razzleberry Fringe Flower	3 gal			24"-30" H x 24"-30" spd., 30" O.C.
RHA ALB	9	Raphiolepis indica 'Alba'	White Indian Hawthorn	3 gal			18"-24" H x 18"-24" spd., 24" O.C.
VIB OBO	119	Viburnum obovatum	Walter's Viburnum	3 gal			30" H x 24"-30" spd., 30" O.C.
VIB ODO	83	Viburnum odoratissimum	Sweet Viburnum	3 gal			24" H x 18"-24" spd., 18" O.C.
GROUND COVERS	QTY	BOTANICAL	COMMON	CONT	CAL	SIZE	REMARKS
DIA VAR	50	Dianella tasmanica 'Variegata'	Flax Lily	1 gal @ 18" oc			12"-15" H, 5-6 spp, 18" O.C.
SOD & MISCELLANEOUS ITEMS							
MULCH							Min Fine Bark Nuggets
SOD							Paspalum notatum-Bahia Sod

LANDSCAPE NOTES:

- ALL PLANT MATERIAL SHALL BE FLORIDA GRADE NO. 1 OR BETTER AS SPECIFIED IN "GRADES AND STANDARDS FOR NURSERY PLANTS", PARTS 1 AND 2, BY DIVISION OF PLANT INDUSTRY, FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, AND SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS FOR NURSERY STOCK, LATEST EDITION.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF QUANTITIES THE PLANT LIST, IN THE EVENT OF A CONFLICT BETWEEN QUANTITIES ON THE PLANT LIST AND THE PLANS, THE PLANS SHALL CONTROL AND THE DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BID. ANY DEVIATION FROM THESE PLANS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE.
- CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE BUILDING CODES, ORDINANCES AND LOCAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS TO PERFORM THE WORK.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR INSPECTION OF EXISTING CONDITIONS AND PROMPTLY REPORTING ALL DISCREPANCIES AND IMPROPER CONDITIONS (WETNESS, MUCK, DEBRIS, ECT) TO LANDSCAPE ARCHITECT PRIOR TO BIDDING. CONTRACTOR IS RESPONSIBLE FOR SOIL ANALYSIS PRIOR TO INSTALLATION OF PLANTINGS, AND IS RESPONSIBLE FOR ALL SOIL AMENDMENTS TO CONFORM TO SPECIFICATIONS.
- ALL TREE MATERIAL SHALL BE CONTAINER GROWN UNLESS OTHERWISE SPECIFIED.
- THE LANDSCAPE CONTRACTOR SHALL ACQUAINT HIMSELF WITH ALL CIVIL DRAWING AS THEY RELATE TO PAVING SITE GRADING, AND ALL UTILITIES, (INCLUDING WATER, SEWER AND ELECTRICAL SUPPLY) TO PRECLUDE ANY MISUNDERSTANDING AND ENSURE TROUBLE FREE INSTALLATION. THE EXACT LOCATION OF ALL EXISTING STRUCTURES, UNDERGROUND UTILITIES, EXISTING UNDERGROUND SPRINKLERS AND PIPE MAY NOT BE INDICATED ON DRAWINGS. THE CONTRACTOR SHALL CONDUCT HIS WORK IN A MANNER TO PREVENT INTERRUPTION OR DAMAGE TO EXISTING SYSTEMS WHICH MUST REMAIN OPERATIONAL. THE CONTRACTOR SHALL PROTECT UTILITY SERVICES WHICH MUST REMAIN OPERATIONAL AND SHALL BE RESPONSIBLE FOR THERE REPLACEMENT IF DAMAGED BY HIM.
- ALL PLANTING BEDS SHALL RECEIVE A 3" LAYER (1" OVER ROOTBALL) OF MINI FINE BARK NUGGET MULCH.
- PROJECT WILL BE 100% IRRIGATED WITH HEAD TO HEAD COVERAGE. SYSTEM WILL BE EQUIPPED WITH AN AUTOMATIC RAIN CUT-OFF SWITCH.
- IN THE EVENT OF A CONFLICT BETWEEN QUANTITIES ON THE PLANT LIST AND THE PLANS, THE PLAN SHALL TAKE PRECEDENT.



Landscape Designs, LLC

■ Landscape Architects
■ Site Planning

4465 Gabriella Lane
Winter Park, FL 32792
PH: (407) 484-3414
FX: (407) 671-1604

PROJECT AND OWNER
TD WEAPONRY GUN RANGE
City of Clermont, Florida

TD WEAPONRY
18129 SR50 #108
Clermont, FL 34711
PH: (407) 858-8856

CONSULTANTS

LANDSCAPE ARCHITECT
CARL J. KELLY JR., RLA

REG.#: 0001764

PROJECT NO. DEN16.01
DESIGNED BY CJK
DRAWN BY CJK
CHECKED BY CJK
DATE 03/30/09

ISSUED FOR:
04/28/09-Site Changes
05/28/09-Site Changes

DRAWING SCALE



DRAWING TITLE

LANDSCAPE SITE PLAN

DRAWING NUMBER

LS-01

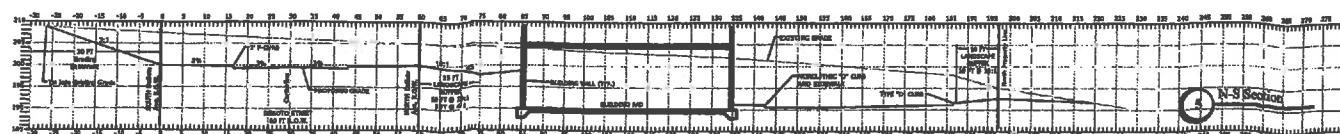
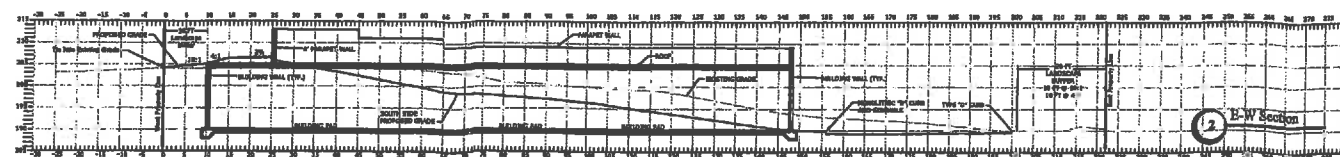
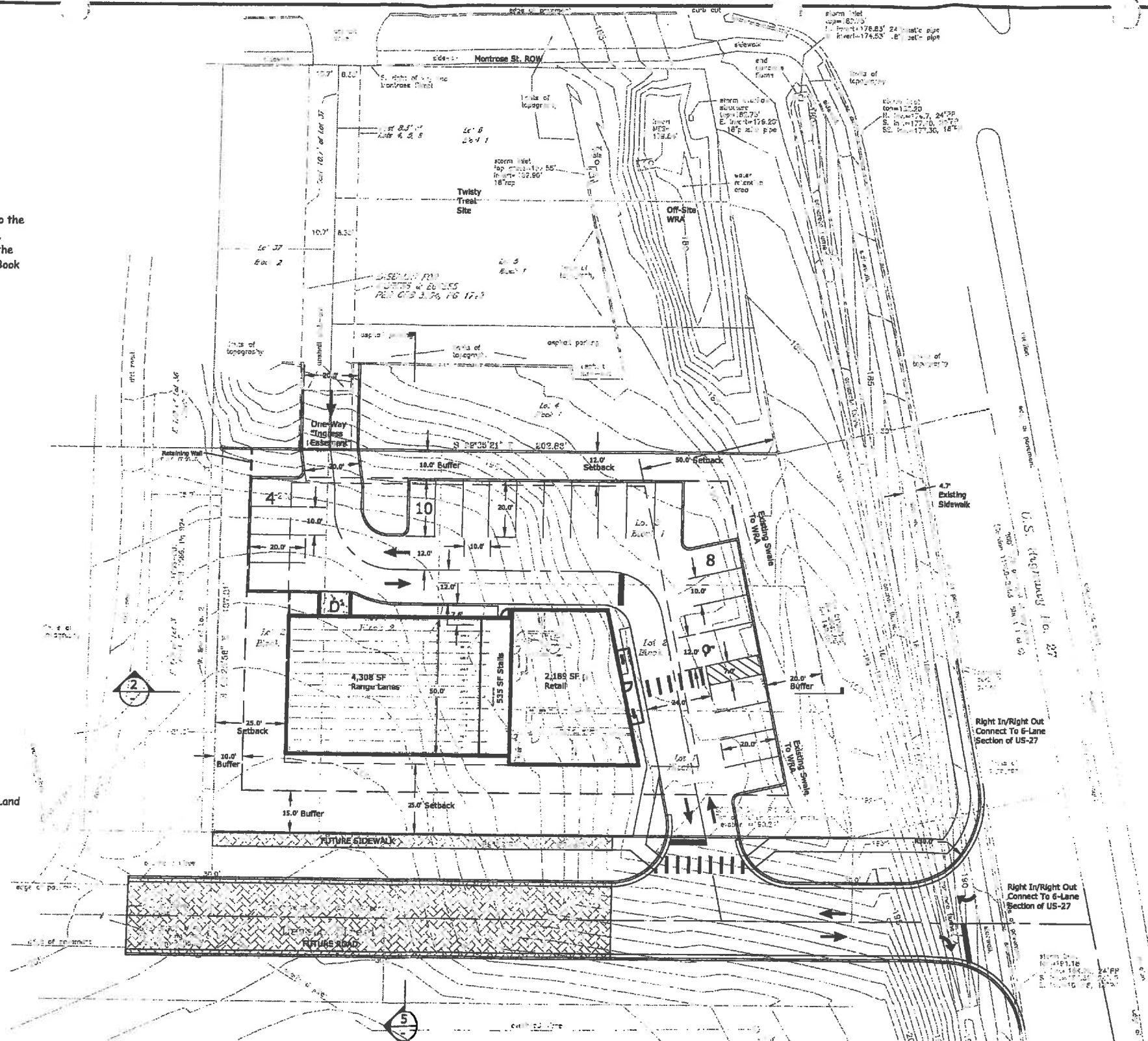
SITE DATA:

