

NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 116-18

Certified Mail
July 16, 2018

Owner: **Imperial Square LLC**
PO Box 1488
Largo, FL 33779-1488

Violation Address: **1458 S Belcher Rd., Clearwater**
24-29-15, M&B 41.02

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, August 22, 2018, at 1:30 p.m.** there will be a public hearing before the Municipal Code Enforcement Board in the Council Chambers, 3rd floor, City Hall at 112 South Osceola Avenue, Clearwater, Florida, concerning violation of Section **1-104.B & 2-100** of the Clearwater City Code. (See attached Affidavit(s) of Violation).

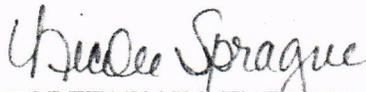
You are hereby ordered to appear before the Municipal Code Enforcement Board on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent you before the Board. If you are absent but represented at the hearing, your representative must present to the Board your letter authorizing your representative to speak on your behalf. You will have the opportunity to present witnesses as well as question witnesses against you prior to the Board making a determination. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violations should you be found to be in violation of the City Code.

The case shall be presented to the Board even if the violations described in the attached Affidavit(s) of Violation are corrected prior to the Board hearing.

Should you be found in violation of the City Code, the Municipal Code Enforcement Board has the power by law to levy fines of up to \$250 a day per violation against you and your property for every day each violation continues beyond the date set for compliance in an Order of the Board.

If you wish to have any witnesses subpoenaed, please contact the Secretary of the Municipal Code Enforcement Board within five (5) days at 727-562-4097. If you have any questions regarding the cited violations or if the violations are corrected prior to the hearing, please contact the Inspector whose name appears on the Affidavit(s) of Violation.

Sincerely,



SECRETARY TO THE MUNICIPAL CODE ENFORCEMENT BOARD

The Municipal Code Enforcement Board was created pursuant to General Act 80-300, General Laws of Florida, 1979, and Ordinance 2169-80 of the City of Clearwater. The purpose of this quasi-judicial Board of seven citizens is to quickly and fairly render decisions and facilitate enforcement of certain codes of the City of Clearwater.

The City of Clearwater strongly supports and fully complies with the Americans with Disabilities Act (ADA). Please advise us at least 48 hours prior to the hearing if you require special accommodations at 727-562-4090. Assisted Listening Devices are available. Kindly silence electronic devices during the hearings.

FLORIDA STATUTE 286.0105 STATES THAT ANY PERSON APPEALING A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDINGS.

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA
AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING

NAME OF VIOLATOR: IMPERIAL SQUARE LLC
MAILING ADDRESS: PO BOX 1488
LARGO, FL 33779-1488

CITY CASE#: CDC2018-00305

VIOLATION ADDRESS: 1458 S BELCHER RD
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 2/20/2018

LEGAL DESCRIPTION OF PROPERTY: FROM NE COR OF NE 1/4 OF SE 1/4 TH S 663FT(S) TH W 178 FT TO POB TH S 124 FT TH E 126 FT TH S 346.86 FT TH W 150 FT TH S 150 FT TH W 250 FT TH N 620.86 FT TH E 272 FT TO POB CONT 4.8 AC(C)

PARCEL #: 24-29-15-00000-410-0200

DATE OF INSPECTION: 2/15/2018 2:51:00 PM

SECTION(S) OF THE CITY CODE WHICH HAVE BEEN VIOLATED: CODE
SECTION VIOLATED

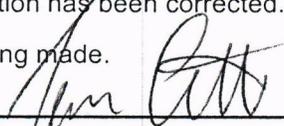
1-104.B. - ****DEVELOPMENT CODE VIOLATION**** No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

2-100 ****ZONING DISTRICTS - PERMITTED USES COMMERCIAL DISTRICT****

SPECIFICALLY,

This property has been identified as being utilized for electronic gambling, which is not a permitted use in any zoning district located in the City of Clearwater. Furthermore, pursuant to Senate Bill HB 155, "internet cafes" that provide electronic gambling/gaming devices are operating in violation of the law. Please cease with this illegal/unpermitted use, AND, contact me at (727) 562-4731 to confirm the violation has been corrected. Thank you.

A violation exists and a request for hearing is being made.



Jason Cantrell

SWORN AND SUBSCRIBED before me on this 5th day of June, 2018, by Jason Cantrell.

