



CITY OF CLERMONT
ORDINANCE NO. 2025-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 125, “ZONING”, ARTICLE III “DISTRICTS”, DIVISION 12 “CBD CENTRAL BUSINESS DISTRICT” SECTION 125-369 “PERMITTED USES”, SECTION 125-370 “CONDITIONAL USES” AND 125-373 “OFF-STREET PARKING”; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR, PUBLICATION AND AN EFFECTIVE DATE.

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 February 4, 2025, 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 shall amend the Land Development Code, Chapter 125, “Zoning”, Article III “Districts”, Division 12 “CBD Central Business District”, Section 125-369 “Permitted Uses”, Section 125-370 “Conditional Uses” and Section 125-373 “Off-Street Parking” and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Clermont, that Chapter 125, “Zoning”, Article III “Districts”, Division 12 “CBD Central Business District”, Section 125-369 “Permitted Uses”, Section 125-370 “Conditional Uses” and Section 125-373 “Off-Street Parking” of the Clermont Code of Ordinances shall be amended to make changes, as set forth in the following amendments shown in Section 2.

SECTION 1: AUTHORITY

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:

Chapter 125, “Zoning”, Article III “Districts”, Division 12 “CBD Central Business District”, Section 125-369 “Permitted Uses”, Section 125-370 “Conditional Uses” and Section 125-373 “Off-Street Parking” of the Land Development Code of the City of Clermont is hereby amended to read as follows (note strikethrough indicates removed words and underlined indicates added):

Sec. 125-369. Permitted uses.

- (a) *Generally.* Permitted uses in the CBD 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.



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- (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, barbershop, medical office, or similar use. Such service shall be limited to the face area and 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 ~~less than 3,000 square feet.~~
 - (8) Medical marijuana dispensaries.
- (b) *Floor space.* Any business establishment or structure proposing to occupy more than 36,000 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 Americans 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 designee.

Sec. 125-370. Conditional uses.

- (a) Conditional uses in the CBD district are as follows:
 - (1) Retail businesses, personal service establishments and professional offices occupying more than 36,000 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).



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- (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 childcare 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 over 3,000 square feet.~~

- ~~(121)~~ Lounges.
- ~~(132)~~ Bed and breakfast inns as provided in article V of this chapter.
- ~~(143)~~ Theaters, cinemas and auditoriums.
- ~~(154)~~ Churches.
- ~~(165)~~ 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 101, article III, division 3.

Sec. 125-373. Off-street parking.

- (a) *Principal use location; number of parking spaces.* Except as otherwise provided in this section, each principal use located within the designated central business district shall provide or be provided with the indicated number of off-street parking spaces according to the following schedule. Those uses which base required parking allocation on seating capacity, numbers of beds, numbers of employees and numbers of staff members shall submit specific data and calculations at the time of application for conditional use permit approval.
- (b) *Parking space credits.* In an effort to foster revitalization and enhancement of the central business district, parking space credits shall be granted to existing structures and vacant land in the following manner:
 - (1) Existing structures located in the central business district shall be given a parking space credit equal to the parking space requirements for the current use of the structure. For structures with more than one use, calculation of the credit is based on the amount of square footage devoted to each particular use.
 - (2) For 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.



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- (3) Residential uses changing to nonresidential must provide parking equivalent to those nonresidential uses as required by this section.
- (4) All vacant parcels changing to either residential or nonresidential must provide parking equivalent to those residential or nonresidential uses as required by this section.
- (5) Parking spaces and/or parking space credits shall remain the sole possession of the property for which they were initially provided. Parking space credits shall not be transferable from one business location to another business location.
- (6) Single-family residential structures and vacant parcels shall be given credit for two spaces and multifamily structures shall be given credit for 1.5 spaces per unit.

~~(e) Parking spaces developed for residential and nonresidential uses. Vacant property being developed for new residential or nonresidential uses shall be required to provide off-street parking spaces located on the same parcel as the use they are intended to serve. A parking plan shall be provided with all applications for individual development approval which shall clearly and accurately designate the required parking spaces, required landscaped areas and planter islands, access aisles and driveways and the relationship of the parking to the uses and structures the spaces are intended to serve. All off-street parking facilities shall be designed and constructed in accordance with the city's adopted engineering standards. Required parking spaces are as follows:~~

