



**CODE ENFORCEMENT SPECIAL MAGISTRATE
PUBLIC HEARING**

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

**Monday, May 14, 2018
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:**

A. Case No. 20180047

City of St. Pete Beach v. Eighty Eight Fifty Blind Pass Corp

Address: 8850 Blind Pass Road, St. Pete Beach, FL 33706

District 1

Sec. 23.4. - General parking requirements.

Sec. 46-33. - Enumeration.

Sec. 98-65. - Unsightly conditions.

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

This property is compliant.

B. Case No. 20180064

City of St. Pete Beach v. Loretta Nardone

Address: 7013 Boca Ciega Dr., St. Pete Beach, FL 33706

District 2

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. Metal fencing shall be free from rust or deterioration.

This property is compliant.

5. OLD CASES:

A. Case No. 20180084

City of St. Pete Beach v. Vincent Castelluccio

Address: 5903 Bimini Way, St. Pete Beach, FL 33706

District 2

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.

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

(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.

(5) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.

(6) The carcasses of animals or fowl not disposed of within 12 hours after death.

(8) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(12) Any wornout, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects, such as automobiles or parts thereof, building materials, machinery, metal, wastepaper, rags, glassware, tinware, vehicles, boats or parts thereof, or other items of junk.

(13) The storage of any vehicle, whether motorized or nonmotorized, including but not limited to automobiles, trucks, trailers, campers, recreational vehicles, motor homes, boats, boat trailers, or parts thereof, without a valid license plate or valid vehicle or trailer or boat-trailer or other registration certificate, showing the vehicle or part thereof to be titled in the name of the owner or occupier of the property upon which the vehicle or part thereof is located. Failure to have such license or other registration certificate specifically attached to the vehicle or part thereof shall be prima facie evidence that the property is worn out, scrapped, nonoperative, unusable or discarded, as provided in subsection (12) of this section.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

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.

(5) Exterior doors. Every exterior door and hatchway or garage door shall be kept in sound working condition and good repair.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

(19) Rodent harborage. All structures and exterior premises shall be kept free from rodent harborage and infestation. Where rodents are found, the owner shall promptly exterminate rodents through a process which will not be injurious to human health.

This property remains in violation and the City is requesting an imposition of fines and certification of liens.

B. Case No. 20170217

City of St. Pete Beach v. 929485 Florida Inc.

Address: 677 75th Avenue, St. Pete Beach, FL 33706

District 1

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:

(4) Buildings and structures as follows:

b. Any building, structure or other improvement on which the paint or other exterior coating or surface is flaking or has deteriorated to the point that the building, structure or other improvement is unsightly in appearance and thus adversely affects the aesthetic appearance of the area.

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.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

(8) Structural supports. Every structural element of a dwelling shall be maintained in a structurally sound condition and shall not show evidence of deterioration that would make it incapable of carrying normal loads.

(9) Porches and balconies. All exterior porches, balconies, stairs and fire escapes shall include banisters or railings properly designed and maintained to minimize the hazard of falling and installed to withstand the loads prescribed by the Florida Building Code. All exterior porches, landings, balconies, stairs and fire escapes shall be kept structurally sound, in good repair and free from defects. Paint and other finishes shall be in good condition.

(10) Stairs. All stairs shall be maintained safe and free from tripping hazards. Treads shall be sound, without broken or chipped edges. Wooden stairs shall be free from decay or substantial wear that could cause a tripping hazard or have an unsightly appearance. Handrails and guardrails shall be maintained to withstand loads prescribed by the Florida Building Code.

This property remains in violation and the City is requesting an imposition of fines and certification of liens.

6. NEW CASES:

A. Case No. 20170080

City of St. Pete Beach v. J M Industries LLC

Address: 840 59th Avenue, St. Pete Beach, FL 33706

District 2

Sec. 3.6. - Zoning compliance, concurrency and plans required; record of applications and plans; and subsequent applications.

(a) Zoning compliance required. Building permits, other development permits, and certificates of occupancy, as required by other chapters of the St. Pete Beach Code of Ordinances, shall not be issued without determination that applicable requirements of this Code have been met.

(c) Plans required. All applications for development permits shall be accompanied by plans prepared in accordance with the administrative guidelines established by the city manager relating to the specific application.

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.

B. Case No. 20180102

City of St. Pete Beach v. Waldemar Matuska

Address: 429 Belle Point Drive, St. Pete Beach, FL 33706

District 3

Sec. 23.2. - Residential parking restricted.

Residential parking restrictions shall apply within the RU-1, RU-2, RLM-1, RLM-2 and RM zoning districts. For the purpose of this section, the term "stored" shall be construed to include parking for a period exceeding 48 hours.

