

**NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 110-21**

Certified Mail
August 13, 2021

Owner: **Darnell Macapinlac**
2040 N Highland Ave
Clearwater, FL 33755

Violation Address: **2040 N Highland Ave**
02-29-15-88182-000-0360

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, September 22, 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, 3-2302, 3-919 & 8-102** 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: MACAPINLAC, DARNELL
MAILING ADDRESS: 2040 N HIGHLAND AVE
CLEARWATER, FL 33755
CITY CASE#: CDC2021-01098
VIOLATION ADDRESS: 2040 N HIGHLAND AVE
CLEARWATER, FL
DATE OF OFFICIAL NOTICE OF VIOLATION: 5/21/2021
LEGAL DESCRIPTION OF PROPERTY: SUNSET RIDGE UNIT 1 LOT 36
PARCEL #: 02-29-15-88182-000-0360
DATE OF INSPECTION: 8/9/2021 11:35:00 AM

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

1-104.B. - ****DEVELOPMENT CODE VIOLATION**** No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

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

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

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

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

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

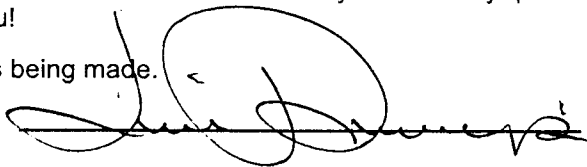
____(3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or

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

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.



Affidavit_Violation

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA
AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING

NAME OF VIOLATOR: MACAPINLAC, DARNELL
MAILING ADDRESS: 2040 N HIGHLAND AVE
CLEARWATER, FL 33755
CITY CASE#: BIZ2021-00221
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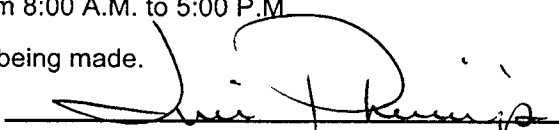
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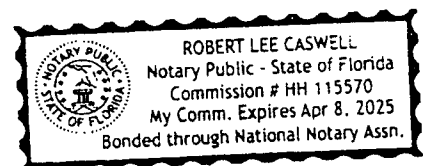
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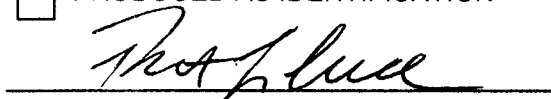

Julie Phillips

SWORN AND SUBSCRIBED before me by means of X physical presence or _____ online
notarization on this 9th day of August, 2021, by Julie Phillips.

STATE OF FLORIDA
COUNTY OF PINELLAS

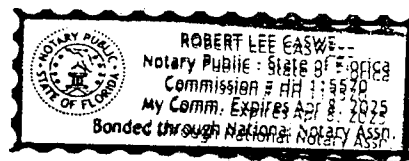
☒ PERSONALLY KNOWN TO ME
☐ PRODUCED AS IDENTIFICATION




(Notary Signature)

Type of Identification

Name of Notary (typed, printed, stamped)



FILED THIS 10th DAY OF August, 20 21

MCEB CASE NO. 110-21

Heide 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.

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

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

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

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

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



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

MACAPINLAC, DARNELL
2040 N HIGHLAND AVE
CLEARWATER, FL 33755

BIZ2021-00221

ADDRESS OR LOCATION OF VIOLATION: **2040 N HIGHLAND AVE**

LEGAL DESCRIPTION: SUNSET RIDGE UNIT 1 LOT 36

DATE OF INSPECTION: 5/21/2021

PARCEL: 02-29-15-88182-000-0360

Section of City Code Violated:

3-2302. - ****RESIDENTIAL RENTAL BUSINESS TAX RECEIPT**** A business tax receipt shall be required for all rentals as set forth in Section 3-2301. Business tax procedures and requirements shall be as set forth in Code of Ordinances Chapter 29. The fee charged for such business tax shall be as set forth in Code of Ordinances Appendix A, Division XVIII. Property described in this notice is being rented without a business tax receipt.