- PIN = 19-22-26-030000100100
- Alternate Key #1620881
- Site is located in Section 19, Township 22 South, Range 26 East, Lake County Florida
- Legal Description - Lot 1, 2, and 3, Block 1 and Lots 1 and 2, Block 2, Homedale, according to the map or plat thereof as recorded in Plat Book 11, Page(s) 26, Public Records of Lake County, Florida, LESS AND EXCEPT the from the above described lands that portion conveyed to the City of Clermont as described in the Quit Claim Deed recorded December 4, 1997 in O.R. Book 1566, Page 924, Public Records of Lake County, Florida.
- Owner: HECK DAVID J, 13206 VIA ROMA CIR
- CLERMONT, FL 34711
- Municipality = City of Clermont
- Total Area = 0.69 AC
- Upland Area = 0.69 AC
- Wetlands - there are no wetlands on site.
- Construction within 100 yr. flood plain is not proposed.
- Existing Future Land Use: Commercial
- Proposed Future Land Use: No Change Proposed
- Proposed Use: Gun Range & Retail
- Current Site Zoning: C-2 General Commercial District
- Proposed Site Zoning: No Change Proposed
- Max Impervious Area = 80%
- Maximum Building Height = 55'
- Building Setbacks:

Front yard:	50' (East from US-27)
Side St. (Existing):	25' (South from E DeSoto St)
Side Yard Interior:	12' (North)
Rear Yard (Existing):	25' (West)
- Landscape Buffers:

Front:	20' (East from US-27, Collector Road)
Side St.:	15' (South from E DeSoto St)
Side Yard Interior:	10' (North)
Rear Yard:	10' (West)
- Parking
 - Regular Spaces = 10 FT wide x 20 FT deep.
 - Compact Spaces = 9 FT wide x 17 FT deep.
 - Compact Spaces allowed = 0, since less than 25 spaces total.
 - Parking Required = 1 per 200 SF Retail Space x 2,728 SF = 14 Spaces
 - Parking Provided = 22 spaces.
- Building Type = 1 story
- Storm Water Facilities = existing off-site storm water pond at NE corner.
- Solid waste disposal services will be provided by City of Clermont.
- Water and Sewer will be provided by City of Clermont.
- Blue reflectors to be installed in streets adjacent to all fire hydrant as per City of Clermont Land Development Regulations
- All traffic markings shall be in accordance with City of Clermont and FDOT roadway specifications

Vicinity Map
1" = 1,000'



Ephesians 6:11-17

Denham Summitt Engineering, LLC
Clermont: 352-243-2575
Lake Mary: 407-323-0705
Brian.Denham@DenhamSummitt.com
Geo@DenhamSummitt.com

TD Weaponry
16129 SR50 #106
Clermont, FL 34711
Ph: (407) 656-8855
Fx:

TD Weaponry Gun Range
Clermont, FL

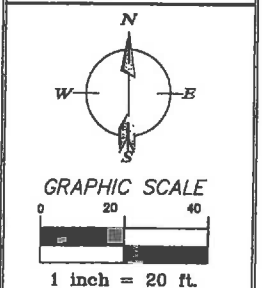
C.U.P. Plans

Dimension Plan

Revisions		
NO.	DATE	DESCRIPTION
1	03-19-09	Initial Issue
2	03-25-09	Clermont Submitted for Pre-App
3	03-27-09	No ROW Header
4	04-09-09	Building Reduction
5	04-20-09	SH Expanded-Horizon Request
6	05-09-09	Rev per Pre-CUP meeting
7		
8		
9		

Plans not valid unless Signed, Dated and Sealed below.

J. Brian Denham, P.E.
Date: _____
FL Registration #58008
Certificate of Authorization #27233



Sheet Number
1 of 1

SITE DATA:

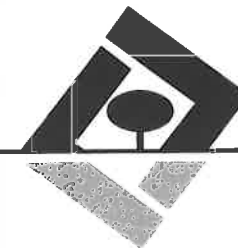
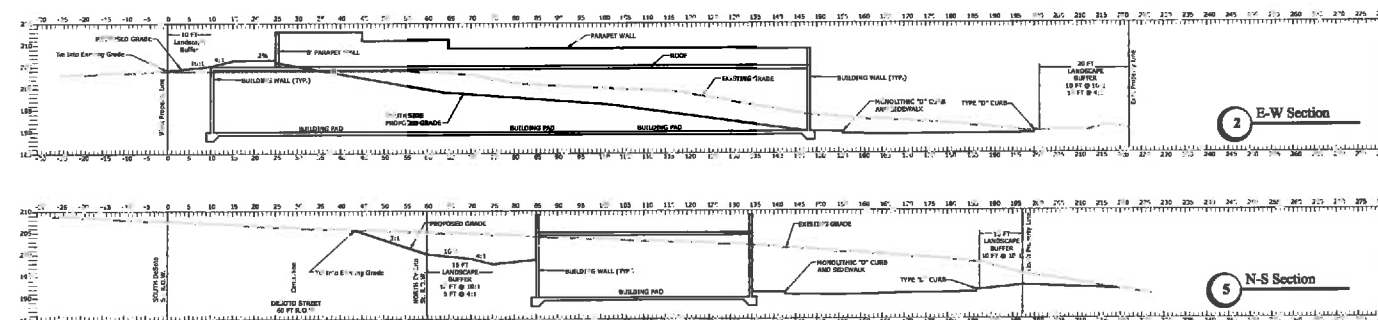
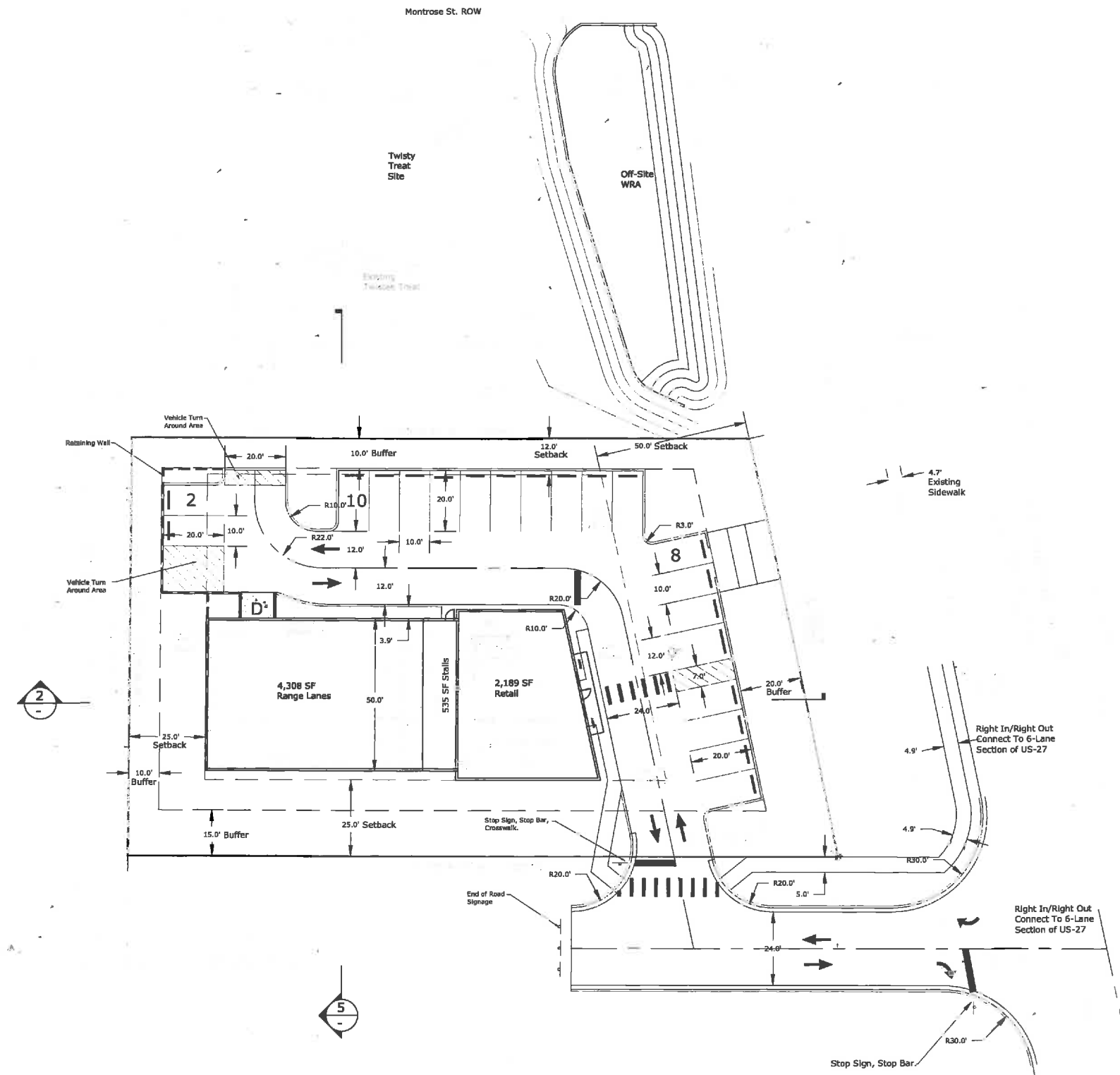
- PIN = 19-22-26-030000100100
- Alternate Key #1620881
- Site is located in Section 19, Township 22 South, Range 26 East, Lake County Florida
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- Proposed Use: Gun Range & Retail
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 - Front yard: 50' (East from US-27)
 - Side St. (Existing): 25' (South from E DeSoto St)
 - Side Yard Interior: 12' (North)
 - Rear Yard (Existing): 25' (West)
- Landscape Buffers:
 - Front: 20' (East from US-27, Collector Road)
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 - a. Regular Spaces = 10 FT wide x 20 FT deep.
 - b. Compact Spaces = 9 FT wide x 17 FT deep.
 - c. Compact Spaces allowed = 0, since less than 25 spaces total.
 - d. Parking Required = 1 per 200 SF Retail Space x 2,724 SF = 14 Spaces
 - e. Parking Provided = 20 spaces.
- Building Type = 1 story
- Storm Water Facilities = existing off-site storm water pond at NE corner.
- Solid waste disposal services will be provided by City of Clermont.
- Water and Sewer will be provided by City of Clermont.
- Blue reflectors to be installed in streets adjacent to all fire hydrant as per City of Clermont Land Development Regulations
- All traffic markings shall be in accordance with City of Clermont and FDOT roadway specifications

East Side

West Side

Building Section
Looking South

Vicinity Map
1" = 300'



G L SUMMITT
ENGINEERING INC
Office: Lake Mary
3667 Simonton Place
Lake Mary, Florida 32746
phone: 407-323-0705
fax: 407-992-8650
www.GLSeng.com

Black Label Shooting Sports, LLC
16215 S.R. 50
Suite 105
Clermont, FL 34711
(352) 409-2131

TD Weaponry
Gun Store & Range
City of Clermont, Florida

Conditional Use

Conceptual Site
Plan

Please not valid unless Signed,
Dated and Sealed below.

