



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, April 8, 2024
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath
2. Changes to Agenda -
3. Cases Continued -

A. Case No. 20230616

City of St. Pete Beach v. Anthony J Perrone

Address: 8151 Blind Pass Rd. #8 St. Pete Beach FL 33706

Status Hearing on 30-day extension to apply for and secure an after-the-fact permit for the replacement of the exterior doors and windows.

B. Case No. 20230561

City of St. Pete Beach v. SJ Beach Properties LLC

Address: 6901 Sunset Way St. Pete Beach FL 33706

Status Hearing on the 30-day extension to either provide proof that the gazebo is legally non-conforming or remove the structure from the property.

C. Case No. 20230602

City of St. Pete Beach v. Ping Pong Partners LLC

Address: 9555 Blind Pass Rd. St. Pete Beach FL 33706

Status Hearing on an order granting a continuance to obtain the proper permit for the dumpster enclosure.

4. Repeat Violations -
5. New Cases

A. Case No. 20240090

City of St. Pete Beach v. Franklin L Dockett

Address: 555 Gulf Way #7-N St. Pete Beach FL 33706

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.

B. Case No. 20230685

City of St. Pete Beach v. Billie G Lambert

Address: 7951 Gulf Blvd. St. Pete Beach FL 33706

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.

(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.

(6) Exterior doorframes and storefronts. Exterior doorframes and storefronts shall be maintained in good condition. All moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration.

(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. 20240133

City of St. Pete Beach v. Patricia E Little TRE

Address: 85 Corey Cir 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. 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.

Sec. 98-67. - Junk vehicle, junk vessels and abandoned property.

(e) Absence of a current license plate or current registration as prima facie evidence of abandonment. For the purpose of the enforcement of this article, the absence of a current license plate or current registration on a vehicle or boat shall be prima facie evidence that such vehicle or boat is abandoned, junked or discarded. The presence of a current license plate or registration solely shall not, in and of itself, exempt any vehicle or boat from the provisions of this article.

(f) Leaving of wrecked, junked, inoperative, partially dismantled or abandoned vehicles or boats on streets or highways prohibited. No person shall leave for more than 24 consecutive hours, whether currently licensed, registered or not licensed or registered, any wrecked, junked, inoperative, partially dismantled or abandoned vehicle or boat on any street or highway within the city limits.

D. Case No. 20240043

City of St. Pete Beach v. Thomas J Dillon III

Address: 422 86th 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 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)*

E. Case No. 20240167

City of St. Pete Beach v. Stalba Investments LLC

Address: 4215 Miller Dr St Pete Beach Florida 33706

Sec. 8.2. - 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-1 Residential District are as follows: (a) Residential dwellings—Detached single-family only. Such dwellings shall not be used for transient occupancy

F. Case No. 20240148

City of St. Pete Beach v. Harly Schrock

Address: 220 45th Ave St. Pete Beach FL 33706

Sec. 9.2. - Permitted principal uses and structures.

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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.

G. Case No. 20240186

City of St. Pete Beach v. Larry B Garner

Address: 2815 Pass A Grille Way St Pete Beach FL 33706

Sec. 20.03 Permitted principal uses and structures

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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.

H. Case No. 20240158

City of St Pete Beach v. Thomas Dromgoole & Carolyn Zaleski

Address: 3208 E Maritana Dr St Pete Beach FL 33706

Sec. 9.2. - Permitted principal uses and structures.

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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.

I. Case No. 20240187

City of St. Pete Beach v. Thomas D Parker & Phyllis Parker

Address: 3611 Casablanca Ave St. Pete Beach FL 33706

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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.

J. Case No. 20240147

City of St. Pete Beach v. Tyler Roshau & Natali Roshau

Address: 460 59th Ave. St. Pete Beach FL 33706

Sec. 8.2. - 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-1 Residential District are as follows:

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

K. Case No. 20240185

City of St. Pete Beach v. Rebecca Jones

Address: 8125 Boca Ciega Dr. St. Pete Beach FL 33706

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.

6. Cases Complied -

7. Old 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

Final hearing to impose final cost.

B. Case No. 20230559

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

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

Request for hearing to challenge fine amount

C. Case No. 20230513

City of St. Pete Beach v. April Elliott & David Rybarczyk

Address: 423 Corey Ave. St. Pete Beach FL 33706

Request for hearing to challenge fine amount

8. Lien Reductions

A. Case No. 20230291

City of St. Pete Beach v. Nemishawn INC

Address: 300 76th Ave. St. Pete Beach FL 33706

Lien Reduction Request

B. Case No. 20230340

City of St. Pete Beach v. Paradise Caprice LLC

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

Lien Reduction Request

C. Case No. 20230541

City of St. Pete Beach v. Wilmington Savings Fund Society FSB TRE Pretium Mortgage Acquisition Trust

Address: 809 59th Ave. St. Pete Beach FL 33706

Lien Reduction Request

9. Next Meeting:

10. 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.