



SPECIAL MAGISTRATE - CODE ENFORCEMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, October 9, 2023
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath
2. Cases Complied or Continued

A. Case No. 20230255

City of St. Pete Beach v. Kimberly Anne Jordan

Address: 400 71st Ave. St. Pete Beach FL 33706

Status Hearing on the additional time given to complete the sale of the property

B. Case No. 20230331

City of St. Pete Beach v. JG Holdings of Pinellas LLC

Address: 8001 Blind Pass Rd. St. Pete Beach FL 33706

The Respondent had until September 29, 2023 to make the fence improvements to the standards to which the Respondent testified at the hearing, including power washing, the application of stucco, and the painting of the fence. The concrete pad used to roll the Respondent's dumpster to the street shall be resurfaced by September 29, 2023 as well.

C. Case No. 20230311

City of St. Pete Beach v. Sapphire Real Estate Management LLC

Address: 618 73rd Ave. St. Pete Beach FL 33706

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations

imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

3. New Cases

A. Case No. 20230511

City of St. Pete Beach v. Randall Rutter Tre, Rutter Living trust

Address: 2504 Sunset Way St. Pete Beach FL 33706

Sec. 25.5 - Prohibitions

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(d) Except as otherwise provided in this section, the following shall be prohibited:

(1) The removal or disturbance of vegetation of a dune;

(2) Planting of vegetation except for native, salt-resistant species suitable for beach and dune stabilization;

(3) The crossing, passing over or passing through any dune by any person or vehicle, except in where such crossing is marked for access pursuant to this section; or

(4) Blocking or causing to be blocked by any means whatsoever any pathway leading to or from a public beach.

Sec. 25.9. - Permit required.

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(a) Dunes. In no instance shall any person, municipality, county or other public or private agency excavate or otherwise cause damage to a dune or conduct or cause to be conducted any activity to improve or enhance a dune without obtaining the necessary permits from the Florida Department of Environmental Protection and the city.

(b) Other non-exempt activities. All other non-exempt activities, including construction, excavation, fill placement, repair of shore protection structures, and other activities seaward of the coastal construction setback line and activities that would alter the topography or disturb the vegetation of the beach/dune system, including vehicular traffic relating thereto, are required to obtain a permit from both the Florida Department of Environmental Protection and the city.

Sec. 98-123.1. - Permits required.

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Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

B. Case No. 20230340

City of St. Pete Beach v. Paradise Caprice LLC

Address: 521 71st Ave. St. Pete Beach FL 33706

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

C. Case No. 20230302

City of St. Pete Beach v. Stanley Jablonski & Joanne Jablonski

Address: 235 71st Ave. St. Pete Beach FL 33706

Sec. 22.4. - Type, quality and size of plant material.

(f) Ground covers. Vegetative ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage. In no instance shall nonvegetative pervious material (for the purposes of this section, stone, shell, gravel, and artificial turf only) be utilized for more than 20 percent of the minimum required pervious area, nor shall such material adversely affect abutting properties, waterways, or the right-of-way. The 20 percent maximum nonvegetative portion of the required pervious area may be increased administratively if the property owner installs an innovative landscape design that incorporates features that retain stormwater onsite, reduces the need for ground water irrigation, or increases the tree canopy as determined by professional best practices which include, but are not limited to, Florida-friendly landscaping, xeriscaping, and low-impact development. New construction that exceeds 10% of the zoning lot area, or the granting of an undue and unnecessary hardship variance or practical difficulty variance, shall require full compliance with this section. A recommended list of vegetative ground covers to be used includes, but is not limited to, the following:

Gallardia Pullchella (Gallardia)*

Helianthus Debilus (Beach Sunflower)*

Lantana Camara (Dwarf Yellow Lantana)*

Trachelospernum Jasmine Varigated (Varegated Confederate Jasmine)*

Trachelospernum Jasmine Minima Varegated (Varegated Dwarf Confederate Jasmine)*

Trachelospernum Jasminoides (Confederate Jasmine)*

Licania michauxii (Gopher Apple)

Scaevola plumieri (Inkberry)

Stachytarpheta jamaicensis (Prone Porterweed)*

Zamia pumila (Coontie)*

Muhlenbergia capillaris (Muhley Grass)*

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.