(a) Recreational vehicles. No recreational vehicle, as defined in Division 2, shall be used for living, sleeping or housekeeping purposes. Such vehicles may be stored in accordance with the following:

(1) Recreational vehicles may be stored in a rear yard, except waterfront yards, or side yard; and

(2) No more than one recreational vehicle may be stored in a front yard, provided that such vehicle is located as follows:

a. On an improved surface; and

b. Such that the length of the vehicle is perpendicular to the front property line of the zoning lot; and

c. Located a minimum of ten feet from the back of the curb on any public street.

(3) Recreational vehicles that are stored off-site may be parked anywhere on a residential lot for up to 48 hours for the purpose of loading or unloading.

(4) Visiting recreational vehicles shall be allowed to park temporarily for one week in any consecutive 90-day period provided the property owner notifies the city of such recreational vehicle within 24 hours.

(b) Boats and trailers. Boats and trailers may be stored in accordance with the following:

- (1) Boats and trailers may be stored in a rear or side yard; and
 - (2) No more than one boat and/or trailer may be stored in a front yard, provided that the following regulations are met:
 - a. On an improved surface or on an unimproved area adjacent to the side property line; and
 - b. Such that the length of the boat and/or trailer is perpendicular to the front property line of the zoning lot; and
 - c. Located a minimum of ten feet from the back of the curb on any public street.
- Sec. 98-3. - Mailboxes; address signs.

(a) All single-family residential and commercial structures within the city may have a mailbox attached to the exterior wall of the structure adjacent to the principal entrance or a mail drop slot in the front door of the residence or commercial structure.

(b) All improved property shall display a street number with no smaller than four-inch numbers and no larger than 12-inch numbers.

C. Case No. 20180100

City of St. Pete Beach v. Joel Culley Jr.

Address: 487 Belle Point Drive, St. Pete Beach, FL 33706

District 3

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:

- (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.
- (9) Any accumulation of stagnant water permitted or maintained on any lot, piece of ground or swimming pool.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

- (1) Structures that are: a. Partially destroyed; or b. Left in a state of disrepair; or c. Left in a state of partial construction beyond the valid timeframe of the permit.
- (2) Abandoned or broken equipment; broken or discarded furniture and household appliances in visible yard areas.
- (3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.
- (4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment and any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a

violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

E. Case No. 20180116

City of St. Pete Beach v. Shirley Ann Lockwood

Address: 7700 Boca Ciega Drive, St. Pete Beach, FL 33706

District 1

Sec. 32.5. - Prohibited uses and structures.

All uses and structures not of a nature specifically or conditionally permitted herein are hereby prohibited in the CC1 Commercial Corridor Blind Pass Road District.

F. Case No. 20180065

City of St. Pete Beach v. Robert Speiser Living Trust/Robert Speiser Trustee

Address: 1340 Boca Ciega Isle Dr., St. Pete Beach, FL 33706

District 3

Sec. 98-120.3. - Intent and purpose.

The purpose of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary or prolonged disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate practices, at the time of initial construction, in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize future flood blight areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22;
- (9) Protect human life and health;
- (10) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (11) Ensure that property owners are notified yearly the property is in a flood prone area;

(12) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; and

(13) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

uR322.3.4 Walls below design flood elevation.

Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and

2. Are constructed with insect screening or open lattice; or

3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and no more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or

4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:

4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.

4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.

5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

105.1 Required.

Any owner or owner's 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 performed, shall first make application to the building official and obtain the required permit.

7. ADDITIONAL ITEMS: REPEAT VIOLATION CASES

A. Case No. 20170201

City of St. Pete Beach v. Elizabeth and James Devito

Address: 3528 Casablanca Avenue, St. Pete Beach, FL 33706

District 3

Sec. 9.2. - 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 RU-2 Residential District are as follows:

(a) Residential dwellings —Detached single-family only. Such dwellings shall not be used for transient occupancy.

This property is in violation and the City is requesting an imposition of fines and certification of liens in the amount of 5,500.00.

8. FEE HEARING

A. Case No. 20160121

City of St. Pete Beach v. Ingrid Anchinges

Address: 3505 Gulf Blvd., St. Pete Beach, FL 33706

District 3

B. Case No. 20170013

City of St. Pete Beach v. Ingrid Anchinges

Address: 3505 Gulf Blvd., St. Pete Beach, FL 33706

District 3

NEXT HEARING:

Monday, June 11, 2018 at 10:00 a.m.

9. 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.

“Pursuant to Sec. 1-15 of the City’s Code of Ordinances, the City may seek an award of attorney fees and other costs to institute or defend an appeal/lawsuit to enforce any provision of the Code of Ordinances to collect fees, liens, assessments or fines, or otherwise secure compliance with any provision of the Code of Ordinances.”

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.