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THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 6/21/2021. 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: Julie Phillips
Inspector Phone: 562-4730

Date Printed: 5/21/2021

NOV_PropOwn

"EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION EMPLOYER"



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BIZ2021-00221

ADDRESS OR LOCATION OF VIOLATION: **2040 N HIGHLAND AVE**

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MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF POSTING

City Case Number: BIZ2021-00221

Site of Violation: 2040 N HIGHLAND AVE

1. Julie Phillips, being first duly sworn, deposes and says:
2. That I am a Code Inspector employed by the City of Clearwater.
3. That on the 9th day of August, 2021, a copy of the attached Notice of Violation was posted at City of Clearwater Offices, 600 Cleveland St., 6th Floor, Clearwater, Florida and at 2040 N HIGHLAND AVE, Clearwater, Florida.




Julie Phillips

STATE OF FLORIDA
COUNTY OF PINELLAS

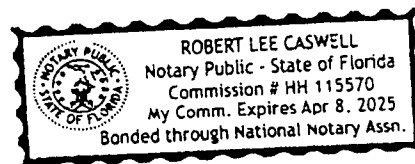
SWORN AND SUBSCRIBED before me by means of X physical presence or _____ online notarization on this 9th day of August, 2021, by Julie Phillips.

☒ PERSONALLY KNOWN TO ME

☐ PRODUCED AS IDENTIFICATION

 _____
(Notary Signature) Type of Identification

Name of Notary (typed, printed, stamped)



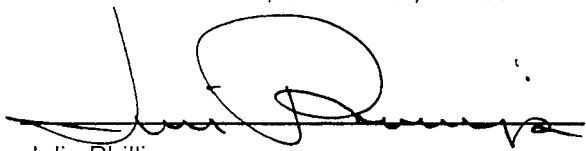
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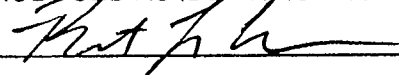
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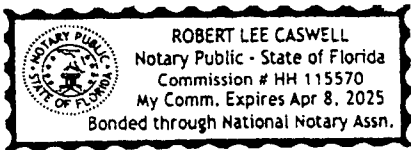


PRODUCED AS IDENTIFICATION


(Notary Signature)

Type of Identification

Name of Notary (typed, printed, stamped)



[Interactive Map of this parcel](#)

[Sales Query](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

[Contact Us](#)

02-29-15-88182-000-0360

Compact Property Record Card

Tax Estimator

Updated May 1, 2021

Email Print

Radius Search

FEMA/WLM

Ownership/Mailing Address Change Mailing Address

MACAPINLAC, DARNELL
2040 N HIGHLAND AVE
CLEARWATER FL 33755-1323

Site Address

2040 N HIGHLAND AVE
CLEARWATER

Property Use: 0110 (Single Family Home)

Current Tax District: CLEARWATER (CW)

Total Living: SF: 1,852 Total Gross SF: 2,342 Total Living Units: 1

[click here to hide] Legal Description
SUNSET RIDGE UNIT 1 LOT 36

Tax Estimator

☒ File for Homestead Exemption

Exemption	2021	2022
Homestead:	Yes*	No*
Government:	No	No
Institutional:	No	No
Historic:	No	No

2021 Parcel Use

*The current homestead will expire Dec. 31, 2021. New application needed.

Homestead Use Percentage: 100.00%

Non-Homestead Use Percentage: 0.00%

Classified Agricultural: 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
21401/1494	\$252,800 Sales Query	121030263002	NON EVAC	Compare Preliminary to Current FEMA Maps	54/23

2020 Interim Value Information

Year	Just Market Value	Assessed Value / Non-HIX Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2020	\$222,943	\$159,354	\$109,354	\$134,354	\$109,354

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

Year	Homestead Exemption	Just Market Value	Assessed Value	County Taxable Value	School Taxable Value	Municipal Taxable Value
2019	Yes	\$240,749	\$155,771	\$105,771	\$130,771	\$105,771
2018	Yes	\$220,294	\$152,867	\$102,867	\$127,867	\$102,867
2017	Yes	\$187,909	\$149,723	\$99,723	\$124,723	\$99,723
2016	Yes	\$187,897	\$145,407	\$95,407	\$120,407	\$95,407
2015	Yes	\$193,270	\$137,717	\$87,717	\$112,717	\$87,717
2014	Yes	\$145,731	\$136,624	\$86,624	\$111,624	\$86,624
2013	Yes	\$134,605	\$134,605	\$84,605	\$109,605	\$84,605
2012	Yes	\$141,606	\$141,606	\$91,606	\$116,606	\$91,606
2011	Yes	\$179,238	\$154,768	\$104,768	\$129,768	\$104,768
2010	Yes	\$171,674	\$152,481	\$102,481	\$127,481	\$102,481
2009	Yes	\$185,175	\$148,472	\$98,472	\$123,472	\$98,472
2008	Yes	\$208,300	\$148,324	\$98,324	\$123,324	\$98,324
2007	Yes	\$237,600	\$144,004	\$119,004	N/A	\$119,004
2006	Yes	\$164,500	\$140,492	\$115,492	N/A	\$115,492
2005	Yes	\$136,400	\$136,400	\$111,400	N/A	\$111,400
2004	No	\$127,700	\$127,700	\$127,700	N/A	\$127,700
2003	No	\$121,100	\$121,100	\$121,100	N/A	\$121,100
2002	No	\$96,600	\$94,700	\$69,700	N/A	\$69,700
2001	Yes	\$85,900	\$85,900	\$60,900	N/A	\$60,900
2000	No	\$79,100	\$79,100	\$79,100	N/A	\$79,100
1999	Yes	\$71,900	\$68,100	\$43,100	N/A	\$43,100
1998	Yes	\$67,100	\$67,100	\$42,100	N/A	\$42,100
1997	No	\$68,000	\$68,000	\$68,000	N/A	\$68,000
1996	No	\$64,900	\$64,900	\$64,900	N/A	\$64,900

2020 Tax Information

2020 Tax Bill

2020 Final Millage Rate

Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our new [Tax Estimator](#) to estimate taxes under new ownership.

Tax District: CW

20.5868

Ranked Sales (What are Ranked Sales?) See all transactions

Sale Date	Book/Page	Price	Q/U	V/I
16 Feb 2021	21401 / 1494	\$370,000	Q	I
30 Dec 2015	19040 / 0190	\$147,500	U	I
12 Nov 2003	13204 / 2224	\$129,000	Q	I
30 Nov 1999	10737 / 2037	\$95,000	Q	I
17 Feb 1997	09611 / 2085	\$69,900	Q	I
1971	03674 / 0115	\$4,000	Q	





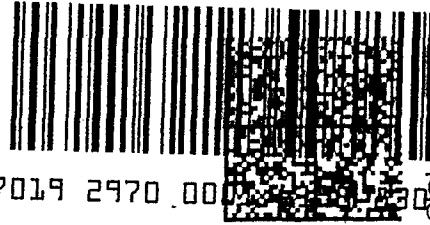
CITY OF CLEARWATER
Planning and Development Department
Post Office Box 4748
CLEARWATER, FLORIDA 33758-4748

1202 12

MACAPINLAC, DARNELL
2040 N HIGHLAND AVE
CLEARWATER, FL 33755

8 E JFWIMP 33758-4748

CERTIFIED MAIL®



FP **US POSTAGE**
\$006.91⁰

PRSR1 First-Class - IM
ZIP 33760

7019 2970 0000 05/24/2021
034A 0081800794

L/N
5/27/21

NIXIE 339 DE 1270 0006/17/21

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

BC: 33758474848 *2474-03727-17-07

