

**NOTICE OF HEARING  
MUNICIPAL CODE ENFORCEMENT BOARD  
CITY OF CLEARWATER, FLORIDA  
Case 47-24**

**Certified Mail**  
**March 14, 2024**

Owner: **Wang, Jingbai**  
**Tong, Xing**  
**200 Windward Is**  
**Clearwater, FL 33767-2325**

Violation Address: **200 Windward Is**  
**09-29-15-43362-000-0650**

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, April 24, 2024, 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) **3-601.D.1 and 3-601.D.2** 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 727-444-7155. 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: JINGBAI WANG  
MAILING ADDRESS: XING TONG  
200 WINDWARD IS  
CLEARWATER, FL 33767-2325  
CITY CASE#: CDC2024-00032

VIOLATION ADDRESS: 200 WINDWARD ISL  
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 1/8/2024

LEGAL DESCRIPTION OF PROPERTY: ISLAND ESTATES OF CLEARWATER UNIT 4 LOT 65

PARCEL #: 09-29-15-43362-000-0650

DATE OF INSPECTION: 1/5/2024 3:44:00 PM

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

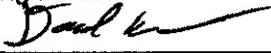
3-601.D.1.- **\*\*Existing Docks and seawalls\*\*** Any repair made to an existing approved dock that does not extend, enlarge or substantially change the location of any portion of the dock does not require review and approval by the community development coordinator however, a permit may be required by the Pinellas County Water and Navigation Control Authority. If, however, such repair enlarges, extends, or substantially changes the location of any portion of the dock, such repair shall require the review and approval by the community development coordinator prior to the issuance of a permit by the Pinellas County Water and Navigation Control Authority. The review of a substantial repair shall be considered a new dock pursuant to the standards described in this section.

3-601.D.2.- **\*\*Repairs of Existing Docks and seawalls\*\*** If any dock, seawall, bulkhead, private bridge, or marina falls into a state of disrepair and becomes a dangerous structure creating a unreasonable risk of bodily injury to any person who may walk thereon, such structure shall be either removed or repaired so as to conform to the requirement of this division.

SPECIFICALLY,

Please either repair/restore your dock or completely demolish it to come into compliance.

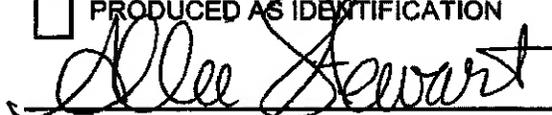
A violation exists and a request for hearing is being made.

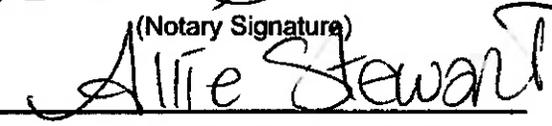
  
\_\_\_\_\_  
Daniel Kasman

SWORN AND SUBSCRIBED before me by means of physical presence or \_\_\_\_\_ online notarization on this 8th day of March, 2024, by Daniel Kasman.

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 8 DAY OF March, 2024

MCEB CASE NO. 47-24

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) 562-4720 FAX (727) 562-4735

## Notice of Violation

JINGBAI WANG  
XING TONG  
200 WINDWARD IS  
CLEARWATER, FL 33767-2325

CDC2024-00032

ADDRESS OR LOCATION OF VIOLATION: 200 WINDWARD ISL

LEGAL DESCRIPTION: ISLAND ESTATES OF CLEARWATER UNIT 4 LOT 65

DATE OF INSPECTION: 1/5/2024

PARCEL: 09-29-15-43362-000-0650

### Section of City Code Violated:

3-601.D.1.- **\*\*Existing Docks and seawalls\*\*** Any repair made to an existing approved dock that does not extend, enlarge or substantially change the location of any portion of the dock does not require review and approval by the community development coordinator however, a permit may be required by the Pinellas County Water and Navigation Control Authority. If, however, such repair enlarges, extends, or substantially changes the location of any portion of the dock, such repair shall require the review and approval by the community development coordinator prior to the issuance of a permit by the Pinellas County Water and Navigation Control Authority. The review of a substantial repair shall be considered a new dock pursuant to the standards described in this section.

3-601.D.2.- **\*\*Repairs of Existing Docks and seawalls\*\*** If any dock, seawall, bulkhead, private bridge, or marina falls into a state of disrepair and becomes a dangerous structure creating a unreasonable risk of bodily injury to any person who may walk thereon, such structure shall be either removed or repaired so as to conform to the requirement of this division.

Specifically: Please either repair/restore your dock or completely demolish it to come into compliance.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 2/14/2024. 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.

