



CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING AGENDA
APRIL 29, 2021 9:00 AM

Special Magistrate: Renee Clark
Contested
Special Magistrate:
Non-Contested

- A. WELCOME
B. STAFF ANNOUNCEMENTS / REMARKS
C. DIVIDING THE HEARING - CONTESTED AND NON-CONTESTED
D. SCHEDULED CASES

Agenda No.: 001 Status: Active
Respondent: GATOR ENGLISH, L.C.; GATOR 2018 DISREGARDED CEO: Jose Feliciano
ENTITY LLC; GATOR MILFORD, LLC
7850 NW 146th St, Ft 4, Hialeah, FL 33016-1564
Situs Address: 2407 10th Ave N, Lake Worth, FL Case No: C-2020-09020070
PCN: 00-43-44-20-01-024-0010 Zoned: CG

Table with 2 columns: Violations and Details. Row 3: Violation 3, details about landscape and parking issues, code 2.A.11, status CEH. Row 4: Violation 4, details about permit issuance, list of permit numbers, code 105.4.1 and 110.3.10, status CEH.

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- 5 **Details:** Banners, streamers, pennants, balloons and other signs made of lightweight fabric, plastic or similar material, are prohibited.
- All off-site signs, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, or other supporting structures shall be prohibited.
- Code:** Unified Land Development Code - 8.C.1
Unified Land Development Code - 8.C.13
- Issued:** 09/11/2020 **Status:** CEH
- 6 **Details:** All sidewalks, walkways, stairs, driveways, parking lots, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Specifically; large areas of parking lot surfaces are deteriorated and in disrepair with large gaping holes, cracks and overall disrepair. Parking lots required re-stripping throughout most areas and parking spaces require proper wheel stop placement or replacement if missing according to approved parking site plan and code.
- Code:** Palm Beach County Property Maintenance Code - Section 14-32 (b)
Unified Land Development Code - 6.A.1.D.14.4
- Issued:** 09/11/2020 **Status:** CEH
- 7 **Details:** Uses identified with an "A" are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing Processes. More specifically, Nightclub (Level E Nightclub) operating without a required Class A Conditional Zoning review, recommendation and BCC approval.
- Code:** Unified Land Development Code - 4.A.7.C.4
- Issued:** 09/11/2020 **Status:** CEH
- 8 **Details:** f. Separation Requirements:
- A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a parcel of land with a residential FLU designation or use and shall be separated a minimum of 750 feet from another Cocktail Lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida, F.S. § 562.45, as amended. Measurement shall be taken from the structure to the property line of a residential use or FLU designation. [Ord. 2017-029] Specifically; Nightclub (Level E) operating in violation of this code section.
- Code:** Unified Land Development Code - 4.A.B.2.6.f
- Issued:** 09/11/2020 **Status:** CEH
- 9 **Details:** Hours of operation relate to the time during which the use is open to the public for business. For uses not open to the public, hours of operation shall be the time in which the use has employees working. [Ord. 2017-007]
- A. Proximity to Residential
- Any non-residential use shall be subject to the hours of operations indicated in Table 5.E.5.A, Hours of Operation, when located within 250 feet of a parcel of land with a residential FLU designation or use, unless stated otherwise. Mixed uses located in the following zoning districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXP, and TMD. [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-018]
- Code:** Unified Land Development Code - 5.E.5.A
- Issued:** 09/11/2020 **Status:** CEH
- 11 **Details:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. Specifically; Skylights of roof at walkways to center courtyard area are broken and in disrepair.
- Code:** Palm Beach County Property Maintenance Code - Section 14-33 (a)
- Issued:** 09/11/2020 **Status:** CEH
- 13 **Details:** No person shall engage in or manage any business, profession or occupation in the county without obtaining a receipt from the tax collector. Such receipt shall be issued to each person upon receipt of the amount provided in this article. Fees or licenses paid to any board, commission or office for permits, registration, examination, inspection or other purposes shall be deemed to be regulatory and in addition to and not in lieu of any receipt required by this article unless otherwise expressly provided by law. More specifically, operating a nightclub (Level E Lounge) without the required Zoning review and approval.
- Code:** Palm Beach County Codes & Ordinances - Chapter 17 Article 2 Section 17-17
- Issued:** 09/11/2020 **Status:** CEH
- 14 **Details:** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. specifically; electrical junction boxes observed open and accessible with exposed electrical wires present.
- All electrical equipment, wiring and appliances shall be property installed and maintained in a safe and approved manner.

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Code: Palm Beach County Property Maintenance Code - Section 14-46 (c) (3) Palm Beach County Property Maintenance Code - Section 14-46 (d) (1) Issued: 09/11/2020 Status: CEH

cc: Gator Milford, Llc

E. HOUSE KEEPING ITEMS (CONTESTED HEARING)

F. CLOSING REMARKS

1. SPECIAL MAGISTRATE
2. COUNTY ATTORNEY
3. STAFF

"IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING HE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE 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. "