NOTICE OF HEARING MUNICIPAL CODE ENFORCEMENT BOARD CITY OF CLEARWATER, FLORIDA Case 17-19

Certified Mail January 17, 2019

Owner: R E Metz Properties 1541 Chateau Wood Dr. Clearwater, FL 33764-2703

Violation Address: 1616 Gulf to Bay Blvd., Clearwater Lakewood Replat Lot 7 & E 45Ft of Lot 6

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, February 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 **3-1806.A** 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: MAILING ADDRESS:	R E METZ PROPERTIES 1541 CHATEAU WOOD DR CLEARWATER, FL 33764-2703	CITY CASE#: BIZ2018-00437		
VIOLATION ADDRESS:	1616 GULF TO BAY BLVD COMMON CLEARWATER, FL			
DATE OF OFFICIAL NOT	ICE OF VIOLATION: 8/6/2018			

LEGAL DESCRIPTION OF PROPERTY: LAKEWOOD REPLAT LOT 7 & E 45FT OF LOT 6

PARCEL #: 14-29-15-49716-000-0060

DATE OF INSPECTION: 1/7/2019 12:34:00 PM

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

3-1806.A. ** TEMPORARY SIGNS ** Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.

TABLE 3-1806.1a. ** CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS ** Please see the enclosed copy of Table 3-1806.1a.

SPECIFICALLY,

One sidewalk sign is allowed to be erected per allowable business as long as it meets all the criteria and limitations presented in Table 3-1806.1a. to include where is it erected and that a yearly permit is required. At the property "The Garden of Tea" at unit E has erected a sidewalk sign that appears to be of an approved style out under the plaza sign. This sidewalk sign is not permitted and is not erected properly at the property. A sidewalk sign at this property must be erected no farther than 2 feet away from the business wall it is advertising for and requires a \$25.00 a year permit to do so. Compliance can be met by removing the sidewalk sign from the property until a permit can be obtained and all the criteria and limitations presented in Table 3-1806.1a. are being followed. To avoid fines starting at \$143.00 or having this case presented in front of the Municipal Code Enforcement Board please meet compliance by the compliance date. If you have any questions please contact me. Thank you.

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

Daniel Knight

SWORN AND SUBSCRIBED before me on this 9th day of January, 2019, by Daniel Knight. STATE OF FLORIDA COUNTY OF PINELLAS

PERSONALLY KNOWN TO ME	
PRODUCED AS IDENTIFICATION	- KJ/A
An Dette	Type of Identification
(Notary Signature)	
JEAN PEEKE	JEAN PEEKE Notary Public - State of Florida Commission # GG 062362

Name of Notary (typed, printed, stamped)

Commission # GG 062362 My Comm. Expires Feb 24, 2021 Bonded through National Notary Assn.

FILED THIS 15th DAY OF January _, 20<u>19</u> MCEB CASE NO. 17.19 vielee i pragne Secretary, Municipal Code Enforcement Board



CITY OF CLEARWATER

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

R E METZ PROPERTIES 1541 CHATEAU WOOD DR CLEARWATER, FL 33764-2703

BIZ2018-00437

ADDRESS OR LOCATION OF VIOLATION: 1616 GULF TO BAY BLVD COMMON

LEGAL DESCRIPTION: LAKEWOOD REPLAT LOT 7 & E 45FT OF LOT 6

DATE OF INSPECTION: 8/6/2018

PARCEL: 14-29-15-49716-000-0060

Section of City Code Violated:

3-1806.A. ** TEMPORARY SIGNS ** Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.

TABLE 3-1806.1a. ** CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS ** Please see the enclosed copy of Table 3-1806.1a.

