



**CODE ENFORCEMENT SPECIAL MAGISTRATE
PUBLIC HEARING**

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

**Monday, November 13, 2017
10:00 a.m.**

Case Docket

- 1. CALL TO ORDER – 10:00 A.M.**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADMINISTER OATH**
- 4. CASES COMPLIED OR CONTINUED:**

Case No. 20170028
City of St. Pete Beach v. Krzysztof and Maria Czyszczonev. Trust
Krzysztof and Maria Czyszczonev. Trustees
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706
District 3
This property is now compliant.

Case No. 20170093

City of St. Pete Beach v. Bay Palms Waterfront Resort Inc.

Address: 4237 Gulf Boulevard, St. Pete Beach, FL 33706

District 3

This property is now compliant.

5. OLD CASES:

A. Case No. 20170105

City of St. Pete Beach v. Scott and Amy Boggs

Address: 1202 Pass A Grille Way, St. Pete Beach, FL 33706

District 4

Sec. 20.03. - 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 PAG Overlay District are as follows:

(b) Transient occupancy in single-family or multi-family dwellings, so long as any such transient occupancy of less than thirty (30) days does not occur more than three times in any 12-month period on any parcel.

Sec. 23.4. - General parking requirements.

All off-street parking shall be provided in accordance with the following general requirements:

(e) Except as provided in section 23.7, all off street parking areas shall be surfaced with asphalt, bituminous or concrete material, clay brick or concrete paving units, and maintained in a smooth, well-graded condition; provided, however, turf block may be used for the parking space surface.

6. NEW CASES:

A. Case No. 20170122

City of St. Pete Beach v. Kaushik and Urmi Doshi

Address: 76th Avenue, St. Pete Beach, FL 33706

District 1

Violation: Sec. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(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.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables,

offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

B. Case No. 20170133

City of St. Pete Beach v. Blakes Ventures Inc.

Address: 601 Corey Avenue, St. Pete Beach, FL 33706

District 1

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

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

(b) Standards for improved property.

(3) Windows.

a. Every window shall be maintained in sound working condition and good repair to be substantially weather-tight and rodent-proof.

b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

C. Case No. 20170131

City of St. Pete Beach v. Suzanne Ferry

Address: 600 Corey Avenue, St. Pete Beach, FL 33706

District 1

Violation: Sec. 70-3. - Accumulation of garbage and insufficient number of cans.

It shall be unlawful for the owner or occupant or manager or person responsible for any land or premises to permit, suffer or allow, either by commission or omission, any accumulation of garbage or other waste material upon premises or property within the city for a period longer than four days, without having arranged for disposal of the accumulation by some person qualified under this chapter to perform such services or by the duly authorized garbage collector of the city. It shall be unlawful for any person, whether owner, manager or occupant of any premises, to fail to provide a sufficient number of containers per unit as provided in this chapter to amply provide for any four-day period of garbage or other noxious wastes.

Sec. 70-36. - Required; exemptions; covers; placement for collection.

(a) All owners or residents or occupants of single-family dwellings, two-family dwellings, multiple-family dwellings, businesses, and commercial establishments or enterprises within the city shall provide either garbage

cans or dumpsters of sufficient capacity to hold garbage and trash which has accumulated between service pickup days.

(b) Each cooking unit of a single-family dwelling, two-family dwelling or a multiple-family dwelling shall have either garbage cans or dumpsters adequate and sufficient in size to hold garbage, trash, noncombustible refuse and other waste materials which have accumulated between service pickup days as provided in subsection (a) of this section. Garbage cans and dumpsters, whether for residential dwellings, two-family dwellings, multiple-family dwellings, businesses or commercial enterprises or establishments, shall be placed in one location on the premises for collection purposes, which location shall be approved by the city.

(c) Garbage cans and dumpsters shall be kept tightly covered at all times, except when it is necessary to lift the cover for disposal or removal of garbage, trash, noncombustible refuse or other waste materials or to deposit such therein. It shall be unlawful for any person to deposit garbage, trash, noncombustible refuse or other waste materials in such amounts in the can or dumpster that will not permit the cover to be kept tightly in place. Temporary construction roll-off containers shall be exempt from the requirements of this subsection, but shall be required to comply with all other requirements of this chapter.

(d) Residential garbage can customers may not deposit cans at the curb other than the night before their scheduled pickup and the cans must be removed by nightfall the same day of the scheduled pickup.

(e) Dumpster screening gates shall be open in a position suitable for pickup of front loader service.

(f) Horticultural trimmings placed at curbside in accordance with other city ordinances and regulations shall be exempt from this section.

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

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

(b) Standards for improved property.

(3) Windows.

a. Every window shall be maintained in sound working condition and good repair to be substantially weather-tight and rodent-proof.

b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

City of St. Pete Beach v. Suzanne Ferry

Address: 550 Corey Avenue, St. Pete Beach, FL 33706

District 1

Violation: Sec. 70-3. - Accumulation of garbage and insufficient number of cans.