Daniel Kasman

Code Inspector

727-444-8715

daniel.kasman@myclearwater.com

Date Printed: 2/9/2024

NOV\_PropOwn

## Section 3-601. - Docks.

- A. *City approval and Pinellas County Water and Navigation Control Authority permit required.* No dock may be constructed, added to, or structurally altered without first obtaining approval by the city and a permit from the Pinellas County Water and Navigation Control Authority.
- B. *City approval procedures.* Review and approval by the community development coordinator and/or the community development board shall be required prior to the issuance of a permit from the Pinellas County Water Navigation Control Authority. Such approval shall be considered a Level One (minimum standard or flexible standard approval) or a Level Two (flexible development) approval in accordance with the provisions of Article 4 Divisions 3 and 4.
- C. *New docks.*
1. *Docks, boatlifts and service catwalks that serve single-family or two-family dwellings.*
    - a. *Setbacks.* A dock shall be located in the center one-third of the lot or 20 feet from any property line as extended into the water, whichever is less, unless the dock is proposed to be shared by adjoining properties whereupon the dock may be constructed on the common property line provided that all other standards of this division are met. Boatlifts and service catwalks shall be a minimum of ten feet from any property line extended into the water. Tie poles shall be setback a minimum of one foot from any extended property line. Single pile davits and personal watercraft lifts are exempt from these setback requirements provided they are contained entirely within the extended property lines. All watercraft must be contained entirely within the extended property lines.
    - b. *Length.* The length of docks and boatlifts shall not exceed 25 percent of the width of the waterway or half of the width of the property measured at the waterfront property line, whichever is less, up to a maximum of 250 feet. Tie poles may extend beyond the dock, provided such poles do not project into the navigable portion of the waterway by more than an additional 50 feet or 25 percent of such waterway, whichever is less, and do not constitute a navigational hazard.
    - c. *Width.* The width of docks, excluding boatlifts, shall not exceed 35 percent of the width of the property measured at the waterfront property line or 50 feet, whichever is less.
    - d. *Covered boatlifts.* Covered boatlifts are permitted provided a permanent and solid roof deck is constructed with material such as asphalt shingles, metal, tile or wood. Canvas and canvas like roof materials are prohibited. Vertical sidewalls are prohibited on any boatlift or dock.
    - e. *Number of docks/slips.*
      - i) No more than one dock structure shall be located at a single-family or two-family dwelling.

- ii) In the event that two or more properties each already having a dock are combined, then only one dock may remain.
  - iii) No dock shall provide more than two slips for the mooring of boats, except as houseboats may otherwise be permitted consistent with Chapter 33 of the City's Code of Ordinances. Slips shall be for the exclusive use of the residents of the contiguous upland property. Personal watercraft lifts are not considered to be boat slips.
- f. *Width of catwalks.* Service catwalks shall not exceed three feet in width.
- g. *Deviations.*
- i) The community development coordinator may grant deviations from the requirements of this section as a Level One (minimum standard) approval provided that signed and notarized statements of no objection are submitted from adjacent waterfront property owners, as well as signed and notarized statements on the Pinellas County Water and Navigation Control Authority permit application. In the event that such statements cannot be obtained, applications for deviations may be approved by the community development coordinator, provided that the proposed dock will result in no navigational conflicts. Such deviations may be approved through a Level One (flexible standard) approval process based on one of the following:
    - (a) The proposed dock location needs to be adjusted to protect environmentally sensitive areas; or
    - (b) The property configuration or shallow water depth precludes the placement of a dock in compliance with the required dimensional standards; however, the proposed dock will be similar in dimensional characteristics as surrounding dock patterns.
  - ii) No dock shall be allowed to deviate from the length requirements specified in Section 3-601.C.1.b. by more than an additional 50 percent of the allowable length or project into the navigable portion of the waterway by more than 25 percent of such waterway, whichever length is less, except as stipulated in Section 3-601.C.1.g.iii. and iv. below.
  - iii) Deviations for dock length in excess of that which is permitted in Section 3-601.C.1.g.ii. above may be approved through a Level Two (flexible development) approval process only under the following conditions:
    - (a) A dock of lesser length poses a threat to the marine environment, natural resources, wetlands habitats or water quality; and
    - (b) A literal enforcement of the provisions of this section would result in extreme hardship due to the unique nature of the project and the applicant's property; and
    - (c) The deviation sought to be granted is the minimum deviation that will make possible the reasonable use of the applicant's property; and

- (d) The granting of the requested deviation will be in harmony with the general intent and purpose of this section and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare.
  - iv) Docks located on the east side of Clearwater Harbor adjacent to the mainland may be allowed to deviate from the length requirements specified in Section 3-601.C.1.b. up to a maximum length equal to 25 percent of the navigable portion of the waterway.
2. *Multi-use docks.* A multi-use dock, which is any dock owned in common or used by the residents of a multi-family development, condominium, cooperative apartment, mobile home park or attached zero lot line development shall be permitted as a Level One (minimum standard) use provided such dock is less than 500 square feet in deck area and complies with the dimensional standards set forth in Section 3-601.C.3.h. Deviations to the dimensional standards for multi-use docks may be reviewed and approved in accordance with Section 3-601.C.1.g.
3. *Commercial docks.* A commercial dock is any dock, pier, or wharf, including boatlifts, that is used in connection with a hotel, motel or restaurant where the slips are not rented, leased or sold; or such facilities used in connection with a social or fraternal club or organization and used only by its membership; or such facilities constructed and maintained by the City of Clearwater, Pinellas County or by any state or federal agency; or any multi-use dock with a deck area exceeding 500 square feet which shall be treated as a commercial dock. Commercial docks shall only be permitted as a Level Two (flexible development) use, which requires approval by the Community Development Board (CDB). All commercial docks shall be reviewed for compliance with the following criteria.
- a. *Use and compatibility.*
    - i) The proposed dock shall be subordinate to and contribute to the comfort, convenience or necessities of the users or the occupants of the principal use of the property.
    - ii) The proposed dock shall be in harmony with the scale and character of adjacent properties and the neighborhood in general.
    - iii) The proposed dock shall be compatible with dock patterns in the general vicinity.
  - b. *Impacts on existing water recreation activities.* The proposed dock/tie poles or use thereof, shall not adversely impact the health, safety or well being of persons currently using the adjacent waterways for recreational and/or commercial uses. Furthermore, the dock shall not preclude the existing uses of the adjacent waterway. Such uses include but are not limited to non-motorized boats and motorized boats.
  - c.

*Impacts on navigation.* The existence and use of the proposed dock shall not have a detrimental effect on the use of adjacent waters for navigation, transportation, recreational or other public conveniences.

d. *Impacts on marine environment.*

- i) Docks shall be sited to ensure that boat access routes avoid injury to marine grassbeds or other aquatic resources in the surrounding areas.
- ii) Docks shall not have an adverse impact upon natural marine habitats, grass flats suitable as nursery feeding grounds for marine life, or established marine soil suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life; manatee sanctuaries; natural reefs and any such artificial reef which has developed an associated flora and fauna which have been determined to be approaching a typical natural assemblage structure in both density and diversity; oyster beds; clam beds; known sea turtle nesting site; commercial or sport fisheries or shell fisheries areas; and habitats desirable as juvenile fish habitat.

e. *Impacts on water quality.*

- i) All turning basin, access channels, boat mooring areas and any other area associated with a dock shall have adequate circulation and existing water depths to ensure that a minimum of a one foot clearance is provided between the lowest member of a vessel (e.g. skegs, rudder, prop) and the bottom of the waterbody at mean or ordinary low water (-0.95 NGVD datum).
- ii) The dock shall not effectively cause erosion, extraordinary storm drainage, shoaling of channels, or adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area in which the dock is proposed to be located.

f. *Impacts on natural resources.*

- i) The dock shall not have a material adverse impact upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest.
- ii) The dock shall not have an adverse impact on vegetated areas; vegetative, terrestrial, or aquatic habitats critical to the support of listed species providing one or more of the requirements to sustain their existence, such as range, nesting or feeding grounds; habitats which display biological or physical attributes which would serve to make them rare within the confines of the city; designated preservation areas such as those identified in the comprehensive land use plan, national wildlife refuges, Florida outstanding waters or other designated preservation areas, and bird sanctuaries,

g. *Impacts on wetlands habitat/uplands.* The dock shall not have a material adverse affect upon the uplands surrounding.

h. *Dimensional standards.*

- i) Setbacks for commercial and/or multi-use docks shall be as follows:
  - a) If the commercial or multi-use dock is located adjacent to a waterfront property occupied by a detached dwelling or two-unit attached dwelling use and the use of said property conforms to the zoning district, the setback adjacent to the residential property line as extended into the water shall be a minimum of one-third of the applicant's waterfront property width measured from the side property lines;
  - b) If a commercial or multi-use dock located on non-residentially zoned property is adjacent to any waterfront residentially zoned property, the setback adjacent to the residentially zoned property line as extended into the water shall be a minimum of 20 percent of the applicant's waterfront property width measured from the side property lines;
  - c) In all other circumstances, commercial and multi-use docks shall be located so that the setback from any property line as extended into the water shall be a minimum of ten percent of the applicant's waterfront property width measured from the side property lines.

