



**CODE ENFORCEMENT SPECIAL
MAGISTRATE HEARING
TUESDAY, JULY 21, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM**

CALL TO ORDER

SWEARING IN WITNESSES

AGENDA

OTHER BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

Item 1 - C2020-000348
Mohney

Homes In Partnership Inc.
East Broome St.

VIOLATION:

Section 122-344 Property Maintenance
Section 301.3 Vacant Structures and
Lands
Section 302.4 Weeds

Item 2 - C2020-000164
Reusch

Vista Commerce Center LLC
4420 S. Hwy 27

VIOLATION:

Section 702.1 Means of Egress
Section 122-344 Building Permit
Required

Item 3 - C2017-000755
Reusch/Mantzaris

John Prickett
1800 US Hwy 27

VIOLATION:

SEEKING REDUCTION OF FINE

Section 118-32 Landscape Plan
Section 118-34 Installation of landscape
material
Section 118-37 Landscape buffers
Section 118-35 Maintenance and pruning
Section 118-35 (b) Replacement
Section 118-36 (a) Quality

ADJOURN

Any person wishing to appeal any decision made by the Code Enforcement Special Magistrate 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.

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

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



CODE ENFORCEMENT BOARD MEETING
TUESDAY, JULY 21, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM

Meeting Date		
Tuesday, July 21, 2020		
Agenda Item Name		
C2020-000348 <i>Mohney</i>		
Requested Action		
Staff Report		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. 20-348 VN 20-348 VN.pdf		

Any person wishing to appeal any decision made by the Code Enforcement Board 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.

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City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

VIOLATION NOTICE

May 18, 2020

Violation # C2020-000348

To: HOMES IN PARTNERSHIP INC
1140 S GROVE ST
EUSTIS, FL 32726

Violation/Property address: VACANT LOT ON EAST BROOME ST AT BLOXAM AVE, ALTKEY 3907362

You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at EAST BROOME ST AND BLOXAM AVE

Compliance with the Violation(s) listed will be when the following condition(s) are met:

Type of Violation: PROPERTY MAINTENANCE SECTION 122-344

(i) Property maintenance. It is the duty and obligation of the owner and occupant of all real property in the city to help preserve and protect the public health and general welfare of all residents and their property by keeping their respective lots, parcels or tracts of land, adjacent sidewalks and parkways free from all filth, trash, weeds, dirt, leaves, grass and rubbish and to keep down by mowing, cutting or removal such vegetation and detrimental materials.

Type of Violation: VACANT STRUCTURES AND LANDS SECTION 301.3-IPMC

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition.

Type of Violation: WEEDS SECTION 302.4-IPMC

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 18 inches.

Please contact me at 352-241-7316 or gmohney@clermontfl.org when you comply, so an inspection to determine compliance can be scheduled.

You are directed to take action by **JUNE 05, 2020**. Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Special Magistrate.

By:



GLENN MOHNEY
Code Enforcement Officer



CODE ENFORCEMENT BOARD MEETING
TUESDAY, JULY 21, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM

Meeting Date		
Tuesday, July 21, 2020		
Agenda Item Name		
C2020-000164 <i>Reusch</i>		
Requested Action		
Staff Report		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. HN HN.pdf		
2. vn vn.pdf		

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

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

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Code Enforcement Special Magistrate
City of Clermont
NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

Case No. C2020-000164

vs.

VISTA COMMERCE CENTER LLC

Respondent

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby notified that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement

Special Magistrate on:

JULY 21ST, 2020 @ 1:30 PM

at

685 West Montrose Street, Clermont, Florida.

Council Chambers of City Hall

The Special Magistrate will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Special Magistrate even if the violation has been corrected prior to the hearing.

Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, VISTA COMMERCE CENTER LLC.

Certified Mail/Return Receipt Requested #

9171 9690 0935 0199 6537 56

BY: 

Matthew Reusch, Code Enforcement
this 3rd day of June, 2020

1-Supervisor

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

VIOLATION NOTICE

March 03, 2020

Violation # C2020-000164

To: VISTA COMMERCE CENTER LLC
6020 NW 91ST AVE
PARKLAND, FL 33067

Violation/Property address: 4420 SOUTH HWY 27 (UNIT 7) , CLERMONT FL 34711

You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at 4420 SOUTH HWY 27 (UNIT 7) CLERMONT FL 34711. IN REFERENCE TO; CODE ENFORCEMENT DIVISION WAS NOTIFIED BY THE CLERMONT FIRE DEPARTMENT THAT WORK HAD BEEN CONDUCTED IN UNIT 7 AT THE ABOVE STATED PARCEL WITHOUT ANY PROPER PERMITS BEING OBTAINED. ADDITIONALLY, THE PLACEMENT OF A DRINKING FOUNTAIN HAS RESTRICTED THE REQUIRED EGRESS ROUTE IN THE REAR OF THE BUILDING.

