



## AGENDA

MUNICIPAL CODE ENFORCEMENT BOARD MEETING WEDNESDAY,  
JUNE 28th, 2023, 2:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

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- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF MAY 31st, 2023 MEETING
- V. NEW BUSINESS
  - A. Notice to appear issued to Michael Kuc property owner of parcel 1696200040 201 3rd Street St. Augustine Beach, FL. 32080 for notice of a repeated violation of the St. Augustine Beach City Code Sec. 3.09.00. (A) - Transient lodging establishments within medium density land use districts.
  - B. Notice to appear issued to Karen Pitts property owner of parcel 1640900000 56 Willow Dr. St. Augustine Beach, FL. 32080 for notice of violations of St. Augustine Beach City Code Sec. 6-1 Adoption of the Florida Model Administrative Code, 105-Permits, [A] 105.1 Required. St. Augustine Beach City Code, Article VI. - Development Design and Improvement Standards, Sec. 6.02.03 (D) - Rights-of-way.
- VI. OLD BUSINESS
- VII. PUBLIC COMMENT
- VIII. BOARD COMMENT
- IX. ADJOURNMENT *NOTICES TO THE PUBLIC*

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*In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office no later than seven days prior to the proceeding at the address provided above, or telephone 904-471-2122, or email [sabadmin@cityofsab.org](mailto:sabadmin@cityofsab.org)*

*For more information on any of the above agenda items, please call the City of St. Augustine Beach Building and Zoning Department at 904-471-8758. The agenda material containing background information for this meeting is available on a CD upon request at the City Manager's office for a \$5.00 fee. Adobe Acrobat Reader will be needed to open the file.*



## MINUTES

### MUNICIPAL CODE ENFORCEMENT BOARD MEETING

Wednesday May 31<sup>st</sup>, 2023, 2:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

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#### I. CALL TO ORDER

Chairman Kevin Mr. Sweeny called the meeting to order at 2:01 p.m.

#### II. PLEDGE OF ALLEGIANCE

#### III. ROLL CALL

BOARD MEMBERS PRESENT: Chairman Mr. Kevin Sweeny, Mr. Nick Binder, Ms. Trish Gilpin, Mr. Raymond Lovett, Mr. Pritchett, Mr. Mariutto

STAFF PRESENT: Code Enforcement Officer Mr. Timmons, Code Enforcement Officer Mr. Ferris, Building Official Brian Law, City Attorney Mr. Blocker, Recording Secretary Lacey Pierotti

#### IV. APPROVAL OF MINUTES OF APRIL 26<sup>th</sup>, 2023, MEETING

**Motion:** to approve the minutes of the April 26<sup>th</sup>, 2023, meeting. **Moved** by Ms. Gilpin, seconded by Mr. Biner, **passed 6-0** by unanimous voice-vote.

#### V. NEW BUSINESS

- A. Notice to appear issued to John Blackford, property owner of parcel 1695800080 for notice of violation of St. Augustine Beach City Code Chapter 19- Traffic, Sec. 19-37. -Prohibiting the parking of tractor trailers, other large trucks, and recreational vehicles on or within the right-of-way of city streets and within residentially zoned areas.
- B. Notice to appear issued to Mary Riley property owner of parcel 1695800140 for notice of violation of St. Augustine Beach City Code Sec. 3.09.00 for operating a transient lodging facility. This violation is the property owner's second offense.

Mr. Sweeny: Let's move to new business with a notice to appear issued to John Blackford the property owner for notice of the violation of our code chapter 19 traffic section 19-37 prohibiting the parking of tractor trailers or other large trucks and recreational vehicles on or within the rights-of-way of city streets and within residentially zoned areas.

Mr. Ferris are you going to be handling this case?

Mr. Ferris: Yes, thank you. We left off last month with the property owner opting to obtain a variance through Planning and Zoning. However, aside from the owner obtaining paperwork after our last meeting, no other

action has been taken by the owner.

Mr. Sweeny: Okay. Members, any questions for Mr. Ferris?

Ms. Gilpin: Mr. Ferris, Is the Shasta Trailer still there?

Mr. Ferris: I checked yesterday, and the trailer was still there.

Mr. Sweeny: Mr. Blackford? Please state your name and address for the record.

Mr. Blackford: Yes, my name is John Blackford. I live at 207 8<sup>th</sup> Street, St. Augustine Beach.

Mr. Blackford: Okay. During the last Code Board, I was told that a complaint more than a year and a half ago had been made, and the complaint came across Code Enforcement's desk recently as it was still open. We were told the size of the camper was not in violation, so we thought we were ok.

Mr. Sweeny: Okay. I have a few questions, but members I open it to you first. Any questions? Ok, Mr. Blackford, you are recognized.

Mr. Blackford: Is the enforcement of the code universal? I am under the impression that as I look around St. Augustine Beach, we're not the only RVs in front of a house. Is something driving your code enforcement which is not a violation? There's something other than that at play?

Mr. Sweeny: Let me say this. I believe that we are a two-person operation in code enforcement. So, I don't believe that there is a conspiracy in any way against you or your property.

Mr. Sweeny: You're recognized. Please state your name and address.

Mindy Hall: I'm John's wife. 207 8<sup>th</sup> Street St. Augustine Beach, FL. When the complaint came in, our neighbor called somebody on the board to get the measurements for the statue, and we were not out of compliance. The trailer does not obstruct any views, our truck and the cars in the neighborhood are bigger than the trailer.

Mr. Sweeny: I ask Mr. Blocker to please if you can, read the code violation there are in violation of.

Mr. Blocker: Yes Sir. Mr. Law has the violation.

Mr. Law: Section 19-37 of the St. Augustine Beach City code prohibits the parking of tractor-trailers or other large trucks and recreational vehicles on or within the driveway of city streets and within residentially zoned areas. Section, 1 definition. The following words or phrases shall have the following meanings. So, section [A], Prohibited vehicles, either motorized or not motorized, and has one or more of the following characteristics. I'm going to skip the first four. Number 5 is the recreational code. A recreational vehicle as defined. So, section [C] defines recreational vehicles. A vehicle which is designed to provide temporary living for recreation, camping, or travel purposes. A recreational vehicle may be designed to be self-propelled, towed, or carried by another vehicle. Recreational vehicles include campers, travel trailers, or motor homes.

Mr. Sweeny: Thank you, Mr. Law. So, Mr. Law or our Mr. Blocker, are they in violation of the code?

Mr. Blocker: That's correct Mr. Sweeny. If I could just elaborate.

Mr. Sweeny: Yes sir, please.

Mr. Blocker: I understand what the gentleman and Ma'am are saying, however, what's before this board today is this specific case or maybe other cases that are out there. But this is a very specific case involving this property in front of this board. So, what is happening in other cases is that's something code enforcement can address if these individual citizens would like to make a complaint or are certainly able to do that. What's in front of this board today is this matter. And the board has the authority under the city charter for the law to evaluate the merits of this specific matter. So, I would say, Mr. Sweeny what other neighbors are doing is not relevant right now. This is not the forum to hear those concerns. There are other forums where those concerns could be made and brought to the attention. The best forums to address those matters are probably the city council or there are other forums to better address that. What should be addressed here today is the specific code violation that's been identified by the staff that has the authority to go on and identify them. And that's just it for the board for consideration.

Mr. Sweeny: Here is my issue where we are today. We were here a month ago and set up the protocol to end this. You were to come talk staff, to talk to other boards, and get certain boxes checked off to make this okay. We have given you a calendar month to do something. You have done zero and to me it's just someone insulting that we are here again when we had the opportunity quite frankly good or bad, agree with it or not to start levying fines.

Mr. Blackford: As it was left last time, I was not 100% sure what we were supposed to do other than potentially find another place for our camper and planning. As the code enforcement board, you have the authority to enforce the code. You're not mandated to in the wording of that. I don't believe you are. I believe the fact that you had the opportunity to think about this and the fact that we're here indicates that you have some say over the enforcement of that code.

Mr. Sweeny: So just so I'm clear, it is your belief that we should have gone out and done some work to consider your case over the last 28-30 days while you did zero?

Mr. Blackford: No, I'm not saying that at all.

Mr. Sweeny: But I didn't expect you to do anything at that time. We didn't expect you guys to do anything. We just wanted you to...

Mr. Blackford: I'm not sure about that interpretation of the law. I understand that I am not a lawyer but when you're authorized to do something it doesn't mean you're mandated to do it unless there is a new definition of the term authorized, I'm not familiar with.

Mindy Hall: We talked about the option of applying for the variance, but it is four hundred dollars which is a lot of money.

Mr. Sweeny: The motion that was passed on the floor to postpone the action of fining you \$250 per day was given at least a month before another board so then we can rule with our code being the code. Mr. Blackford, you answered, "I think the first option is a lot better." So, you certainly knew what we were trying to do at the last meeting or where we were going at least based off our minutes.

Mr. Pritchett: If you had just picked up the phone and called the Building Department, they would have told you everything that we're telling you now.

Mr. Blackford: But we didn't have the \$400 to spend on the variance.

Mr. Sweeny: All you had to do was make a phone call to Mr. Law, Mr. Timmons, or Mr. Ferris so we knew you were at least trying. I understand money is tight, but we left it a month ago giving you a month to do something so the fines of \$250 a day did not start. So, you've come here today, and the code is still the code, and we must abide by that code and now unless there is anything pertinent to this issue we have to move forward now and figure out where we're going to go.

Mindy Hall: I don't understand the measurements. I mean is there a measurement for recreational vehicles? This thing is 11 feet long.

Mr. Law: So again section 19-37 Section 1 alpha prohibited vehicles. A vehicle either motorized or not motorized, that has one, and I used that. So, I deflect a little bit my voice so we can hear it, has one or more of the following characteristics. I'm going to read all 5 into the record now.

Keep in mind only one of them qualifies. The registered gross weight in excess of 17,100 pounds. Having a length more than 20 feet. Having a height of more than 11 feet, 6 inches. Having a width of more than 89 inches. Number 5 is, a recreational vehicle as here and after defined. Sub-section C recreational vehicle. A vehicle which is designed to provide temporary living quarters for recreation, camping, or travel purposes. A recreational vehicle may be designed to be self-propelled or towed or carried by another vehicle. Recreational vehicles include campers, travel trailers, or motor homes.

Mindy Hall: I talked to my brother today, and he said we can move it to his property. I worked hard to buy that, and it has not been a problem.

Mr. Sweeny: It is a violation. You are in violation of the code.

Mr. Pritchett: We have given people who have come before us in the past extra days to solve their problems. If we give them some extra days and they still haven't solved the problem, then we can start fines.

Mr. Sweeny: Okay. Thoughts on down the line? Okay if you are ready with the motion I will not stand in your way.

Mr. Pritchett: Okay. I am making a motion that we start to fine \$250 a day starting tomorrow until you get the problem solved.

**Motion:** To come into compliance by June 8<sup>th</sup>, 2023, or be fined \$250 will begin. Moved by Mr. Pritchett, **seconded by** Chairman Sweeny, **passed 6-0** by the board by unanimous voice vote.

Mr. Sweeny: I ask for approval of our April 26, 2023, meeting. Looking for a motion to approve those minutes.

**Motion:** Approval of April 26<sup>th</sup>, 2023, minutes. **Moved by** Ms. Gilpin, **seconded by** Mr. Binder, **passed 6-0** by the board by unanimous voice-vote.

Mr. Sweeny: Let's move along to B, under new business. A notice to appear to Mary Riley, property owner for a notice for violation of our code Section 3.09.00 for operating a transient lodging facility. Mr. Ferris, are you going to take on this as well? Mr. Ferris, you're recognized.

Mr. Ferris: Notice to appear issued to Mary Riley property owner of parcel 1695800140. The notice of violation City of St. Augustine Beach Code Section 3.09.00 operating transient lodging facility. This violation is the property owner's second offense.

Mr. Ferris: while investigating a separate rental, this rental was discovered. If I may, I have additional articles of evidence to pass on to the board.

[Exhibit A]

Mr. Sweeny: Yes Sir. Please.

Mr. Ferris: So originally this first offense started back in September 2020 and ultimately results in the Code Board having Ms. Riley sign an affidavit. The affidavit stated that she would not operate a transient rental again. As this is a repeated violation, the violation is sent directly back to the Code Board.

Mr. Sweeny: It looks like she did pay a fine in 2020, is that correct?

Mr. Ferris: Correct.

Mr. Sweeny: Ok, I see a fine of \$200.00 was paid. Members, any questions for Mr. Ferris.

Mr. Sweeny: Okay, thank you, Mr. Ferris. All right, Mary Ann Riley. Please don't forget to state your name and your address for the record.

Mary Riley: Mary Ann Riley, 213 Eight Street, apartment A. I thought I wasn't in violation. I have a full-time tenant in my unit B. And I have a full-time tenant, she rents a room from me. And I have all the taxes that I paid, all the notifications of taxes to pay.

Mr. Sweeny: May I ask that you hand the taxes to our Attorney, just so he can make heads or tails, or tell us if it means anything or if it doesn't mean anything?

Mary Riley: So, I've owned my home since 2001, I was an out-of-state owner and landlady until I moved in, and I thought I was complying. I have two tenants that live there, and I live there.

