

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

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, ARTICLE III DISTRICTS, DIVISION 1 GENERALLY, SECTION 122-63 DISTRICTS ENUMERATED; SECTION 122-64 CLASSIFICATION OF ANNEXED LAND; DIVISION 2 UT, URBAN TRANSITION DISTRICT, SECTION 122-70 INTENT, SECTION 122-71 PERMITTED USES, SECTION 122-72 CONDITIONAL USES, SECTION 122-73 LOT AND HEIGHT REQUIREMENTS, SECTION 122-74 YARDS; DIVISION 3. UE, URBAN ESTATE LOW DENSITY RESIDENTIAL DISTRICT; DIVISION 4. R-1-A, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT; DIVISION 5. R-1, SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT; DIVISION 6. R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT; DIVISION 7. R-3-A, RESIDENTIAL/PROFESSIONAL DISTRICT; DIVISION 8. R-3, RESIDENTIAL/PROFESSIONAL DISTRICT; DIVISION 9. O-1, OFFICE DISTRICT; DIVISION 10. C-1, LIGHT COMMERCIAL DISTRICT; DIVISION 11. C-2, GENERAL COMMERCIAL DISTRICT; DIVISION 12. CBD CENTRAL BUSINESS DISTRICT; DIVISION 13. M-1, INDUSTRIAL DISTRICT; DIVISION 14 CD, COMMERCE DISTRICT, SECTION 122-270 INTENT, SECTION 122-271 PERMITTED USES, SECTION 122-272 CONDITIONAL USES, SECTION 122-273 LOT AND HEIGHT REQUIREMENTS, SECTION 122-274 YARDS; DIVISION 15. PR, PARKS & RECREATION DISTRICT; 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 August 3, 2010 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, Article III Districts, Division 1 Generally, Section 122-63 Districts Enumerated; Section 122-64 Classification of Annexed Land; Division 2. UT, Urban Transition District, Section 122-70 Intent, Section 122-71 Permitted Uses, Section 122-72 Conditional Uses, Section 122-73 Lot and Height Requirements, Section 122-74 Yards; Division 3. UE, Urban Estate Low Density Residential District; Division 4. R-1-A, Single-Family Low Density Residential District; Division 5. R-1, Single-Family Medium Density Residential District; Division 6. R-2, Medium Density Residential District; Division 7. R-3-A, Residential/Professional District; Division 8. R-3, Residential/Professional District; Division 9. O-1, Office District; Division 10. C-1, Light Commercial District; Division 11. C-2, General Commercial District; Division 12. CBD Central Business District; Division 13. M-1, Industrial District; Division 14 Commerce District, Section 122-270 Intent, Section 122-271 Permitted Uses, Section 122-272 Conditional Uses, Section 122-273 Lot and Height Requirements, Section 122-274 Yards; Division 15. PR, Parks & Recreation District; of the City of Clermont's Code of Ordinances; and

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

NOW, THEREFORE, be it enacted by the City Council of the City of Clermont, Florida as follows:

SECTION 1.

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

SECTION 2.

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

Chapter 122

ZONING

ARTICLE III. DISTRICTS

DIVISION 1. GENERALLY

Sec. 122-63. Districts enumerated.

For the purposes of this chapter, the city is divided into ten districts designated as follows:

UT	Urban transition district
UE	Urban estate low density residential district
R-1-A	Single-family low density residential district
R-1	Single-family medium density residential district
R-2	Medium density residential district
R-3-A	Residential/professional district
R-3	Residential/professional district
O-1	Office district
C-1	Light commercial district
C-2	General commercial district
CBD	Central business district
M-1	Industrial district
CD	Commerce district
PR	Parks & recreation district

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

Sec. 122-64. Classification of Annexed Land.

- a. All territory which may hereafter be annexed into the City (except for those properties in Sec. 122-64 b.) shall be automatically classified as being within the urban estate residential district until such classification shall have been changed by an amendment as provided by law. The City Council may consider a petition for annexation and rezoning concurrently.
- b. All territory which may hereafter be annexed into the City which is located between the following areas: south of and including Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28 and 33, Township 23 South, Range 26 East; Section 4, Township 24 South, Range 26 East; all said sections lying east of U.S. Highway 27, and west of the Lake County/Orange County line; shall be automatically classified as being within the Urban Transition District until such classification shall have been changed by an amendment as provided by law. The City Council may consider a petition for annexation and rezoning concurrently.

DIVISION 2. UT, URBAN TRANSITION DISTRICT

Sec. 122-71. Intent.

The Urban Transition District is intended as a transition district to allow for public and semi public uses, primary, secondary and higher education uses, and urban transition uses including agriculture and single-family structures and uses consistent with the rural residential standards of the comprehensive plan.

Sec. 122-72. Permitted uses.

Permitted uses in the Urban Transition District are as follows:

1. Single-family dwelling units having a minimum living area of 1,500 square feet, exclusive of garages, carports and screened areas.
2. Buildings, structures or uses maintained or operated by the city.
3. A Public or semipublic facilities or structures not maintained by the city (i.e., operated by another unit of government). Such uses may include City or County infrastructure and support systems or services including storage facilities, spray fields, rapid infiltrations basin systems (RIBs), and similar systems.
4. Primary or secondary public or private school – organization formed and chartered for instructional purposes at a primary or secondary level, approved under regulations of the State of Florida. Does not include child daycare businesses.

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

5. College or University – an institution of higher education offering undergraduate or graduate degrees including community colleges.
6. Cultural Institution – public or private nonprofit facility providing cultural services to the public. Typical uses may include museums, libraries, and observatories.
7. Publicly owned recreational facilities that may include both active and passive facilities.
8. Home occupations as provided in Article V of this chapter.
9. Field crops, orchards and other horticultural uses where no selling at retail is involved.
10. Accessory uses: customary accessory buildings and structures, including private garages, noncommercial greenhouses and workshops.
11. Private docks and boathouses provided that such structures maintain a 25-foot side yard setback. A ten-foot side yard setback may be allowed upon receipt of properly authorized documentation from directly abutting property owners. It shall be further provided that such structures comply with state and/or federal regulations, as applicable.

Sec. 122-73. Conditional Uses.

- (a) Conditional uses in the Urban Transition District are as follows:
 - (i) Churches provided adequate buffer strips between uses are furnished and maintained.
 - (ii) Utility Facilities (i.e., electric transformers, gas regulator stations, etc.).
 - (iii) Planned Unit Development per Article IV of this chapter.
- (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. 2010-09-C

Sec. 122-74. Lot and height requirements.

Lot and height requirements for the Urban Transition District are as follows:

1. *Lot size.* A minimum usable land area of not less than five acres is required.
2. *Lot width.* Minimum lot width is 500 feet measured at the building setback line, and 250 feet measured along the property lines contiguous to any street or highway.
3. *Impervious surface coverage.* For all residential development, the maximum impervious surface coverage shall be 55 percent, with the principal building, driveway and walkways limited to 45 percent.
4. *Height.* Maximum height of 35 feet shall be allowable for all designated habitable, occupancy use areas of a building or structure, and a maximum height of 45 feet shall be allowable for the finished height of all buildings or structures. For the purposes of this Section and Code, habitable, occupancy use area shall mean that portion of a building or structure included between the upper surface of a floor and the ceiling above, intended for human occupancy. The height limitations of this Chapter shall also apply to church spires, belfries, cupolas and domes not intended for human occupancy and may be a maximum of 55 feet in height. Facilities owned by the City are exempt from the height regulations.

Sec. 122-75. Yards.

Minimum yard requirements for the Urban Estate District are as follows:

1. *Front yard.* Property adjacent to Hartwood Marsh Road, State Road 50 and U.S. Highway 27 shall maintain a 50-foot setback. On all other streets the setback shall be 35 feet.
2. *Side yard.* The minimum side yard setback on interior lots shall be 15 feet. On a corner lot the side yard setback shall be 50 feet on Hartwood Marsh Road, State Road 50 and U.S. Highway 27 and 35 feet on the side adjacent to any other street and nine feet on the interior side of the lot.
3. *Rear yard.* The minimum rear yard setback is 25 feet, except where a rear yard abuts Hartwood Marsh Road, State Road 50 or U.S. Highway 27, a setback of 50-feet shall be maintained. The rear building line on lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

4. *Buffer strip.* When a conditional use abuts a residential use, the conditional use shall provide a buffer strip along the abutting property line.
5. *Other setbacks.* All yard setbacks for principal buildings shall be a minimum of 25 feet from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the administrative official.

