



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, July 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. 20240205

City of St. Pete Beach v. Charles Mackert

Address: 206 58th Ave St. Pete Beach FL 33706

Status hearing on a 60-day extension to apply for and secure a permit.

B. Case No. 20240081

City of St. Pete Beach v. 4401 Gulf Blvd LLC

Address: 4401 Gulf Blvd. St. Pete Beach FL 33706

Status hearing on the 30-day extension to secure a permit and bring property into compliance.

C. Case No. 20240155

City of St. Pete Beach v. Stephen Boyle

Address: 3672 Belle Vista Dr. E St. Pete Beach FL 33706

Status hearing on a 30-day extension to obtain a permit for the erection of a permanent basketball hoop.

D. Case No. 20240283

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.

E. Case No. 20240168

City of St. Pete Beach v. Family International Home Builders LLC

Address: 7210 Gulf Blvd. 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:

(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.

Sec. 98-64. - General Maintenance

(a) Nuisances and hazards. Real property shall be maintained free of nuisances and any hazards to the safety of the occupants, customers or persons utilizing the premises or to pedestrians passing by.

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.

(e) Outdoor storage. Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

F. Case No. 20240014

City of St. Pete Beach v. Stephen G. Parks

Address: 420 80th Ave. St. Pete Beach FL 33706

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.

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

(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. 98-65. - 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.

G. Case No. 20240275

City of St. Pete Beach v. Hasani Capital LLC

Address: 3505 Gulf Blvd South St Pete Beach FL 33706

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.

H. Case No. 20240247

City of St. Pete Beach v. Sungold LLC

Address: 3815 Gulf Blvd 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:

(1) Vegetation as follows:

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.

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.

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.

(c) Litter.

(3) Accumulation of litter. Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

I. Case No. 20240214

City of St. Pete Beach v. SW-GOM LTD PTNERSHP

Address: 2705 Sunset Way 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 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.

J. Case No. 20240089

City of St. Pete Beach v. Patrick Thomas McNulty & Annette Weis-McNulty

Address: 104 46th 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 Confederated Jasmine)*

Trachelospernum Jasminoides (Confederate Jasmine)*

Licania michauxii (Gopher Apple)

Scaevola plumieri (Inkberry)

Stachytarpheta jamaicensis (Prone Porterweed)*

Zamia pumila (Coontie)*

Muhlenbergia capillaris (Muhley Grass)*

Sec. 23.11. - Parking construction and design requirements.

(a) General construction requirements.

(1) All driveway and off-street parking areas shall be constructed of 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.

4. Repeat Violations -

A. Case No. 20240285

City of St. Pete Beach v. Michael A Zara & Chia-Yi Liang

Address: 108 18th Ave. St. Pete Beach FL 33706

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:

(a) All uses permitted in the underlying zoning district; and

(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.

5. New Cases

A. Case No. 20240305

City of St. Pete Beach v. Family International Home Builders LLC

Address: 7210 Gulf Blvd. St. Pete Beach FL 33706

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

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B. Case No. 20240277

City of St. Pete Beach v. Alexander Engelman & Adrienne Timmel

Address: 3110 Pass A Grille Way St. Pete Beach FL 33706

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.

C. Case No. 20240280

City of St. Pete Beach v. William W Adams

Address: 1805 Pass A Grille Way 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:

(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.

(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.

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. 98-72. - Vacant buildings, vacant structures and vacant or unimproved lots.

(c) Structures, unimproved lots.

(1) Every owner of a building, structure or lot, vacant or occupied, shall keep the premises in clean and sanitary condition, including yards, lawn, courts and driveways.

(2) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora.

(12) Every owner of a vacant building, structure or lot, shall provide and maintain all unpaved areas of the site with grass, ground cover, shrubbery, or other suitable plant material. Paving of vacant lots shall be prohibited unless a site plan has been approved by the planning and zoning department.

D. Case No. 20240292

City of St. Pete Beach v. Myna Investments LLC

Address: 562 71st Ave. St. Pete Beach FL 33706

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.

E. Case No. 20240287

City of St. Pete Beach v. Thomas M. Cuddihy REV Trust & Thomas M. Cuddihy TRE

Address: 7801 Boca Ciega Dr. # 5 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.

F. Case No. 20240011

City of St. Pete Beach v. Colonnades Apt Condo Assn

Address: Sunset Way St. Pete Beach FL 33706 Parcel # 36-31-15-17525-000-0001

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.

G. Case No. 20240172

City of St. Pete Beach v. NXT Aquisitions Corp

Address: 369 41st 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 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.

H. Case No. 20240278

City of St. Pete Beach v. Blagoje Savic & Ljubomir Savic & Slobodan Gojkovic

Address: 6901 Gulf Winds Dr. 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.

6. Cases Complied -
7. Old Cases
8. Lien Reductions

A. Case No. 20230616

City of St. Pete Beach v. Anthony J Perrone

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

Lien Reduction Request

B. Case No. 20230513

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

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

Lien Reduction Request

C. Case No. 20190452

City of St. Pete Beach v. Ling Lei & Xi Ye

Address: 135 58th 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.