Mr. Sweeny: I just want to remind you the code is the code. So, we must operate within certain parameters. I believe the code forbids you to do short-term rentals.

Mary Riley: I have 2 long terms, sir. My son rents Unit B, and he has been renting since 2010. My housemate Nancy, she and I have that Airbnb just for the weekends.

Ms. Gilpin: I have a question. You and your roommate move out of your house for people?

Mary Riley: Yes, exactly.

Ms. Gilpin: Where do you go when you rent?

Mary Riley: Sometimes I sleep on my son's sofa. Sometimes I go to my brother's house. She has a boyfriend she always goes to. If I'm not working, I'm often working on weekends, sometimes I'll go to my sister's house or I'll go to a friend's house in the store. And lots of times I'm right there on the sofa, there are never any issues.

Mr. Sweeny: Mr. Attorney or Mr. Law, whoever can answer this, what is the minimum amount of time you can rent to someone without becoming a short-term rental?

Mr. Timmons: There are 3 types of rentals. You have long-term rentals which are six months or more. You have short-term rentals which are 30 days or more, which is allowable in the medium density. Then you have the transient rentals which are your weekly, daily, nightly kind of rentals, which are obviously restricted due to the hundred allowable within the medium density.

Mr. Sweeny: And so, that's where you fall in violation of the code.

Mary Riley: There are no variables even though I have two tenants?

Mr. Blocker: The documentation you've shown is evidence of long-term rentals. You are authorized, and I see, from Saint John's County, there's a receipt here that you're paying the local tourist development tax. However, that does not absolve this requirement for transient rentals which is within a certain leaf of time, which would fall within the weekend. With short-term rental, there is a very specific limit to the number of businesses that are authorized to do that. It's capped at 100, and there's a waiting list, to be authorized to do that. The city commission or the elected officials here have made a policy decision which is enforceable on the Florida law, that is the requirement.

Mary Riley: Nobody said beforehand that even though you've owned your house, you can't do this. When did this come about?

Mr. Blocker: Just to point out Mr. Sweeny to the Board, that there was a transient rental affidavit that was signed by Ms. Riley, where there's acknowledgment, I'll read it here. This is on Section four, that as of September 30th, 2020, I will no longer rent my home for periods of less than 30 days, unless a transient rental license of the 100 becomes available to me and I have submitted the required documents for the City of St. Augustine Beach. This was notarized and signed on the 30th of October 2020.

Ms. Gilpin: I thought she had agreed to not do it.

Mr. Sweeny: So, you were made aware of the rules.

Mary Riley: I also thought that I was okay because I had two tenants and I got notification to pay taxes.

Mr. Sweeny: No ma'am. It sounds like that allows for short-term and long-term rentals, not transient.

Mary Riley: Okay. So even though I have a person living in my house, that's not considered long-term?

Mr. Sweeny: That is. But because you also have your transient rental or renter, that's where you're in violation. You've got many things going on. You've got a long-term and maybe a short-term, and then transient. It's the transient that is why we're here today.

Mr. Blocker: The short-term as well. Long-term is acceptable; the short-term and transient rental is where there is an issue.

Mr. Sweeny: That's why we're here today.

Mr. Timmons: Short-term is allowable if you get a permit and documentation through the city.

Mary Riley: So, I can't do this?

Mr. Sweeny: Unfortunately, that is right.

Mary Riley: And it's for my sustainability, for a home that I pay taxes in?

Mr. Sweeny: I understand. But for now, these are the parameters we're operating under, and you are in violation.

Mr. Sweeny: You have been in violation of the code; we've got to act on that violation. I think we are authorized to fine up to \$250 dollars a day, is that correct for this?

Ms. Gilpin: Yes.

Mr. Sweeny: Members, I ask that we consider not fining and we give until June 8<sup>TH</sup> for a cease and desist.

**Motion:** Cease and desist by June 8<sup>th</sup>, 2023, or a fine of \$250 per day will begin. **Moved by** Chairman Sweeny, **seconded** by Mr. Mariutto, **passed 6-0** by the board by unanimous voice-vote.

Mr. Sweeny: All right members, let's move forward. Any old business? You're recognized.

Mr. Binder: Well, last month I asked the question related to residence 720, Beach Boulevard. About outstanding liens that haven't been placed on anybody. Mr. Timmons indicated at that time a contact from the attorney is having trouble locating Ms. Johnson and Mr. Kuhlman. Attorneys have reached out to the Sheriff's Office who are having a hard time finding them. Has anything changed? And my concern is, has anything been put on the deed of the property which would prevent Mrs. Johnson from selling the property?

Mr. Sweeny: City Attorney you're recognized.

Mr. Blocker: Mr. Binder yes, a lawsuit has been filed, they have been served, and they have represented themselves pro se at this point. They have hired a legal aid, who's representing them. Their Attorneys have reached out with an indication there are some homestead issues with the properties. So that's something we're trying to work out. As far as your specific question is something placed against the deed? Under Florida law, you can continue to place assessments and fines on the property, but if the property is a homestead, we're seeking to verify, and make sure that there are not any issues with fraud regarding that. Florida has very specific laws about homesteads. That may be a challenge to this specific case but will not prevent the city's staff from continuing to issue fines which would have to be paid at some point if there is a sale of the residence.

Mr. Sweeny: Mr. Binder?

Mr. Binder: So, there's no lien on the deed right now?

Mr. Blocker: I'd have to clarify that. If that property is a homestead, there would be a lien that would be placed on or there will be assessments that we will be placed on the property. So, if the property is sold, those would have to be paid to the local government.

Mr. Binder: Correct.

Mr. Blocker: So, then we're using different terminologies, but I think we're at the same point. So yes, that is something that we're perfecting. The lawsuit was a foreclosure of the property. If the property is a homestead, we would not be able to foreclose on the property. There is some dispute about whether this is homestead of property as far as practice because, Florida does deal with homestead fraud, where people would claim

homestead and it's not homestead. So that's something we're trying to work out right now. But as far as your question about liens being placed on the property? We are moving forward with that.

Mr. Law: Just to remind the board, if a property sells and it goes to the appropriate with the closing documents and all that, my staff receives a request for co-enforcement violations of the permits. Normally Ms. Lacy handles all those, at that point we would disclose that to the closing company, and then they would have to rectify whatever we're up to.

Mr. Blocker: So, Mr. Binder said the time of sale is where those fines would come in. So, if the property is worth \$300,000 and the fines are \$200,000, then that's how the city would recoup those losses. If the property was not homesteaded and we were to verify it was not homesteaded under Florida law we can foreclose a property and actually take it that way as well which is less common, but it is a tool, an effective tool for us to operate under.

Mr. Bender: So at this present time, Mrs. Johnson still is getting a fine each day of \$250?

Mr. Law: Can we get back on the board on that? I seem to have a different memory than Mr. Timmons, the records will indicate them, we'll let you know.

Mr. Sweeny: Anyone else, members? Members thank you very much.  
[END]

**VI. BOARD COMMENT**

There was no board comment.

**VII. ADJOURNMENT**

The meeting adjourned at 3:02 p.m.

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Kevin Mr. Sweeny, Chairman

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Lacey Pierotti, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO RECORDING CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122.)

Created	Modified	Note	
05/31/2023	05/31/2023	05/26/23 Certified letters sent to 201 3rd Street, and 130 Lauren Place to cease and desist illegal transient rental at 201 3rd Street. Additionally, certified letters are to summons Mr. Kuc to the June Code Board.	
05/30/2023	05/30/2023	Listing has been blocked off for transient rentals on VRBO. Case closed out.	
05/24/2023	05/24/2023	Code Enforcement received a complaint that 201 3rd st is still operating illegally by renting less than 30 days.	
10/10/2022	10/10/2022	Mr. Kuc has completed his 30+ day inspection and all paperwork has been submitted	
09/13/2022	09/13/2022	Mr. Kuc has submitted paperwork for a 31+ day rental at 201 3rd St. Fees have been paid. Awaiting inspection to complete process.	
07/25/2022	07/25/2022	Recieved E-mail with a link to AirBNB for transient rentals at 201 3rd St. Certified mail has been sent to 201 3rd St. and 130 Lauren Place	

## RE: Code enforcement hearing



Gil Timmons

To  Michael Kuc

Cc  Sam Ferris



↩ Reply

↩ Reply All

➔ Forward



Tue 6/6/2023 11:06 AM



Rental ordinance.pdf

.pdf File

I have attached the ordinance which was written in 2008. As per the definition of a transient lodging establishment, (Transient Lodging Establishments—Any unit, group of units, dwelling, building, group of buildings within a single complex of buildings, or any similar place which is rented for a period of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transients.) I can infer through the posting of 201 3<sup>rd</sup> street, in the image capture that, there was an intention to rent for less than (30) days. In my previous e-mail I had attached a screenshot showing that in all other calendar days, 201 3<sup>rd</sup> street is operating legally. I am just gathering evidence to present this case as fairly as possible.

Respectfully,  
Gil Timmons  
Code Enforcement  
Building and Zoning Department  
City of St. Augustine Beach  
2200 State Road A1A South  
St. Augustine Beach, FL 32080  
O: 904-471-8758 Ext: 207  
C: 904-599-5195

**MOTION TO AMEND PROPOSED ORDINANCE NO. 08-11.**

Motion by Commissioner Charles and Seconded by  
Commissioner Helhoski :

Having received the recommendation of the Comprehensive Planning and Zoning Board and heard comment by members of the Public, it is hereby moved that the Title and Text of Proposed Ordinance No. 08-11 be amended to conform to the following:

Ordinance 08 – 11A

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO RESIDENTIAL RENTALS, PROVIDING FOR APPLICABILITY; AUTHORIZING RENTALS OF LESS THAN THIRTY DAYS WITHIN MEDIUM DENSITY ZONING DISTRICTS IN LIMITED NUMBERS; REQUIRING A BUSINESS TAX RECEIPT FOR CERTAIN RESIDENTIAL RENTALS AND ESTABLISHMENT OF AN APPLICATION FEE; ESTABLISHING TRANSIENT LODGING FACILITY AS DEFINED BY THE CITY OF ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS AND LICENSED BY THE STATE OF FLORIDA AS RESORT RENTALS; PROVIDING FOR REQUIRING LOCAL REPRESENTATION FOR A BUSINESS TAX RECEIPT APPLICATION FOR RESIDENTIAL RENTALS; REQUIRING THE FILING OF A RESIDENTIAL RENTAL COMPLIANCE MINIMUM APPLICABLE STANDARDS FORM ACKNOWLEDGING RECEIPT OF NOTICE OF CERTAIN HOUSING AND DEVELOPMENT STANDARDS; PROVIDING FOR INSPECTIONS FOR COMPLIANCE PURPOSES AND FEES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REVOCATION OR DENIAL OF THE BUSINESS TAX RECEIPT; ALLOWING FOR TRANSIENT LODGING FACILITIES WITHIN THE MEDIUM DENSITY LAND USE DISTRICTS; AMENDING CHAPTER 12, SEC. 2-67 PROVIDING FOR A ST. AUGUSTINE BEACH BUSINESS TAX RECEIPT; AND PROVIDING FOR AN EFFECTIVE DATE;**

**WHEREAS**, it is advisable to provide a Business Tax Receipt for residential rentals as defined below, including the rental of single-family units, and to establish a system whereby rental properties are certified meeting certain minimum housing and development standards, and to provide for additional inspection and enforcement proceedings and the revocation of the Business Tax Receipt in the event of non-compliance with these provisions; and

**WHEREAS**, the City Commission has determined that there are presently operating a limited number of Transient Lodging Facilities within Medium Density Residential Districts of the City in a number substantially less than 100;

**WHEREAS**, the City Commission, after public hearings, receipt of the recommendations of the Comprehensive Planning and Zoning Board, and comments by affected citizens, has

## Gil Timmons

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**From:** Joshua T. Patterson <jtp@g-etg.com>  
**Sent:** Thursday, June 1, 2023 2:33 PM  
**To:** Max Royle; Comm Samora; Gil Timmons; Beth Sweeny; Comm George; Comm Rumrell; Comm England; City Attorney; Comm Morgan  
**Cc:** lee123053@gmail.com; Jacob Dascomb; Paul Carmichael  
**Subject:** Re: 201 3rd St. Illegal Weekly Rentals Continued

**CAUTION:** This message originated from outside of your organization. Clicking on any link or opening any attachment may be harmful to your computer or the City. If you do not recognize the sender or expect the email, please verify the email address and any attachments before opening. If you have any questions or concerns about the content, please contact IT staff at IT@cityofsab.org.

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That would be fantastic, Gil. Thank you.

New renters are in today (5/31/2023) and with us having young children, we would really like to know what's going on next door and why the City has allowed it for so long. Most of the illegal renters have been nice and respectful, but we've also had several instances of inappropriate weeknight partying and drug use with our childrens' windows in close proximity to the billowing smoke and noise, so we are very anxious to hear the results of the City's report. We've also had to pick up trash left in the street and yard for days after past illegal rentals because they often check out on a Saturday and leave loose garbage bags in the driveway or street for 6 days before trash pickup (which becomes a real mess with insects and animals).

The active AirBnB listing indicates that the renters who came in today (June 1) may be staying for longer than 30 days and therefore would be allowed under the Short Term Rental License, but that does not explain nor excuse the transient rental last week and the past 7 documented occurrences vs. the 1 long term/compliant renter (longer than 30 days) renter the owner has had since he started the illegal rental operation.

Again, we don't pay this much property tax to live next to an unlicensed, rotating door of tourists and partiers; otherwise, we would go live at the hotel across the street. Please let us know what enforcement actions are being taken.

Thank you, Max-

Josh

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**From:** Max Royle <mroyle@cityofsab.org>  
**Date:** Wednesday, May 31, 2023 at 2:49 PM  
**To:** Joshua T. Patterson <jtp@g-etg.com>, Comm Samora <comdsamora@cityofsab.org>, Gil Timmons <gtimmons@cityofsab.org>, Beth Sweeny <combsweeny@cityofsab.org>, Comm George <comugeorge@cityofsab.org>, Comm Rumrell <comdrumrell@cityofsab.org>, Comm England <commengland@cityofsab.org>, City Attorney <attorney@cityofsab.org>, Fitzpatrick, Brian <BFitzpatrick@haleyaldrich.com>, Comm Morgan <comvmorgan@cityofsab.org>  
**Cc:** lee123053@gmail.com <lee123053@gmail.com>, Jacob Dascomb <jacob.dascomb@gmail.com>, Paul Carmichael <pcarmichaeljr@outlook.com>  
**Subject:** RE: 201 3rd St. Illegal Weekly Rentals Continued

Mr. Patterson,  
Gil Timmons of the Code Enforcement Division can provide the information you've requested.  
Max

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**From:** Joshua T. Patterson <jtp@g-etg.com>  
**Sent:** Wednesday, May 31, 2023 1:53 PM  
**To:** Max Royle <mroyle@cityofsab.org>; Comm Samora <comdsamora@cityofsab.org>; Gil Timmons <gtimmons@cityofsab.org>; Beth Sweeny <combsweeny@cityofsab.org>; Comm George <comugeorge@cityofsab.org>; Comm Rumrell <comdrumrell@cityofsab.org>; Comm England <commengland@cityofsab.org>; City Attorney <attorney@cityofsab.org>; Fitzpatrick, Brian <BFitzpatrick@haleyaldrich.com>; Comm Morgan <comvmorgan@cityofsab.org>  
**Cc:** lee123053@gmail.com; Jacob Dascomb <jacob.dascomb@gmail.com>; Paul Carmichael <pcarmichaeljr@outlook.com>  
**Subject:** Re: 201 3rd St. Illegal Weekly Rentals Continued

**CAUTION:** This message originated from outside of your organization. Clicking on any link or opening any attachment may be harmful to your computer or the City. If you do not recognize the sender or expect the email, please verify the email address and any attachments before opening. If you have any questions or concerns about the content, please contact IT staff at [IT@cityofsab.org](mailto:IT@cityofsab.org).

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Thanks, Max.

The latest illegal transient renter (see photo attached of Illinois plates on vehicle in drive) stayed for less than 7 days, exactly as it was indicated on the AirBnB listing calendar for this property last week. They checked out on Friday and then the cleaning crew came in to clean up and prep it for the next illegal transient renter.

Please let me and the other Code-abiding citizens on our block know what the City's Code violation report indicates and what the enforcement action is.

I would guess that revocation of the homeowner / illegal renter's short term license is probably within the appropriate realm of City enforcement action, as well as fines for non-reported rental revenue, but I'll leave that up to your team to report.

Thanks, all, for your continued attention to this recurring illegal transient rental activity as documented over the past 1 year now.

Josh T. Patterson, P.G., CHMM  
Program Director  
Greenfield Environmental Multistate Trust LLC,  
Trustee of the Multistate Environmental Response Trust  
Greenfield Environmental Trust Group, Inc., Member  
Cell: (904) 557-5252  
Email: [jtp@g-etg.com](mailto:jtp@g-etg.com)  
Website: [www.greenfieldenvironmental.com](http://www.greenfieldenvironmental.com)



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**From:** Max Royle <[mroyle@cityofsab.org](mailto:mroyle@cityofsab.org)>  
**Date:** Monday, May 22, 2023 at 9:38 AM  
**To:** Joshua T. Patterson <[jtp@g-etg.com](mailto:jtp@g-etg.com)>, Comm Samora <[comdsamora@cityofsab.org](mailto:comdsamora@cityofsab.org)>, Gil Timmons <[gtimmons@cityofsab.org](mailto:gtimmons@cityofsab.org)>, Beth Sweeny <[combsweeny@cityofsab.org](mailto:combsweeny@cityofsab.org)>, Comm George <[comugeorge@cityofsab.org](mailto:comugeorge@cityofsab.org)>, Comm Rumrell <[comdrumrell@cityofsab.org](mailto:comdrumrell@cityofsab.org)>, Comm England <[commengland@cityofsab.org](mailto:commengland@cityofsab.org)>, City Attorney <[attorney@cityofsab.org](mailto:attorney@cityofsab.org)>, Fitzpatrick, Brian

<[BFitzpatrick@haleyaldrich.com](mailto:BFitzpatrick@haleyaldrich.com)>

**Cc:** [lee123053@gmail.com](mailto:lee123053@gmail.com) <[lee123053@gmail.com](mailto:lee123053@gmail.com)>, Jacob Dascomb <[jacob.dascomb@gmail.com](mailto:jacob.dascomb@gmail.com)>, Paul Carmichael <[pcarmichaeljr@outlook.com](mailto:pcarmichaeljr@outlook.com)>

**Subject:** RE: 201 3rd St. Illegal Weekly Rentals Continued

Mr. Patterson,

I'll ask Code Enforcement to look into your complaint and will forward to you their report.

Max

---

**From:** Joshua T. Patterson <[jtp@g-etg.com](mailto:jtp@g-etg.com)>

**Sent:** Monday, May 22, 2023 9:00 AM

**To:** Max Royle <[mroyle@cityofsab.org](mailto:mroyle@cityofsab.org)>; Comm Samora <[comdsamora@cityofsab.org](mailto:comdsamora@cityofsab.org)>; Gil Timmons <[gtimmons@cityofsab.org](mailto:gtimmons@cityofsab.org)>; Beth Sweeny <[combsweeny@cityofsab.org](mailto:combsweeny@cityofsab.org)>; Comm George <[comugeorge@cityofsab.org](mailto:comugeorge@cityofsab.org)>; Comm Rumrell <[comdrumrell@cityofsab.org](mailto:comdrumrell@cityofsab.org)>; Comm England <[commengland@cityofsab.org](mailto:commengland@cityofsab.org)>; City Attorney <[attorney@cityofsab.org](mailto:attorney@cityofsab.org)>; Fitzpatrick, Brian <[BFitzpatrick@haleyaldrich.com](mailto:BFitzpatrick@haleyaldrich.com)>

**Cc:** [lee123053@gmail.com](mailto:lee123053@gmail.com); Jacob Dascomb <[jacob.dascomb@gmail.com](mailto:jacob.dascomb@gmail.com)>; Paul Carmichael <[pcarmichaeljr@outlook.com](mailto:pcarmichaeljr@outlook.com)>

**Subject:** Re: 201 3rd St. Illegal Weekly Rentals Continued

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Good morning,

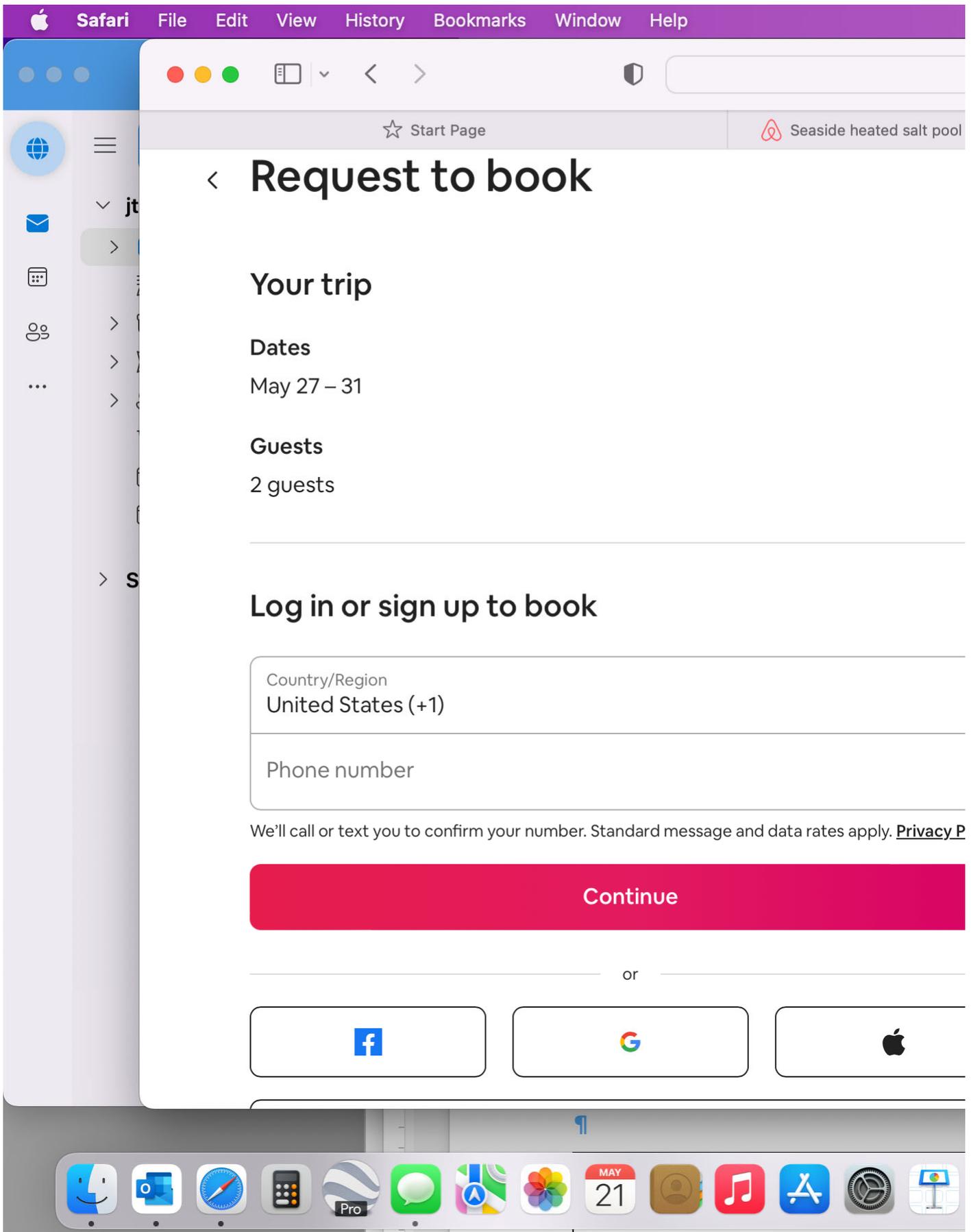
For those of you continuing to track illicit transient rentals within Saint Augustine Beach, below is a photo of a 5-6 day renter staying next door to me currently at 201 3<sup>rd</sup> Street and a link and current screen shots of the active AirBnB listing that allows renters to select daily or weekend options for \$406/night.

The owner of 201 3<sup>rd</sup> Street obtained a short term rental license in 2022 and proceeded to rent at least 6 times to daily and weekly transient renters (with the City's knowledge). Finally, after several complaints and questions from City staff during 2022, the owner rented the house for a period of approximately 4 months, in compliance with his license. As soon as the short term renter left at the end of April, the house was prepped for continued transient renters, including the current illegal transient renter that arrived May 20, 2023 and is booked through May 26.

**Link to illegal rental listing on AirBnB:**

[https://www.airbnb.com/rooms/662220606819786617?location=Seaside%20heated%20salt%20pool%20paradise%20Saint%20Augustine&check\\_in=2023-05-27&check\\_out=2023-05-31&federated\\_search\\_id=cf414fe0-a284-4449-8adc-c6cc0691b158&source\\_impression\\_id=p3\\_1684715302\\_BqFMM9a35yF%2FxzTQ](https://www.airbnb.com/rooms/662220606819786617?location=Seaside%20heated%20salt%20pool%20paradise%20Saint%20Augustine&check_in=2023-05-27&check_out=2023-05-31&federated_search_id=cf414fe0-a284-4449-8adc-c6cc0691b158&source_impression_id=p3_1684715302_BqFMM9a35yF%2FxzTQ)

**Screen Shots of Illegal Rental Listing on Active Airbnb Site:**



Screen shot of reviews from illegal transient rentals at 201 3<sup>rd</sup> Street