(21) Shrubbery, plants, and ground cover. All real property shall be maintained in a condition to prevent erosion of soil by:

- a. Landscaping with grass, trees, shrubs or other planted ground cover; or
- b. Such other suitable means as shall be approved by the building official.

4. Old Cases

A. Case No. 20220744

City of St. Pete Beach v. Plaza Beach Motel LLC

Address: Gulf Blvd. St. Pete Beach FL 33706

Sec. 1.3. - Purposes and matters regulated; application of regulations; schedule of district regulations.

(c) Application of regulations. Except as hereinafter provided, no structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used or occupied which does not comply with all the regulations established by this ordinance for the district in which the building or land is located. No part of a yard, other open space, parking or loading space required for a building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, parking or loading space similarly required for another building or use.

No building or use shall be relocated from one zoning lot to another or relocated to another location on the same zoning lot unless such building, structure or use shall thereafter conform to all of the applicable provisions of this ordinance and the provisions of Chapter 98 - Buildings and Building Regulations, of the St. Pete Beach Code of Ordinances.

In no case shall there be more than one main structure and the customary accessory structures on one lot when single-family residential is the principal use of the lot. No yard, or lot, now existing, or hereinafter created, shall be reduced in dimensions or area below the minimum requirements herein for the district in which it is located. No structure shall

be erected on a lot heretofore or hereinafter reduced below minimum dimensions or area required by law, nor shall such lot be offered for sale or sold, except to used in such combination with adjacent lots as will produce conformity with the requirements of this ordinance, provided, however, this requirement shall not apply to a lot which was of record, either by plat or by deed describing the lot by metes and bounds or otherwise, in the office of the Clerk of the Circuit Court, Pinellas County, Florida, on August 1, 1972, being the date of final adoption of Ordinance 200 containing similar provisions.

Within each district, the regulations set forth herein shall be minimum regulations and shall apply to each class or kind of building or land. The regulations may specify the uses permitted, the uses permissible as conditional uses provided that reasonable requirements of a special nature are met to reduce or eliminate harmful incompatibility, the off-street parking and loading requirements for each use, and identify the uses or characteristics of uses that are prohibited.

Sec. 23.11. - Parking construction and design requirements.

(a) General construction requirements.

(1) All driveway and off-street parking areas shall be constructed of asphaltic concrete, concrete, pavers or equal on a properly constructed and compacted base unless an alternative is approved by the city.

(2) No slag, rock, pea gravel or other loose type of material shall be used.

(3) All driveway aprons within the public rights-of-way shall be constructed of concrete.

(4) All points of ingress/egress from parking areas to public rights-of-way shall be constructed only upon approval from the city or other public agency having jurisdiction over the right-of-way.

Sec. 23.4. - General parking requirements.

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

(a) No building or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this Code.

(4) In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and the off-street parking space for one use shall not be considered as providing the required off-street parking for any other use, except as provided for in the shared parking criteria in this division.

(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.

(g) Be arranged for the convenient access and safety of pedestrians and vehicles.

(h) Be so arranged that no vehicle shall be required to back from such facilities directly onto arterial or collector streets as defined by the ITE Manual.

(i) Have curbs, motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public rights-of-way or adjacent property.

(j) Off-street parking spaces shall be reserved for the exclusive use of residents, customers, patrons, or employees of the principal use of the property they are designed and intended to serve; provided, however, the city may authorize such parking on non-residentially zoned properties to be used on a temporary basis by the general public in connection with a special event approved by the city under Article II of Chapter 26 of the City of St. Pete Beach Code of Ordinances during those times the principal use of the property is not operating.