- ~~(1) Retail business, personal service and office establishments. One parking space for each 400 square feet of floor space.~~
- ~~(2) Hospitals, clinics, adult congregate living facilities and nursing homes. One parking space for each four beds, plus one space for each four employees, including staff members and nurses.~~
- ~~(3) Nursery schools, kindergartens or childcare centers, public, vocational and professional schools. One parking space for each 300 square feet of classroom space, plus one space for each staff member, plus one space for each four employees.~~
- ~~(4) Churches and funeral homes. One parking space for each four seats in the sanctuary or assembly room.~~
- ~~(5) Restaurants and lounges. One parking space for each 200 square feet of floor area devoted to patron use, plus one space for each four employees.~~
- ~~(6) Lodges and clubs. One parking space for each 50 square feet of floor area.~~
- ~~(7) Theaters, cinemas and auditoriums. One parking space for each eight seats in the assembly room.~~
- ~~(8) Bed and breakfast. One parking space for each accommodation.~~
- ~~(9) Automotive services. Four parking spaces for each bay, grease rack or similar facility, plus one space for each employee.~~
- ~~(10) All dwelling units. Two parking spaces per dwelling unit.~~
- ~~(11) Planned unit developments. Parking space requirements for planned unit developments shall be based upon the aggregate sum of all proposed uses.~~



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~~(12) *Hotels and motels. One parking space for each accommodation, plus one space for every three employees.*~~

(dc) *Determination for unlisted uses or alternative parking.* If the proposed use is not listed or compatible with a use listed in the table of minimum parking space requirements, the planning director, who after consultation with the site review committee, shall make a determination of the appropriate parking for the proposed use. In reaching the determination, the director shall consider and be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use, parking requirements of such uses in other jurisdictions, special conditions or situations of the proposed use, or a combination of sources.

SECTION 3: CONFLICT

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

SECTION 4: SEVERABILITY

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

SECTION 5: CODIFICATION

The text of Section 2 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this Ordinance by the substitution of "Article" for "Ordinance", "Section" for "Paragraph", or otherwise to take such editorial license.

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENERS ERROR

Regardless of whether such inclusion in the Code as described in Section 5 is accomplished, sections of the Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7: PUBLICATION AND EFFECTIVE DATE

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

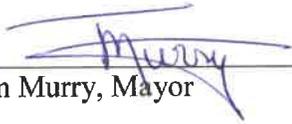


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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida on this 25th day of February, 2025.



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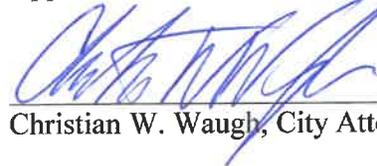


Tim Murry, Mayor



Tracy Ackroyd Howe, MMC
City Clerk

Approved as to form and legality:



Christian W. Waugh, City Attorney



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BUSINESS IMPACT ESTIMATE

TO: Mayor Murry and Council Members
FROM: Planning and Development Services / Curt Henschel
DATE: February 6, 2025
SUBJECT: Ordinance No. 2025-001 – Sec. 125-369 “Permitted Uses,” Sec. 125-370 “Conditional Uses” & Sec. 125-373 “Off-Street Parking”

Section 166.041, *Florida Statutes*, effective July 1, 2023, requires the City prepare (or cause to be prepared) a business impact estimate prior to final consideration of an ordinance, subject to exemptions noted in the Law. The new law requires that the business impact estimate be posted on the City’s website at the time of the published notice of the City Council’s final consideration of the ordinance, or ten (10) days prior to the adoption public hearing, whichever is longer. Ordinance No. 2025-001 is proposed to be adopted by the City on February 25, 2025, and is subject to this new requirement. Following are the categories required to be addressed for the proposed ordinance based on the new legislation:

1. Summary of proposed Ordinance 2025-001

- 1) To increase the square footage requirement within the CBD from 3,000 sf to 6,000 sf of any restaurant, business establishment or structure. Any structure over 6,000 sf will be required to obtain a Conditional Use Permit (CUP).
- 2) To remove Sec. 125-373 off-street parking requirements, because it is duplicated in Sec. 115-14 “Table of Minimum Parking Space Requirements.”

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city:

a. Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

A direct cost to businesses within the CBD is the cost of applying for a CUP if their structure is over 6,000 sf; otherwise, no cost involved. With the increase in square footage, it would affect less businesses that would be subject to this code.

b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

There are no new charges or fees on existing businesses.

c. An estimate of the City’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The proposed ordinance does not add enforcement requirements for City staff beyond that which are in the existing code; therefore, there are no additional regulatory costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

The proposed ordinance is not expected to impact any existing businesses.

4. Any additional information the board determines may be useful.

No additional information.