

Special Magistrate Meeting Minutes
Wednesday, February 12, 2025

A. Call to Order

1. Roll Call
2. Approval of Minutes

B. New Cases

1. Case No. DSCE-24-317 Respondent: K GENE HARRIS
Address of Property: 126 E GADSDEN LN
Parcel ID#: 24-37-35-CJ-22-12
Legal Description: COCOA OCEAN BEACH SUBD REPLAT NO 1 LOT 12
BLK 22

Code Section/Violations: Chapter 13 - LICENSES AND BUSINESS TAXES. Sec. 13-2. - License/permit required. Anyone who maintains a business location within the city shall first procure a license from the occupational license administrator by paying the amount of license fee provided therefore.

Chapter 26.5 - VACATION RENTALS. Sec. 26.5-21. - Registration required. Every vacation rental owner shall register with the City of Cocoa Beach. The operation of a vacation rental without registration after the date registration is required shall be a violation of this ordinance.

Chapter 26.5 - VACATION RENTALS. Sec. 26.5-53. - Maximum occupancy based on site capacity/ limitations/ grandfathering/ previous rentals. (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to the lesser of: (1) Two (2) occupants (as defined herein) per bedroom (as defined herein), plus two (2) occupants. (2) A total of eight (8) occupants per vacation rental.

Case postponed as requested by the City of Cocoa Beach.

2. Case No. 24-319
Respondent: BAYVIEW CAPITAL GROUP LLC
Address of Property: 329 CEDAR AVE
Parcel ID#: 25-37-10-75-* -61

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Legal Description: CONVAIR COVE LOT 61

Code Section/Violations: Chapter 13 - LICENSES AND BUSINESS TAXES. Sec. 13-2. - License/permit required. Anyone who maintains a business location within the city shall first procure a license from the occupational license administrator by paying the amount of license fee provided therefore.

Chapter 26.5 - VACATION RENTALS. Sec. 26.5-21. - Registration required. Every vacation rental owner shall register with the City of Cocoa Beach. The operation of a vacation rental without registration after the date registration is required shall be a violation of this ordinance.

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Case postponed as requested by the City of Cocoa Beach.

3. Case No. DSCE-24-378
Respondent: THERESA A RIENDEAU TRUSTEE
Address of Property:
Parcel ID#: 25-37-10-81-114-7
Legal Description: COCOA BEACH, 7TH ADDN TO LOT 7 BLK 114

Code Section/Violations: Chapter 28 - STORMWATER MANAGEMENT AND POLLUTION PREVENTION. Sec. 28-31.
- Discharges to the municipal [separate] storm sewer system.
(a) No discharge to the city's storm sewer system ("MS4") shall be permitted to impair the operation of the MS4 or contribute to the failure of the MS4 to meet any local, state or federal requirements, including, but not limited to, NPDES permits.(b) Stormwater discharges to the MS4 from industrial, commercial or construction activities and from new development or redevelopment projects are required to obtain appropriate local,

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state and/or federal permits prior to discharging the MS4.(c) Any person determined by the city to be responsible for a discharge contributing to the failure of the city's MS4 to comply with the provisions and conditions of an NPDES permit shall be guilty of a violation of this chapter and shall provide corrective measures as determined necessary by the NPDES stormwater permit manager, and shall be liable for fines and damages.

Chapter 26 - TRAFFIC. Sec. 26-10. - Parking on public rights of-way. (a) Scope. The regulations herein this section shall apply to all house trailers, semitrailers, trailers, and commercial motor vehicles, as defined in Section 316.003, Florida Statutes. (b) Purpose and intent. The City of Cocoa Beach City Commission finds that the parking of certain vehicles defined above on public roads, streets or alleys could be hazardous to the citizens of Cocoa Beach by restricting visibility and impeding the free and safe flow of traffic thereon. Therefore, it is the purpose and intent of this ordinance to prohibit parking of certain vehicles during specific hours in the City of Cocoa Beach. Passenger cars and straight trucks that are not defined as commercial motor vehicles are specifically exempted from this section of the Code. (c) Regulations regarding parking of house trailers, semitrailers, trailers and commercial motor vehicles. Except as otherwise provided herein, no house trailers, semitrailers, trailers or commercial motor vehicles shall be parked or stored on any public rights-of-way, street or roadway in the City of Cocoa Beach at any time between the hours of 7:00 p.m. and 7:00 a.m.