(k) Required off-street parking shall be located as follows:

(1) On the same or contiguous property of the use the parking is intended to serve;

(2) On non-contiguous property which has the same zoning classification or a zoning classification which allows the use as permitted or conditional, as the use the parking is intended to serve, provided:

a. The off premise parking is within eight hundred (800) feet of the principal use to be served, to be measured along the most direct pedestrian route; except for a restaurant, hotel, or theater use that operates and maintains a valet parking service for customers, for which the off premise parking may be located within one thousand (1,000) feet from the principal use it is intended to serve, to be measured along the most direct pedestrian route.

b. An identifiable pedestrian connection is provided between the off-premise parking area and the principal use it is intended to serve. The pedestrian connection shall require no crossing of a collector or arterial street, except at a signalized intersection.

c. A parking agreement in a form approved by the city attorney is recorded with the Clerk of the Circuit Court of Pinellas County, Florida, at the owner's expense providing that the off-premise parking area will not be disposed of except in conjunction with the sale or use of the building the parking area serves so long as the parking is required.

Sec. 23.7. - Pervious and semi-pervious parking.

(a) Pervious/semi-pervious parking. Drought tolerant sod, shell, gravel or other similar pervious or semi-pervious surfaces that do not cause erosion, barriers to pedestrian access, or adverse effects to abutting parcels may be approved under the site plan provisions of Division 5 of this Code for parking facilities that meet one of the following criteria:

(1) An off-premise or commercial parking lot in the Gulf Boulevard Redevelopment District for which a conditional use permit has been issued.

Sec. 3.5. - Development order required.

No development shall take place unless the city has issued a development order authorizing such development, unless such development is specifically exempt under this Code.

Sec. 38.4. - Allowable conditional uses.

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Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the AC Activity Center District are as follows:

(h) Off-premises parking lot and/or structure;

Sec. 4.8. - Effect of decision.

(b) Development of the conditional use shall not be carried out until the applicant has secured all other permits and approvals required by these regulations, the city, county, state and federal agencies.

Sec. 98-123.1. - Permits required.

Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the building official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable city, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

B. Case No. 20220772

City of St. Pete Beach v. Plaza Beach Motel LLC

Address: 46th Ave. St. Pete Beach FL 33706

Sec. 1.3. - Purposes and matters regulated; application of regulations; schedule of district regulations.

(c) Application of regulations. Except as hereinafter provided, no structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used or occupied which does not comply with all the regulations established by this ordinance for the district in which the building or land is located. No part of a yard, other open space, parking or loading space required for a building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, parking or loading space similarly required for another building or use.

No building or use shall be relocated from one zoning lot to another or relocated to another location on the same zoning lot unless such building, structure or use shall thereafter conform to all of the applicable provisions of this ordinance and the provisions of Chapter 98 - Buildings and Building Regulations, of the St. Pete Beach Code of Ordinances.

In no case shall there be more than one main structure and the customary accessory structures on one lot when single-family residential is the principal use of the lot. No yard,

or lot, now existing, or hereinafter created, shall be reduced in dimensions or area below the minimum requirements herein for the district in which it is located. No structure shall be erected on a lot heretofore or hereinafter reduced below minimum dimensions or area required by law, nor shall such lot be offered for sale or sold, except to used in such combination with adjacent lots as will produce conformity with the requirements of this ordinance, provided, however, this requirement shall not apply to a lot which was of record, either by plat or by deed describing the lot by metes and bounds or otherwise, in the office of the Clerk of the Circuit Court, Pinellas County, Florida, on August 1, 1972, being the date of final adoption of Ordinance 200 containing similar provisions.

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5. Repeat Violation
6. Lien Reductions
7. Next Meeting:
8. Adjournment -

APPEAL: Florida Statutes Chapter 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.

CODE OF ORDINANCES, SECTION 1-15: Award of attorney's fees and other costs. In all instances where a lawsuit is instituted or defended on behalf of the city 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, the city shall be entitled to recover all costs incurred, including reasonable attorney's fees and court costs through the trial and appellate levels. This section shall apply to all instances where the city is required to defend an appeal from any order, notice or determination by the city or its officials.

For meetings that require materials to be submitted, the deadline to submit materials to the City is a minimum of 24 business hours in advance of the meeting. Materials including electronic media are to be submitted to cityclerk@stpetebeach.org. The Clerk's Office will then scan the agenda packet with the new documents and repost on the website for transparency purposes.

All agenda material is available for review at City Hall.