



Code Enforcement Special Magistrate Public Hearing Monday, November 14, 2016

Case Docket

The above-mentioned public hearing will be held at the City of St. Pete Beach City Hall, located at 155 Corey Ave., St. Pete Beach, Florida.

1. CALL TO ORDER – 10:00 A.M.

2. PLEDGE OF ALLEGIANCE

3. ADMINISTER OATH

4. OLD CASES:

A. Case # 20160117

City of St. Pete Beach v. Roger J. Rovell

Address: 108 31st Ave., St. Pete Beach, FL 33706

Violations:

MARINE TURTLE PROTECTION.

The first is Division 44 "Marine Turtle Protection." I interpret this section to apply to ALL sandy beaches in the city, both private and public. Although prefaced as night lighting inspections, it's clear that "[i]nspections shall include both public and private properties within jurisdictional boundaries." temporary or transient in nature." Sec 44.8. – Enforcement. More to the point of boats on the sandy beach, it is my interpretation that a boat meets the definition under this Division of a "temporary structure which is "...any human-made structure or object

with a location or arrangement that is temporary or transient in nature.”

”Sec. 44.2. - Definitions. This is primarily applicable to Sec. 44.3 – “Prohibition of activities disruptive to marine turtles.” The language in this section addresses “activities [that] are prohibited on the beach at nighttime during the nesting season for the protection of nesting females, nests, and hatchling marine turtles[.]” Subsection (d) expressly addresses activities where turtle nests or nesting is reported. The Code specifies what must happen “...[i]f any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, ...which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat.” Under this situation, the temporary structure must be “[r]emoved from the beach nightly; or [s]tored in areas designated by the [city] staff which are situated to avoid interference with marine turtles; or [p]laced in a manner so as to not obstruct the transit of turtle hatchlings to the water.” Sec. 44.3(d)(1)-(3).

Chapter 94 – WATERWAYS.

The second applicable provisions are in Chapter 94 “Waterways.” Watercraft means any ship, vessel, boat, yacht, raft, barge, houseboat or other floating structure. Sec. 94-31(a)

In addition, Sec. 94-32, “Storage of watercraft,” articulates certain restrictions. First, “[n]o person shall store or keep a boat on the public beach between 22nd Avenue and the Pass-a-Grille jetty, also known as Pass-a-Grille Beach, including any public beach south thereof, or the public beach between the Blind Pass jetty and the southern boundary of Upham Beach between sunset and sunrise as defined in section 94-66.” Sec. 94-32(1). This section is applicable to the public beach as described in this citation.

Second, “[n]o person shall store a watercraft within a dune. Any watercraft stored or kept within a dune for more than 24 hours may be impounded by the city. The city shall post notice of the penalty for violation of this section.” Sec. 94-32(2). This is applicable to public and private dune areas.

Third, “[n]o watercraft or equipment shall be stored within 25 feet landward of the visible water line between the hours of sunset and sunrise as defined in section 94-66.” Sec. 94-32(3). This is applicable to public and private beach area.

Section 94-33 articulates “restrictions on use of public property.” Here, [n]o person shall secure, tie, dock, or anchor any boat or vessel of any kind to any public property, including any beach,

..." Sec. 94-33(b). The enforcement of this section is in 94-33(e) which states "[a]ny boat or vessel of any kind found in violation of this section may be impounded by the city." And with regarding to notice, "[t]he city is directed to clearly publish the provisions contained in subsections(a), (b), (d) and (e) of this section on each public dock or public launching ramp. Further, the city shall clearly notify the public that violations of the posted subsections (a), (b) and (d) of this section will result in the impounding of the boat or vessel." Sec. 94-33(e)

Boat stored on beach is in violation of the code sections stated

B. Case# 20160113

City of St. Pete Beach v. Robert A. Williams

Address: 3699 Gulf Blvd, St. Pete Beach, FL 33706

Violation:

Sec. 46-33. - Enumeration.

(1) Vegetation as follows:

a. Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds or any other vegetation, other than trees, ornamental bushes, flowers or other ornamental plants, with a height exceeding 12 inches.

b. Dead branches or fronds on trees or shrubs.

c. Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights-of-way.

Affidavit of non-compliance issued and the City is requesting an imposition of fines and liens as was ordered and adjudged on 10/25/16

C. Case# 20160092

City of St. Pete Beach v. Gina Simonaitis

Address: 8920 Gulf Blvd, St. Pete Beach, FL 33706

Violation:

Sec. 98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials.

Affidavit of non-compliance issued and the City is requesting an imposition of fines and liens as was ordered and adjudged on 10/25/16

D. Case # 20160043

City of St. Pete Beach v. Gulf Strand Resort Condo Assn. Inc. and Michael Bomar

Address: 4510 Gulf Blvd. St. Pete Beach, FL 33706

Violation:

Division 25.6. - Tiki huts.

(1) The city may permit the location of a tiki hut on the beach in accordance with the following: (1) Tiki huts shall be allowed only in conjunction with the approval of the owner of the property upon which the tiki hut will be located and as part of a conditional use approved under the provisions Division 4 of this Code. Tiki huts shall be further regulated as follows:

- a. Only one tiki hut for each approved conditional use on a zoning lot;
- b. Such tiki huts shall be located in accordance with an approved site plan;
- c. Tiki huts shall be no larger than 36 square feet in area with sides that are at least 50 percent open and may have a roof;
- d. No tiki hut shall have utility services, shall serve food or drinks, or shall be used for any other service beyond the sales of services for an approved commercial water sports operation.

(2) Tiki huts shall be removed from the beach in the event of the issuance of a warning for a storm that, in the opinion of the city, is expected to be of sufficient strength to warrant such removal.

(3) Any tiki hut or other similar structure placed or erected on the beach after the adoption of this Code without a permit from the city shall in violation of this Code and all remedies shall be sought in accordance with the provisions of section 3.16 of this Code.

Order of continuance was ordered on September 22, 2016 and the City is requesting an imposition of fines and liens as was ordered and adjudged.

E. Case # 20160046

City of St. Pete Beach v. Dolphin Holdings Ltd. And Michael Bomar

Address: 4900 Gulf Blvd. St. Pete Beach, FL 33706

Violation:

Division 25.6. - Tiki huts.

(1) The city may permit the location of a tiki hut on the beach in accordance with the following: (1) Tiki huts shall be allowed only in conjunction with the approval of the owner of the property upon which the tiki hut will be located and as part of a conditional use approved under the provisions Division 4 of this Code. Tiki huts shall be further regulated as follows:

- a. Only one tiki hut for each approved conditional use on a zoning lot;
- b. Such tiki huts shall be located in accordance with an approved site plan;
- c. Tiki huts shall be no larger than 36 square feet in area with sides that are at least 50 percent open and may have a roof;
- d. No tiki hut shall have utility services, shall serve food or drinks, or shall be used for any other service beyond the sales of services for an approved commercial water sports operation.

(2) Tiki huts shall be removed from the beach in the event of the issuance of a warning for a storm that, in the opinion of the city, is expected to be of sufficient strength to warrant such removal.

(3) Any tiki hut or other similar structure placed or erected on the beach after the adoption of this Code without a permit from the city shall in violation of this Code and all remedies shall be sought in accordance with the provisions of section 3.16 of this Code.

Order of continuance was ordered on September 22, 2016 and the City is requesting an imposition of fines and liens as was ordered and adjudged.

5. NEW CASES:

A. Case #20160098

City of St. Pete Beach v. Kaje Properties LLC

Address: 6502 Gulf Winds Dr., St. Pete Beach, FL 33706

Violation:

Sec. 12.2. - **Permitted principal uses and structures.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RM Residential District are as follows:

- (a) Residential dwellings—Attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

B. Case #20160110

City of St. Pete Beach v. Fred R. Prettenhofer

Address: 3030 Alton Dr., St. Pete Beach, FL 33706

Violations:

Sec. 46-33. - Enumeration.

(1) Vegetation as follows:

a. Any weeds such as broom grass, jimson, burdock, ragweed, sandspur or other similar weeds or any other vegetation, other than trees, ornamental bushes, flowers or other ornamental plants, with a height exceeding 12 inches.

b. Dead branches or fronds on trees or shrubs.

c. Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights-of-way.

C. Case # 20160115

City of St. Pete Beach v. Zamora Hospitality Group LLC.

Address: 3701 Gulf Blvd, St. Pete Beach, FL 33706

Violation:

Sec. 42.6(d)

40 temporary lodging units per acre not to exceed the density pool allocated. The temporary lodging use can be mixed with a commercial use. The maximum floor area ratio for the commercial portion of a mixed use project is 0.3. Development Order #20130008 not being adhered to, as the hotel has increased the density from 50 units to 72 units.

6. ADDITIONAL ITEMS:

7. NEXT HEARING:

Monday, December 12, 2016 at 10:00 A.M.

8. ADJOURNMENT

In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Clerk's office at (727) 363-9201 no later than four days prior to the proceeding for assistance.

If any person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.