STATE OF FLORIDA
COUNTY OF PINELLAS

- PERSONALLY KNOWN TO ME
 PRODUCED AS IDENTIFICATION

Type of Identification



(Notary Signature)



Name of Notary (typed, printed, stamped)

FILED THIS 16th DAY OF July, 20 18

MCEB CASE NO. 116-18

Chisdee Sprague

Secretary, Municipal Code Enforcement Board



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4720 FAX (727) 562-4735

Notice of Violation

IMPERIAL SQUARE LLC
PO BOX 1488
LARGO, FL 33779-1488

CDC2018-00305

ADDRESS OR LOCATION OF VIOLATION: **1458 S BELCHER RD**

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178 FT TO POB TH S 124 FT TH E 126 FT TH S 346.86 FT TH W 150 FT TH S 150
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DATE OF INSPECTION: 2/15/2018

PARCEL: 24-29-15-00000-410-0200

Section of City Code Violated:

1-104.B. - ****DEVELOPMENT CODE VIOLATION**** No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

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Specifically: This property has been identified as being utilized for electronic gambling, which is not a permitted use in any zoning district located in the City of Clearwater. Furthermore, pursuant to Senate Bill HB 155, "internet cafes" that provide electronic gambling/gaming devices are operating in violation of the law. Please cease with this illegal/unpermitted use, AND, contact me at (727) 562-4731 to confirm the violation has been corrected. Thank you.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 3/2/2018. FAILURE TO CORRECT THE ABOVE LISTED VIOLATION BY THE DATE INDICATED, OR RECURRENCE OF THE VIOLATION AFTER CORRECTION, WILL RESULT IN A LEGAL ACTION BY THE CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER OR BY THE PINELLAS COUNTY COURT. SUCH ACTION MAY RESULT IN A FINE. THE ALLEGED VIOLATOR MAY BE LIABLE FOR THE REASONABLE COSTS OF THE INVESTIGATION, PROSECUTION AND THE ADMINISTRATIVE HEARING SHOULD THIS PERSON BE FOUND GUILTY OF THE VIOLATION.

Inspector: Jason Cantrell
Inspector Phone: 727-562-4731

Date Printed: 2/20/2018

NOV_PropOwn

- 7. Protect and improve the quality of water resources and wetlands in both interior and coastal areas and preserve floodplains, drainageways, and other natural areas having beneficial hydrological characteristics and functions;
- 8. Establish zoning districts of a size, type, location and with standards that reflect the existing and desirable characteristics of a particular area within the city;
- 9. Establish permitted uses corresponding with the purpose and character of the respective zoning districts and limit uses within each district to those uses specifically authorized;
- 10. Establish use limitations for specified uses consistent with the zoning district in which they are allowed and the particular characteristics of such specified uses;
- 11. Enumerate density, area, width, height, setback, coverage and like requirements for each district, and make appropriate distinctions between categories of use within districts, based on the general purposes of this article, the Comprehensive Plan, and existing and desired community characteristics; and
- 12. Coordinate the provisions of this Development Code with corollary provisions relating to parking, fences and walls, signs, and like supplementary requirements designed to establish an integrated and complete regulatory framework for the use of land and water within the city.

(Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 8310-12, § 1, 2-2-12)

Section 1-104. Jurisdiction and applicability.

A. This Development Code shall govern the development and use of land and structures within the corporate limits of the city.

B. No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with

all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

Section 1-105. Comprehensive plan.

The Comprehensive Plan of the City of Clearwater is the official statement of policy of the city in regard to the use of land and all use or development of land undertaken pursuant to this Development Code shall be consistent with the Comprehensive Plan.

Section 1-106. Transitional rules.

A. *Transition period.* Where a complete application for development approval is pending on the adoption of this Development Code, the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application for development approval, provided that:

- 1. The application is approved within six (6) months of the date of adoption of this Development Code; and
- 2. Construction begins within six (6) months of the issuance of such approval and is diligently pursued to completion.

B. *Existing unlawful uses and structures.* A structure or use not lawfully existing at the time of the adoption of this Development Code is lawful only if it conforms with all of the requirements of this Development Code.

C. *Existing approved uses.* An existing use which is lawful on the date of adoption of this Development Code, whether permitted as a "permitted use" or a "conditional use" in the zoning district in which it is located, shall not be deemed nonconforming solely because the procedure for approval has changed through the adoption of this Development Code. In the event the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained. If the existing use is nonconforming under either the prior Land Development Code or this Development Code, then such use shall come into conformance with this Development Code if required by the provisions of Article 7.

Sec. 2-100. Permitted uses.

Chart 2-100 Permitted Uses. The following chart is a summary of the uses permitted in each zoning district. The "X" only indicates whether the use is permitted; it does not indicate the nature of the approval required. No use is permitted unless it complies with the provisions of the zoning district in which it is located and the applicable development standards in Article 3 of this Development Code.

