



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

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, September 9, 2024
10:00 AM

Call to Order
Pledge of Allegiance

CASE DOCKET

1. Administration of Oath

2. Cases Continued -

A. 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

Status hearing on a 30-day extension to secure an after-the-fact permit for the fence.

B. 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

Status hearing on a 30-day extension to secure an after-the-fact permit for the structure.

C. Case No. 20240172

City of St. Pete Beach v. NXT Aquisitions Corp

Address: 369 41st Ave. St. Pete Beach FL 33706

Status hearing on the 30-day extension to secure necessary permits for the work being done on the property.

D. Case No. 20240368

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

Address: 3511 Gulf Blvd. St. Pete Beach FL 33706

Status hearing on the 28-day extension to cut the grass/weeds, remove palm fronds and silt fence.

E. Case No. 20240157

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

Address: 8010 Blind Pass Rd. St. Pete Beach FL 33706

Status hearing on a 28-day extension to bring the property into compliance.

F. Case No. 20240265

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

Address: 500 79th Ave. St. Pete Beach FL 33706

Status hearing on a 28-day extension to bring the property into compliance.

G. 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

Status hearing on a 28-day extension to bring the property into compliance.

H. Case No. 20240150

City of St. Pete Beach v. Russell W Zimmerman

Address: 327 72nd Ave. St. Pete Beach FL 33706

Status hearing on a 28-day extension to bring the property into compliance.

I. 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.

3. Repeat Violations -

4. New Cases

A. Case No. 20240429

City of St. Pete Beach v. Cast Holdings LLC

Address: 3612 Gulf Blvd. St. Pete Beach FL 33706

Sec. 12.2. - 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 RM Residential District are as follows:

(a) Residential dwellings—Attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

B. Case No. 20240358

City of St. Pete Beach v. Babette W Simon

Address: 305 Gulf Way St. Pete Beach FL 33706

Sec. 44.5. - Standards for existing beachfront lighting.

By July 1, 2008; all light sources or reflective surfaces illuminated by such sources that are visible from the beach shall be brought into compliance with the following standards:

(a) Existing artificial light fixtures shall be repositioned, modified, or removed so that:

(1) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

(2) Areas seaward of the frontal dune, or the beach in areas where the frontal dune no longer exists, are not directly, indirectly, or cumulatively illuminated.

(b) The following measures shall be taken to reduce or eliminate the negative effects of

existing exterior artificial lighting:

- (1) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
 - (2) Replace fixtures having an exposed light source with fixtures containing recessed light sources or external shields;
 - (3) Replace traditional light bulbs (e.g. incandescent, fluorescent, and high intensity lighting) with yellow Bug Type Bulbs, low-pressure sodium vapor (LPS) bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources;
 - (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - (5) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (7) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low-pressure sodium vapor lighting, yellow Bug Type Bulbs, Red or Amber Light-Emitting Diodes (LED) or True Neon light sources possible for the specific application;
 - (8) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
 - (9) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;
 - (10) Permanently remove, disable or lock in off position any fixture which cannot be brought into compliance with the provisions of these standards.
- (c) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
- (1) Apply window tint or film that meets the standards for tinted glass;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach;
- or
- (4) Turn off unnecessary lights.

C. Case No. 20240430

City of St. Pete Beach v. Christopher Smith & Briana S. Smith

Address: 7700 Boca Ciega Dr. St. Pete Beach FL 33706

Sec. 32.5. - Prohibited uses and structures.

All uses and structures not of a nature specifically or conditionally permitted herein are hereby prohibited in the CC1 Commercial Corridor Blind Pass Road District.

D. Case No. 20240475

City of St. Pete Beach v. Bayside Shops LLC

Address: 5501 Gulf Blvd. St. Pete Beach FL 33706

Sec. 38.5. - Prohibited uses and structures

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the AC Activity Center District.

E. Case No. 20240409

City of St. Pete Beach v. Alberto Espinoza

Address: 5960 Bahama Way N. St. Pete Beach FL 33706

Sec. 6.23. - Docks.

It is the intent of the city, together with the Pinellas County Water and Navigation Control Authority, to regulate the construction of residential and commercial dock facilities in order to minimize the adverse impacts of such activities upon the natural resources of the City of St. Pete Beach, Pinellas County and the State of Florida.

(g) Disrepair or dilapidated docks. If any dock falls into a state of disrepair and becomes a dangerous structure, creating risks to the safety and well-being of the community or individual members thereof, the entire structure shall either be removed or repaired so as to conform to the requirements 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:

- (1) Structures that are:
 - a. Partially destroyed; or
 - b. Left in a state of disrepair

F. Case No.20240391

City of St. Pete Beach v. Diana Street Properties LLC

Address: 3614 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. 98-66 - 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.

5. Cases Complied -

6. Old Cases

7. Lien Reductions

A. Case No. 20220487

City of St. Pete Beach v. Damce Limbevski, Linda Limbevski, & Koste Limbevski

Address: 7100 Bay St. St. Pete Beach FL 33706

Lien Reduction Request

8. Next Meeting:

9. 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.