GEOFFREY L. SUMMITT, P.E.
Date: FL Registration #58775
Certificate of Authorization #29665

Revisions

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET NUMBER

10F 1

Exhibit – Map





CITY OF CLERMONT
CONDITIONAL USE PERMIT (CUP)
APPLICATION

DATE: April FEE: \$350.00

PROJECT NAME (if applicable): T.D. Weaponry Gun Range

APPLICANT: Aaron Collins

CONTACT PERSON: Aaron Collins

Address: 16215 STATE ROAD 50, STE 105

City: CLERMONT State: FL Zip: 34711

Phone: 352-978-2918 Fax: 888-881-0140

E-Mail: clermontcomputers@cfllr.com

OWNER: Mary Joann Farina

Address: 8906 Courtyard Lane

City: Groveland State: FL Zip: 34736

Phone: 228-297-5500 Fax: 888-881-0140

Address of Subject Property: no official address shown on Lake Co Property
Appraiser

General Location: 1 block south of the SW corner of W. Montrose
St. 44527

Legal Description (include copy of survey): Lot 1, 2 and 3, Block 1 and Lots 1 and 2, Block 2,
Homedale, according to the map or plat thereof as recorded in Plat Book 11,
Page(s) 26, Public Records of Lake County, Florida, LESS AND EXCEPT the described
in the Quit Claim Deed recorded December 4, 1997 in O.R. Book 1566 Page 924
Public Records of Lake County, Florida

Land Use (City verification required): Commercial

Zoning (City verification required): C-2 General Commercial

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 CUP is for a request to allow a gun range and gun store use within the C-2 General Commercial zoning district per: SEC. 122-224. Conditional uses
b) in case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval of the city council, are not more obnoxious to district than the uses provided in this section. All conditional uses must be provided per Chapter 86, article III, division 3.
We are requesting re-approval for this CUP due to the hardship of the previous owner's death and us recently acquiring the property.

Aaron Collins
Applicant Name (print)

x an cl
Applicant Name (signature)

Mary Joann Farina
Owner Name (print)

x Mary Joann Farina
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
Planning & Zoning Department
685 W. Montrose St.
P.O. Box 120219
Clermont, FL 34712-0219
(352) 394-4083 Fax: (352) 394-3542

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider a request for a Conditional Use Permit to allow a gun range in the C-2 General Commercial Zoning District at the following location:

LOCATION

West of US 27, south of Twistee Treat and North of Desoto Street

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

This request will be considered by the Planning & Zoning Commission on Tuesday, May 6, 2014 at 7:00pm.

A public meeting to consider the request will be held before the City Council on Tuesday, May 27, 2014 at 7:00pm.

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, MMC
City Clerk

Lake Sentinel
April 29, 2014 and May 20, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date			
Tuesday, May 6, 2014			
Agenda Item Name			
Ordinance No. 2014-12 Robbins Small Scale Comprehensive Plan Amendment			
Requested Action			
MOVE TO APPROVE Ordinance No. 2014-12			
Staff Report			
Robbins Small Scale Comprehensive Plan Amendment Staff recommends approval of Ordinance No. 2014-12, an administrative small-scale comprehensive plan amendment for the properties located southeast of 4th Street and SR 50. This amendment to the Future Land Use map of the City's comprehensive plan assigns a City future land use of Commercial. The City inadvertently changed the future land use of the property to Office when it rewrote its Comprehensive Plan in 2009. These properties, Alternate Key 1612349 & 1612365, were previously approved for a future land use change from Residential/Professional to Commercial in 2001 under Ordinance No. 427-M. If approved by the City Council, the small-scale comprehensive plan amendment will be submitted to the Florida Department of Economic Opportunity but will not be reviewed.			
Legal Impact			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Exhibit 1 - Ordinance	CPA ORD 2014-12 Robbins.doc	
2.	Exhibit 2 - Maps	Robbins SS Map Amendment.pdf	
3.	Legal Ad	CPA Robins legal ad 5-27-2014.doc	

CITY OF CLERMONT
ORDINANCE No. 2014-12

AN ORDINANCE OF THE CITY COUNCIL 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 A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Clermont was adopted by the City of Clermont on June 23, 2009, 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 Statute 163.3187; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Clermont have held public hearings on the proposed amendment to the plan in light of written comments, proposals and objections from the general public;

NOW THEREFORE, be it resolved and enacted by the City Council of the City of Clermont, Lake County, 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 Map of the Comprehensive Plan of the City of Clermont is hereby amended by changing the following described property as shown:

LEGAL DESCRIPTION

Lots 17, 19, and 20, Block 28, as shown on the
Official Map of the City of Clermont Plat Book 8, Page 17.

CHANGE IN FUTURE LAND USE CLASSIFICATION
From Office to Commercial

CITY OF CLERMONT
ORDINANCE No. 2014-12

Section 2.

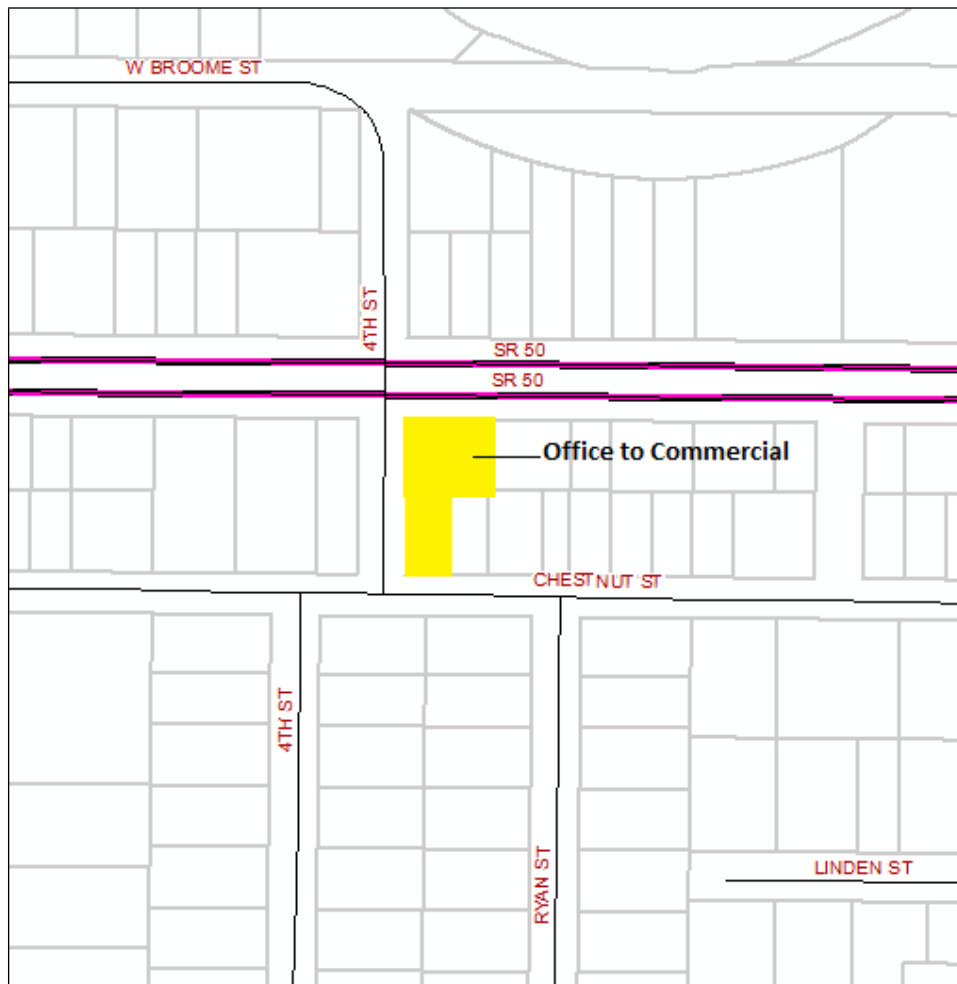
If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of 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. 2014-12

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida, this 27th day of May, 2014.