[Interactive Map of this parcel](#) [Sales Query](#) [Back to Query Results](#) [New Search](#) [Tax Collector Home Page](#) [Contact Us](#) [WM](#)

24-29-15-00000-410-0200

Compact Property Record Card

[Tax Estimator](#)

**Updated June 5,
2018**

[Email](#) [Print](#) [Radius Search](#)

[FEMA/WLM](#)

| <u>Ownership/Mailing Address Change</u> Mailing Address | Site Address |
|--|---------------------------------|
| IMPERIAL SQUARE LLC PO BOX 1488 LARGO FL 33779-1488 | 1448 S BELCHER RD CLEARWATER |



Property Use: 1624 (Neighborhood Shopping Center (one or more major food stores Living Units: with one or more strip type stores) 0

[click here to hide] **Legal Description**

PART OF SE 1/4 OF SEC 24- 29-15 DESC FROM SE COR OF NE 1/4 OF SE 1/4 TH N88D 42'56"W 200.01FT TH N00D 01'41"W 40.01FT FOR POB TH N88D42'56"W 250.02FT TH N00D01'41"W 620.86FT TH S88D52'44"E 400FT TH S00D 01'41"E 472FT TH N88D42' 56"W 150FT TH S00D01'41"E 150FT TO POB CONT 5.19 AC(C) (PER O.R. 16747/2253)

| File for Homestead Exemption | 2018 Parcel Use | | | | | | | | | | | | | | | | | | |
|---|------------------------|------|------|------------|----|----|-------------|----|----|----------------|----|----|-----------|----|----|---|---------------------------------|---------------------------------------|-----------------------------|
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Exemption</th> <th style="width: 15%;">2018</th> <th style="width: 15%;">2019</th> </tr> </thead> <tbody> <tr> <td>Homestead:</td> <td style="text-align: center;">No</td> <td style="text-align: center;">No</td> </tr> <tr> <td>Government:</td> <td style="text-align: center;">No</td> <td style="text-align: center;">No</td> </tr> <tr> <td>Institutional:</td> <td style="text-align: center;">No</td> <td style="text-align: center;">No</td> </tr> <tr> <td>Historic:</td> <td style="text-align: center;">No</td> <td style="text-align: center;">No</td> </tr> </tbody> </table> | Exemption | 2018 | 2019 | Homestead: | No | No | Government: | No | No | Institutional: | No | No | Historic: | No | No | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Homestead Use Percentage: 0.00%</td> </tr> <tr> <td>Non-Homestead Use Percentage: 100.00%</td> </tr> <tr> <td>Classified Agricultural: No</td> </tr> </table> | Homestead Use Percentage: 0.00% | Non-Homestead Use Percentage: 100.00% | Classified Agricultural: No |
| Exemption | 2018 | 2019 | | | | | | | | | | | | | | | | | |
| Homestead: | No | No | | | | | | | | | | | | | | | | | |
| Government: | No | No | | | | | | | | | | | | | | | | | |
| Institutional: | No | No | | | | | | | | | | | | | | | | | |
| Historic: | No | No | | | | | | | | | | | | | | | | | |
| Homestead Use Percentage: 0.00% | | | | | | | | | | | | | | | | | | | |
| Non-Homestead Use Percentage: 100.00% | | | | | | | | | | | | | | | | | | | |
| Classified Agricultural: No | | | | | | | | | | | | | | | | | | | |

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)

| Most Recent Recording | Sales Comparison | Census Tract | Evacuation Zone (NOT the same as a FEMA Flood Zone) | Plat Book/Page |
|-----------------------|-----------------------------|--------------|--|----------------|
| 16747/2253 | Sales Query | 121030254013 | D | |

2017 Final Value Information

| Year | Just/Market Value | Assessed Value/ SOH Cap | County Taxable Value | School Taxable Value | Municipal Taxable Value |
|------|-------------------|----------------------------|----------------------|----------------------|-------------------------|
| 2017 | \$3,350,000 | \$3,350,000 | \$3,350,000 | \$3,350,000 | \$3,350,000 |

[click here to hide] **Value History as Certified (yellow indicates correction on file)**

| Year | Homestead Exemption | Just/Market Value | Assessed Value/ SOH Cap | County Taxable Value | School Taxable Value | Municipal Taxable Value |
|------|---------------------|-------------------|----------------------------|----------------------|----------------------|-------------------------|
| | | | | | | |



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 2656 6336 6294 39

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

CITY OF CLEARWATER
CODE COMPLIANCE
POST OFFICE BOX 4748
CLEARWATER, FL 33758-4748

MAR 05 2018
CITY OF CLEARWATER
DEVELOPMENT DEPT

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.

Print your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

IMPERIAL SQUARE LLC
PO BOX 1488
CLEARWATER, FL 33729-1488

1458 S. BELMONT RD



9590 9402 2656 6336 6294 39

Article Number (Transfer from sending label)

116 3010 0000 8831 6800

Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

MAR 20 2018

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt