

NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 43-21

Certified Mail
March 19, 2021

Owner: **Downtown Crossings LLC**
18167 US Highway 19 N Ste 450
Clearwater, FL 33764-6574

Violation Address: **423 S Myrtle Ave**
15-29-15-00108-015-0191

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, April 28, 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 violation of Section(s) **1-104.B & 29.30(1)** 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 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 VIOLATION AND REQUEST FOR HEARING

NAME OF VIOLATOR: DOWNTOWN CROSSINGS LLC
MAILING ADDRESS: 18167 US HIGHWAY 19 N STE 450
CLEARWATER, FL 33764-6574

CITY CASE#: BIZ2020-00328

VIOLATION ADDRESS: 423 S MYRTLE AVE
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 1/13/2021

LEGAL DESCRIPTION OF PROPERTY: AIKEN SUB BLK 15, W 70FT OF LOT 19

PARCEL #: 15-29-15-00108-015-0191

DATE OF INSPECTION: 3/2/2021 12:51:00 PM

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

29.30(1) - ****BUSINESS TAX RECEIPT REQUIRED**** Any person who maintains a permanent business location or branch office within the city to manage a profession, business or occupation shall first obtain a city business tax receipt and pay the appropriate fee.

1-104.B. *****JURISDICTION AND APPLICABILITY***** 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.

SPECIFICALLY,

Any business located within the city limits of Clearwater are required to obtain a Business Tax Receipt (BTR) before starting operation. If a business has more than one business location located within the city limits of Clearwater each business location is required to obtain a BTR. At the property "Domino's Pizza" is operating their business without obtaining a BTR to operate at this property. Being that the business is operating at this property this becomes a violation to the property owner. Compliance can be met by having "Domino's Pizza" obtain a BTR for this property by the compliance date or have the business remain from operating at the property until a BTR can be obtained for this property. Please note that this also applies for any businesses that will be operating at this property in the future. Please meet compliance by the compliance date and contact me with any questions in regards to this letter. If you have any BTR related questions please do not hesitate to reach out to our BTR specialists, Brenda and Allie, 727-562-4005. Thank you and be safe and well.

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

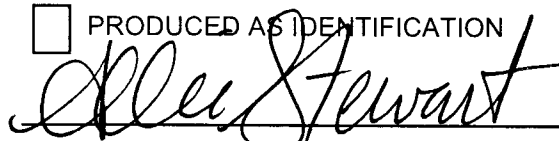

Daniel Knight

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization on this 2nd day of March, by Daniel Knight.

STATE OF FLORIDA
COUNTY OF PINELLAS

☒ PERSONALLY KNOWN TO ME

☐ PRODUCED AS IDENTIFICATION


(Notary Signature)

Type of Identification

Allie Stewart

Name of Notary (typed, printed, stamped)

FILED THIS 2nd DAY OF March, 2021

MCEB CASE NO. 4321

Wade Sprague

Secretary, Municipal Code Enforcement Board



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.

Sec. 29.30. - Business tax receipt required.

- (1) Any person who maintains a permanent or temporary business location or branch office within the city to manage a profession, business or occupation shall first obtain a city business tax receipt for each location and pay the appropriate fee as prescribed in Appendix A of this Code. Such business tax receipt shall be signed by the director of the department and shall have the city seal affixed.
- (2) Any person who does not maintain a permanent business location or branch office within the city but who transacts any business or engages in any occupation or profession in interstate commerce where such business tax is not prohibited by section 8 of article 1 of the United States Constitution shall also be liable for obtaining a city business tax receipt.
- (3) Any person who does not maintain a permanent business location or branch office within the city but who desires to transact a business or within the city shall register with the city manager the business tax receipt of that municipality or other governmental subdivision in which they maintain a permanent business location, or if no business tax receipt is required by the other municipality, a registration of the business shall be required, unless otherwise provided by this article. Such registration shall be accomplished prior to the commencement of the business, shall be subject to a registration fee as prescribed in appendix A to this Code and shall be valid from the date of issuance to the next succeeding September 30.
- (4) The burden of securing a business tax receipt rests with the principal of a business, but in the event of noncompliance by the principal, his agent or employee shall be subject to the same enforcement policies.
- (5) For properties with multiple businesses, a business tax receipt shall be required for each business.
- (6) Accessory uses, as defined by this article, shall be exempt from business tax receipt requirements.
- (7) Each business shall display the business tax receipt in a prominent location within the individual business location. Each registered business shall have the business tax receipt or a copy of the business tax receipt in/on possession of the business representative(s) while conducting business within the city.