Specifically: One sidewalk sign is allowed to be erected per allowable business as long as it meets all the criteria and limitations presented in Table 3-1806.1a. to include where is it erected and that a yearly permit is required. At the property "The Garden of Tea" at unit E has erected a sidewalk sign that appears to be of an approved style out under the plaza sign. This sidewalk sign is not permitted and is not erected properly at the property. A sidewalk sign at this property must be erected no farther than 2 feet away from the business wall it is advertising for and requires a \$25.00 a year permit to do so. Compliance can be met by removing the sidewalk sign from the property until a permit can be obtained and all the criteria and limitations presented in Table 3-1806.1a. are being followed. To avoid fines starting at \$143.00 or having this case presented in front of the Municipal Code Enforcement Board please meet compliance by the compliance date. If you have any questions please contact me. Thank you.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 9/10/2018. 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: Daniel Knight Inspector Phone: 727-562-4732

Date Printed: 8/6/2018

CC: 1616 Gulf to Bay Unit E

TABLE 3-1806.1a. CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS

Location	In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands. ¹
Maximum Number of Signs	1 per business
Maximum Width	2 feet
Maximum Height	<u>3-1/2 feet</u>
Maximum Distance from Building Wall (as measured at the nearest point of sidewalk sign)	2 feet, except 5 feet in the Cleveland Street Cafe District in the Downtown zoning District and 2 feet from the entryway of a parking garage/lot and valet stands.
Maximum Width of Public Sidewalk that the Sign May Obstruct	4 foot clear path on the sidewalk shall be maintained
Duration Allowed	Only during hours while business or valet service is operating
Allowed on Public Property and Right-of-Way	Yes
Allowed in a Sight Visibility Triangle	No
Design Criteria Permit Required	<u>Restricted²</u> Yes ³

¹ Properties adjacent to a public construction project scheduled to last 180 days may also erect sidewalk signs in compliance with the following:

- a. No more than two sidewalk signs per parcels.
- b. Parcels with multiple businesses shall coordinate copy on the signs.
- c. Sign size is limited to 4 feet in height and 8 square feet in area.
- d. Signs must be constructed in a professional and workmanlike manner from treated wood or other durable material. Sign copy shall not be spray painted onto the signs.
- e. No sidewalk sign shall block any public right-of-way, shall maintain a 4 foot clear path and shall not be located within the visibility triangle of intersections or driveways.
- f. <u>Sidewalk signs shall be removed within 7 days after City's final acceptance of the improvements or completion of the public project.</u>

² Design Criteria

- a. All sidewalk sign frames shall:
 - i. <u>be made of durable wood, plastic, or metal only and shall present a finished appearance, and the color of such frames shall be limited to metallic silver/grey, black, white or stained wood.</u>
 - ii. <u>support only black or green colored chalk boards, black, wet marker boards or professional design</u> advertisement/posters made of durable material with clear, non-glare protective covering.
- b. Sidewalk signs shall not be illuminated or incorporate fluorescent colors.
- c. <u>Sidewalk signs shall not be attached to any structure, pole, object, building, or other sign or contain moving</u> parts or have balloons, streamers, pennants or similar adornment attached.
- d. Only wind signs may be allowed to have wheels.
- e. <u>Flexibility with regard to sign style and size may be considered, provided the sign is designed as part of the architectural theme of the property and/or use using similar and coordinated design features, materials, and colors.</u>

³Permit Information

- a. A permit shall be obtained on a yearly basis.
- b. <u>A sketch, photo or drawing of the proposed sidewalk sign, along with the required fee, shall be submitted and approved prior to the placement of the sidewalk sign.</u>
- c. If proposed to be placed in a public right-of-way, evidence of general liability insurance in the amount of \$1,000,000 in a form acceptable to the city, with the city named as additional insured shall also be provided.

Section 3-1806. - Temporary signs.

- A. Within its zoning districts and subject to any applicable provisions with <u>Section 3-1806</u>, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.
 - B. A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than 25 percent of the aggregate window surface area, and shall not be illuminated. This temporary sign allowance shall be reduced by any window surface area already covered by signage allowed in Section 3-1805.O.

