

NOTICE OF HEARING – REPEAT VIOLATION
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 02-21

Certified Mail
December 18, 2020

Owner: Christine Dorcelus
214 S Highland Ave
Clearwater, FL 33755-6321

Violation Address: 214 S Highland Ave.
14-29-15-10476-004-0040

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, January 27, 2021, at 1:30 p.m.** there will be a public hearing before the Municipal Code Enforcement Board in the Council Chambers, Clearwater Main Library at 100 North Osceola Avenue, Clearwater, Florida, concerning repeat violation(s) of Section(s) **1-104.B., 8-102 & 3-919.** of the City of Clearwater Code. (See attached Affidavit(s) of Repeat 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 and 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.

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

Should you be found to have committed a repeat violation of the City Code, the Municipal Code Enforcement Board has the power by law to levy fines of up to \$500 a day against you and your property for every day each violation continues beyond the date of notice to you of the repeat violation(s).

A repeat violation is a violation of a provision of a Code or Ordinance by a person whom the Code Enforcement Board previously found to have violated the same provision within five (5) years prior to the violation.

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 violation(s) or if the violation(s) is/are corrected prior to the hearing, please contact the Inspector whose name appears on the Affidavit of Repeat 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 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 refrain from private conversations, cellular phone use, etc. that distract meeting participants.**

Any party may appeal a final order of this Board by filing an appeal with the Circuit Court within 30 days of entry of the order. Appellants need a record of proceedings; a verbatim record of testimony and evidence that is the basis for the appeal may be required. F.S. § 286.0105, CDC Sec 7-104

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF REPEAT VIOLATION AND REQUEST FOR HEARING

CITY CASE NO: CDC2019-01162

NAME OF VIOLATOR: CHRISTINE DORCELUS
MAILING ADDRESS: 214 S HIGHLAND AVE
CLEARWATER, FL 33755-6321

VIOLATION ADDRESS: 214 S HIGHLAND AVE

LEGAL DESCRIPTION OF PROPERTY: See "Exhibit "A", Pinellas County Property Records Printout, attached, for legal description

PARCEL #: 14-29-15-10476-004-0040

DATE OF INSPECTION: 9/3/2019 11:04:00 AM

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.

8-102 - **RESIDENTIAL USE**

A residential use means a permanent place of residence for a family. A residential use located on residentially zoned property shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less. A residential use located on residentially zoned property shall not include an interval ownership, a fractional ownership, or a timesharing unit.

3-919. - **PRIMA FACIE EVIDENCE OF CERTAIN USES IN RESIDENTIAL ZONING DISTRICT** Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less shall include but not be limited to one or more of the following:

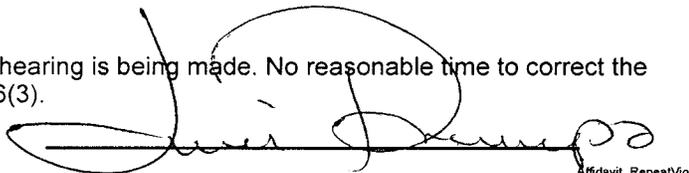
___(1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act and 509 (Public Lodging Establishments)

X(2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use.

___(3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or

___(4) Use of an agent or other third person to make reservations or booking arrangements.

A repeat violation exists and a request for hearing is being made. No reasonable time to correct the violation is required per F.S.S. Sec. 162.06(3).



Affidavit_RepeatVio

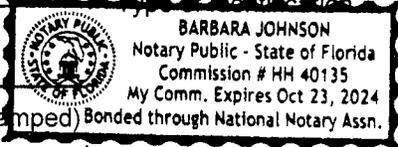
Julie Phillips

STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization on this 14th day of December, 2020, by Julie Phillips.

- PERSONALLY KNOWN TO ME
- PRODUCED AS IDENTIFICATION

Barbara Johnson
(Notary Signature)



Name of Notary (typed, printed, stamped) _____

FILED THIS 16th DAY OF December, 2020

MCEB CASE NO. 02-21
Wendee 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 Repeat Violation

CHRISTINE DORCELUS
 214 S HIGHLAND AVE
 CLEARWATER, FL 33755-6321

CDC2019-01162

ADDRESS OR LOCATION OF VIOLATION: **214 S HIGHLAND AVE**

LEGAL DESCRIPTION: BOULEVARD HEIGHTS BLK D, LOTS 4 & 5 & S 28FT OF LOT 3 & S 10FT OF LOT 24

DATE OF INSPECTION: 9/3/2019

PARCEL: 14-29-15-10476-004-0040

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.

8-102 - ****RESIDENTIAL USE****

A residential use means a permanent place of residence for a family. A residential use located on residentially zoned property shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less. A residential use located on residentially zoned property shall not include an interval ownership, a fractional ownership, or a timesharing unit.

3-919. - ****PRIMA FACIE EVIDENCE OF CERTAIN USES IN RESIDENTIAL ZONING DISTRICT****

Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less shall include but not be limited to one or more of the following:

___(1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments)

(2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use.

___(3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or

___(4) Use of an agent or other third person to make reservations or booking arrangements.

Specifically: In October of 2019 Case 189-19 came before the Municipal Code Enforcement Board for advertising your property less than the 31 day or 1 calendar month requirement. Your property is currently being advertised with a 7 day minimum stay on multiple sites which becomes a Repeat Violation and you could be fined up to \$500 per day. To comply with the City's ordinance you must advertise for 31 days or more. If you have any questions feel free to contact me directly. Thank you!



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

THIS VIOLATION 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.

[Handwritten signature]

Inspector: Julie Phillips
Inspector Phone: 562-4730

Date Printed: 12/14/2020

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 3-919. - Prima facie evidence of certain uses in residential zoning district.

Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less, shall include but not be limited to one or more of the following:

- (1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments);
- (2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use;
- (3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or
- (4) Use of an agent or other third person to make reservations or booking arrangements.

(Ord. No. 7105-03, § 1, 4-17-03; Ord. No. 8042-09, § 3, 6-4-09)

Residential use means a permanent place of residence for a family. A residential use located on residentially zoned property shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less. A residential use located on residentially zoned property shall not include an interval ownership, a fractional ownership, or a timesharing unit.

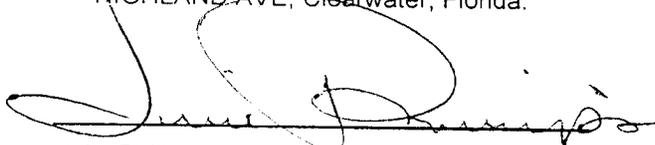
MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF POSTING

City Case Number: CDC2019-01162

Site of Violation: 214 S HIGHLAND AVE

1. Julie Phillips, being first duly sworn, deposes and says:
2. That I am a Code Inspector employed by the City of Clearwater.
3. That on the 14th day of December, 2020, a copy of the attached Notice of Violation was posted at City of Clearwater Offices, 600 Cleveland St., 6th Floor, Clearwater, Florida and at 214 S HIGHLAND AVE, Clearwater, Florida.

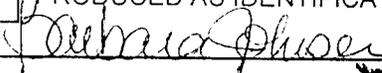

Julie Phillips

STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization on this 14th day of December, 2020, by Julie Phillips.

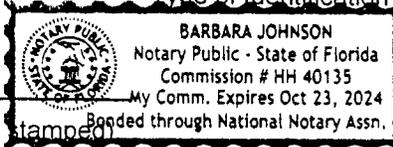
PERSONALLY KNOWN TO ME

PRODUCED AS IDENTIFICATION



Type of Identification

(Notary Signature)



Name of Notary (typed, printed, stamped)

Exhibit A

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

14-29-15-10476-004-0040

Compact Property Record Card

[Tax Estimator](#)

Updated December 12, 2020

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

[FEMA/WLM](#)

<u>Ownership/Mailing Address Change</u> <u>Mailing Address</u>	<u>Site Address</u>
DORCELUS, CHRISTINE 214 S HIGHLAND AVE CLEARWATER FL 33755-6321	214 HIGHLAND AVE CLEARWATER



Property Use: 0820 (Duplex- Current Tax District: CLEARWATER (CW) SF: 2,064 Total Gross SF: 2,872 x3
 Triplex-Fourplex)

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

BOULEVARD HEIGHTS BLK D, LOTS 4 & 5 & S 28FT OF LOT 3 & S 10FT OF LOT 24

<u>File for Homestead Exemption</u>	2021 Parcel Use																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Exemption</th> <th>2020</th> <th>2021</th> </tr> </thead> <tbody> <tr> <td>Homestead:</td> <td>No</td> <td>No</td> </tr> <tr> <td>Government:</td> <td>No</td> <td>No</td> </tr> <tr> <td>Institutional:</td> <td>No</td> <td>No</td> </tr> <tr> <td>Historic:</td> <td>No</td> <td>No</td> </tr> </tbody> </table>	Exemption	2020	2021	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
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Historic:	No	No																	
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Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone <small>(NOT the same as a FEMA Flood Zone)</small>	Flood Zone <small>(NOT the same as your evacuation zone)</small>	Plat Book/Page
19938/2624	Sales Query	121030264001	NON EVAC	Compare Preliminary to Current FEMA Maps	7/54

2020 Interim Value Information

Year	Just/Market Value	Assessed Value / Non-HX Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2020	\$242,556	\$232,732	\$232,732	\$242,556	\$232,732

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

Year