It shall be unlawful for the owner or occupant or manager or person responsible for any land or premises to permit, suffer or allow, either by commission or omission, any accumulation of garbage or other waste material upon premises or property within the city for a period longer than four days, without having arranged for disposal of the accumulation by some person qualified under this chapter to perform such services or by the duly authorized garbage collector of the city. It shall be unlawful for any person, whether owner, manager or occupant of any premises, to fail to provide a sufficient number of containers per unit as provided in this chapter to amply provide for any four-day period of garbage or other noxious wastes.

Sec. 70-36. - Required; exemptions; covers; placement for collection.

(a) All owners or residents or occupants of single-family dwellings, two-family dwellings, multiple-family dwellings, businesses, and commercial establishments or enterprises within the city shall provide either garbage cans or dumpsters of sufficient capacity to hold garbage and trash which has accumulated between service pickup days.

(b) Each cooking unit of a single-family dwelling, two-family dwelling or a multiple-family dwelling shall have either garbage cans or dumpsters adequate and sufficient in size to hold garbage, trash, noncombustible refuse and other waste materials which have accumulated between service pickup days as provided in subsection (a) of this section. Garbage cans and dumpsters, whether for residential dwellings, two-family dwellings, multiple-family dwellings, businesses or commercial enterprises or establishments, shall be placed in one location on the premises for collection purposes, which location shall be approved by the city.

(c) Garbage cans and dumpsters shall be kept tightly covered at all times, except when it is necessary to lift the cover for disposal or removal of garbage, trash, noncombustible refuse or other waste materials or to deposit such therein. It shall be unlawful for any person to deposit garbage, trash, noncombustible refuse or other waste materials in such amounts in the can or dumpster that will not permit the cover to be kept tightly in place. Temporary construction roll-off containers shall be exempt from the requirements of this subsection, but shall be required to comply with all other requirements of this chapter.

(d) Residential garbage can customers may not deposit cans at the curb other than the night before their scheduled pickup and the cans must be removed by nightfall the same day of the scheduled pickup.

(e) Dumpster screening gates shall be open in a position suitable for pickup of front loader service.

(f) Horticultural trimmings placed at curbside in accordance with other city ordinances and regulations shall be exempt from this section.

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

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

(b) Standards for improved property.

(3) Windows.

a. Every window shall be maintained in sound working condition and good repair to be substantially weather-tight and rodent-proof.

b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

E. Case No. 20170140

City of St. Pete Beach v. Adel Refai

Address: 6835 Blind Pass Road, St. Pete Beach, FL 33706

District 2

Violation: Sec. 34.5. - Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the Downtown Core Residential District.

Sec. 78-96. - Business tax receipt—Required.

No person shall engage in any business, trade or profession in the city without first obtaining a business tax receipt issued by the city manager and paying the tax required pursuant to this article. The issuance of a business tax receipt for a business on any premises within the city shall not constitute, nor be construed as, approval by the city of the land use, zoning or other developmental approval of the particular business on the premises for which such receipt was issued. Businesses operating in association with city sponsored special events may be exempted from this requirement upon approval of the city manager.

F. Case No. 20170135

City of St. Pete Beach v. Cary and Patricia Wallace

Address: 438 86th Avenue, St. Pete Beach, FL 33706

District 1

Sec. 6.13. - Residential accessory structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

(a) Garage, private residential, as defined, fall into one of two types, either attached to or detached from the principal residential structure. Under the terms of this section, the term "garage" shall also include carports. For the purposes of this Code, a garage shall be deemed to be attached only when it shares at least 75 percent of the length of one wall in common with the principal structure to which it is an accessory.

(2) *Detached garage*. Detached garages shall be regulated as follows:

a. *Required yards*:

Front yard:	20 feet
Secondary front yard:	As required for the principal structure
Side yards:	As required for the principal structure
Rear yard:	Ten feet if accessible from an alley; otherwise 20 feet

b. *Maximum height*: 12 feet above the crown of any street abutting the property.

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

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

(17) Accessory structures. Garages, storage buildings and all other accessory structures shall be maintained and kept in good repair and sound structural condition.

104.6.2 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing or life safety system before obtaining the necessary permits shall be subject to a penalty of triple the required permit fee. This provision shall not apply to emergency work, when delay would clearly have placed life or property in imminent danger. In all such emergency cases the required permit(s) shall be obtained within five business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a triple fee. In the event of an emergency declaration from the state, the time required to obtain the required permit(s) for emergency work may be extended. The payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time when justifiable cause has been demonstrated in writing.

105.1 Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

7. ADDITIONAL ITEMS:

8. OTHER:

9. NEXT HEARING:

Monday, December 11, 2017 at 10:00 a.m.

10. ADJOURNMENT

APPEAL

APPEAL: Florida Statutes 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

Electronic media must be submitted a minimum of 24 hours in advance to cityclerk@stpetebeach.org

The public is cordially invited to attend.

All agenda material is available for review at City Hall.