Harold S. Turville, Jr., Mayor

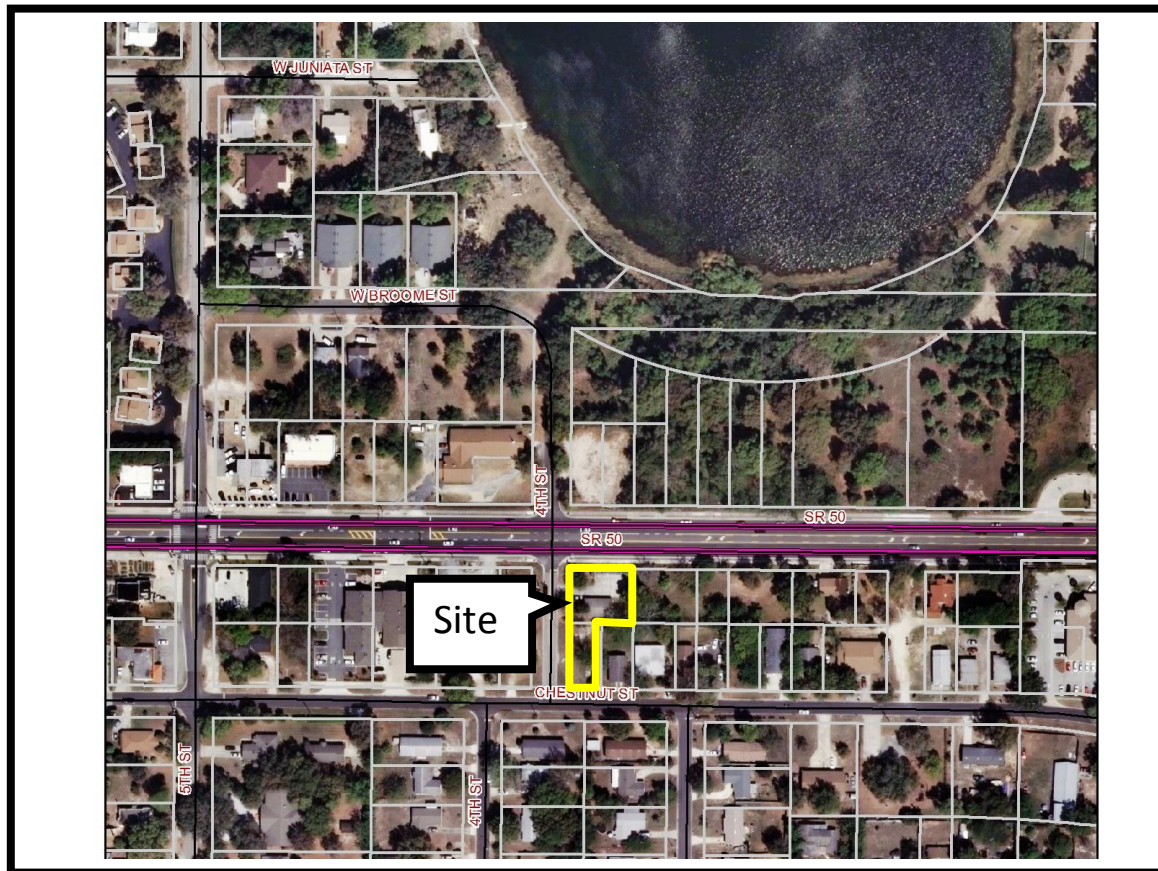
ATTEST:

Tracy Ackroyd, City Clerk

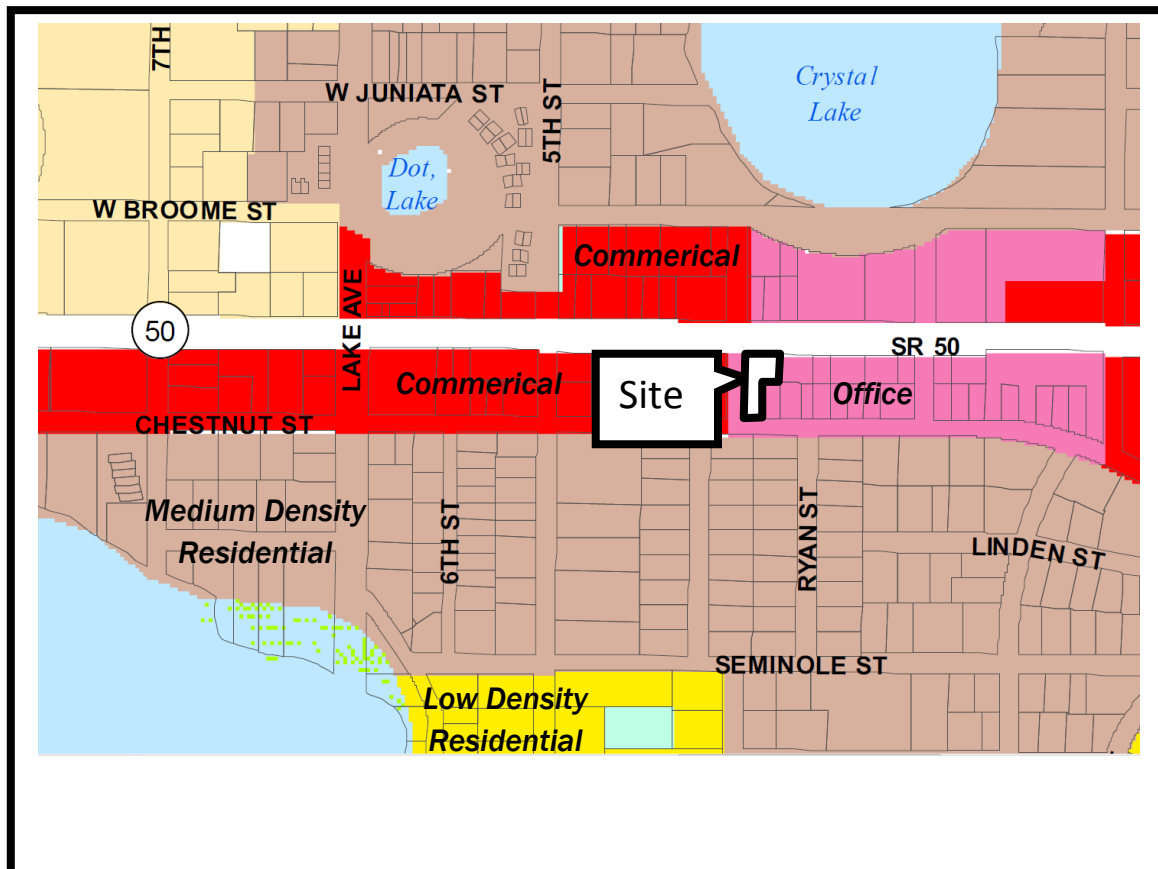
Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit 2 – Maps



Future Land Use



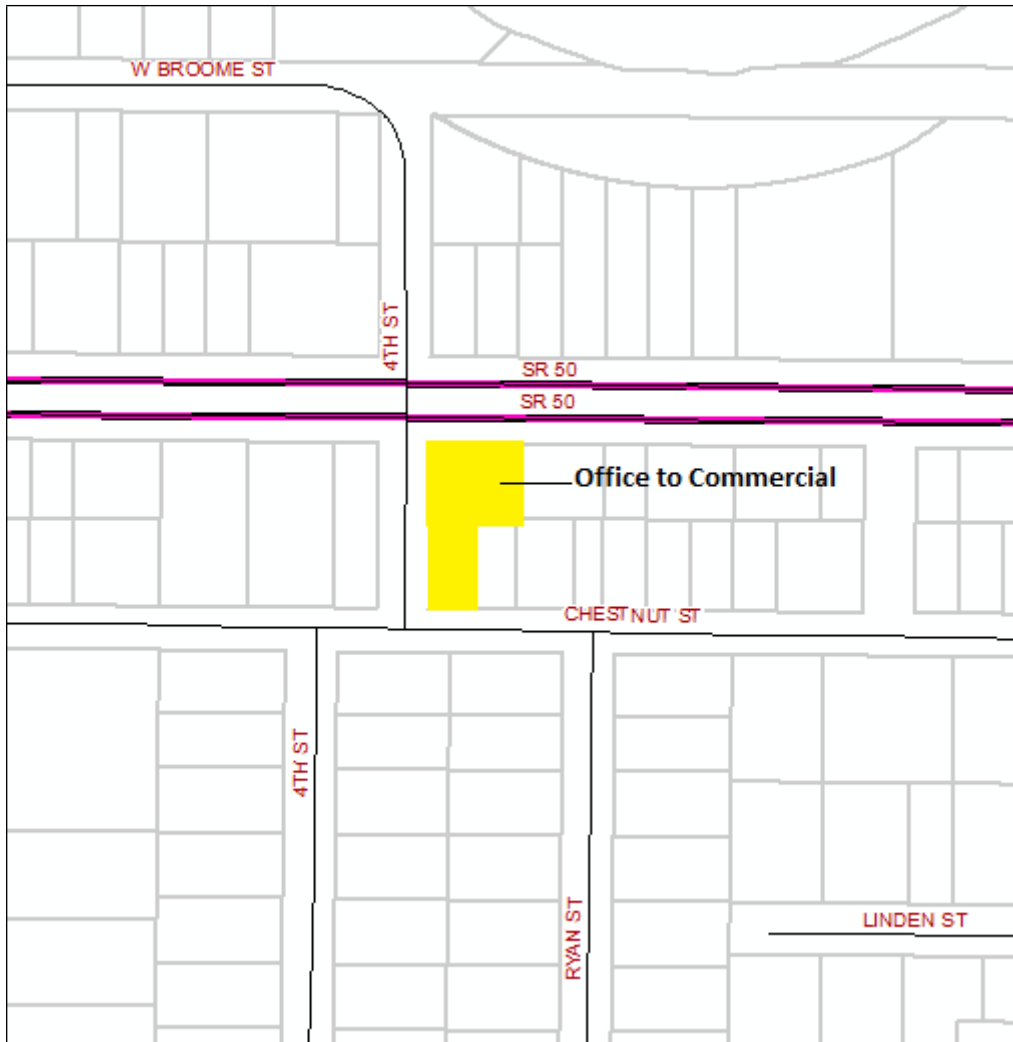
CITY OF CLERMONT

NOTICE OF PROPOSED LAND USE CHANGE

Small-Scale Comprehensive Plan Amendment

ORDINANCE NO. 2014-12

The City of Clermont will hold public hearings Tues., May 6, 2014 at 7 p.m. before the Planning and Zoning Commission and Tues., May 13, 2014 (1st reading of the adoption ordinance) and Tues., May 27, 2014 (final reading of the adoption ordinance) at 7 p.m. before the City Council to consider a proposed change to the City's Future Land Use Map. The proposed map amendment would change the Future Land Use designation from Office to Commercial.