Location	In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands. ¹				
Maximum Number of Signs	1 per business				
Maximum Width	2 feet				
Maximum Height	3½ feet				
Maximum Distance from Building Wall (as measured at the nearest point of sidewalk sign)	2 feet, except 5 feet in the Cleveland Street Café District in the Downtown zoning District and 2 feet from the entryway of a parking garage/lot and valet stands.				
Maximum Width of Public Sidewalk that the Sign May Obstruct	4 foot clear path on the sidewalk shall be maintained				
Duration Allowed	Only during hours while business or valet service is operating				
Allowed on Public Property and Right-of-Way	Yes				
Allowed in a Sight Visibility Triangle	No				

TABLE 3-1806.1a. CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS

TABLE 3-1806.18. CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS

Location	In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands. ¹					
Maximum Number of Signs	1 per business					
Maximum Width	<u>2 féet</u>					
Maximum Height	<u>3-1/2 feet</u>					
Maximum Distance from Building Wall (as measured at the nearest point of sidewalk sign)	2 feet, except 5 feet in the Cleveland Street Cafe District in the Downtown zoning District and 2 feet from the entryway of a parking garage/lot and valet stands.					
Maximum Width of Public Sidewalk that the Sign May Obstruct	4 foot clear path on the sidewalk shall be maintained					
Duration Allowed	Only during hours while business or valet service is operating					
Allowed on Public Property and Right-of-Way	Yes					
Allowed in a Sight Visibility Triangle	No					
Design Criteria	Restricted ²					
Permit Required	Yes ³					

¹ Properties adjacent to a public construction project scheduled to last 180 days may also erect sidewalk signs in compliance with the following:

- a. No more than two sidewalk signs per parcels.
- b. Parcels with multiple businesses shall coordinate copy on the signs.
- c. Sign size is limited to 4 feet in height and 8 square feet in area.
- d. Signs must be constructed in a professional and workmanlike manner from treated wood or other durable material. Sign copy shall not be spray painted onto the signs.
- e. No sidewalk sign shall block any public right-of-way, shall maintain a 4 foot clear path and shall not be located within the visibility triangle of intersections or driveways.
- f. <u>Sidewalk signs shall be removed within 7 days after City's final acceptance of the improvements or completion</u> of the public project.

² Design Criteria

- a. All sidewalk sign frames shall:
 - i. <u>be made of durable wood, plastic, or metal only and shall present a finished appearance, and the color of such frames shall be limited to metallic silver/grey, black, white or stained wood.</u>
 - ii. <u>support only black or green colored chalk boards, black, wet marker boards or professional design</u> advertisement/posters made of durable material with clear, non-glare protective covering.
- b. Sidewalk signs shall not be illuminated or incorporate fluorescent colors.
- c. <u>Sidewalk signs shall not be attached to any structure, pole, object, building, or other sign or contain moving</u> parts or have balloons, streamers, pennants or similar adornment attached.
- d. Only wind signs may be allowed to have wheels.
- e. <u>Flexibility with regard to sign style and size may be considered, provided the sign is designed as part of the architectural theme of the property and/or use using similar and coordinated design features, materials, and colors.</u>

³Permit Information

- a. A permit shall be obtained on a yearly basis.
- b. <u>A sketch, photo or drawing of the proposed sidewalk sign, along with the required fee, shall be submitted and approved prior to the placement of the sidewalk sign.</u>
- c. If proposed to be placed in a public right-of-way, evidence of general liability insurance in the amount of \$1,000,000 in a form acceptable to the city, with the city named as additional insured shall also be provided.

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF POSTING

City Case Number: BIZ2018-00437

Site of Violation: 1616 GULF TO BAY BLVD COMMON

- 1. Daniel Knight, being first duly sworn, deposes and says:
- CIENCIAL RECORDS AND LUCISLATIVE SRVCS DEPT.
- 2. That I am a Code Inspector employed by the City of Clearwater.
- That on the 27th day of November, 2018, a copy of the attached Notice of Violation was posted at City Hall, 112 Osceola Ave., Clearwater, Florida and at 1616 GULF TO BAY BLVD COMMON, Clearwater, Florida.

Daniel Knight

STATE OF FLORIDA COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me on this 27th day of November, 2018, by Daniel Knight.

PERSONALLY KNOWN TO ME	
PRODUCED AS IDENTIFICATION	
(Notary Signature)	- Type of Identification

Name of Notary (typed, printed, stamped)





CITY OF CLEAR WATER

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

R E METZ PROPERTIES 1541 CHATEAU WOOD DR CLEARWATER, FL 33764-2703

BIZ2018-00437

ADDRESS OR LOCATION OF VIOLATION: 1616 GULF TO BAY BLVD COMMON

LEGAL DESCRIPTION: LAKEWOOD REPLAT LOT 7 & E 45FT OF LOT 6

DATE OF INSPECTION: 10/3/2018

PARCEL: 14-29-15-49716-000-0060

Section of City Code Violated:

3-1806.A. ** TEMPORARY SIGNS ** Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.

TABLE 3-1806.1a. ** CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS ** Please see the enclosed copy of Table 3-1806.1a.

Specifically: One sidewalk sign is allowed to be erected per allowable business as long as it meets all the criteria and limitations presented in Table 3-1806.1a. to include where is it erected and that a yearly permit is required. At the property "The Garden of Tea" at unit E has erected a sidewalk sign that appears to be of an approved style out under the plaza sign. This sidewalk sign is not permitted and is not erected properly at the property. A sidewalk sign at this property must be erected no farther than 2 feet away from the business wall it is advertising for and requires a \$25.00 a year permit to do so. Compliance can be met by removing the sidewalk sign from the property until a permit can be obtained and all the criteria and limitations presented in Table 3-1806.1a. are being followed. To avoid fines starting at \$143.00 or having this case presented in front of the Municipal Code Enforcement Board please meet compliance by the compliance date. If you have any questions please contact me. Thank you.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 12/7/2018. 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: Daniel Knight Inspector Phone: 727-562-4732

Date Printed: 11/27/2018

TABLE 3-1806.1a. CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS

Location	In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands. ¹			
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Maximum Width	<u>2 feet</u>			
Maximum Height	<u>3-1/2 feet</u>			
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Maximum Width of Public Sidewalk that the Sign May Obstruct	4 foot clear path on the sidewalk shall be maintained			
Duration Allowed	Only during hours while business or valet service is operating			
Allowed on Public Property and Right-of-Way	Yes			
Allowed in a Sight Visibility Triangle	No			
Design Criteria	Restricted ²			
Permit Required	Yes ³			

¹ Properties adjacent to a public construction project scheduled to last 180 days may also erect sidewalk signs in compliance with the following:

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- b. Parcels with multiple businesses shall coordinate copy on the signs.
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Interactive Map of this parcel Sales Query Back to Query Results New Search Tax Collector Home Page Contact Us WM 14-29-15-49716-000-0060									
Compact Property Record Card									
Tax EstimatorUpdated January 10, 2019Print Radius SearchFEMA/WLM									
Ownership/Mailing Address Change Mailing AddressR E METZ PROPERTIES1541 CHATEAU WOOD DRCLEARWATER FL 33764-2703			Site Address 1616 GULF TO BAY BLVD CLEARWATER						
Property Use: 1121 (Strip Store - (2 or more stores - some may include an office, convenience store, bar and/or restaura) Total Heated SF: 4,884 Total Gross SF: 5,988 [click here to hide] Legal Description LAKEWOOD REPLAT LOT 7 & E 45FT OF LOT 6									
🖉 File	File for Homestead Exemption 2019 Parcel Use								
ExemptionHomestead:Government:Institutional:Historic:	2018 No No No No No	2019 No No No No		N	Homestead Use Percentage: 0.00% Non-Homestead Use Percentage: 100.00% Classified Agricultural: No				
Parcel II	nformation La	test Notic	ce of P			rty Ta	axes (TRIM	No	tice)
Most Recent Recording	<u>Sales</u> Comparison	<u>Census Tract</u>		<u>(N</u>	Evacuation Zone (NOT the same as <u>a FEMA Flood</u> Zone)		Flood Zone OT the same a evacuation zo		Plat Book/Page
12983/0973 💌	Sales Query	121030265004		NON EVAC			Compare reliminary to urrent FEM/ <u>Maps</u>	- 1	<u>20/41</u>
	2018 Interim Value Information Just/Market Assessed Value / County School Municipal								
Year 2018	<u>Just/Market</u> <u>Value</u> \$309,500	Non-H2		· *	<u>County</u> Faxable Valu \$309,5 0		<u>School</u> xable Value \$309,500		<u>Municipal</u> xable Value \$309,500
[click here to hide] Value History as Certified (yellow indicates correction on file)									

1/10/2019