DIVISION 3. UE, URBAN ESTATE LOW DENSITY RESIDENTIAL DISTRICT

DIVISION 4. R-1-A, SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT

DIVISION 5. R-1, SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

DIVISION 6. R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT

DIVISION 7. R-3-A, RESIDENTIAL/PROFESSIONAL DISTRICT

DIVISION 8. R-3, RESIDENTIAL/PROFESSIONAL DISTRICT

DIVISION 9. O-1, OFFICE DISTRICT

DIVISION 10. C-1, LIGHT COMMERCIAL DISTRICT

DIVISION 11. C-2, GENERAL COMMERCIAL DISTRICT

DIVISION 12. CBD, CENTRAL BUSINESS DISTRICT

DIVISION 13. M-1, INDUSTRIAL DISTRICT

DIVISION 14. CD, COMMERCE DISTRICT

Sec. 122-270. Intent.

The Commerce District is intended to provide for commerce and workforce oriented development; low impact/high-tech manufacturing uses; light industrial; professional and corporate offices; major health care facilities; businesses that provide services or goods to a regional, national or global market; educational, research and technical institutions and schools; City or County infrastructure and support systems or services including spray fields, rapid infiltrations basin systems (RIBs). This district is intended to allow preexisting uses to remain and permit agricultural uses in an environment that is compatible with the surrounding natural resources, until such time that development with a Conditional Use Permit and approved site plan is processed. More intense uses and development of the property are necessary to promote the general welfare and to secure

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

economic and coordinated land use. Such master planned development must have a high level of transportation access; adequate public services and facilities; strong market demand factors for commerce development uses such as office, health services, research, and/or low impact high tech manufacturing uses; and practical land assembly patterns.

Sec. 122-271. Permitted Uses.

Permitted uses in the Commerce District are as follows:

1. Buildings, structures or uses maintained or operated by the City.
2. Public or semipublic facilities or structures not maintained by the City (i.e., operated by another unit of government). Such uses may include City or County infrastructure and support systems or services including storage facilities, spray fields, rapid infiltrations basin systems (RIBs), and similar systems.

Sec. 122-272. Conditional Uses.

(a) Conditional Uses in the Commerce District are as follows:

- (i) Utility facilities (i.e., electric transformers, natural gas regulator stations, etc.).
- (ii) Planned Unit Development per article IV of this chapter.
- (iii) Primary or secondary public or private school – organization formed and chartered for instructional purposes at a primary or secondary level, approved under regulations of the State of Florida. Does not include child daycare businesses.
- (iv) College or University – an institution of higher education offering undergraduate or graduate degrees including community colleges.
- (v) Cultural Institution – public or private nonprofit facility providing cultural services to the public. Typical uses may include museums, libraries, and observatories.
- (vi) Publicly owned recreational facilities that may include both active and passive facilities.
- (vii) Master Planned Developments in accordance with the Future Land Use Element and with a Conditional Use Permit and approved site plan.

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

- (b) Primary commerce type uses shall include: commerce and workforce oriented development; low impact/high-tech manufacturing uses; light industrial; professional and corporate offices; major health care facilities such as hospitals, outpatient surgical care or diagnostic centers; businesses that provide services or goods to a regional, national or global market; educational, research and technical institutions.
- (c) Secondary or support uses may include: commercial, hotel, primary/secondary schools and personal services. Uses shall be limited to no more than twenty-five (25) percent of the net land area of the individual Master Planned Development and shall, wherever possible, be included within the building, building footprint or building site of a primary use. These uses shall be developed after the completion of a significant portion of the principal development. Maximum amounts of development within the support use category shall be established upon approval of the special area plan.
- (d) 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.

Sec. 122-273. Lot and height requirements.

Lot and height requirements for the Commerce District are as follows, unless pre-existing conditions existed upon original annexation:

1. *Lot size.* A minimum usable land area of not less than five acres is required for any use not in a Master Planned Development.
2. *Lot width.* Minimum lot width is 300 feet measured at the building setback line, and 200 feet measured along the property lines contiguous to any street or highway, for any use not in a Master Planned Development.
3. *Impervious surface coverage.* All Commerce Master Planned Development shall have a maximum impervious surface coverage of 40 percent, exclusive of required open space and conservation areas.
4. *Wetlands.*
 - (a) No development shall occur in wetlands or floodplain areas unless determined by the Site Review Committee that such areas cannot be avoided for road right-of-way or utilities. Such use must be mitigated in accordance with the Land Development Code.

