



**THE CITY OF KEY WEST**  
**Code Compliance Division**  
P.O. BOX 1409  
KEY WEST, FL 33041  
(305) 809-3740

**NOTICE OF ADMINISTRATIVE HEARING**

DATE: January 13, 2014  
RE: CASE NUMBER 13-00001512

CERTIFIED MAIL RECEIPT#: 7013 2630 0000 9565 0083

To:	Subject Address:
Five Guys Burgers & Fries	500 Truman Avenue 1
Sean Bogle - Registered Agent	Key West, FL 33040
101 S New York Avenue, Suite 205	
Winter Park, FL 32789	

**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. 114-103. Prohibited signs**

(a) The following signs are prohibited in the historic zoning districts (HRO, HRCC-1, HRCC-2, HRCC-3, HRCC-4, HMDR, HNC-1, HNC-2, HNC-3, HCT, HCL, HPS, HPS-1, HPRD and HHDR as designated on the future land use map and zoning map):

- (1) Animated signs.
- (2) Banners, including fringed and pennant string banners, except with the permission of the city commission.
- (3) Bus bench signs.
- (4) Interior illuminated signs.
- (5) Plastic signs.
- (6) Portable signs.
- (7) Roof signs.
- (8) Signs painted directly on the exterior wall of a building, unless deemed historically appropriate by the historic architectural review commission.
- (9) Snipe signs.
- (10) Temporary store window signs, including going out of business signs, when their number cause a violation of section 114-104; provided, however, that menus and public notice signs are not included in this prohibition. A public notice sign means a sign advertising an arts event, a political event or candidate, a community event, or such other event open to the public.
- (11) Posterboard signs.

(b) If a flag advertises or promotes the availability of a business or a product sold by that business, then it shall be deemed a sign and is subject to the limit on signs in the historic district pursuant to section 114-104

(c) This regulation, as set forth in Ordinance No. 05-03, shall be reviewed by the city commission six months after its effective date for a determination of whether a limit on flag display in the historic district should be restored. At no time shall a right to legal nonconformity accrue to a property owner for a number of flags.

**To Wit:** The subject business has an interior illuminated sign and five paper signs/banners attached to the windows facing both Duval and Truman contrary to city ordinance.

**Corrective Action:** Remove all unpermitted signs.

### **Count 2: Sec. 114-104. Restriction on number of signs permitted**

No business shall display more than two permitted signs at its location; provided, however, that a business located on a street corner may display up to three permitted signs upon approval of the historic architectural review commission. A business shall be determined by its business tax receipt. Each side of an awning on which words or images of advertising or information are displayed shall constitute one awning sign. Any sign displayed in a store window shall count toward the maximum number of allowed signs under this section. Where the rear or side of any sign permitted under division 2 of article II of chapter 106 and this chapter is visible from any street or private property, the rear or side of the sign shall present a finished appearance.

**To Wit:** The subject business has six signs.

**Corrective Action:** Remove four of the signs.

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:**

**January 29, 2014**

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.**



Peg Corbett  
Code Compliance Officer  
City of Key West

*Hand served this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2014 @ \_\_\_\_\_ *am/pm.*

*Received by:* \_\_\_\_\_ *Served By:* \_\_\_\_\_