



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

155 Corey Avenue  
St. Pete Beach, FL 33706

Monday, November 13, 2023  
10:00 AM

Call to Order  
Pledge of Allegiance

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### **CASE DOCKET**

1. Administration of Oath

2. Cases Complied or Continued

**A. Case No. 20230340**

**City of St. Pete Beach v. Paradise Caprice LLC**

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

Status Hearing on a 30-day extension for the issuance of an after-the-fact permit for the installation of a paver patio.

**B. Case No. 20230302**

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

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

Status Hearing on a 14-day extension to complete the landscaping work in the front yard agreed upon by the city Planning/Zoning Official. Work must be completed and inspected by 10/26/2023.

3. New Cases

**A. Case No. 20230437**

**City of St. Pete Beach v. Gulf West Properties LLC**

**Address: 7060 Boca Ciega Dr. St. Pete Beach FL 33706**

**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.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(22) Trees.

b. Prohibited conditions. The following conditions are prohibited:

1. Trees, plants, shrubs, vegetation, or parts thereof, which overhang any sidewalk, street, alley or fire hydrant, and obstruct or impair the free and full use of the sidewalk, street, alley or fire hydrant by the public.

3. Removal of obstruction. The owner of any real property shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: which overhang any sidewalk, alley or street as determined by the building official, and which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way.

**B. Case No. 20230204**

**City of St. Pete Beach v. Patrick M Helmer & Carolyn F Helmer**

**Address: 6461 4th Palm PT St. Pete Beach FL 33706**

**Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.**

Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.

All off-street parking and loading areas and driveways shall be properly maintained as to surface condition, striping and drainage to ensure that such facilities can continue to serve in a similar fashion as for they were originally approved. The failure to adequately maintain off-street parking and loading areas and driveways, resulting in a nuisance or unsafe condition for pedestrians or motor vehicles, shall be considered a violation of this Code.

**Sec. 98-123.1. - Permits required.**

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 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.

**Sec. 98-65 - Unsightly Conditions.**

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:

b. Left in a state of disrepair; or

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

**Sec. 98-66 - Residential and Commercial Property Maintenance**

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.

(2) Exterior walls. Exterior walls of buildings shall be:

a. Maintained free from holes, breaks, and loose or rotting materials; and

b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(3) Windows.

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.

(4) Shutters. All shutters shall be maintained in good repair and securely attached to a structure. Peeling paint or preservatives is prohibited.

(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.

**C. Case No. 20230291**

**City of St. Pete Beach v. Nemishawn INC**

**Address: 300 76th 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.

**D. Case No. 20230436**

**City of St. Pete Beach v. Highland Properties of W Florida LC**

**Address: 601 78th Ave. St. Pete Beach FL 33706**

**Sec. 23.3. - Applicability and scope.**

(a) One and two-family residential uses shall have the required number of parking spaces set forth in the applicable district regulations and shall comply with Section 23.11(b) of this Code.

**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.

**E. Case No. 20230499**

**City of St. Pete Beach v. William R Carr**

**Address: Coquina Way St. Pete Beach FL 33706 Parcel Numer: 36-31-15-77994-045-0110**

**Sec. 22.3. - General requirements.**

(d) Maintenance. The owner and tenant, or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in accordance with section 22.10, and landscaped areas shall be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. If trees, shrubs or other landscape material should die, such materials must be replaced within 30 days.

**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 Debius (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. 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:

b. Dead branches or fronds on trees or shrubs.

**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:

(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.

(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.

**F. Case No. 20230536**

**City of St. Pete Beach v. Jeffrey Myers**

**Address: 191 73rd Ave. St. Pete Beach FL 33706**

**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:

(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. 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:

(e) Portable storage units (PSU), as defined, shall be regulated as follows:

(4) PSUs shall not exceed the following duration of stay. An "event" shall mean the delivery and pickup of the PSU. Events shall be nonconsecutive. a. Residential use:

A maximum of seven calendar days per event with a maximum of four events per dwelling unit per calendar year.

**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.

5) Clotheslines visible from the street.

**G. Case No. 20230202**

**City of St. Pete Beach v. 59th Avenue Properties LLC**

**Address: 5955 Gulf Winds Dr. St. Pete Beach FL 33706**

**Sec. 26.14. - Maintenance of signs.**

(a) Maintenance of signs.

(1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and neat appearance according to the following:

a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.

b. If the sign is painted, the painted surface shall be kept in good condition.

c. Every sign shall be kept in such manner as to constitute a complete or whole sign.

(2) Nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected nonconforming sign shall not be structurally altered except in full conformance with this division. Nonconforming signs that are considered abandoned pursuant to this division shall be demolished or removed.

**Sec. 26.4. - Prohibited signs.**

The following signs and sign types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.

(h) Abandoned and discontinued signs.

**Sec. 26.5. - Nonconforming signs.**

A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs

first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this Division by January 1, 2027.

**H. Case No. 20230559**

**City of St. Pete Beach v. Lake Merritt Partners LLC**

**Address: 636 Corey Ave. St. Pete Beach FL 33706**

**Sec. 98-123.1. - Permits required.**

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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**

Status Hearing on the imposition of fines.

**B. Case No. 20220772**

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

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

Status Hearing on the imposition of fines.

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](mailto: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.**