ii) *Length.* The length of commercial and multi-use docks shall not extend from the mean high water line or seawall of the applicant's property more than 75 percent of the width of the applicant's property measured at the waterfront property line, up to a maximum of 250 feet. Tie poles may extend beyond the dock provided such poles do not project into the navigable portion of the waterway by more than an additional 50 feet or 25 percent of such waterway, whichever is less, and do not constitute a navigational hazard.

iii) *Width.* The width of commercial and multi-use docking facilities shall not exceed 75 percent of the width of the applicant's property measured at the waterfront property line.

i. *Deviations.* Applications for deviations to the dimensional standards set forth in Section 3-601.C.3.h. may be approved by the Community Development Board through a Level Two (flexible development) approval process based on the following:

- i) A dock of lesser length poses a threat to the marine environment, natural resources, wetlands habitats or water quality; and
- ii) The proposed dock location needs to be adjusted to minimize impacts relating to criteria set forth in Sections 3-601.C.3.b.—g.; and
- iii) A literal enforcement of the provisions of this section would result in extreme hardship due to the unique nature of the project and the applicant's property; and

- iv) The deviation sought to be granted is the minimum deviation that will make possible the reasonable use of the applicant's property. However, where an applicant demonstrates riparian or littoral rights which will affect the location of the dock, the minimum further deviation to provide for exercise of such rights shall be allowed; and
  - v) The granting of the requested deviation will be in harmony with the general intent and purpose of this section and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare; and
  - vi) No dock shall be allowed to deviate from the length requirements specified in Section 3-601.C.3.h. by more than an additional 50 percent of the allowable length or to project into the navigable portion of the waterway by more than 25 percent of such waterway, whichever length is less, except for those docks located on the east side of Clearwater Harbor adjacent to the mainland, which shall be allowed to deviate up to a maximum length equal to 25 percent of the navigable portion of the waterway.
- j. *Covered boatlifts.* Covered boatlifts are permitted provided a permanent and solid roof deck is constructed with material such as asphalt shingles, metal, tile or wood. Canvas and canvas like roof materials are prohibited. Vertical sidewalls are prohibited on any boatlift or dock.
  - k. *Publicly owned facilities.* Roof structures shall be permitted on publicly owned boardwalks, observation platforms, elevated nature trails and other such structures not intended for use as a dock facility, however, vertical walls shall be prohibited.
- D. *Repairs of existing docks and seawalls.*
1. Any repair made to an existing approved dock that does not extend, enlarge or substantially change the location of any portion of the dock does not require review and approval by the community development coordinator however, a permit may be required by the Pinellas County Water and Navigation Control Authority. If, however, such repair enlarges, extends, or substantially changes the location of any portion of the dock, such repair shall require the review and approval by the community development coordinator prior to the issuance of a permit by the Pinellas County Water and Navigation Control Authority. The review of a substantial repair shall be considered a new dock pursuant to the standards described in this section.
  2. If any dock, seawall, bulkhead, private bridge, or marina falls into a state of disrepair and becomes a dangerous structure creating an unreasonable risk of bodily injury to any person who may walk thereon, such structure shall be either removed or repaired so as to conform to the requirement of this division.

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

**AFFIDAVIT OF POSTING**

City Case Number: CDC2024-00032

Site of Violation: 200 WINDWARD ISL

1. Daniel Kasman, being first duly sworn, deposes and says:
2. That I am a Code Inspector employed by the City of Clearwater.
3. That on the 9th day of February, 2024, a copy of the attached Notice of Violation was posted at City of Clearwater Offices, 600 Cleveland St., 6th Floor, Clearwater, Florida and at 200 WINDWARD ISL, Clearwater, Florida.

*[Handwritten Signature]*

Daniel Kasman Code Inspector  
727-444-8715  
daniel.kasman@myclearwater.com

RECEIVED

FEB 09 2024

CITY CLERK DEPARTMENT

STATE OF FLORIDA  
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me by means of        physical presence or        online notarization on this 9th day of February, 2024, by Daniel Kasman.