Compliance with the Violation(s) listed will be when the following condition(s) are met: NO FURTHER WORK CAN BE UNDERTAKEN UNTIL PERMITS ARE OBTAINED. AFTER THE FACT PERMITS MUST ALSO BE OBTAINED FOR THE WORK THAT HAS ALREADY BEEN DONE. A LICENSED CONTRACTOR MUST CONTACT DEVELOPMENT SERVICES, BEGIN THE PERMITTING APPLICATION AND KEEP THE BUILDING OFFICIAL APPRISED OF ALL ACTIVITY.

Type of Violation: 702.1 MEANS OF EGRESS

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

Type of Violation: BUILDING PERMIT REQUIRED SECTION 122-344

It shall be unlawful for any person to initiate new uses of any land within the corporate boundaries of the city or to erect or construct any new structures or to move, add to, repair or modify in any way any existing structures, except by authority of permit issued by the building inspector or planning and zoning department of the city acting as administrative officer of the regulations contained in this land development code. The words "planning and zoning department," as used in this land development code, shall also mean the planning official or the designated representative thereof. All development, as defined in this land development code, shall be required to obtain development approval (i.e., a development permit/development order) prior to initiating development activity.

Please contact me at 935)241-7304 or MREUSCH@CLERMONTFL.ORG OR CONTACT MARK GRENIER, CITY OF CLERMONT BUILDING OFFICAL AT (352)241-7311 OR MGRENIER@CLERMONTFL.ORG when you comply, so an inspection to determine compliance can be scheduled.

You are directed to take action by MARCH 27TH, 2020. Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Special Magistrate.

By:



Matthew Reusch
Code Enforcement Supervisor



**CODE ENFORCEMENT BOARD MEETING
TUESDAY, JULY 21, 2020
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM**

Meeting Date		
Tuesday, July 21, 2020		
Agenda Item Name		
C2017-000755 <i>Reusch/Mantzaris</i>		
Requested Action		
Staff Report		
Additional Analysis		
Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. Site Plan	Site Plan.pdf	
2. VN	VN.pdf	
3. FOF	FOF.pdf	
4. HN for 11-27 hearing	HN for 11-27 hearing.pdf	

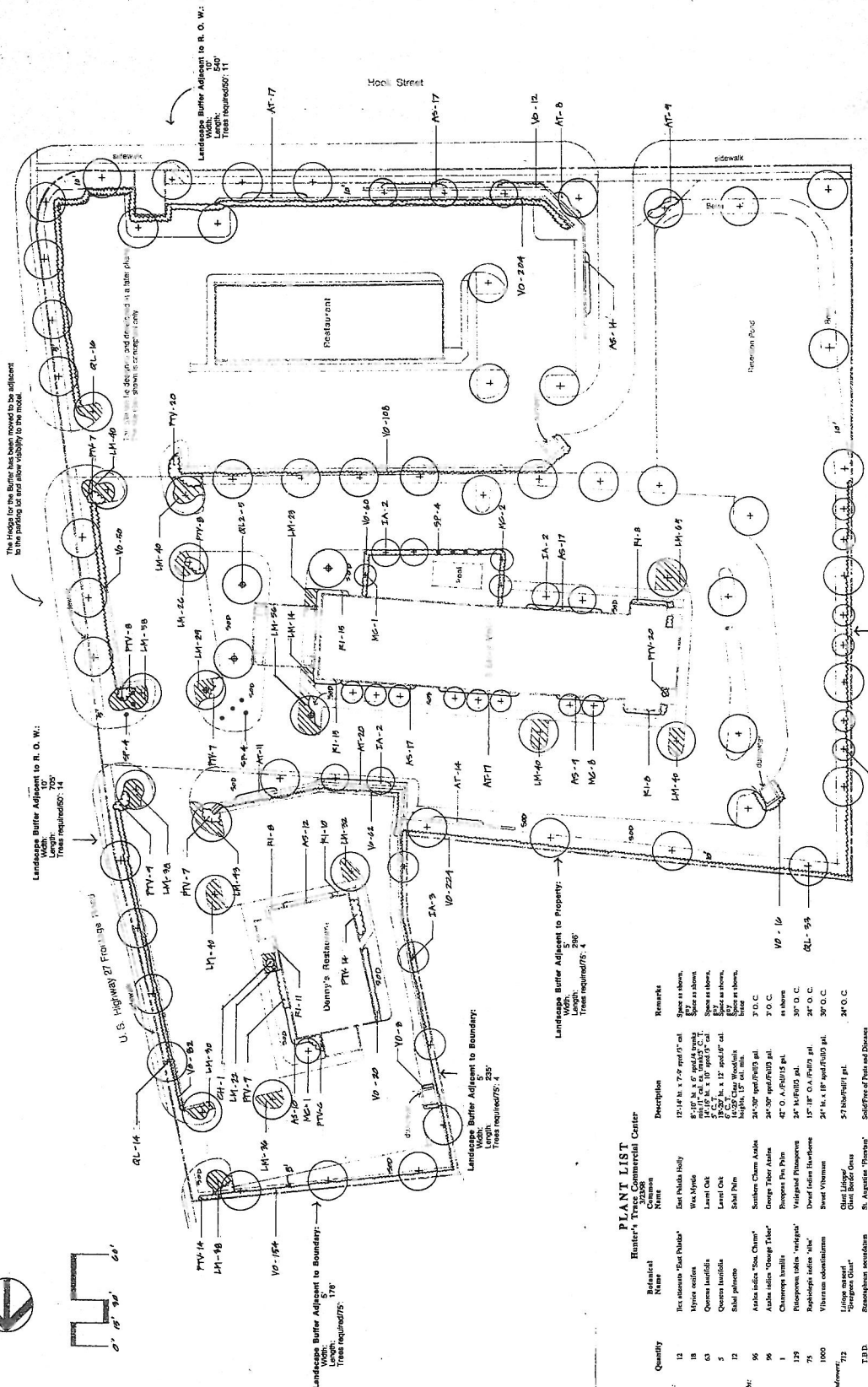
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0' 10' 20'



PLANT LIST

Code	Quantity	Plant Name	Description	Remarks
AT	12	Tree	12-14 ft. x 7-8" dbh	Spec as shown.
MC	18	Tree	8-10 ft. x 6" dbh	Spec as shown.
VO	63	Tree	14-16 ft. x 10" dbh	Spec as shown.
QZ	5	Tree	18-20 ft. x 12" dbh	Spec as shown.
SP	12	Tree	14-20 ft. x 12" dbh	Spec as shown.
AS	96	Shrub	24-30" dbh	Spec as shown.
AT	96	Shrub	24-30" dbh	Spec as shown.
CH	1	Shrub	42" O.A. dbh	Spec as shown.
PTV	129	Shrub	24" dbh	Spec as shown.
RI	75	Shrub	15-18" O.A. dbh	Spec as shown.
VO	1000	Shrub	24" x 18" dbh	Spec as shown.
VO	712	Shrub	57 dbh	Spec as shown.
SO	712	Shrub	57 dbh	Spec as shown.
SO	712	Shrub	57 dbh	Spec as shown.

NOTE: 1. All plant material shall be a minimum of 4" dbh and in accordance with the City of Chicago's Land Development Code. 2. Replacement trees per the 2016/17 tree loss table shall be included in meeting the minimum landscape requirements.

Client: Acorn Associates, Inc.

Hunter's Trace Properties
Master Landscape Plan
Clemont, Florida

Client: Acorn Associates, Inc.
10000 N. 10th Ave.
Suite 100
Clemont, FL 33509
(615) 444-1111
www.acornassociates.com

1-1

Sec. 118-32. - Landscape plan.

A landscape plan showing proposed landscaped areas shall be submitted for review and approval by the city. All landscape plans submitted for approval shall be signed and sealed by a registered landscape architect, unless otherwise determined by the site review committee. Such plan shall be required for all new development, and, if required, with the application for a building permit for rehabilitation or renovation projects. Landscape plans shall include and indicate the following:

- (1) Dimensions and location of the property.
- (2) Location of all structures, freestanding signs, parking areas, drives, vehicular use areas and other improvements proposed for the property.
- (3) Location of overhead power lines and adjacent streets or rights-of-way.
- (4) Location, type and size of all existing trees to be preserved, and those to be removed or replaced, and new trees to be planted.
- (5) Location, type, quantity and specifications of all proposed landscape materials.
- (6) Location and type of existing vegetative communities to remain undisturbed.
- (7) General notes, including planting details, mulching requirements, installation instructions and other such information as needed.
- (8) Calculations that demonstrate compliance with provisions of this land development code. Calculations shall include landscaping required by code and landscaping provided per the site plan. This shall include required buffers, vehicular use landscaping and screening, supplemental landscaping and other information as necessary.