Case postponed as requested by the City of Cocoa Beach.

C. Compliance (Massey) Hearing

1. Case No. 24-245
Respondent: Brendon Miller
Address of Property: 162 Bimini Rd
Parcel ID#: 25-37-03-01-* -8
Legal Description: COCOA ISLES 9TH ADDN SEC A LOT 8

Code Section/Violations: Chapter 13 - LICENSES AND

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BUSINESS TAXES. Sec. 13-2. - License/permit required. Anyone maintaining a business location within the city for the privilege of engaging in or managing any business, profession, or occupation not exempt by general law, shall first procure a license from the occupational license administrator by paying the amount of license fee provided therefore.

Chapter 26.5 - VACATION RENTALS. Sec. 26.5-21. - Registration required. Every vacation rental owner shall register with the City of Cocoa Beach. The operation of a vacation rental without registration after the date registration is required shall be a violation of this ordinance.

Case postponed as requested by the City of Cocoa Beach.

2. Case No. 24-259
Respondent: Richard Borer
Address of Property: 1034 Bali Road
Parcel ID#: 25-37-10-CW-I-12
Legal Description: COCOA ISLES 4TH ADDN LOT 12 BLK I

Code Section/Violations: Sec. 26.5-53. - Maximum occupancy based on site capacity/limitations/grandfathering/previous rentals. (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to the lesser of: (1) Two (2) occupants (as defined herein) per bedroom (as defined herein), plus two (2) occupants. (2) A total of eight (8) occupants per vacation rental.

Special Magistrate Mr. Lonnie Groot (Special Magistrate) swore in the Respondent and Code Enforcement Officer Danielle Crawford (Officer Crawford). Officer Crawford presented the City's case, stating that as of February 11, 2025, the vacation rental listing showed a capacity of 16 occupants, in violation of a previous Magistrate order limiting occupancy to 8 occupants. Officer Crawford proposed fines of \$200 per day, increasing to \$350 per day for continued non-compliance.

The Respondent argued that the listing reflected a configuration of sixteen (16) available sleeping arrangements and that the listing did not violate the occupancy ordinance. The Respondent requested advice on how to advertise while staying within the occupancy limit of eight (8) and inquired if changing the wording would meet compliance standards.

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He claimed that he had refused inquiries exceeding the occupancy limit and that the violation lacked supporting evidence.

The Special Magistrate referenced the prior order, which set a maximum occupancy of eight (8) regardless of the listing language. Officer Crawford noted that other listings created by the Respondent's management company correctly advertised an occupancy of eight (8), but that the listings created by the Respondent continued to advertise beyond the allowable occupancy.

A discussion followed about the ordinance's wording and the Respondent's failure to appeal the previous order within the designated time frame, solidifying the ruling. The Special Magistrate cited City Code Section 1-8, which mandates a \$500 fine for violations and allows additional fines of \$500 per day for continued non-compliance. He ordered a \$500 fine and clarified that advertisements must state a maximum occupancy of eight (8).

The Respondent expressed confusion about how to comply, and the Special Magistrate advised consulting city employees for guidance on accepted listing language. Officer Crawford reiterated that continued non-compliance would be treated as a repeat violation, subject to daily fines.

C. Adjournment

9:39 A.M.

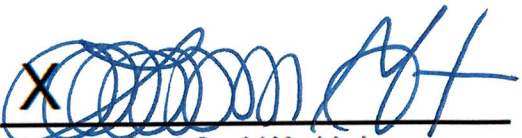
Note: more than one member of the City Council may be in attendance at the meeting and may participate in discussions.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by this Board, agency or meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Financial Services Department at (321/608-7010), no later than 5:00 p.m., at least 48 hours prior to the meeting.

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Danielle Crawford
Code Enforcement Officer


Lonnie N. Groot, Special Magistrate
Date: