



THE CITY OF KEY WEST

Code Compliance Division

P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

NOTICE OF ADMINISTRATIVE HEARING

DATE: April 9, 2013
RE: CASE NUMBER 13-101

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 7753

To:
Key West Office Management Inc
Pegasus International Hotel, R/A
501 Southard Street
Key West, FL 33040

Subject Address:
420 Southard Street
Key West, FL 33040

TAKE NOTICE that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1: Sec. 108-609 Use of parking areas for purposes other than parking prohibited

All parking areas shall be used for automobile parking only, with no motor vehicles sales or any other sales activity, dead storage, nonemergency repair work, dismantling or servicing of any kind.

To wit: There are currently two trailers parked against the back fence. One has a generator and the other has recyclables. For Your Information in Sec. 86-9. - Definition of terms. *Automotive vehicle* means any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance. The phrase shall include passenger cars, trucks, buses, motorcycles, scooters and station wagons, but shall not include tractors, construction equipment or machinery or any device used for performing a job except as stated in this definition.

Corrective actions: All trailers must be removed immediately.

Count 2: Sec. 122-929 Prohibited uses - HRO

In the historic residential/office district (HRO), all uses not specifically or provisionally provided for in this division are prohibited.

To wit: Per your email to Jim Young dated February 7, 2013, "This generator is our back-up generator...and we start it ONCE a week for ONE HOUR." "Also the trailer is my own trailer that I voluntarily collect cardboard from all our businesses (about 10 in total) for recycling and

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dump it monthly." These activities are not allowed in the Historic Residential/Office District (HRO). Code Compliance received a complaint from the neighbor on Aronovitz Lane whose residential property is approximately three to four feet away from these stored trailers. He stated that the generator runs for two or three days and he went to the Pegasus and the maintenance man turned it off.

Corrective action: All trailers must be removed immediately. Remove all construction debris and recyclables immediately.

For your information: The zoning district intent Sec. 122-926 states, "shall expressly exclude general retail sales, warehousing, and outdoor storage." Uses permitted are "(6) Parking lots and facilities." This property currently has a business tax receipt for "Rental – Commercial Parking Lot". In Sec. 86-9 – Definition of terms., "Land Use Classifications, (3) Commercial Activities, k. *Parking lot and facilities* means a governmental or private commercial building or structure solely for the off-street parking of operable motor vehicles." The Monroe County Tax Collector also shows a business tax receipt for a "parking facility." Conditional uses are: Group homes; Cultural and civic activities; Community center, clubs and lodges; Educational institutions and day care; Nursing homes, rest and convalescent homes; Parks and recreation; Protective services; Public and private utilities; and Funeral homes.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:**

April 24, 2013

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**


You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of **\$250.00** may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). **Failure to pay these costs will result in a lien against the property in violation.**

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.


Barbara Meizis
Code Compliance Officer
City of Key West

Hand served this _____ *day of* _____, 2013 @ _____ *am/pm.*

Received by: _____ *Served By:* _____