*Location: South of S.R. 50 and east of 4th Street
(Ordinance 2014-12)*

An ordinance of the City of Clermont, 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 purpose and intent of the small-scale comprehensive plan amendment; establishing the legal status of the small-scale comprehensive plan amendment; providing a severability, conflict and an effective date.

The public hearings are in the Council chambers of City Hall, 685 W. Montrose Street, and are open to public comment. Please call (352) 241-7309 if you have any questions.

The proposed amendment may be inspected at the City's planning department (1st floor, City Hall) between 8 a.m. and 5 p.m. Monday-Friday.

Please be advised that under state law, any person deciding to appeal a decision made at the public hearings 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) 241-7330, at least 48 hours prior to the public hearings.

Daily Commercial
April 22, 2014 and May 13, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date			
Tuesday, May 6, 2014			
Agenda Item Name			
Ordinance No. 2014-13 Capital Improvements Element			
Requested Action			
MOVE TO APPROVE Ordinance No. 2014-13			
Staff Report			
Florida Statutes require annual updates to local governments' Capital Improvements Elements of their comprehensive plans. Enclosed is the supporting documentation for Ordinance No. 2014-13, adopting changes to the Capital Improvements Element of the comprehensive plan. Staff recommends <u>approval</u> of this request.			
Legal Impact			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1. Ordinance	2014-13 CIE Amendment.doc		
2. Exhibit A - CIE amendments	CIE 2014 with amendments.docx		
3. Legal ad	CIE Legal ad 5-2014, .doc		

CITY OF CLERMONT
ORDINANCE No. 2014-13

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 GOALS, OBJECTIVES AND POLICIES OF THE CAPITAL IMPROVEMENTS 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.

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 s. 163.3187; and

WHEREAS, the Planning and Zoning Commission, acting as the Local Planning Agency, held a public hearing May 6, 2014 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 May 13, 2014 and May 27, 2014 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 Capital Improvements Element is hereby amended as shown in Exhibit A.

CITY OF CLERMONT
ORDINANCE No. 2014-13

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. 2014-13

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 27th day of May, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney



CITY OF CLERMONT COMPREHENSIVE PLAN

CHAPTER XIII CAPITAL IMPROVEMENTS ELEMENT

Adopted June 23, 2009

Amended Nov. 24, 2009

Amended Jan. 11, 2011

Amended Jan. 24, 2012

Amended Feb. 26, 2013

Amended May 27, 2014

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CHAPTER XIII
CAPITAL IMPROVEMENTS

Goal 1: Through the use of sound fiscal policies and the adoption of a financially feasible Five-Year Schedule of Capital Improvements, the City shall ensure the timely and efficient provision of public facilities for all existing and future development.

Objective 1.1: Capital Facilities Needs. The Capital Improvements Element shall be updated annually to meet the City's existing and projected needs for the construction of capital facilities necessary to meet existing deficiencies, to accommodate desired future growth and to replace obsolete or worn-out facilities.

Policy 1.1.1: The implementation of the Capital Improvements Element shall be monitored annually during the City's budget process.

Policy 1.1.2: Capital improvements identified and proposed within each individual element of the comprehensive plan shall be consistent with those proposed in the Five-Year Schedule of Capital Improvements. Sources of revenue identified within the Capital Improvements Element shall provide direction in expenditures for capital improvements.

Policy 1.1.3: The City's debt service shall not exceed 20 percent of annually budgeted revenues.

Policy 1.1.4: The City shall reserve enterprise fund surpluses, unless otherwise indicated, for major capital expenditures.

Policy 1.1.5: Efforts shall be made to secure grants or private funds whenever available to implement the Capital Improvements Element.

Policy 1.1.6: The City shall continue to require collection and utilization of a proportion of impact fees under the auspices of Lake County, and to develop, adopt and implement City impact fees for the purpose of subsidizing the costs of public facility improvements.

Objective 1.2: Concurrency Management. The City shall implement the Concurrency Management System adopted in the City's Land Development Code, which is consistent with sections 163.3177 and 163.3180, F.S. and the minimum requirements for concurrency established in Rule 9J-5.0055 (3), F.A.C. (included as **Appendix A** of this element), to manage the land development process so that public facility needs created by previously issued development orders or future development do not exceed the City's ability to fund and provide needed capital improvements.

Policy 1.2.1: The concurrency evaluation system shall measure the potential impact of any development proposal on the established minimum acceptable level of service (LOS) standards for sanitary sewer, solid waste, stormwater, potable water, parks and recreation and transportation facilities, unless the development is exempt from the review requirements of the Concurrency Management System.

Policy 1.2.2: No development permit or order shall be issued unless adequate public facilities are available to serve the proposed development as determined by the concurrency evaluation in the adopted Concurrency Management System.

Policy 1.2.3: The City shall require all public and private capital facilities to provide service at the LOS standards adopted in this comprehensive plan for previously vested, existing and future permitted development. These capital facilities shall be provided concurrently with the impacts of development based on the minimum requirements in the City's adopted Concurrency Management System.

Policy 1.2.4: The City hereby adopts the following minimum level of service (LOS) standards, which must be retained in reviewing the impacts of new development and development on public facilities:

- The **LOS** standard for *Roadways* shall be as follows:
 - "C" for US 27/SR 25, which is a strategic intermodal system (SIS)
 - "D" for SR 50
 - "D" for all minor arterials and collectors
- The **LOS** standard for *Sanitary Sewer* is 70 gallons per capita per day at peak flow rate.
- The **LOS** standard for *Solid Waste* is 6.63 pounds per capita per day.
- The **LOS** standard for *Potable Water* is 185 gallons per capita per day.
- The **LOS** standard for *Recreation and Open Space* is 10 acres per 1,000 residents.
- The **LOS** standards for *Stormwater Management* facilities developed within the City are as follows:

Facility Type	Design Storm Frequency and Duration
Storm Sewers and Cross Drains	10 year/24-hour
Detention/ Retention Structures	50 year/24-hour
Retention with Percolation or Detention with Filtration	100-year/24 hour

- The level of service for *Public Schools* shall be set at 100 percent of Florida Inventory of School Houses (FISH) permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the LOS standard maintained at 100 percent of the school capacity. In no instance shall the school capacity increase more than 125 percent due to additional CORE (dining) capacity. Coordination with the Lake County School Board's Five-Year District Facilities Work Plan, the plans of other local governments, and as necessary, updates to the concurrency service area map is required to ensure that the adopted LOS standards for concurrency service areas will be achieved and maintained.

Policy 1.2.5: The City shall monitor the availability of public facilities and services through: 1) the maintenance of a cumulative record of the LOS allocations permitted by the approval of development orders relative to the operating LOS for the applicable public facilities and services for which LOS standards have been established; the maintenance of a

record of all applicable public facility and service capacities that have been reserved as a result of approved capacity reservation; and the preparation of an annual report concerning the status of all LOS and capacities.

Objective 1.3: New Development. The City shall ensure that new developments share a proportionate share of the costs required to maintain adopted LOS standards through the assessment of impact fees or developer contributions, dedications and/or construction of capital facilities necessary to serve new development as required in other elements of this plan.

Policy 1.3.1: New development shall be responsible for installing all internal water and sewer systems, traffic circulation systems and internal recreation/open space facilities within the development. In addition, connections of internal systems to the City's designated water and sewer systems and traffic circulation network shall be the financial responsibility of the developer.

Policy 1.3.2: All development order applications shall be evaluated as to the impact of the development on capital facilities and the operation and maintenance of those facilities. The evaluation shall include, but not be limited to, the following:

- Expected capital costs, including the installation of required new facilities that are related to the development.
- Expected operation and maintenance costs associated with the new facilities required by the development.
- Anticipated revenues from the development, including impact fees, user fees and future taxes.

Policy 1.3.3: The land development regulations shall continue to require land dedication, payment-in-lieu-of-dedication or other forms of impact exaction as a requirement of land development to secure easements for utility and traffic circulation systems.

Policy 1.3.4: The City, through adoption and implementation of land development regulations, comprehensive plan goals, objectives and policies, impact fees, other impact exactions, implementation of the annual budget and five-year capital improvements schedule, shall ensure the availability of public facilities and services concurrent with the impacts of development. Development shall not be approved unless the necessary infrastructure items and services are available subsequent to plan adoption.

Policy 1.3.5: The City shall continue to participate with Lake County and the Lake-Sumter Metropolitan Planning Organization (MPO) in the transportation impact fee program or shall adopt and implement a schedule of City impact fees to ensure that new development provides a pro rata share of the costs required to finance public facility improvements necessitated by such development.

Policy 1.3.6: When applicable, the City may require a developer to execute a development agreement and/or develop a proposed project in phases to ensure the timely and appropriate installation of needed capital facilities to service new development. Such agreements will be executed under the City's constitutional home rule power and will follow the procedures set forth in Chapter 163.3220, Florida Statutes.

Objective 1.4: Evaluation of Capital Projects. The City's capital projects shall be evaluated to determine if they meet prioritization criteria and consistency with adopted level of service standards and/or public need.

Policy 1.4.1: The City's finance director shall prepare a Five-Year Capital Improvement Program annually along with the City's annual budget, which shall address all capital needs of the City.

Policy 1.4.2: As part of the annual budgeting process, the City Council, city manager and department directors shall participate in a capital facilities planning process to evaluate and rank projects proposed for inclusion in the Five-Year Schedule of Capital Improvements, based on the following criteria:

- Whether the project is needed to protect the public health and safety, fulfill the City's legal commitment to provide facilities and services or preserve or achieve full use of existing facilities.
- Whether the project increases efficiency or use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes infill development.
- Whether the project represents a logical extension of facilities and service from the City to the Lake County/Clermont Joint Planning Area, or is compatible with applicable plans of state agencies or that may provide public facilities within the City's jurisdiction.
- Whether the project is coordinated with major projects of other state agencies and adjacent jurisdictions.
- Whether the project implements the policies of the comprehensive plan pertaining to concurrency requirements.
- Whether the project is financially feasible.

Policy 1.4.3: Requests for capital projects shall be evaluated on their impact on the City budget and the financial feasibility of the project based on the following criteria:

- The finance director shall determine if the capital project can be funded from existing cash, future revenues or through borrowing. In addition, the finance director shall assign revenue sources to fund the project.
- The Finance Director shall prepare a report evaluating the funding options, the effect of the improvement on future revenues and the effect of the improvement on operation and maintenance costs.

Objective 1.5: Debt Management. The City shall adopt policies and procedures which address the management and utilization of debt for capital project financing. The City will use line-of-credit borrowing or bond anticipation notes for specific construction projects and shall issue revenue-pledged debt at the completion of construction only if current funds are not adequate to pay for construction.

Policy 1.5.1: The use of revenue bonds as a debt instrument shall be evaluated based on the following criteria:

- Debt will not be issued to finance normal repairs and maintenance.

- Debt can be issued to make renovations, updates, modernizations and rehabilitations provided that the expenditures extend the useful life of the capital asset.
- The maximum ratio of total debt service (principal and interest) to total revenue shall be that percentage deemed most beneficial to the City as determined by the City's financial advisors and its bond counsel based upon criteria set by the rating agencies and credit enhancement organizations.
- The impact of principal and interest revenue bond payments on the operation and maintenance of the affected utility and/or department will not require deferring the current maintenance of existing infrastructure.
- The impact of bond covenants and restrictions on the City's method of accounting for depreciation shall be evaluated, as well as the impact of any reserve account restrictions on the operation and maintenance of the affected utility and/or department.
- Cash restricted due to bond and grant covenants will be budgeted in accordance with the terms of the covenants.
- Capitalized repairs of existing infrastructure will be paid from funds restricted by debt covenants and current revenues. Debt will not be issued to finance capitalized repairs.

Policy 1.5.2: The use of tax revenues as a pledge for the repayment of debt shall be evaluated based on the following criteria:

- A five-year projection of revenues from all taxes shall be prepared and updated annually as a part of the City's budget process. An analysis of historic and future trends in the tax revenue stream will be a part of the projection process.
- At the time of issuance of new debt, a review shall be conducted to ensure that the maximum amount of general government debt shall not exceed 20 percent of the City's annually budgeted revenues.

Policy 1.5.3: The City may use long-term capital lease payments on lease purchases for capital projects identified within this element, provided adequate debt service requirements are provided.

Objective 1.6: Schedule of Capital Improvements. In order to maintain adopted LOS standards, the City shall coordinate land use decisions and available or projected fiscal resources to correct existing deficiencies identified in the comprehensive plan, accommodate desired future growth and replace worn out or obsolete facilities through the annual adoption of a Five-Year Schedule of Capital Improvements.

Policy 1.6.1: Capital projects included in the Five-Year Schedule of Capital Improvements shall be defined as those projects identified within the comprehensive plan that are necessary to maintain adopted LOS standards including increasing the capacity or efficiency of existing facilities and/or replacing failing facilities.

Policy 1.6.2: The City of Clermont adopts by reference the Five-Year Facilities Master Plan FY ~~2013-2017~~ **2014-2018** as formally adopted by the Lake County School Board on September 10, 2012, **9, 2013** and as amended, into the City's Five-Year Schedule of Capital Improvements.

(amended Nov. 24, 2009, Ord. 626-M; amended Jan. 11, 2011, Ord. 2011-01-M; amended Jan. 24, 2012, Ord. 2012-03-M, amended Feb. 26, 2013, Ord. 2013-02, amended May 27, 2014, Ord. 2014-13)

Policy 1.6.3: The City hereby adopts the Five-Year Schedule of Capital Improvements included as **Appendix B** of this element, which will be updated on an annual basis.

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Appendix A

Rule 9J-5.0055, F.A.C., Concurrency Management System

(3) MINIMUM REQUIREMENTS FOR CONCURRENCY. Every jurisdiction shall maintain a concurrency management system to ensure that public facilities and services to support development are available concurrent with the impact of development, consistent with the provisions of this Chapter.

(a) For sanitary sewer, solid waste, drainage, and potable water facilities, at a minimum, a local government shall meet the following standards to satisfy the concurrency requirements:

1. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or

2. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place and available to serve new development at the time of the issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(a), F.S.]

(b) For parks and recreation facilities, at a minimum, a local government shall meet the following standards to satisfy the concurrency requirement:

1. At the time the development order or permit is issued, the necessary facilities and services are in place or under actual construction; or

2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share are committed; and

a. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted local government 5-year schedule of capital improvements; or

b. At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or

c. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(b), F.S.]

(c) For transportation facilities (roads and mass transit designated in the adopted local government comprehensive plan), at a minimum, a local government shall meet the following

standards to satisfy the concurrency requirement, except as otherwise provided in subsections (4)-(7) of this section.

1. At the time a development order or permit is issued, the necessary facilities and services are in place or under construction; or

2. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted local government five-year schedule of capital improvements. The schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable, adopted Florida Department of Transportation five year work program. The Capital Improvements Element must include the following policies:

a. The estimated date of commencement of actual construction and the estimated date of project completion.

b. A provision that a plan amendment is required to eliminate, defer, or delay construction of any road or mass transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the five-year schedule of capital improvements; or

3. At the time a development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction no more than three years after the issuance of a certificate of occupancy or its functional equivalent; or

4. At the time a development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(c), F.S.]

5. For the purpose of issuing a development order or permit, a proposed urban redevelopment project located within a defined and mapped Existing Urban Service Area as established in the local government comprehensive plan pursuant to Section 163.3164(29), F.S., shall not be subject to the concurrency requirements of subparagraphs 9J-5.0055(3)(c)1.-4., F.A.C., of this chapter for up to 110 percent of the transportation impact generated by the previously existing development. For the purposes of this provision, a previously existing development is the actual previous built use which was occupied and active within a time period established in the local government comprehensive plan. [Section 163.3180(8), F.S.]

6. For the purpose of issuing a development order or permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of subparagraphs 9J-5.0055(3)(c)1.-4., F.A.C., only if all of the conditions specified in subsection 163.3180(6), F.S., are met. [Section 163.3180(6), F.S.]

7. A development order or permit within a designated multimodal transportation district may be issued provided the planned community design capital improvements are included in a financially feasible long range schedule of improvements for the development or redevelopment time-frame for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements as specified in

Section 163.3180(15)(c), F.S.

(d) For school facilities, a local government shall meet the following minimum standards to satisfy the concurrency requirement:

1. For district-wide concurrency service areas:

a. At the time the residential development order or permit is issued, the necessary facilities and services are in place or under construction; or

b. A residential development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than 3 years after permit issuance as provided in the adopted public school facilities program.

2. For less than district-wide concurrency service areas: If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is available in one or more contiguous service areas and school capacity is available district-wide as defined in Section 163.3180(13)(e), F.S.

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Appendix B

City of Clermont Five-Year Schedule of Capital Improvements, FY 2012-13 to 2016-17-2013-14 to 2017-2018 (amended May 27, 2014, Ord. 2014-13)

Comprehensive Plan Element/Project	Source of Funding	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
<u>STORMWATER MANAGEMENT</u>							
SW-1 Stormwater Retrofit Projects (ongoing upgrades to stormwater conveyance systems and water quality projects)	Stormwater Utility Fees and Grant	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	<u>\$500,000</u>
<u>POTABLE WATER</u>							
PW-1 Water Main Extension (ongoing project extending water mains to complete loops in the system, primarily on the east side system, and improve system hydraulics and reliability)	Water Impact Fees	\$500,000	\$500,000	\$500,000 <u>\$600,000</u>	\$500,000 <u>\$550,000</u>	\$500,000	<u>\$500,000</u>
PW-2 West-Side Water Treatment Plant (construct 1-million gallon storage tank, a bank of high-service pumps, a disinfection system, a new potable well)	Utility Fees	\$5,100,000	\$4,800,000	0	0	0	<u>0</u>
PW-3 Water Main Replacements (ongoing replacement of older water mains to improve system hydraulics and water quality)	Water Fund Operating Budget	\$200,000	\$200,000	\$200,000 <u>\$500,000</u>	\$200,000 <u>\$500,000</u>	\$200,000 <u>\$500,000</u>	<u>\$500,000</u>
PW-4 Alternative Potable Water Source (funding is for planning/design. Construction on the regional projects is not expected to begin until 2015)	Utility Fees and Water Impact Fees	\$25,000	\$500,000	\$50,000	\$50,000	\$500,000	<u>\$500,000</u>
PW-5 Sunburst WTP Expansion (Addition of additional ground storage to meet demand.)	Utility Fees and Water Impact Fees	N/A	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$1,500,000</u> <u>0</u>
<u>SANITARY SEWER</u>							
SS-1 Supplemental Irrigation System Well (construct groundwater well to supplement reclaimed water supply during peak demand to area north of SR 50 and shift demand from potable system to reclaimed water system) Replace with: SS-1 Regional Lift Station and Forcemain (Lift station and forcemain to comply with needs based on master plan)	Utility Fees	\$500,000	\$500,000	\$500,000 <u>\$2,500,000</u>	0	0 <u>\$2,000,000</u>	<u>\$0</u>
SS-2 Reclaimed Water System Expansion (expansion includes piping extensions to deliver reclaimed water to developments plumbed to accept reclaimed water north and south of SR 50 and shift demand from potable system to reclaimed water system)	Sewer Impact Fees and Utility Fees	\$500,000	\$500,000	\$500,000	\$500,000 <u>\$1,500,000</u> <u>0</u>	\$500,000	<u>\$500,000</u>

