



THE CITY OF KEY WEST
Code Compliance Division

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

**NOTICE OF REPEAT CODE VIOLATION/
NOTICE OF ADMINISTRATIVE HEARING**

DATE: March 21, 2013
RE: CASE NUMBER 13-00000330

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 7524

To:	Subject Address:
KW Parking , LLC	400 Whitehead Street
c/o Harold Wolfe, Jr. Esq., R/A	Key West, FL 33040
2300 Palm Beach Lakes Boulevard Suite 302	
West Palm Beach, FL 33409	

According to the records of The City of Key West, you are the current representative or the business owner at the above-referenced property. You are hereby noticed that your business is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1: Sec. 14-40 Permits Required in the Historic District

- (a) Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission, attested by signature of its presiding member, and until the city manager finds that the building or work permit conforms to all laws and regulations of the city

To Wit: On March 5, 2013 and March 19, 2013 the Respondent, Stephen Martin Walker had displayed several portable signs without a HARC Certificate of Appropriateness. This will be a repeat violation, previous case number 12-1598.

Count 2: Sec. 114-103 Prohibited signs in the Historic District

- (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.

To Wit: On March 5, 2013 and March 19, 2013 the Respondent, Stephen Martin Walker had displayed several portable signs that are prohibited in the Historic District. This will be a repeat violation, previous case number 12-1598.

In accordance with Florida Statutes 162 and Code of Ordinance, 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 P.M. 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 a 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 or delivered to the Special Magistrate's Legal Analyst at 604 Simonton Street, 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 compliance hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code compliance 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 REPET VIOLATION. IF THE VIOLATION(S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UO TO \$5,000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY / PER VIOLATION BASIS.



Jim Young
Code Compliance Manager
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