



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, August 12, 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. 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.

B. Case No. 20240305

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

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

Status hearing on a 14-day extension to bring the property in compliance

C. Case No. 20240014

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

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

Status hearing to assess any authorized fines and costs.

D. Case No. 20240168

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

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

Status hearing on a 14-day extension to bring the property in compliance.

E. Case No. 20240205

City of St. Pete Beach v. Charles Mackert

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

Status hearing on an additional 30-day extension to apply for and secure a permit.

F. Case No. 20240275

City of St. Pete Beach v. Hasani Capital LLC

Address: 3505 Gulf Blvd South St Pete Beach FL 33706

Status hearing on the 3-day extension to secure a business tax receipt.

G. Case No. 20240247

City of St. Pete Beach v. Sungold LLC

Address: 3815 Gulf Blvd St. Pete Beach FL 33706

Status hearing on 14-day extension to remove all debris and repair or remove the fence on the property.

H. Case No. 20240280

City of St. Pete Beach v. William W Adams

Address: 1805 Pass A Grille Way St. Pete Beach FL 33706

Status hearing on the 14-day extension to bring the property into compliance.

I. 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 Debis (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. 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.

J. 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.

4. Repeat Violations -

5. New Cases

A. Case No. 20240342

City of St. Pete Beach v. B R E Mariner Dolphin Village LLC

Address: 4665 Gulf Blvd. St. Pete Beach FL 33706

Sec. 26.25. - All districts.

The regulations in this division apply in every zoning district in the city, except where otherwise specified or indicated. Sign permits are not required for signs and sign-types described and identified in this section, below.

(r) Window signs. For each parcel within the city, one or more window signs may be displayed. On parcels that are in residential use, the window sign(s) shall not exceed an aggregate of three square feet in sign area. On parcels that are in nonresidential use, the window sign(s) shall not be restricted from the date of adoption of this ordinance until December 31, 2012; following which such signage shall not exceed an aggregate of more than 50 percent of any window surface.

Sec. 26.38. - AC District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the AC District may have up to three of the following signs in [subsections] (a)—(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to four signs from [subsections] (a)—(f):

(a) Freestanding monument signs. Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than eight feet in height, and is not located within the visibility triangle as required by this Code. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area but shall not exceed eight feet in height. However, this sign shall be counted as two of the three or four permitted.

(b) Attached signs. subject to the following:

(1) Maximum size. An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) Height restrictions. An attached sign may not appear above the second floor of a building.

(c) Drive-thru menu signs. For each parcel with a lawful nonresidential use that utilizes a drive-thru lane within the AC District, one drive-thru menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a freestanding sign or an attached sign and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(d) Attached menu display signs. For each parcel within the AC Commercial District with a restaurant without drive-thru service or with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) Theater signs. For each parcel with a theater within the AC District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) Waterside identification signs. For facades of a building that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a freestanding sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.

In addition to the number and types of signs listed in [subsections] (a)–(f) above, multi-tenant shopping centers in the AC District may have one additional monument sign listing each individual tenant all within the same sign face. The sign shall be no taller than ten feet and no larger than 100 square feet per sign face. The sign shall not be located within any setback or within any pedestrian or utility easement.

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.

(e) Wind signs.

(f) Portable signs, other than sandwich board signs as allowed within certain zoning districts pursuant to this division.

B. Case No. 20240368

City of St. Pete Beach v. 3511 Gulf Blvd LLC

Address: 3511 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.

(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.

(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.

C. Case No. 20240382

City of St. Pete Beach v. Nicolas Brian Kirsch & Stephanie Kirsch

Address: 2130 E Vina Del Mar Blvd.

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.

(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.

(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.

D. Case No. 20240157

City of St. Pete Beach v. 1008 Airport Rd LLC

Address: 8010 Blind Pass Rd. 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. 6.12. - Commercial accessory and temporary equipment, structures, portable buildings and trailers, dumpsters and commercial tents.

(d) Dumpsters, commercial waste or refuse containers shall be regulated as follows:

(2) All dumpsters, commercial waste and refuse containers, except those that are specifically approved for temporary location and use, shall be located on the same property with the use it serves and fully enclosed as follows:

- a. All dumpsters, commercial waste and refuse containers shall be located as far from public streets and adjacent property as is practical, and dumpsters shall be located on a properly constructed concrete pad.
- b. All dumpsters, commercial waste and refuse containers shall be located within a proper opaque enclosure of sufficient height to fully screen the dumpster, commercial waste or refuse container.

(3) Dumpster enclosures shall require a building permit and shall be constructed to meet all applicable building standards.

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.

(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.

E. Case No. 20240381

City of St. Pete Beach v. Jason Gabay & Janelle Gabay

Address: 6 Mangrove PT. 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.

F. Case No. 20240281

City of St. Pete Beach v. Richard Allen Long Revocable Trust & Richard Allen Long TRE

Address: 6800 Gulf Blvd. St. Pete Beach FL 33706

Sec. 26.11. - Sign permit required.

(c) Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee paid to the city.

Sec. 26.35. - CC-1 and CC-2 Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business may have up to three of the following signs in [subsections] (a)–(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose to four signs from [subsection] (a)–(f):

(e) Wall signs subject to the following:

(1) Maximum size. A wall sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

G. Case No. 20240265

City of St. Pete Beach v. Barbara A McMahon EST

Address: 500 79th 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:

(1) Vegetation as follows:

b. Dead branches or fronds on trees or shrubs.

(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:

(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.

(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.

(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.

H. Case No. 20240150

City of St. Pete Beach v. Russell W Zimmerman

Address: 327 72nd 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. 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.

(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.

(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.

(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.

6. Cases Complied -

7. Old Cases

A. Case No. 20240081

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

4401 Gulf Blvd. St. Pete Beach FL 33706

Respondent requesting a hearing to challenge the fine amount.

8. Lien Reductions

A.

Case No. 20240190

City of St. Pete Beach v. Jeffrey T. Weeks

Address: 535 68th Ave #10 St. Pete Beach FL 33706

Lien Reduction Request

B. 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

C. Case No. 20230685

City of St. Pete Beach v. Billie G Lambert

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

Lien Reduction Request

D. Case No. 20240133

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

Address: 85 Corey Cir St. Pete Beach FL 33706

Lien Reduction Request

E. Case No. 20230559

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

Address: 636 Corey 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.