Comprehensive Plan Element/Project	Source of Funding	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
SS-3 East Water Reclamation Facility Collection System Expansion (on-going project as new developments come on-line that includes piping extensions, lift stations and force main construction)	<u>Sewer Impact Fees</u>	\$500,000	\$250,000	\$250,000 <u>\$300,000</u>	\$250,000 <u>\$300,000</u>	\$250,000 <u>\$300,000</u>	<u>\$300,000</u>
SS-4 Lift Station Improvements (ongoing improvements to improve system hydraulics and water quality)	<u>Sewer Impact Fees</u>	\$200,000	\$200,000	\$200,000 <u>\$100,000</u>	\$200,000 <u>\$500,000</u>	\$200,000 <u>\$700,000</u>	<u>\$500,000</u>
<u>SS-5 Reclaimed Storage Tank (30 mg storage tank to offset peak demands)/ Replace with: WWTF (Hancock) Expansion</u> (Expansion of WWTF from 4.0 to 6.0 MGD to meet future demands)	<u>Sewer Impact Fees</u>	\$2,200,000	\$0	\$0 <u>\$100,000</u>	\$0 <u>\$100,000</u>	\$0 <u>\$14,000,000</u>	<u>\$0</u>
PARKS & RECREATION							
PR-1 Inland Groves Property AKA Lake Hiwatha Preserve (Passive Park)	Recreation Impact Fees, Infrastructure Sales Taxes and Grants	\$35,000	\$90,000	\$1,000,000	\$250,000	100,000	<u>100,000</u>
<u>PR-2 Waterfront Park Pavilion Replace with: PR-2 Splash Park</u>	Recreation Impact Fees	\$1,278,730	0 <u>\$20,000</u>	0 <u>\$380,000</u>	0	0	0
TRANSPORTATION							
The City of Clermont adopts by reference the 5-Year Schedule of Improvements as formally adopted by the Lake-Sumter Metropolitan Planning Organization on June 22, 2011- June 26, 2013 (and as amended) into the City's Five-Year Schedule of Capital Improvements.							
<u>PROJECT TOTALS</u>		\$9,773,730	\$10,790,000 <u>\$8,060,000</u>	\$8,950,000 <u>\$6,530,000</u>	\$2,900,000 0 <u>\$4,250,000</u> <u>0</u>	\$2,250,000 <u>\$19,600,000</u>	\$2,250,000 0 <u>\$4,900,000</u> <u>0</u>

Source: City of Clermont, 2014

CITY OF CLERMONT

NOTICE OF PROPOSED AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE NO. 2014-13

The City of Clermont will hold a public hearing Tuesday, May 6, 2014 at 7pm before the City of Clermont Planning and Zoning Commission and Tuesday, May 13, 2014 (first reading) and Tuesday, May 27, 2014 (adoption) at 7pm before the City Council to consider proposed changes to the Capital Improvements Element of the City's adopted comprehensive plan.

Ordinance #2014-13:

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 text changes to the Goals, Objectives and Policies of the Capital Improvements 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) 241-7309 if you have any questions.

The proposed amendment may be inspected at the City's planning 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) 241-7330, at least 48 hours prior to the public hearing.

Tracy Ackroyd
City Clerk

Daily Commercial
April 22, 2014 & May 13, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date		
Tuesday, May 6, 2014		
Agenda Item Name		
Ordinance No. 2014-14 Tree Code Amendment		
Requested Action		
MOVE TO APPROVE Ordinance No. 2014- 14		
Staff Report		
Attached is a Land Development Code amendment for Sections 118-36, 118-41, and 118-71 for tree requirements.		
Legal Impact		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Exhibit 1 - Ordinance 2014-14 ORD Tree LDC 5-2014.doc		
2. Exhibit 2 Tree Amendment 2014.doc		
3. Legal ad 2014 LDC tree amendment legal ad- P&Z5-6-2014, CC5-27-14doc.doc		

CITY OF CLERMONT
ORDINANCE No. 2014-14

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 118 VEGETATION, SECTION 118-36 PLANT MATERIAL; SECTION 118-41 PREFERRED TREE LIST; SECTION 118-71 MINIMUM TREE REQUIREMENTS; 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 May 6, 2014 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 118 Vegetation, Section 118-36 Plant Material; Section 118-41 Preferred Tree List; and Section 118-71 Minimum Tree Requirements; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Lake County, 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 (note strikethrough indicates removed words and underlined indicates added):

CHAPTER 118 VEGETATION

Section 118-36 Plant Material

- (a) *Quality.* Plant materials used in conformance with provisions of this Article shall meet specifications of Florida Number 1 grade or better, according to the current edition of Grades and Standards for Nursery Plants of the State Department of Agriculture.
- (b) *Trees.*
 - (1) Trees shall be species having an average mature spread of crown of greater than fifteen feet and having trunks which can be maintained in clean condition over five feet of clear wood. Trees having an average mature spread of crown less than fifteen feet may be substituted by grouping the trees so as to create the equivalent of fifteen feet of crown spread.

CITY OF CLERMONT
ORDINANCE No. 2014-14

- (2) Canopy tree species shall be container grown in a minimum 65-gallon container. Canopy trees shall be a minimum of three inches in caliper, have a minimum six-foot spread, and be a minimum of twelve feet in overall height immediately after planting. Canopy trees shall meet the standards as specified in Section 118-2. The location of trees of any species known to have a root system capable of causing damage to roadways or utilities shall require staff approval.
- (3) Upon planting, palm trees must have six feet clear trunk height as measured from the ground to the base of the heart leaf.
- (4) (3) Understory tree species shall be a minimum of eight feet in overall height immediately after planting with a four-foot spread, and shall meet the standards as specified in section 118-2
- (5) (4) Sixty percent of required canopy trees in parking lots shall be live oak trees.

Section 118-41 Preferred Tree List

PREFERRED CANOPY TREE LIST

a	b	c		
X		md	American Elm	Ulmus americana
	XX	wd	Bald Cypress	Taxodium distichum
		m	Basswood	Tilia americana
XX	XX	dm	Live Oak	Quercus virginiana
XX		md	Pignut Hickory	Carya glabra
			Ironwood	Carpinus caroliniana
XX		wm	Pond Cypress	Taxodium ascendens
	XX	md	Red Bay	Persea borbonia

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XX		wd	Red Maple	Acer rubrum
XX		d	Sand Live Oak	Quercus geminata
XX		d	Scrub Hickory	Carya floridana
XX		md	Southern Magnolia	Magnolia grandiflora
XX	X	m	Sugarberry	Celtis laevigata
XX	X	mwd	Sweet Gum	Liquidambar styraciflua
		m	Sycamore	Platanus occidentalis
		m	Tulip Tree	Liriodendron tulipifera
XX		dm	Turkey Oak	Quercus myrtifolia
XX	XX	mw	Winged Elm, Cork Elm	Ulmus alata
	XX	md	Shumard Oak	
			<u>Slash Pine</u>	<u>Pinus elliottii</u>
			<u>Long Leaf Pine</u>	<u>Pinus palustris</u>
			<u>Little Gem Magnolia</u>	<u>Magnolia grandiflora 'Little Gem'</u>

CITY OF CLERMONT
ORDINANCE No. 2014-14

- a - Unidentified drought tolerance scale used in our land development regs.
- b - Landscaping to promote water conservation using the principles of Xeriscape.

This is a drought tolerance index provided by SJRWMD.

X = Moderate drought tolerance

XX = High drought tolerance

- c - Drought Tolerant Plant Guide for Lake County. Lake County Water Authority.

d = dry

m = moist

w = wet

Section 118-71 Minimum Tree Requirements

No Certificate of Occupancy shall be issued by the City on the following types of construction unless the underlying parcel has not less than the indicated minimum number of approved trees. All required landscaping is to be maintained in perpetuity.

- (1) General requirements for the number of trees on residential and nonresidential development shall be as follows:
 - a. Any new single-family or duplex dwelling unit on a single lot shall not have less than three trees. Any new single-family or duplex dwelling unit on a single lot shall have at least the following minimum number of approved trees. Trees shall be from the preferred canopy and understory tree list.
 - 1. Lots with less than 2,500 square feet of landscape space:
Two understory trees;
 - 2. Lots between 2500-4000 square feet of landscape space:
One canopy tree required and either one understory tree or two palm trees
 - 3. Lots with 4000 square feet or more of landscape space:
Two canopy trees required and either one understory tree or two palm trees
 - b. No required canopy tree may be planted within six feet of the primary structure, driveway, sidewalk, street, or the property line on a single-family lot.
 - c. For existing properties that have three canopy trees but may qualify for a reduction in the number of required trees, the criteria in paragraph a. above will apply. A tree removal permit must be obtained prior to removal of any canopy trees.
 - d. For single family and duplex lots, two palm trees may be substituted for one required understory trees.

CITY OF CLERMONT
ORDINANCE No. 2014-14

- ~~d-e.~~ Any new multifamily development shall have not less than one tree per unit.
- ~~e-f.~~ Any single commercial, industrial or other structure requiring site plan approval under the zoning regulations, Chapter 122, or the subdivision regulations, Chapter 110, shall provide not less than four trees per acre, with a minimum of four trees. Trees required under Article II of this Chapter, other than buffer or perimeter trees, may be counted to meet this requirement.

CITY OF CLERMONT
ORDINANCE No. 2014-14

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 27th day of May, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Section 118-36

Plant Material

(a) *Quality.* Plant materials used in conformance with provisions of this article shall meet specifications of Florida No. 1 grade or better, according to the current edition of Grades and Standards for Nursery Plants of the state department of agriculture.

(b) *Trees.*

(1) Trees shall be species having an average mature spread of crown of greater than 15 feet and having trunks which can be maintained in clean condition over five feet of clear wood. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of 15 feet of crown spread.

(2) Canopy tree species shall be container grown in a minimum 65-gallon container. Canopy trees shall be a minimum of three inches in caliper, have a minimum six-foot spread, and be a minimum of 12 feet in overall height immediately after planting. Canopy trees shall meet the standards as specified in section 118-2. The location of trees of any species known to have a root system capable of causing damage to roadways or utilities shall require staff approval.

(3) Upon planting, palm trees must have 6 feet clear trunk height as measured from the ground to the base of the heart leaf.