(Code 1998, § 118-32; Ord. No. 281-C, § 1(ch. 13, § 3(B)), 11-8-1994; Ord. No. 311-C, § 1, 11-13-2001)

Sec. 118-34. - Installation of landscape material.

- (a) Installation of landscape material shall strictly be in accordance with the approved landscape plan. Any request for substitution or relocation of materials shall be submitted in writing, along with a revised plan, to the department of planning and zoning for approval. All landscaping shall be installed in a sound workmanship-like manner and in accordance with recognized and accepted good planting procedures. Installation shall mean survival in perpetuity, and replacement, if necessary, of all materials. The administrative official or his established designee shall inspect all landscaping, and no certificate of occupancy or similar authorization shall be issued unless the landscaping meets the requirements provided in this article.
- (b) One year after the certificate of occupancy is issued, a second inspection will be made by city staff to verify that all required landscaping is established, healthy and properly maintained.
- (c) Canopy and understory trees shall be properly staked to ensure healthy growth and increased survivability. Staking kits shall use guidelines that are adjustable and made of nylon or other material that will not harm the bark of the tree. Wire or cable guidelines with hose strapping are prohibited. Staking kits shall be removed one year after the certificate of occupancy is issued, unless otherwise directed by staff.

- (d) Verification of material grade and growing method. The tree supplier shall provide verification that all trees the standards for Florida No. 1 grade and are container grown in the proper size container.

(Code 1998, § 118-34; Ord. No. 281-C, § 1(ch. 13, § 3(D)), 11-8-1994; Ord. No. 311-C, § 1, 11-13-2001; Ord. No. 338-C, § 1, 6-22-2004)

Sec. 118-35. - Maintenance and pruning.

Maintenance . The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All required landscaping shall be maintained in perpetuity. For purposes of this section, "required landscaping" shall mean that landscaping that is required by any provision of the LDC, any approved conditional use permit, development order or building permit or any approved landscaping plan.

- (a) *Replacement* . All unhealthy and dead plant material shall be replaced within 30 days in conformance with the approved site/landscaping plan for the property or in conformance with the provisions of this article if an approved plan is not on file with the city. The size of replacement trees shall be as specified in section 118-113(d)(2).
- (b) *Pruning* . Vegetation and trees required by this Code shall only be pruned to maintain health and vigor. Pruning shall be in accordance with "Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance ANSI 300" of the National Arborist Association. Required trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. A trees natural growth habit shall be considered in advance of conflicts which might arise; such as view, signage, lighting and similar conflicts. Excessive pruning, hatracking, topping, et cetera, of required trees shall be considered tree abuse and a violation of this Code.
- (c) *Violations* . A person who violates any provision of this article, and fails to correct the violation as provided herein, may be subject to penalties pursuant to the city Code of Ordinances. Tree abuse offenses shall be considered a separate offense for each tree damaged or destroyed contrary to the provisions of this article.

(Code 1998, § 118-35; Ord. No. 311-C, § 1, 11-13-2001; Ord. No. 338-C, § 1, 6-22-2004; Ord. No. 2014-34, § 2, 12-9-2014)

Sec. 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 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 six feet clear trunk height as measured from the ground to the base of the heart leaf.
- (4) 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) Sixty percent of required canopy trees in parking lots shall be live oak trees.
- (6) Palms. Palm trees may be used in place of canopy trees or understory trees to meet the minimum tree requirements. In no case shall the total number of palms of all species combined account for more than 20 percent of the required canopy trees nor more than 20 percent of the required understory trees. The minimum size of palms is six feet of clear trunk for tree form palms. Two palm trees count as one canopy or understory tree unless it is a large specimen palm tree such as a Medjool or Date Palm which may be counted as one palm tree to one canopy or understory tree. Palm tree replacement species and locations must be approved by the city site review committee.
- (c) *Shrubs*. Shrubs shall be a minimum of two feet in height and 30 inches on center when measured immediately after planting.
- (d) *Hedges*. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of two years from the time of planting.
- (e) *Vines*. Vines shall be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences, screens or walls to meet physical requirements as specified.
- (f) *Ground covers*. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and provide reasonably complete coverage within 12 months after planting.
- (g) *Lawn grass*. Grass areas may be sodded, plugged, sprigged or, in certain instances where large acreage development occurs, hydroseeded. Solid sod or other approved ground cover shall be required on all platted lots one-quarter acre or less, in all rights-of-way, stormwater retention areas and swales, and on areas where relief indicates the property may be subject to erosion. On lots one-quarter acre or greater, at least one-quarter acre of the parcel shall be sodded or covered with an approved ground cover. Areas proposed for hydroseeding shall be approved by the administrative official or the established designee thereof.
- (h) *Water conservation*. In an effort to foster water conservation, new commercial, multifamily, common green areas in subdivisions and retention ponds shall use bahia grass or other approved drought tolerant ground cover.