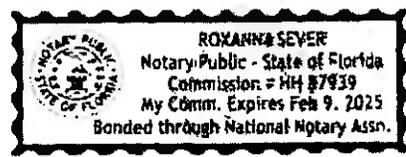
- PERSONALLY KNOWN TO ME
- PRODUCED AS IDENTIFICATION

*[Handwritten Signature]* \_\_\_\_\_  
Type of Identification

(Notary Signature)

*[Handwritten Signature]*

Name of Notary (typed, printed, stamped)





**Parcel Summary (as of 08-Mar-2024) Parcel Map**

Parcel Number  
**09-29-15-43362-000-0650**

Owner Name  
 WANG, JINGBAI  
 TONG, XING

Property Use  
 0110 Single Family Home

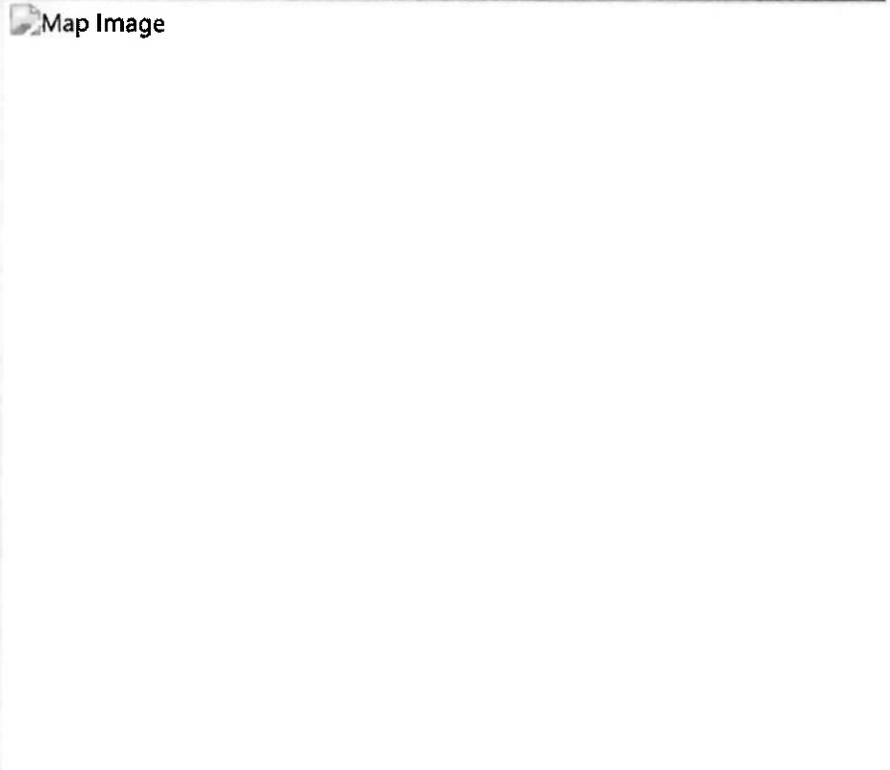
Site Address  
 200 WINDWARD IS  
 CLEARWATER, FL 33767

Mailing Address  
 200 WINDWARD IS  
 CLEARWATER, FL 33767-2325

Legal Description  
 ISLAND ESTATES OF CLEARWATER UNIT 4 LOT 65

Current Tax District  
 CLEARWATER (CW)

Year Built  
 1968



Living SF	Gross SF	Living Units	Buildings
3,048	3,780	1	1

**Exemptions**

Year	Homestead	Use %	Status
2025	No	100%	New application needed.
2024	Yes	100%	The current homestead will expire Dec. 31, 2024.
2023	Yes	100%	

**Property Exemptions & Classifications**  
 No Property Exemptions or Classifications found. Please note that Ownership Exemptions (Homestead, Senior, Widow/Widower, Veterans, First Responder, etc... will not display here).

**Miscellaneous Parcel Info**

Last Recorded Deed	Sales Comparison	Census Tract	Evacuation Zone	Flood Zone	Elevation Certificate	Zoning	Plat Bk/Pg
16367/0369	\$1,633,900	121030260012	A	<u>Current FEMA Maps</u>	<u>Check for EC</u>	Zoning Map	51/32

**2023 Final Values**

Year	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2023	\$1,400,851	\$1,078,081	\$1,028,081	\$1,053,081	\$1,028,081

**Value History (yellow indicates corrected value)**

Year	Homestead Exemption	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2022	Y	\$1,112,780	\$1,046,681	\$996,681	\$1,021,681	\$996,681
2021	N	\$872,594	\$872,594	\$872,594	\$872,594	\$872,594
2020	N	\$810,927	\$810,927	\$810,927	\$810,927	\$810,927
2019	N	\$776,541	\$776,541	\$776,541	\$776,541	\$776,541
2018	N	\$744,931	\$744,931	\$744,931	\$744,931	\$744,931