(4) ~~(3)~~ Understory tree species shall be a minimum of eight feet in overall height immediately after planting with a four foot spread, and shall meet the standards as specified in section 118-2

(5) ~~(4)~~ Sixty percent of required canopy trees in parking lots shall be live oak trees.

Section 118-71

Minimum Tree Requirements

No certificate of occupancy shall be issued by the city on the following types of construction unless the underlying parcel has not less than the indicated minimum number of approved trees. All required landscaping is to be maintained in perpetuity.

(1) General requirements for the number of trees on residential and nonresidential development shall be as follows:

~~a. Any new single-family or duplex dwelling unit on a single lot shall not have less than three trees. Any new single-family or duplex dwelling unit on a single lot shall have at least the following minimum number of approved trees. Trees shall be from the preferred canopy and understory tree list.~~

1. Lots with less than 2500 square feet of landscape space:

2 understory trees:

2. Lots between 2500-4000 square feet of landscape space:

1 canopy tree required and either 1 understory tree or 2 palm trees

3. Lots with 4000 square feet or more of landscape space:

Two canopy trees required and either one understory tree or two palm trees

b. No required canopy tree may be planted within 6 feet of the primary structure, driveway, sidewalk, street, or the property line on a single-family lot.

c. For existing properties that have 3 canopy trees but may qualify for a reduction in the number of required trees, the criteria in paragraph a. above will apply. A tree removal permit must be obtained prior to removal of any canopy trees.

d. For single family and duplex lots, 2 palm trees may be substituted for 1 required understory trees.

~~d-e.~~ Any new multifamily development shall have not less than one tree per unit.

~~e-f.~~ Any single commercial, industrial or other structure requiring site plan approval under the zoning regulations, chapter 122, or the subdivision regulations, chapter 110, shall provide not less than four trees per acre, with a minimum of four trees. Trees required under article II of this chapter, other than buffer or perimeter trees, may be counted to meet this requirement.

Sec. 118-41. Preferred tree list.

PREFERRED CANOPY TREE LIST

a	b	c		
X		md	American Elm	Ulmus americana
	XX	wd	Bald Cypress	Taxodium distichum
		m	Basswood	Tilia americana
XX	XX	dm	Live Oak	Quercus virginiana
XX		md	Pignut Hickory	Carya glabra
			Ironwood	Carpinus caroliniana
XX		wm	Pond Cypress	Taxodium ascendens
	XX	md	Red Bay	Persea borbonia
XX		wd	Red Maple	Acer rubrum
XX		d	Sand Live Oak	Quercus geminata
XX		d	Scrub Hickory	Carya floridana
XX		md	Southern Magnolia	Magnolia grandiflora
XX	X	m	Sugarberry	Celtis laevigata

XX	X	mwd	Sweet Gum	Liquidambar styraciflua
		m	Sycamore	Platanus occidentalis
		m	Tulip Tree	Liriodendron tulipifera
XX		dm	Turkey Oak	Quercus myrtifolia
XX	XX	mw	Winged Elm, Cork Elm	Ulmus alata
	XX	md	Shumard Oak	
			<u>Slash Pine</u>	<u>Pinus elliottii</u>
			<u>Long Leaf Pine</u>	<u>Pinus palustris</u>
			<u>Little Gem Magnolia</u>	<u>Magnolia grandiflora 'Little Gem'</u>

a - Unidentified drought tolerance scale used in our land development regs.

b - Landscaping to promote water conservation using the principles of Xeriscape.

This is a drought tolerance index provided by SJRWMD.

X = Moderate drought tolerance

XX = High drought tolerance

c - Drought Tolerant Plant Guide for Lake County. Lake County Water Authority.

d = dry

m = moist

w = wet

LEGAL NOTICE

Notice is hereby given that the City of Clermont will consider the enactment of the following proposed ordinance. All interested parties will be given an opportunity to express their views on this matter.

ORDINANCE NO. 2014-14

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 118 Vegetation, Section 118-36 Plant Material; Section 118-41 Preferred Tree List; Section 118-71 Minimum Tree Requirements; Providing for codification; severability; effective date; and publication.

This ordinance will be considered by the Planning & Zoning Commission on Tuesday, May 6, 2014 at 7:00 P.M.

A public meeting to consider the ordinance will be held before the City Council on Tuesday, May 27, 2014 at 7:00 p.m. for final enactment.

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

This ordinance is available for public inspection in the office of the City Clerk, 685 W. Montrose Street, Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.

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
City Clerk

Lake Sentinel
April 29, 2014 & May 13, 2014



CITY OF CLERMONT

AGENDA ITEM

Page 1 of 1

Council Meeting Date			
Tuesday, May 6, 2014			
Agenda Item Name			
Ordinance 2014-15 CBD Code Amendment			
Requested Action			
MOVE TO APPROVE Ordinance 2014-15			
Staff Report			
Attached is a Central Business District amendment to allow restaurants that are 4,000 square feet or smaller to be a permitted use within the CBD zoning district.			
Legal Impact			
Additional Analysis			
Fiscal Impact Summary			
Fiscal Impact	Fund Number and Description	Available Budget Amount	
Exhibits Attached (copies of original agreements)			
1.	Exhibit 1 - Ordinance	2014-15 ORD CBD LDC 5-2014.doc	
2.	CBD amendments for Restaurants	CBD Restaurants Amendment.doc	
3.	Legal ad	2014 CBD amendment legal ad- P&Z5-6-2014, CC5-27-14doc.doc	

CITY OF CLERMONT
ORDINANCE No. 2014-15

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 122-243 PERMITTED USES; SECTION 122-244 CONDITIONAL USES; 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 May 6, 2014 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 122-243 Permitted Uses; Section 122-244 Conditional Uses; of the City of Clermont's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Lake County, 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 (note strikethrough indicates removed words and underlined indicates added):

Sec. 122-243. Permitted uses.

- (a) *Generally.* Permitted uses in the central business district are as follows:
- (1) Retail businesses which supply commodities on the premises, such as but not limited to groceries, baked goods or other foods, drugs, dry goods, clothing, decorations, hardware, furniture, appliances, sporting goods, flowers, etc.
 - (2) Personal service establishments, such as but not limited to beauty shops or barbershops, tailor or dressmaking shops, shoe repair, music, dancing and photographic studios and dry cleaners. Permanent makeup service may be allowed as an accessory use (with a business tax receipt, and with medical supervision) within an existing salon, beauty shop, barber shop, medical office, or similar use. Such service shall be limited to the face area and

CITY OF CLERMONT
ORDINANCE No. 2014-15

would consist of cosmetic permanent makeup for eyeliner, eyebrow and mouth/lip liner definition.

- (3) Professional offices, doctors' offices, banks and loan companies (excluding drive-through facilities except with a conditional use permit), insurance and real estate offices and similar businesses.
- (4) Dwelling units, single-family and two-family, permitted in the R-2 district, and other residential uses as permitted in the R-3 district, provided that lot size and coverage regulations of the respective district can be accommodated and the lot width of this district is met.
- (5) Buildings, structures and uses maintained or operated by the city.
- (6) Lodges and clubs.

(7) Restaurants and lounges 4,000 square feet and under.

- (b) *Floor space.* Any business establishment or structure proposing to occupy 3,000 square feet of total floor space or more shall require application for a conditional use permit.
- (c) *Uses to be enclosed; outdoor storage.* All uses must be within a completely enclosed building, except for outdoor storage, which must receive site plan approval and be screened from public streets and adjacent property.
- (d) *Sidewalk use.* Business establishments may utilize outside private or public sidewalk area for patron use to include non-fastened small tables and chairs, or benches during business hours only. Compact outside display areas may also be utilized provided the display has a maximum width of 25 percent of a retail store width or ten feet in width, whichever is less, four feet in depth, and six feet in height. Businesses which utilize this type of sidewalk use shall maintain at least a four foot wide open area for passage from one property to the next, from the inside of any curb toward the business front, and in accordance with the American with Disabilities Act. Where such four-foot open space is not available, table and chairs or displays shall not be allowed. All such uses shall be approved by the city manager or his designee.

Sec. 122-244. Conditional uses.

- (a) Conditional uses in the CBD district are as follows:

CITY OF CLERMONT
ORDINANCE No. 2014-15

- (1) Retail businesses, personal service establishments and professional offices occupying 3,000 square feet of total floor area or more; provided, however, that no retail establishment may occupy more than 100,000 square feet.
 - (2) Public or semipublic facilities or structures not maintained or operated by the city and not listed under permitted uses (i.e., operated by any other governmental unit).
 - (3) Utility facilities (i.e., electrical transformers, gas regulator stations, etc.).
 - (4) Hospitals, clinics, adult congregate living facilities and nursing homes that provide treatment of human ailments or personal care operations.
 - (5) Nursery schools, kindergartens or child care centers, provided the outdoor play area is enclosed by a fence at least four feet high and all state requirements are met.
 - (6) Private schools.
 - (7) Funeral homes.
 - (8) Convenience stores and gas stations, provided on-site parking requirements are met.
 - (9) Laundries.
 - (10) Automotive service stations, provided on-site parking requirements are met.
 - (11) Restaurants and lounges over 4,000 square feet.
 - (12) Bed and breakfast inns as provided in article V of this chapter.
 - (13) Theaters, cinemas and auditoriums.
 - (14) Churches.
 - (15) Planned unit developments.
- (b) In case of uncertainty of the classification of any use, uses may be permitted which, after consideration by the planning and zoning commission and approval by the city council, are not more obnoxious to the district than uses provided in this section. All conditional uses must be provided per chapter 86, article III, division 3.

CITY OF CLERMONT
ORDINANCE No. 2014-15

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 27th day of May, 2014.

CITY OF CLERMONT

Harold S. Turville, Jr., Mayor

ATTEST:

Tracy Ackroyd, City Clerk

Approved as to form and legality:

Daniel F. Mantzaris, City Attorney

Exhibit 2

Sec. 122-243. Permitted uses.

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Tracy Ackroyd
City Clerk

Daily Commercial
April 29, 2014 & May 13, 2014