(Code 1998, § 118-36; Ord. No. 281-C, § 1(ch. 13, § 3(F)), 11-8-1994; Ord. No. 294-C, § 2, 9-28-1999; Ord. No. 309-C, § II, 6-26-2001; Ord. No. 310-C, § 2, 7-24-2001; Ord. No. 311-C, § 1, 11-13-2001; Ord. No. 338-C, § 1, 6-22-2004; Ord. No. 2013-04, § 2, 2-26-2013; Ord. No. 2014-14, § 2, 6-10-2014)

Sec. 118-37. - Landscape buffers.

- (a) *Generally.* Landscape buffers shall be established and maintained in accordance with this section.
- (b) *Applicability of requirements.* One or more of the provisions of this section may be applicable to a specific use. In such case, the most stringent requirement shall apply.
- (c) *Buffer yards between differing land uses.*
 - (1) Landscape buffer yards shall be developed between differing land uses based on this section. These requirements shall be deemed the minimum necessary to achieve compatibility between land uses. Buffer yards shall be developed by the more intense use based on existing contiguous land uses, zoning district designation or land use plan designation, whichever is more intense.
 - (2) Whenever a commercial or industrial use is developed and abuts a residential use or zoning district, the commercial or industrial use shall provide the appropriate buffer between the two uses.
 - (3) Whenever a multifamily use is developed and abuts a single-family or two-family use or zoning district, the multifamily use shall provide the appropriate buffer between the two uses.
 - (4) Notwithstanding subsections (c)(2) and (3) of this section, if a single-family or two-family use is developed adjacent to an existing, vested nonresidential use or multifamily use, the provisions of this section shall not be considered applicable.
- (d) *Perimeter landscape buffers between abutting properties.*
 - (1) *Minimum width.* A minimum ten-foot wide landscape buffer shall be provided between abutting property boundaries. Said buffer shall be measured perpendicular to the abutting property boundary and shall consist of a maximum ten percent grade.
 - (2) *Length.* The required landscape buffer shall extend along the entire length of the property boundary.
 - (3) *Plantings.* The landscape buffer shall be planted with three trees per 100 lineal feet or fractional part thereof; two of which shall be canopy trees. Shrubs shall form a continuous three-foot high landscape screen adjoining driveways and parking areas. If industrial, commercial or multifamily is adjacent to a lesser zoning, the buffer shall be planted with shrubs, extending the entire length of the perimeter, in such a manner as to provide opaque screening and shall be properly maintained at a minimum height of six feet. The height of six feet shall normally be reached within two years from planting. Landscaped buffers within 15 feet of the curb or points of ingress or egress shall not exceed three feet in height.
- (e) *Buffers adjacent to rights-of-way for nonresidential uses.*
 - (1) *Minimum width.* A minimum 20 foot wide landscape buffer shall be required along arterial and collector roads, and a minimum 15-foot-wide buffer shall be required along local streets.

Said landscape buffers shall consist of the following:

- a. A 20-foot-wide landscape buffer may consist of a maximum of ten feet using a maximum ten percent grade on the high side, and the remaining ten feet may be sloped to a maximum 4:1 grade. All 4:1 sloped buffers shall be landscaped and approved by the site review committee. The buffer and sloped portion shall be reviewed and approved for location by the site review committee.
- b. A 15-foot-wide landscape buffer may consist of a maximum of ten feet using a maximum ten percent grade on the high side, and the remaining five feet may be sloped to a maximum 4:1 grade. All 4:1 sloped buffers shall be landscaped and approved by the site review committee. The buffer and sloped portion shall be reviewed and approved for location by the site review committee.
- c. A berm that maintains a height of at least two foot for at least 40 percent of the overall length. Side slopes of the berm shall be no greater than 3:1. The requirement for a berm may be waved if it determined by the site review committee that the topography of the site is such that the provision of a berm would be ineffective.

(2) *Length.* The required landscape buffer shall extend the entire length of the property frontage adjacent to the right-of-way.

(3) *Plantings.* The required landscape buffer shall be planted with three canopy trees and five understory trees per 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding lawn grass, shall comprise at least 50 percent of the required buffer area, and shall form a continuous three-foot high landscape screen adjoining driveways and parking areas.