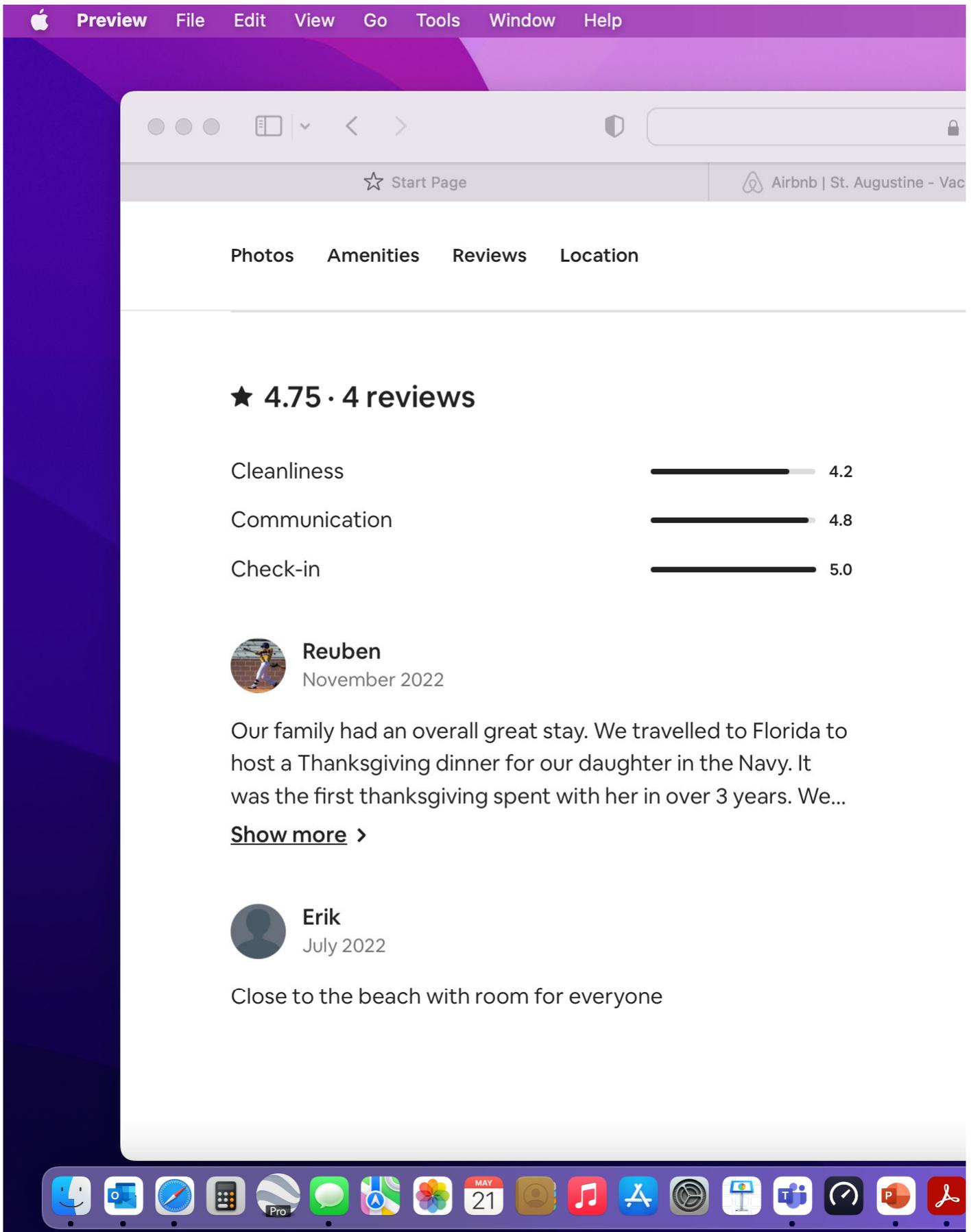


Photo of current illegal transient rental occupant:



**City of St. Augustine Beach Building and Zoning Department**

**TO:** Kuc, Michael. 201 3<sup>rd</sup> Street, Saint Augustine, FL 32080-6350

**FROM:** Code Enforcement Department, City of St. Augustine Beach

**SUBJECT:** Cease and Desist and Notice to Appear / Certified Mail: **7018 0360 0002 1998 7182**

**DATE:** March 26<sup>th</sup>, 2023

This document is a notice to cease and desist all renting operations as well as a notice to appear before the St. Augustine Beach Code Enforcement Board relative to your failure staying within compliance. With observations from your listing on VRBO it is apparent that there are violation(s) of **Sec. 3.08.00. -Transient Lodging establishments within medium density land use districts.** As well as violation(s) of **Sec. 7-32. -Enforcement, penalties, and legal proceedings.**

This correspondence, which will serve as your **"Official Notice"** and **requests your appearance** before the Code Enforcement Board to answer any allegations against you.

**Date and Time of Code Enforcement Board Meeting:**

**Time of Hearing: 2:00 PM**

**Location of Hearing: 2200 A1A South  
Saint Augustine Beach, FL 32080**

**Wednesday June 28<sup>th</sup>, 2023**

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety, and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Please contact me Monday – Friday from 8:00 a.m. to 5:00 p.m. at (904) 471-8758 if you have any questions regarding this correspondence.

Sincerely,  
Code Enforcement Department  
[Codeenforcement@cityofsab.org](mailto:Codeenforcement@cityofsab.org)



**City of St. Augustine Beach Building and Zoning Department**

**TO:** Kuc, Michael. 130 Lauren Place, Saint Augustine, FL 32080-6350

**FROM:** Code Enforcement Department, City of St. Augustine Beach

**SUBJECT:** Cease and Desist and Notice to Appear / Certified Mail: **7018 0360 0002 1998 7199**

**DATE:** March 26<sup>th</sup>, 2023

This document is a notice to cease and desist all renting operations as well as a notice to appear before the St. Augustine Beach Code Enforcement Board relative to your failure staying within compliance. With observations from your listing on VRBO it is apparent that there are violation(s) of **Sec. 3.08.00. -Transient Lodging establishments within medium density land use districts.** As well as violation(s) of **Sec. 7-32. -Enforcement, penalties, and legal proceedings.**

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Sincerely,  
Code Enforcement Department  
[Codeenforcement@cityofsab.org](mailto:Codeenforcement@cityofsab.org)

06/13/2023	06/13/2023	Notice to appear certified letter mailed.
05/30/2023	05/30/2023	Attorney Whitehouse called City Staff to obtain information on violations and paper work needed.
05/23/2023	05/23/2023	Owner called Code Enforcement after finding door hanger and stated after he left the Building Department to obtain the paperwork needed for permit/s he realized this was all too much for him so he hired Attorney Whitehouse.
05/23/2023	05/23/2023	Door hanger left at residence for owner to contact Code Enforcement in regards to progress on obtaining permits and removal of pavers in driveway.
05/10/2023	05/10/2023	Home owner came in today to obtain paper work for permits and ISR for driveways.
05/10/2023	05/10/2023	Certified letter for notice of violation mailed requesting compliance for code violations on or before 05/23/2023.
05/09/2023	05/09/2023	Code Enforcement made contact with home owner and he stated he will get with the company who put the carport up to obtain permits and the paver contractor to bring the driveways into compliance.
05/09/2023	05/09/2023	Received information from a city official inquiring about no permits obtained for a carport structure and two driveways at the residence not in compliance with the overall width in total.



**City of St. Augustine Beach Building and Zoning Department**

**TO:** Karen Pitts

**FROM:** Code Enforcement Division, City of St. Augustine Beach

**SUBJECT:** Notice to Appear / Certified Mail: 7021 2720 0002 0512 4207

**DATE:** June 13th, 2023

**This document is a notice to appear before the code board regarding failure to comply with City Code Sec. 105.1, and Sec. 6.02.03.**

This correspondence, will serve as your "**Official Notice**" and **requests your appearance** before the Code Enforcement Board to answer any allegations against you.

**Date and Time of Code Enforcement Board Meeting:**

**Time of Hearing: 2:00 PM**

**Location of Hearing: 2200 A1A South  
Saint Augustine Beach, FL 32080**

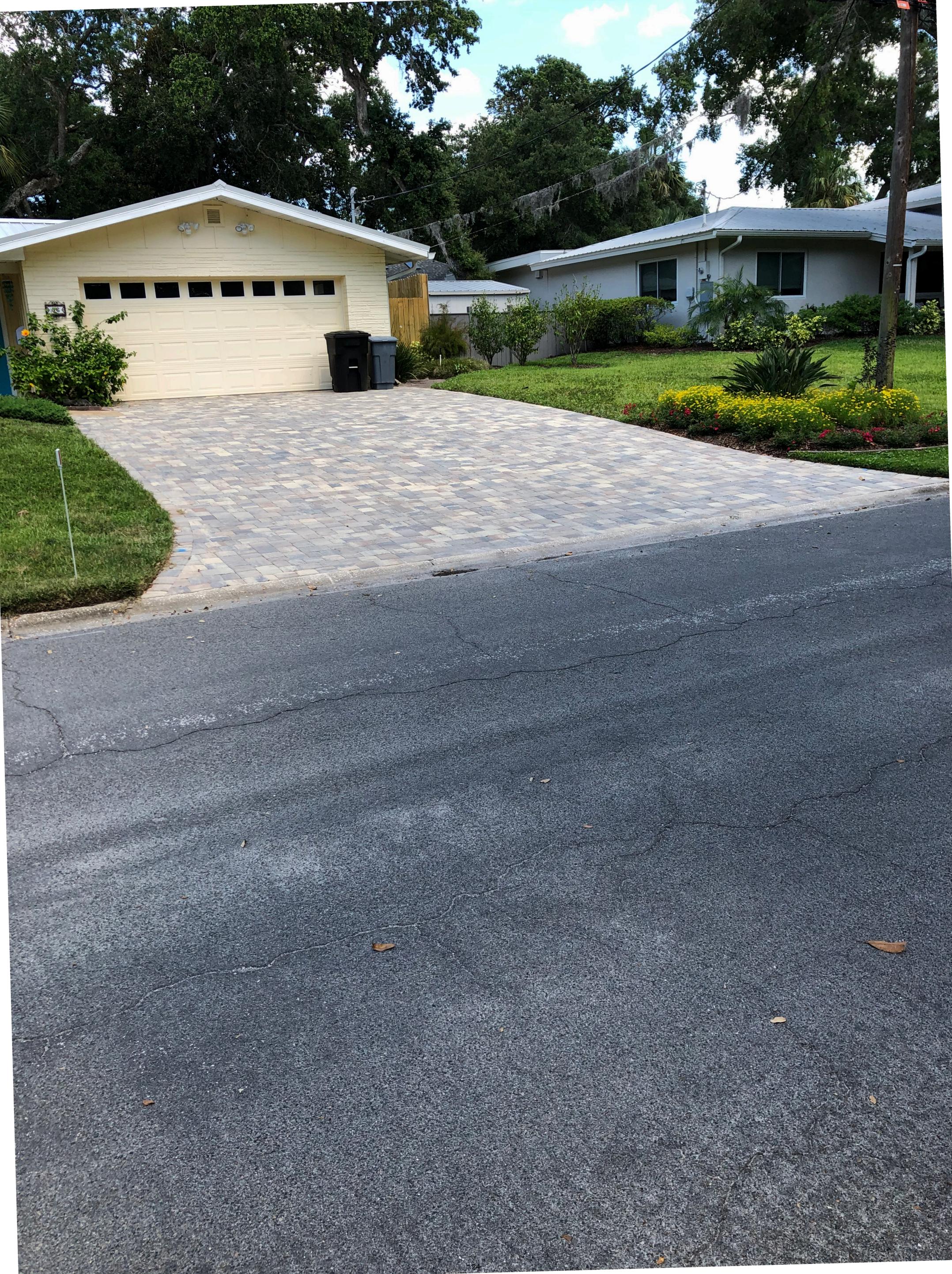
**Wednesday June 28<sup>th</sup>, 2023**

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Sincerely,  
Code Enforcement Department  
[Codeenforcement@cityofsab.org](mailto:Codeenforcement@cityofsab.org)



23







## City of St. Augustine Beach, Florida

2200 A1A SOUTH  
ST. AUGUSTINE BEACH, FLORIDA, 32080  
[WWW.STAUGBCH.COM](http://WWW.STAUGBCH.COM)

CITY MGR. (904) 471-2122  
FAX (904) 471-4108

BLDG. & ZONING (904) 471-8758  
FAX (904) 471-4470

### **Sent Certified Mail # 7013 0600 0000 3205 9059**

Date: May 10th, 2023

To: Karren Pitts

Re: **Notice of Violation of St. Augustine Beach City Code Sec. 6-1, Adoption of the Florida Administrative Code Chapter 1, and ARTICLE VI. - DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS.**

This office has received a complaint(s) relative to work performed at 56 Willow Dr. Augustine Beach, FL. 32080 regarding a carport being constructed without permits and driveways out of compliance with the St. Augustine Beach City Code.

#### **SECTION 105 — PERMITS**

**[A] 105.1 Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

#### **SECTION 6.02.03. - Rights-of-way.**

**D.** Residential driveways in the city rights-of-way shall be limited to a maximum of eighteen (18) feet in width with a maximum of five (5) by five (5) foot apron flair on either side. The city shall not be responsible for the repair and maintenance of residential driveways in the city right-of-way.



**City of St. Augustine Beach Building and Zoning Department**

**TO:** Karen Pitts

**FROM:** Code Enforcement Division, City of St. Augustine Beach

**SUBJECT:** Notice to Appear / Certified Mail: 7021 2720 0002 0512 4207

**DATE:** June 13th, 2023

**This document is a notice to appear before the code board regarding failure to comply with City Code Sec. 105.1, and Sec. 6.02.03.**

This correspondence, will serve as your "**Official Notice**" and **requests your appearance** before the Code Enforcement Board to answer any allegations against you.

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