(Code 1980, § 71.01; Ord. No. 5841-95, § 8, 8-3-95; Ord. No. 6101-96, § 1, 11-7-96; Ord. No. 7724-07, § 7, 1-31-07)



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

DOWNTOWN CROSSINGS LLC
18167 US HIGHWAY 19 N STE 450
CLEARWATER, FL 33764-6574

BIZ2020-00328

ADDRESS OR LOCATION OF VIOLATION: **423 S MYRTLE AVE**

LEGAL DESCRIPTION: AIKEN SUB BLK 15, W 70FT OF LOT 19

DATE OF INSPECTION: 1/13/2021

PARCEL: 15-29-15-00108-015-0191

Section of City Code Violated:

29.30(1) - ****BUSINESS TAX RECEIPT REQUIRED**** Any person who maintains a permanent business location or branch office within the city to manage a profession, business or occupation shall first obtain a city business tax receipt and pay the appropriate fee.

1-104.B. *****JURISDICTION AND APPLICABILITY***** 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.

Specifically: Any business located within the city limits of Clearwater are required to obtain a Business Tax Receipt (BTR) before starting operation. If a business has more than one business location located within the city limits of Clearwater each business location is required to obtain a BTR. At the property "Domino's Pizza" is operating their business without obtaining a BTR to operate at this property. Being that the business is operating at this property this becomes a violation to the property owner. Compliance can be met by having "Domino's Pizza" obtain a BTR for this property by the compliance date or have the business remain from operating at the property until a BTR can be obtained for this property. Please note that this also applies for any businesses that will be operating at this property in the future. Please meet compliance by the compliance date and contact me with any questions in regards to this letter. If you have any BTR related questions please do not hesitate to reach out to our BTR specialists, Brenda and Allie, 727-562-4005. Thank you and be safe and well.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 2/15/2021. 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: Daniel Knight
Inspector Phone: 727-562-4732

Date Printed: 1/13/2021

CC: 423 S Myrtle Ave

NOV_PropOwn

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

15-29-15-00108-015-0191

Compact Property Record Card

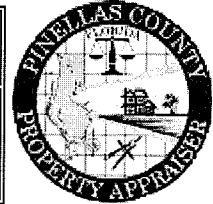
[Tax Estimator](#)

**Updated February
27, 2021**

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

[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
DOWNTOWN CROSSINGS LLC 18167 US HIGHWAY 19 N STE 450 CLEARWATER FL 33764-6574	COURT ST CLEARWATER



Property Use: 1000 (Vacant Commercial Land) Current Tax District: CLEARWATER DOWNTOWN (CWD) Total Heated SF: Total Gross SF:

[click here to hide] **Legal Description**
AIKEN SUB BLK 15, W 70FT OF LOT 19

File for Homestead Exemption			2021 Parcel Use	
Exemption	2021	2022		
Homestead:	No	No	Homestead Use Percentage: 0.00%	
Government:	No	No	Non-Homestead Use Percentage: 100.00%	
Institutional:	No	No	Classified Agricultural: No	
Historic:	No	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)	Flood Zone (NOT the same as your evacuation zone)	Plat Book/Page
16308/1443		121030259005	NON EVAC	Compare Preliminary to Current FEMA Maps	14/45

2020 Interim Value Information

Year	Just/Market Value	Assessed Value / Non-HX Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2020	\$118,286	\$111,527	\$111,527	\$118,286	\$111,527

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

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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.

1. Article Addressed to:

Downtown Crossing LLC
 18107 US Highway 19 N. STE 450
 Clearwater, FL 33764



9590 9402 5667 9308 6364 49

REF: 423:435 S myrtle Ave

2. Article Number (Transfer from service label)

7019 2970 0001 6148 5440

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Brian Layton*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Brian Layton

C. Date of Delivery

1-19-21

D. Is delivery address different from item 1?
 If YES, enter delivery address below:

☐ Yes
☐ No

JAN 22 2021

PLANNING & DEVELOPMENT

CODE COMPLIANCE

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

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

Domestic Return Receipt