(f) *Buffers along rights-of-way for residential subdivisions and multifamily developments.* Within single-family and multifamily residential developments, a buffer shall be provided along the external roadways to reduce noise generated by traffic and create a visual barrier. Plant and/or structural materials shall be properly installed and maintained in perpetuity. All such buffers shall be in a landscape tract that is maintained by a homeowners association. Buffers shall conform to either one of the following specifications:

- (1) A buffer a minimum of 15 feet wide with a brick, stone or masonry block wall, trees and shrubs. The 15-foot-wide landscape buffer may consist of a maximum of ten feet using a maximum ten percent grade on the high side, and the remaining five feet may be sloped to a maximum 4:1 grade. All 4:1 sloped buffers shall be landscaped and approved by the site review committee. The buffer and sloped portion shall be reviewed and approved for location by the site review committee. Wall height shall be as allowed in subsection 122-343(c)(1). One shrub shall be required for every five lineal feet of wall. Shrubs may be clustered in groups of no less than five each, with groups being spaced no further than 50 feet apart. Two canopy trees shall be required for every 100 linear feet of wall, or fractional part thereof.
- (2) A buffer a minimum of 25 feet in width, consisting of an earthen berm, trees and a continuous hedge. Earthen berms shall be a minimum of three feet in height unless otherwise determined by the site review committee. The combined height of the berm and shrubs shall be a minimum of six feet. The height of six feet shall normally be reached within

one year from planting. Three canopy tree and five understory trees shall be planted for each 100 lineal feet of frontage or fractional part thereof. All plant materials utilized shall conform to the plant material specifications of this chapter.

(g) *Miscellaneous provisions.*

- (1) All property other than the required landscaped buffer lying between the right-of-way and the buffer shall be landscaped with at least lawn grass, as described in section 118-36(g), or other ground cover pursuant to an approved site plan.
- (2) Commercial or industrial loading platforms and storage areas must also provide buffers to conceal the view of such structures from public streets or public view. Only the opaque shrubbery requirements specified in this subsection are applicable to such uses.
- (3) The provisions of this subsection may not be applicable in the following situations:
 - a. When a property line abuts a dedicated alley, this subsection may not be applicable.
 - b. Where a proposed buffer abuts an existing hedge, wall or other durable landscape barrier on an adjacent property, only the tree provision is required in the buffer area.

(h) *Alteration of landscape buffers.*

- (1) The required buffer may only be altered for the following purposes:
 - a. Construction of accessways as necessary and in compliance with an approved development plan.
 - b. Installation of stormwater, drainage or utility improvements as necessary and in compliance with an approved development plan.
 - c. Selective clearing for visibility of freestanding signs in compliance with an approved development plan.
 - d. The regular pruning of trees to provide clear trunk and visibility between three and 15 feet above grade. Such pruning shall only be permitted for trees with height and maturity necessary to reasonably accommodate such activity.
 - e. The regular removal of dead materials and debris.
 - f. Installation of additional landscape materials in compliance with an approved development plan.

(i) *Building facade landscaping.* Landscape plantings shall be provided around the perimeter of buildings in order to break up the monotony of blank expanses of walls and to generally enhance the aesthetics of any building. Landscape areas shall be provided adjacent to or within 25 feet from the building walls visible to the public. The landscape areas shall extend along 60 percent of the total length of the wall, exclusive of those areas required for direct access to the building. The planting area shall be at least 36 inches in width.

(j) *Landscaping around backflow preventers.* Landscape plantings shall be provided around the perimeter of backflow preventers. Shrubs shall be the height of the preventer they are screening and provide an opaque screen to buffer to the preventer. Shrubs and plantings shall remain 7½ feet from any fire department hook up.

(k) *Landscape buffers under utility lines.* Landscape buffers that are required under this article that are within 20 feet of existing electric power utility lines may substitute the required canopy trees with

understory trees as listed in section 118-41 Preferred Tree List. Substituted understory trees must use a variety of understory trees and shall not include any more than 50 percent of a single variety. Any substitutions must be approved by the site review committee with submittal of a landscape plan. All tree trimming and maintenance must be in accordance with section 118-35 Maintenance and Pruning.

(Code 1998, § 118-37; Ord. No. 281-C, § 1(ch. 13, § 4), 11-8-1994; Ord. No. 311-C, § 1, 11-13-2001; Ord. No. 338-C, § 1, 6-22-2004; Ord. No. 347-C, § 1, 4-25-2006; Ord. No. 2013-04, § 2, 2-26-2013)

Sec. 118-42. - Preferred shrub list.

