

**NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 40-19**

Certified Mail
February 14, 2019

Owner: **Oceanaire Homes LLC**
3030 N Rocky Point Dr Ste 150
Tampa, FL 33607

Violation Address: **977 Bruce Ave., Clearwater**
Carlouel Sub Blk 264, Lot 4

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, March 27, 2019, 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 **1-104.B & 3-919** 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: OCEANAIRE HOMES LLC
MAILING ADDRESS: 3030 N ROCKY POINT DR STE 150
TAMPA, FL 33607-7200

CITY CASE#: CDC2018-02253

VIOLATION ADDRESS: 977 BRUCE AVE
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 12/3/2018

LEGAL DESCRIPTION OF PROPERTY: CARLOUEL SUB BLK 264, LOT 4

PARCEL #: 32-28-15-13464-264-0040

DATE OF INSPECTION: 12/3/2018 12:18:00 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.

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.

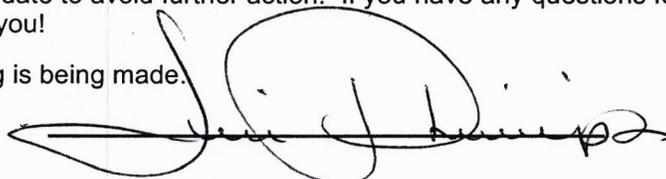
(3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or

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

SPECIFICALLY,

We have received complaints that this property is being illegally rented out and/or advertised as being available for less than the 31 day or one calendar month requirement whichever is less. This was verified on the internet and is a violation of the City of Clearwater ordinance prohibiting short term rentals. Please bring your property and all advertising for your property into compliance by the compliance date to avoid further action. If you have any questions feel free to contact me directly. Thank you!

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



Julie Phillips

SWORN AND SUBSCRIBED before me on this 31th day of January, 2019, by Julie Phillips.

STATE OF FLORIDA
COUNTY OF PINELLAS

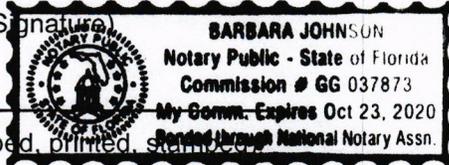
PERSONALLY KNOWN TO ME

PRODUCED AS IDENTIFICATION

Barbara Johnson

Type of Identification

(Notary Signature)



Name of Notary (typed, printed, stamped)

FILED THIS 15th DAY OF February, 20 19

MCEB CASE NO. 40-19

Chloe 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) 562-1720 FAX (727) 562-1735

Notice of Violation

OCEANAIRE HOMES LLC
3030 N ROCKY POINT DR STE 150
TAMPA, FL 33607-7200

CDC2018-02253

ADDRESS OR LOCATION OF VIOLATION: **977 BRUCE AVE**

LEGAL DESCRIPTION: CARLOUEL SUB BLK 264, LOT 4

DATE OF INSPECTION: 12/3/2018

PARCEL: 32-28-15-13464-264-0040

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**

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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: We have received complaints that this property is being illegally rented out and/or advertised as being available for less than the 31 day or one calendar month requirement whichever is less. This was verified on the internet and is a violation of the City of Clearwater ordinance prohibiting short term rentals. Please bring your property and all advertising for your property into compliance by the compliance date to avoid further action. If you have any questions feel free to contact me directly. Thank you!

NOV_PropOwn



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 CITED ABOVE MUST BE CORRECTED PRIOR TO 1/3/2019. 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: Julie Phillips
Inspector Phone: 562-4730

Date Printed: 12/3/2018

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.

3. The vending machine shall not be located within a required setback, open space, view corridor, or landscaping area, or within a parking space or travel aisle within a parking lot;
4. The vending machine shall not be located in such a manner to impair a motor vehicle operator's view of motor vehicles, bicycles, or pedestrians upon entering, or exiting a right-of-way;
5. The vending machine shall not be located at a place where such vending machine unreasonably obstructs the flow of pedestrian or vehicular traffic; and
6. Electric service to the vending machine shall comply with the edition of the National Electrical Code currently in effect.

C. No more than two vending machines, per development site, shall be permitted outside of any building, unless such machines are not visible from any public right-of-way or any abutting property. Signage allowed on vending machines shall be flush with the machine and shall be limited to 35 percent of the machine's front face, including the selection choices. The remaining front face of the vending machine shall be of a similar color as the signage. No signage shall be allowed other than on the front of the vending machine.
(Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6928-02, § 52, 5-2-02; Ord. No. 8042-09, § 3, 6-4-09)

Section 3-918. Maintenance in accordance with approved plans.

All improvements authorized by any Level One, Level Two, or Level Three approval shall be maintained in accordance with such approval. This includes, but shall not be limited to, approved landscaping, paved areas, stormwater facilities, retention/detention ponds, irrigation systems, and signage.

(Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 8042-09, § 3, 6-4-09)

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);
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 - (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)

Section 3-920. Affordable housing incentives.

A. *Affordable housing density dwelling units.*

1. *City review and approval process.*
 - a. *City approval procedures.* Such approval shall be considered a Level Two (flexible development) approval in accordance with the provisions of Article 4 Division 4 of the Community Development Code. The use of the density bonus as provided within this section shall not be considered a land use plan amendment.
 - b. *Pre-application conference required.* Prior to submitting an application

Residential shelter means a building or buildings or portions thereof, the use of which is for a nonprofit service providing a place of temporary residence or sustenance to homeless or needy persons or families.

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.

Residentially zoned property means any parcel of property located in one of the following zoning districts: Low Density Residential ("LDR"); Low Medium Density Residential ("LMDR"); Medium Density Residential ("MDR"); Medium High Density Residential ("MHDR"); High Density Residential ("HDR"); Neighborhood Conservation Overlay ("NC"); Mobile Home Park ("MHP") as contained in Article 2 of this Development Code.

Restaurant means a use providing for the preparation or sale of prepared food for consumption by customers primarily on the premises, including the subordinate sale of alcoholic beverages for consumption on premises, but excluding facilities with prepared food service within grocery stores and delicatessens.

Restaurant, fast food means a business involving the sale of food and/or beverages ordered at either a counter or drive-through facility for either consumption on the premises using dishes and utensils which are disposable, or consumption off the premises.

Retail plazas means a building or group of buildings on the same property or adjoining properties, but operating as and/or presenting a unified/cohesive appearance and generally but not necessarily under common ownership and management, and which is partitioned into separate units that utilize a common parking area, and is designed for a variety of interchangeable uses including governmental, indoor recreation/entertainment,

office, restaurant, retail sales and service, and social/community center. In addition, bars, medical clinics, nightclubs, and places of worship may also be incorporated into retail plazas subject to their approval through the applicable Level One (Flexible Standard Development) or Level Two (Flexible Development) approval process and meeting their respective flexibility criteria.

Retail sales and services means a building, property, or activity the principle use or purpose of which is the sale or lease of goods, products, materials, or services directly to the consumer, including grocery stores, bicycle stores (sales, rentals and/or repair), adult day care, child care, personal services, animal grooming, funeral homes, art galleries, artisans, farmer markets, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and display of alcoholic beverages occupies less than 25 percent of the floor area of the use. Not including problematic uses, street vendors or the on-premise consumption of alcoholic beverages.

Retention area means an excavated stormwater holding area which has no designed discharge.

Right-of-way means a strip of land reserved, used or intended to be used for vehicular or pedestrian travel, including highways, streets, alleys, walkways, drainage facilities or other public purpose, whether public or private.

Runoff means the quality of stormwater that is unable to soak into the ground due to the presence of impermeable cover and which flows over land to a lower elevation following a storm.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Salvage yard means an area of land which is principally used for the storage, collection, treatment, purchase or sale of refuse or scrap materials, including but not limited to wrecked or scrapped vehicles, rags, paper products, scrap metal, used appliances, scrap plumbing supplies or parts of any of the foregoing or similar property.

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

32-28-15-13464-264-0040

Compact Property Record Card

Updated January 31, 2019

Tax Estimator

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

[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
LINDNER, SCOTT 2215 HAVENRIDGE COLORADO SPRINGS CO 80920-6201	977 BRUCE AVE CLEARWATER



Property Use: 0110 (Single Family Home)

Total Living SF: 2,650 Total Gross SF: 3,242 Total Living Units: 1

[click here to hide] **Legal Description**
CARLOUEL SUB BLK 264, LOT 4

Tax Estimator File for Homestead Exemption	2019 Parcel Use																		
<table border="1"> <thead> <tr> <th>Exemption</th> <th>2019</th> <th>2020</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	2019	2020	Homestead:	No	No	Government:	No	No	Institutional:	No	No	Historic:	No	No	<table border="1"> <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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Institutional:	No	No																	
Historic:	No	No																	
Homestead Use Percentage: 0.00%																			
Non-Homestead Use Percentage: 100.00%																			
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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
20353/0150	\$512,800 Sales Query	121030260021	A	Compare Preliminary to Current FEMA Maps	20/60

2018 Interim Value Information

Year	Just/Market Value	Assessed Value / Non-HX Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2018	\$425,255	\$425,255	\$425,255	\$425,255	\$425,255

[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

7018 0680 0002 2858 8364

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage \$ _____

Total Postage and Fees \$ _____

Sent To 977 Bruce Ave

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:
 Oceanaire Homes LLC
 3030 N Rocky Point Dr STE 150
 Tampa FL 33607-7200

RE: 977 Bruce Ave



2. Article Number (Transfer from service label)
 7018 0680 0002 2858 8364

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

Laura Hunt

B. Received by (Printed Name) Laura Hunt

C. Date of Delivery 12/7/18

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

DEC 10 2018

PLANNING & DEVELOPMENT
CODE COMPLIANCE

3. Service Type

Adult Signature Priority Mail Express®

Adult Signature Restricted Delivery Registered Mail™

Certified Mail® Registered Mail Restricted Delivery

Certified Mail Restricted Delivery Return Receipt for Merchandise

Collect on Delivery Signature Confirmation™

Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

Insured Mail Registered Mail Restricted Delivery over \$500

Domestic Return Receipt