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

- (b) All developable land shall be based on net developable acreage, rather than gross (gross acreage less all wetlands, floodplains or open space/conservation areas).

5. *Development within Commerce Districts.*

- (a) A minimum of 60 percent open space, in addition to wetlands and floodplains, shall be preserved as open space and conservation areas and left natural or untouched as preservation for aquifer recharge. This may include pre-existing agricultural uses. Minor ground work may be performed with Site Review Committee approval, if it is determined to enhance the preservation and aquifer recharge of the area. Public or semi-public facilities as described in Section 122-191 (3) shall be exempt from this requirement.
- (b) The maximum impervious surface coverage shall be 40 percent with all buildings, walkways and parking lots.
- (c) Lineal open space areas such as roadway medians or right-of-way may not count toward required park, open space or conservation areas.
- (d) Passive recreational uses may be permitted with a Conditional Use Permit within open space and conservation areas with Site Plan approval as part of a Master Planned Development.
- (e) *Height.* Maximum height of 55 feet shall be allowable for the finished height of all buildings or structures, including architectural features. The height limitations of this chapter shall also apply to spires, belfries, cupolas and domes not intended for human occupancy and may be a maximum of 55 feet in height. Monuments, transmission towers, chimneys, smokestacks, derricks, conveyors, silos or storage bins, flagpoles and radio or television transmission towers or aerials may be a maximum 55 feet in height and approved by the City Council through the Conditional Use procedure. Facilities owned by the city are exempt from the height regulations.

Sec. 122-274. **Yards.**

Minimum yard requirements for the Commerce District are as follows:

1. *Front yard.* Property adjacent to State Road 50 or U.S. Highway 27 shall maintain a 50-foot setback. On all other streets the setback shall be 35 feet.
2. *Side yard.* The minimum side yard setback on interior lots shall be 35 feet. On a corner lot the side yard setback shall be 50 feet on State Road 50 or U.S. Highway 27 and 35 feet on the side adjacent to any other street.

CITY OF CLERMONT
ORDINANCE No. 2010-09-C

3. *Rear yard.* The minimum rear yard setback is 35 feet, except where a rear yard abuts State Road 50 or U.S. Highway 27, a setback of 50 feet shall be maintained. The rear building line on lakefront property shall be measured from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted Comprehensive Plan and after formal approval of a site development plan by the Administrative Official.
4. *Building to building.* Building-to-building setbacks shall be established during the Site Plan review process in accordance with applicable regulations.
5. *Buffer strip.* When a Conditional Use abuts a residential use, the Conditional Use shall provide a landscaped buffer strip along the abutting property line in accordance with the Land Development Code. Increased landscaping, decorative wall or other treatments may be required by the Site Review Committee.
6. *Other setbacks.* All yard setbacks for principal buildings shall be a minimum of 35 feet from the established high-water mark. No construction encroachment may occur in any designated 100-year floodplain except in accordance with policies of the adopted comprehensive plan and after formal approval of a site development plan by the Administrative Official.

DIVISION 15. PR, PARKS & RECREATION DISTRICT

SECTION 3:

Should any section or part of this section be declared invalid by any court of competent jurisdiction, such adjudications shall not apply to or affect any other provision of this Ordinance, except to the extent that the entire section or part of the section may be inseparable in meaning and effect from the section to which such holding shall apply.

SECTION 4:

The provisions of this ordinance shall be effective as provided by law.

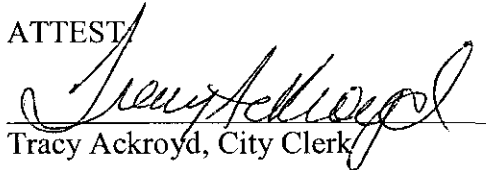
CITY OF CLERMONT
ORDINANCE No. 2010-09-C

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida
on this 24th day of August, 2010.



Harold S. Turville, Jr., Mayor

ATTEST



Tracy Ackroyd, City Clerk