Preferred shrubs are as follows:

PREFERRED SHRUB LIST

	<i>Common Name</i>	<i>Botanical Name</i>
(X)	Arborvitae, Oriental (E)	Platycladus orientalis
	Azalea (E)	Rhododendron hybrids
(X)	Boxwood, Japanese (E)	Buxus microphylla
(X)	Crepe Myrtle (D)	Lagerstroemia indica
(X)	Cypress, Leylandii (E)	Cypressocyparis leylandii
(X)	Feijoa (E)	Feijoa sellowiana
(X)	Holly, Ambigua (D)	Ilex ambigua
(X)	Holly, American (E)	Ilex opaca
(X)	Holly, Burford (E)	Ilex cornuta
(XX)	Holly, Yaupon (E)	Ilex vomitoria
(XX)	Juniper (E)	Juniperus spp.
(XX)	Palmetto, Saw	Serenoa repens
(XX)	Palmetto, Scrub	Sabal etonia
(X)	Photinia, Red-leaf (E)	Photinia glabra

(X)	Photinia, Red-tip "Fraserii"	Photinia fraserii
(X)	Pittosporum, Japanese (E)	Pittosporum tobira
(XX)	Podocarpus, Yew (E)	Podocarpus macrophyllus
(X)	Privet, Chinese (E)	Ligustrum sinense
(X)	Privet, Florida (D)	Forestiera segregata
(XX)	Privet, Japanese (E)	Ligustrum japonicum
(XX)	Sage, Texas (E)	Leucophyllum frutescens
(XX)	Silverthorn (E)	Elageagnus pungens
	Viburnum, Sandankwa (E)	Viburnum suspensum
(X)	Viburnum, Sweet (E)	Viburnum odoratissimum
(XX)	Wax Myrtle (E)	Myrica cerifera

Key:

(X)	Xeriscape—Moderate drought tolerance
(XX)	Xeriscape—High drought tolerance
(D)	Deciduous
(E)	Evergreen

(Code 1998, § 118-42; Ord. No. 281-C, § 1(table 13-2), 11-8-1994)

City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

VIOLATION NOTICE

November 22, 2017

Violation # C2017-000755

To: PRICKETT JOHN R
PO BOX 1599
EUSTIS, FL 32727

Violation/Property address: 1800 SOUTH US HIGHWAY 27 CLERMONT, FL. 34711 (BUBBAS CATFISH)

You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at 1800 SOUTH US HIGHWAY 27 in reference to: **all hedges on US 27 side (front entrance of restaurant) have been removed without authorization from the City.**

Compliance with the Violation(s) listed will be when the following condition(s) are met:

- **When the SWEET VIBURNUM hedges are replaced and inspected and approved from the City.**

Type of Violation: Sec. 118-32 Landscape Plan, Sec. 118-34 Installation of landscape material and Sec. 118-37 Landscape buffers.

See code list attached to the notice for information

Type of Violation: Sec. 118-35. Maintenance and pruning.

(a)

Maintenance. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All required landscaping shall be maintained in perpetuity.

(b)

Replacement. All unhealthy and dead plant material shall be replaced within 30 days in conformance with the approved site/landscaping plan for the property or in conformance with the provisions of this article if an approved plan is not on file with the city. The size of replacement trees shall be as specified in section 118-113(d)(2).

(c)

Pruning. Vegetation and trees required by this Code shall only be pruned to maintain health and vigor. Pruning shall be in accordance with "Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance ANSI 300" of the National Arborist Association. Trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. A trees natural growth habit shall be considered in advance of conflicts which might arise (i.e. view, signage, lighting and similar conflicts). Excessive pruning, hatracking, topping, etc., shall be considered tree abuse and a violation of this Code.

(d)

Violations. A person who violates any provision of this article, and fails to correct the violation as provided herein, may be subject to penalties pursuant to the city Code of Ordinances. Tree abuse offenses shall be considered a separate offense for each tree

damaged or destroyed contrary to the provisions of this article.

Type of Violation: Section 118-35 (b) Replacement.

All unhealthy and dead plant material shall be replaced within 30 days in conformance with the approved site/landscaping plan for the property or in conformance with the provisions of this article if an approved plan is not on file with the city.

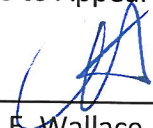
Type of Violation: Section 118-36 (a) Quality.

Plant materials used in conformance with the 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.

Please contact me at 352-241-7304 or ewallace@clermontfl.org when you comply, so an inspection to determine compliance can be scheduled. Should you have questions about the landscape plan and/or approved/preferred hedges please contact chenschel@clermontfl.org or 352-241-7308 as he is the City Arborist.

You are directed to take action by **December 15th, 2017** . Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Special Magistrate.

By:



E. Wallace

Code Enforcement Officer

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF CLERMONT, FLORIDA**

CITY OF CLERMONT

Petitioner,

vs.

JOHN R. PRICKETT,

Respondent.

**Case No: C2017-000755
1800 South US Highway 27
Clermont, Florida**

FINDINGS OF FACT, CONCLUSION OF LAW and ORDER

THIS MATTER came before the Code Enforcement Special Magistrate of the City of Clermont for hearing on **May 15, 2018** and the Special Magistrate having heard sworn testimony and received evidence from **Evie Wallace Code Enforcement Officer**, for the City and having noted that Respondent was not present or represented, thereupon issues the following Findings of Fact, Conclusion of Law, and Order:

I. FINDINGS OF FACT

- 1) Notice as required by Section 162.12, F.S. was provided to Respondent.
- 2) The Respondent is the owner of and in custody and control of the property described in the Violation Notice dated November 22, 2017.
- 3) Required landscaping has been removed from the property and/or needs to be replaced..

II. CONCLUSION OF LAW

The Code Enforcement Special Magistrate finds the Respondent, **JOHN R. PRICKETT**, is in violation of City of Clermont Section 118-32 "Landscape Plan", Sec 118-34 "Installation of landscape material"; Section 118-37 "Landscape buffers"; Section 118-35 "Maintenance and pruning"; Section 118-35 (b) "Replacement"; and Section 118-36 (a) "Quality".

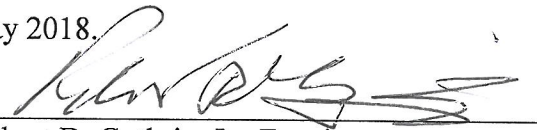
III. ORDER

Based on the above-stated findings and conclusion of law, it is hereby Ordered that:

CASE NO: C2017-000755

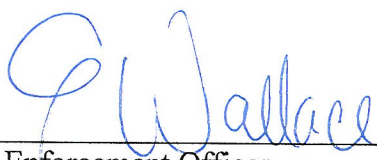
- 1) Respondent shall correct the above-stated violation on or before **June 15, 2018** by taking the remedial action as set forth in the Violation Notice dated November 22, 2017. If the Respondent fails to timely correct the violation a fine of **TWO HUNDRED AND FIFTY DOLLARS (\$250)** will accrue for each day the violation continues past the compliance date as stated above.
- 2) Respondent bears the burden of, and shall contact the City of Clermont Code Enforcement Department to arrange for a re-inspection of the Property and to verify that the violations have been corrected, and the property has been brought into compliance with the City Code Sections as cited above. Respondent shall call (352) 241-0178 to request an inspection.
- 3) Any fine imposed shall accrue from the date it is imposed until the date that the violation is corrected as verified by the City of Clermont Code Enforcement Department.

Done and Ordered this 21st day of May 2018.


Robert D. Guthrie, Jr., Esquire
Special Magistrate
Fla Bar No.: 229555

An aggrieved party, including the City Council of the City of Clermont, may appeal a final administrative order of the Code Enforcement Special Magistrate to the Circuit Court. Any such appeal shall be filed within thirty (30) days of the rendition of this Order as set forth in Section 162.11, Florida Statutes.

I **HEREBY CERTIFY** that on this 23rd day of May 2018, a true and correct copy of this Order has been furnished by certified and regular mail to Respondent, John R. Prickett, P.O. Box 1599, Eustis, FL 32727.


Code Enforcement Officer

Code Enforcement Special Magistrate
City of Clermont

NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

Case No. C2017-000755

vs.

PRICKETT JOHN R

Respondent

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby notified that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Special Magistrate on:

NOVEMBER 27TH, 2018 TO IMPOSE A LIEN ON PROPERTY

at

685 West Montrose Street, Clermont, Florida.

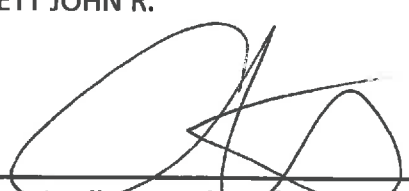
Council Chambers of City Hall

The Special Magistrate will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Special Magistrate even if the violation has been corrected prior to the hearing.

Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, PRICKETT JOHN R.
Certified Mail/Return Receipt Requested #

BY:



Evie Wallace, Code Enforcement Officer
this 25th day of October, 2018

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.