



**AGENDA
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
APRIL 17, 2025
10:00 AM**

If a person decides to appeal any decision made by the Magistrate, they will need a record of the proceeding, and that for such purpose they 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.

AGENDA CHANGES

MOTION HEARINGS

1. CIT Case 2025-13 - 4455/4469 South Congress Avenue #103 - Congress Point Inc (Food Point)
CE Tom Gehrman
Violation of Village Code of Ordinances
Section 14-61 (d): Hours of operation of establishment where served.
Citation Fine: NA
Admin Cost: \$382.10
Recommendation: Irreparable & Irreversible subject up to \$5000.00 per violation
Compliance Date: April 17, 2025
2. Case 2020-2467 - 2620 Donald Road - William S. Thomas & Linda S. Thomas
CE Tom Gehrman
Violation of Village Code of Ordinances
Section 34-914: Parking violations.
Section 10-19: Nuisance trash & debris.
Section 30-141: Overgrowth of weeds & vegetation.
Section 10-9: Building exterior not maintained.
Section 10-8: Exterior areas not maintained, fences, walls.
Citation Fine: N/A
Admin Cost: TBD
Recommendation: Village Foreclosure
Compliance Date: TBD

3. Case No. 2025-14 - 4222 Gardenia Avenue - Rene & Belsinette Lamartiniere
CE Officer Joey Sanders
Violation of Village Code of Ordinances
Section 10-31 (FBC 105.1 & 110.1): Work without permits. Remove all unpermitted structures.
Section 14-32: No residential rental permit. Obtain a rental permit for each unit.
Section 10-8: Weeds/Driveways. Remove all weeds attached to the chain-link fence and pressure wash the driveway.
Section 30-143: Trash/Debris/Materials. Remove all trash/debris/materials stored around the property.
Section 34-914: Vehicles. Remove all inoperative and/or unregistered vehicles off the property.
Section 30-141: Overgrowth. Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.
Section 34-225: Fence maintenance. Repair or remove all broken chain-link fences and remove all cloth material attached to the fence.
Section 10-9: Exterior property maintenance. Remove all holiday lights and black discoloration off the front exterior wall. Remove all wood boards covering the windows. Post "4224" house ID numbers on the front of the property.
Citation Fine: N/A
Admin Cost: \$276.60
Recommendation: \$100.00 per day, per violation
Compliance Date: May 1, 2025
4. Case No. 2025-15 - 4279 Narcissus Avenue - Myrna A Ramos & Brianna Lyn Soto
CE Officer Joey Sanders.
Violation of Village Code of Ordinances
Section 10-31 (FBC 105.1 & 110.1): Work without permits. Remove unpermitted shed.
Section 10-8: Weeds. Remove all weeds attached to the exterior walls and fences.
Section 34-225: Fence maintenance. Repair or remove all broken chain-link and wood fences.
Section 34-893: Canopies. Remove prohibited blue canopy.
Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.
Section 30-143: Trash/debris/rubbish/materials. Remove all trash/debris/rubbish/materials stored around the property.
Section 34-914: Vehicles/parking. Remove all vehicles parked on the grass and remove all inoperative and/or unregistered vehicles off the property.
Section 30-141: Overgrowth. Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.
Section 10-9: Exterior property maintenance. Repair all broken windows, mailbox and rotted sections of wood on the front door. Remove all black discoloration off the fascia. Paint all sections of chipped blue paint on the exterior wall.
Citation Fine: N/A

Admin Cost:	\$256.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	May 1, 2025

REASONABLE ACCOMMODATION REQUESTS

5. Case No. 2025-17: 4177 S. Congress Avenue - Request by JMJC Real Property Management LLC for Special Residential Facility
Section 10-28: Reasonable accommodation.

PETITION FOR REDUCTION OR ABATEMENT OF FINE

6. Case 2024-10 - 4077 Lake Worth Road - Pronto Enterprises of Palm Beach Inc. CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 10-8: Exterior property areas. Parking lot.
Section 62-75: Commercial storage area. Enclose dumpster.
Section 34-892: Mechanical equipment in rear of building and on the roof screen from view.
- | | |
|--------------------------|-----------------|
| Initial Violation: | January 9, 2024 |
| Order Finding Violation: | March 21, 2024 |
| Compliance Deadline: | June 19, 2024 |
| Compliance Date: | March 21, 2025 |
| Fine Amount: | \$61,650.00 |
| Citation Fine: | N/A |
| Admin Cost: | Paid |
| Recommendation: | \$12,330.00 |
| Compliance Date: | May 19, 2025 |
7. Case 2024-11 - 4053 Lake Worth Road - Pronto Enterprises of Palm Beach Inc. CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 10-8: Exterior of property. Parking lot.
Section 62-75: Commercial storage area. Enclose dumpster.
- | | |
|--------------------------|-----------------|
| Initial Violation: | January 9, 2024 |
| Order Finding Violation: | March 21, 2024 |
| Compliance Deadline: | June 19, 2024 |
| Compliance Date: | March 21, 2025 |
| Fine Amount: | \$41,100.00 |
| Citation Fine: | N/A |
| Admin Cost: | Paid |
| Recommendation: | \$8,220.00 |
| Compliance Date: | May 19, 2025 |

MOTIONS FOR EXTENSION OF TIME FOR COMPLIANCE

8. Case No. 2024-65 - 3515 Almar Road - Grace Wildman
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 10-29: Unsafe building. Property is dilapidated and uninhabitable.

Section 30-143: Trash/debris/rubbish. Remove all trash/debris/rubbish stored around the property.

Section 10-8: Weeds. Remove all weeds off the property and along the fence line.

Section 30-141: Overgrowth. Mow and trim all overgrown grass/trees/bushes/vegetation.

Section 10-9: Exterior property maintenance. Repair damaged mailbox, fascia, soffit, rotted wood, doors, windows, roof and patio enclosure. Remove prohibited gray tarp off the roof and repair all holes. Remove all wood boards covering the doors and windows. Remove all black/green discoloration off the exterior walls and walkways.

Initial Violation:	June 12, 2024
Order Finding Violation:	October 17, 2024
Compliance Deadline:	April 18, 2025
Fine Amount:	\$100.00 per day, per violation
Citation Fine:	N/A
Admin Cost:	\$276.60 (Paid)
Recommendation:	6-month extension
New Compliance Date:	October 18, 2025

STIPULATION AND AGREED ORDER

9. Case 2025-01 - 4040 South Military Trail - Tuller Properties LLC
CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 34-572: Violation and non-compliance of conditions of the Annexation Agreement Ordinance No. 2014-36 approved by the Village Council on December 11, 2014.

Section 34-1365: Land filling Alteration. Asphalt milling in the parking lot without first obtaining the required permit and inspection.

Citation Fine:	N/A
Admin Cost:	N/A
Recommendation:	Stipulated Agreement
Compliance Date:	TBD

MOTIONS FOR CONTINUANCE

APPEAL

**Next Magistrate Hearing is
Thursday, May 15, 2025, at 10:00 a.m.**

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration welcomes input from all of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: asaingilus@vpsfl.org
Phone: (561) 584-8200 Ext. 8419

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561) 584-8200 Ext. 8421

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
Case No. 2025 – 13

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

v.
CONGRESS POINTE INC
106 N MILITARY TRAIL
WEST PALM BEACH, FL 33415 2144
Respondent.

Notices
Notified 4-4-25
9489 0178 9820 3040 0465 14
leguian 4-4-25
Posting 4-7-25
PCN 70-43-44-30-16-001-0000

NOTICE OF VIOLATION AND NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED CERTIFIES AND SWEARS that he has just and reasonable grounds to believe, and does believe that on **APRIL 4, 2025**, the Respondent, **CONGRESS POINTE INC.**, owner of the property at **4455 S CONGRESS AVE, PALM SPRINGS, FL, 33461** is in violation of local ordinances. **Tangible Account within Parcel 70-43-44-30-16-001-0000 is 4469 S Congress Ave, FOOD POINT, Unit 103.**

NOTICE: Please be advised that a violation of Section 14-61 is irreparable and irreversible and may subject the property to a fine amount of up to \$5000 per violation.

SECTION 14-61 Hours of Operation of Establishments where Served.

d. Establishments located within 250 feet of a residential district shall not continue business activities later than 11:00 p.m. daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the establishment.

These violations must be corrected on or before **MARCH 31, 2025**, failing, this matter shall be heard at a public hearing by a Code Enforcement Special Magistrate at Village Hall, 226 Cypress Lane, Palm Springs, FL. 33461, Tel. 561-584-8200, **at 10:00 a.m., on THURSDAY APRIL 17, 2025.** IF THE VIOLATION IS CORRECTED PRIOR TO THE HEARING DATE AS SET FORTH HEREIN, THIS CASE MAY STILL BE PRESENTED TO THE SPECIAL MAGISTRATE FOR A HEARING FOR THE DETERMINATION OF THE VIOLATION(S), FINES AND THE IMPOSITION OF REASONABLE ENFORCEMENT FEES, INCLUDING SPECIAL MAGISTRATE AND ATTORNEY'S FEES.

YOU ARE HEREBY ORDERED to appear and answer the above charges. You may choose to waive your rights to this hearing and the costs as determined by the Special Magistrate. Your failure to appear may result in the Special Magistrate proceeding in your absence.

IMPORTANT: It is the responsibility of the Respondent to request an inspection as soon as compliance is achieved by calling the Code Enforcement Office at (561) 584-8300 ext. 8520 and providing proof of Permits and Inspections. A request for inspection must be made at least 1 day(s) prior to the requested inspection.

If you are found in violation of the Village Code, the Special Magistrate has the legal authority to levy fines of up to **\$500.00** per day, per violation, for each and every day that each violation continues, and to levy all administrative costs required to obtain compliance. **ALL FINES AND COSTS BECOME LIENS ON YOUR PROPERTY.**

You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate at the hearing. All testimony at the hearing will be under oath and recorded. The Special Magistrate shall take testimony from the Code Compliance Officer and the Respondent. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. You will have the opportunity to present witnesses as well as question witnesses against you, prior to a final determination by the Magistrate. If you wish to have witnesses subpoenaed or if you have other questions, you may contact the Village Clerk's Office at (561)965-4010. Any interested party seeking to appeal any decision of the Special Magistrate with respect to any matter considered at the hearing will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence presented. Persons who need a special accommodation in order to attend or participate in this hearing must advise the Village Clerk at (561) 965-4010, at least 36 hours prior to the hearing.

Tom Gehman
Code Enforcement Officer 561-814-3208

TOM GEHRMAN

Printed Name of Officer

Date Issued: APRIL 4, 2025

VILLAGE OF PALM SPRINGS, FLORIDA CODE ENFORCEMENT

VILLAGE OF PALM SPRINGS,
FLORIDA,

Petitioner

Case No. 2025-13

CONGRESS POINTE INC
106 N MILITARY TRAIL
WEST PALM BEACH, FL 33415 2144

Respondent(s)

AFFIDAVIT OF SERVICE

I, TOM GEHRMAN, being duly sworn, depose and say that:

On the 7th Day of APRIL 2025 at 9:18 AM, I served the attached Notice of Violation/Notice of Hearing on the within named Respondent(s), CONGRESS POINTE INC, FOOD POINT Unit 103, at 4455 S CONGRESS AVE Tangible Account within the parcel 4469 S Congress Ave Unit 103, Palm Springs, FL 33461 by:

 INDIVIDUAL SERVICE: By serving the within named Respondent a true copy with the date and hour of service endorsed thereon by me.

XX SUBSTITUTE SERVICE: By serving a true copy with the date and hour of service endorsed thereon by me, at the Respondent's usual place of abode with any person residing therein the age of 15 years or older, to-wit: Jay (Store manager) and informing such person of their contents pursuant to F.S. 48.031.

XX POSTED BY: Securely affixing a copy to a conspicuous place at the above property address and at Palm Springs Village Hall, 226 Cypress Lane, Palm Springs, FL 33461. PHOTOS INCLUDED

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

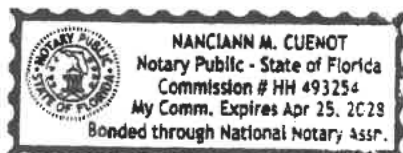
By: Tom Gehrman
Code Enforcement Officer

Date: APRIL 11, 2025

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 11th day of April, 2025 by Tom Gehrman, Code Enforcement Officer, who is personally known to me or who has produced a Florida driver's license as identification.

(SEAL)



Nanciann M. Cuenot
NOTARY PUBLIC, State of Florida



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

APRIL 4, 2025

CONGRESS POINTE INC.
106 N. MILITARY TRAIL
WEST PALM BEACH, FL 33415 2144

Dear Property Owner,

A NOTICE OF VIOLATION/NOTICE OF HEARING has been issued by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property at 4455 S. CONGRESS AVE in Palm Springs, FL

PCN: 70-43-44-30-16-001-0000

Tangible Account within this parcel is 4469 S Congress Ave, Food Point, Unit 103

CASE 2025-13

Notice: Please be advised that a violation of Section 14-61 is irreparable and irreversible and may subject the property to a fine amount of up to \$5000 per violation.

Violations:

SECTION 14-61. Hours of Operation of Establishments where Served,

d. Establishments located within 250 feet of a residential district shall not continue business activities later than 11:00 p.m. daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the establishment.

The options available include coming into voluntary compliance OR arguing your case at the Special Magistrate hearing. THURSDAY APRIL 17, 2025, AT 10:00 AM that is noted on your citation. This is part of your right under the judicial system.

Please be advised, that if you present your case at the hearing and the Magistrate rules against you, there may be court costs assessed in addition to the citation amount. Court costs for a Code Enforcement case typically run from \$200.00 to \$300.00.

Please call me if you have any questions at (561) 814-3208.

Respectfully,

Tom Gehman

Palm Springs Public Safety

Code Enforcement Officer

(T) 561-583-8300 ext. 8520 (cell) 561-814-3208 tgehman@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence

4/7/2025 9:18

103

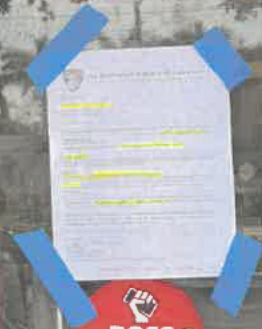
103



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4/7/2025 9:18

4591 Emerald Vista Apts



4455 S. Longnose Ave
4469 S. Congress #103 (Food Point)





PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

APRIL 4, 2025

CONGRESS POINTE INC.
106 N. MILITARY TRAIL
WEST PALM BEACH, FL 33415 2144

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PCN: 70-43-44-30-16-001-0000

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CASE 2025-13

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Respectfully,

Tom Gehrman

Palm Springs Public Safety

Code Enforcement Officer

(T) 561-583-8300 ext. 8520 (cell) 561-814-3208 tgehrman@vpsfl.org



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

APRIL 4, 2025

CONGRESS POINTE INC.
106 N. MILITARY TRAIL
WEST PALM BEACH, FL 33415 2144

Dear Property Owner,

A **NOTICE OF VIOLATION/NOTICE OF HEARING** has been issued by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property at **4455 S. CONGRESS AVE in Palm Springs, FL**

PCN: 70-43-44-30-16-001-0000

Tangible Account within this parcel is 4469 S Congress Ave, Food Point, Unit 103

CASE 2025-13

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Respectfully,

Tom Gehrman

Palm Springs Public Safety

Code Enforcement Officer

(T) 561-583-8300 ext. 8520 (cell) 561-814-3208 tgehrman@vpsfl.org



PALM SPRINGS POLICE I
230 CYPRESS LANE
PALM SPRINGS, FL 33461



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CONGRESS POINTE INC.
106 N. MILITARY TRAIL
WST PALM BEACH, FL 33415 2144



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04/04/2025 ZIP 33480
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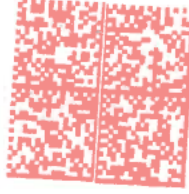
Label 890-CDT, March 2023

US POSTAGE



PALM SPRINGS POLICE DEPARTMENT
230 CYPRESS LANE
PALM SPRINGS, FL 33461

CONGRESS POINTE INC.
106 N. MILITARY TRAIL
WST PALM BEACH, FL 33415 2144



quadrant
FIRST-CLASS MAIL
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04/04/2025 ZIP 33480
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US POSTAGE

Sec. 14-61. Hours of operation of establishments where served.

- (a) Except as otherwise designated herein, all establishments within the village wherein alcoholic beverages are dispensed for on premise consumption shall be restricted in the hours in which such alcoholic beverages shall be served to between the hours of 7:00 a.m. and 2:00 a.m. each day, except on Sunday when such hours shall not commence until 12:00 noon.
- (b) Establishments within the village designated as restaurants which serve alcoholic beverages, with or without a lounge, may remain open for business as late as 11:00 p.m. after which all restaurants serving alcoholic beverages within the village must close.
- (c) Package liquor stores shall be permitted to remain open for the sale of alcoholic beverages (off-premises consumption only) from 7:00 a.m. to 2:00 a.m.
- (d) Establishments located within 250 feet of a residential district shall not continue business activities later than 11:00 p.m. daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the establishment.
- (e) Any establishment desiring to operate later than these specified times may apply for a variance and request alternative hours of operation and the reasons for deviations from the provisions of this section. The village council, in its discretion, may vary the hours from those set forth in this section.
- (f) All establishments existing upon September 11, 2014 with effective business tax receipts from the village and alcoholic beverage licenses from the State of Florida, may continue to operate pursuant to the former hours of operation; however, upon closure of the establishment, change or transfer in ownership, change in the business name, and/or any change in a business tax receipt, all establishments shall comply with the hours of operation established herein. All existing establishments effectively annexed into the village limits after September 11, 2014 shall comply with the hours of operation established herein.

(Code 1994, § 14-26; Ord. No. 2010-05, § 3, 4-8-2010; Ord. No. 2014-20, § 2, 9-11-2014)

State law reference(s)—Hours, authority to regulate, F.S. §§ 562.14, 562.45.

Sec. 34-891. Hours of operation and hours of construction activity.

The following shall apply to hours of operation and hours of construction activity:

- (1) No commercial use shall commence business activities prior to 7:00 a.m., nor continue such activities later than 11:00 p.m. Outside delivery to such commercial activities shall not commence prior to 8:00 a.m. or continue later than 9:00 p.m.
- (2) Any commercial business activity desiring to operate prior to 7:00 a.m. or later than 11:00 p.m. may apply in writing for a hearing before the village council, setting forth the desired hours of operation and the reasons for deviations from the provisions of subsection (1) of this section. The village council, in its discretion, may vary the hours from those set forth in subsection (1) of this section.
- (3) Such restrictions shall not apply to lounges, bars, package stores, restaurants or clubs in which alcoholic beverages are served. The hours of operation for such establishments shall be as set forth in section 14-61. Hours of package retail sales of alcoholic beverages for off-premises consumption shall be governed by F.S. ch. 562, unless specifically approved for an hours of operation variance by the village council that includes sales of alcoholic beverages.
- (4) No construction activity shall commence prior to 7:00 a.m., nor continue later than 6:00 p.m. Monday through Friday. Saturdays no construction activity shall commence prior to 9:00 a.m., nor continue later than 5:00 p.m. No construction activity shall occur on Sundays. The land development director, at his or her discretion, may vary these hours upon written request which sets forth the desired hours of construction activity and the reasons for the requested deviation.

(Code 1994, § 30-612; Ord. No. 2009-21, § 2, 12-12-2009; Ord. No. 2013-07, § 2, 3-14-2013; Ord. No. 2019-12, § 3, 9-12-2019)

Sec. 2-233. - Summary enforcement procedures; code citation.

- (a) *Code citation.* If a violation or a repeat violation (as defined in this article) of a code or ordinance for which the village council has set specific fines and costs is believed to have occurred or to exist, by a code enforcement inspector or officer (jointly referred to as "officer"), the officer may issue the violator one or more courtesy notices, or a code citation designating the code section believed to have been violated, and a short factual statement which forms the basis for the belief that a violation exists, and the amount of the fine and costs, as adopted by the village council for the offense.
- (b) *Life safety violation or irreparable or irreversible violation.* If the officer has reason to believe that a violation or condition causing the violation presents a serious threat to the public health, safety, and welfare or the environment ("life safety violation"), or if the violation is irreparable or irreversible in nature, whether or not said violation is a violation of a code or ordinance for which the village council has set specific fines and costs, the officer may issue the violator a code citation designating the code section believed to have been violated, and a short factual statement which forms the basis for the belief that a life safety violation exists or irreparable or irreversible violation has occurred. The officer shall also state in the code citation a fine and cost amount based on the severity of the violation. Life safety violations shall not exceed \$250.00 for the first violation and irreparable or irreversible violations shall not exceed \$5,000.00 per violation. The officer may also issue a code citation consistent with this section for a repeat violation (as defined in this article) of a life safety violation or of a violation that is irreparable or irreversible in nature.
- (c) *Code compliance.* Except for all irreparable or irreversible violations, the code citation shall establish a time for compliance and if the violator fails to comply by the established time in the citation, the violator may be subject to daily fines as determined at a hearing by the special magistrate or code enforcement board. For all irreparable or irreversible violations, if the violation reoccurs, the officer may treat the reoccurrence as a new violation and issue another or additional code citations. The code citation shall also provide the violator with a hearing date and time, commanding the violator to appear at a designated special magistrate or code enforcement board hearing, if the violator fails to comply by the time established in the code citation.
- (d) *Payment of fine and costs.* The violator may elect to pay the fine and costs as provided on the code citation, or may appear before the special magistrate or code enforcement board at the designated hearing date and time. If the fine and/or costs provided on the code citation are not paid by the date and time for the hearing and the special magistrate or code enforcement board determines a violation occurred, the violator will be subject to further administrative costs and fees. Once the fine and/or the costs are paid, under this summary procedure, it is deemed to be conclusive proof of the violation, for the purposes of establishing a later repeat violation.

CASE PRESENTATION
CASE No. CASE 2025 - 13

1. GOOD MORNING, MY NAME IS TOM GEHRMAN, and I have been sworn in.
2. I AM A CODE ENFORCEMENT OFFICER FOR THE VILLAGE OF PALM SPRINGS, FLORIDA.
3. THIS CASE CONCERNS THE PROPERTY AT 4455 S CONGRESS AVENUE IN THE VILLAGE OF PALM SPRINGS. Tangible Account within the Parcel is 4469 S Congress Ave Unit 103, FOOD POINT Store.
4. ACCORDING TO THE PALM BEACH COUNTY PROPERTY APPRAISER'S RECORDS AND PALM BEACH COUNTY TAX COLLECTOR RECORDS THE CURRENT OWNER OF THE PROPERTY CONGRESS POINT INC.
5. PERSUANT TO Complaints and Observation there is an ongoing VIOLATION OF ORDINANCE **Section 14-61 at Unit 103.**
SECTION 14-61 Hours of Operation of Establishments where Served.
(d) Establishments located within 250 feet of a residential district shall not continue business activities later than 11:00 p.m. daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the establishment

This is an ongoing violation of SECTION 14-61. Palm Springs Police have repeatedly reported that the Food Point Store is open after the allowable Hours. The Food Point Store remains open after midnight.
5. On APRIL 4, 2025, Notice of Violation/Notice of Hearing 2025-13 was issued for the violations the violation the notice was mailed Certified and Regular to the Property Owner's Address of Record AND ALSO POSTED AT THE PROPERTY and at Village Hall.
6. Section 14-61 Requires very specific "Hours of Operation". Congress Point Plaza, Food Point store at Unit #103 continues to remain open after the designated 11:00 pm closing time. **I REQUEST THAT THE RESPONDENT BE ORDERED TO COME INTO COMPLIANCE by April 17, 2025.** Failure to comply may result in fines. Violations of Section 14-61. Violations of Section 14-61 are considered irreparable and irreversible and may subject the property to a fine not to exceed \$5000.00 per violation.
7. Palm Springs Police Officers are here today to testify as to the continuing violations.
8. The Village has also incurred costs in the amount of **\$382.10** conducting this Hearing. I request that the respondent be ordered to reimburse those costs to the Village by no later than, **APRIL 30, 2025.**
9. Subject to any questions you might have, this concludes the Village testimony.



Case Administrative / Court Costs

APRIL 17, 2025, 4455 S. CONGRESS AVE - Congress Pointe Inc.		Case 2025-13		
Line #	Description	Unit #	Cost	Total
1	Additional Inspector Time - 1 hour CE	2.00	35.00	70.00
2	Additional Inspector Time - 1 hour Bldg	0.00	60.00	0.00
3	Additional Inspector Time - 1 hour LD Director	0.00	70.00	0.00
4	Additional photos re-inspections - 5.00 per photo	2.00	5.00	10.00
5	Additional photos re-inspections - 5 for 20.00	0.00	20.00	0.00
6	Additional certified copies for hearing	1.00	8.16	8.16
7	Additional clerk time - 1 hour	0.50	28.00	14.00
8	Additional Attorney Time - per hour	0.25	195.00	48.75
9	Subpoena Fees	0.00	0.00	0.00
10	Postage	1.00	0.69	0.69
11	Special Magistrate	0.50	195.00	97.50
12	Administrative Fees	0.00	127.45	0.00
13	Code Enforcement Private Inspector(min 3 hours)	0.00	45.00	0.00
14	Police Officer	1.00	41.00	41.00
15	Police Corporal	0.00	43.00	0.00
16	Police Sergeant	2.00	46.00	92.00
17	Additional Inspector Time -1 hour LD Planner	0.00	35.00	0.00
18		0.00	0.00	0.00
19		0.00	0.00	0.00
20		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
Total Costs for Case 2025 -13				382.10



Office of the Village Manager
226 Cypress Lane
Palm Springs, FL 33461
(561) 524-8200
www.vpsfl.org

January 6, 2025

Mr. Anam Haque
Food Point Liquor Store
4469 S. Congress Avenue
Suite 103
Palm Springs, FL 33461

Re: Food Point Liquor Store – Courtesy Notice Regarding Hours of Operation

Dear Mr. Haque / Food Point Liquor Store:

I am writing to address an issue that has come to my attention concerning your business, Food Point Liquor Store. Recently, the Village audited its records related to its commercial businesses' hours of operation, particular with regards to hours of operation for alcohol sales. Section 34-891 of the Village of Palm Springs Code, a copy of which is enclosed, provides that all establishments (except lounges, bars, package stores, restaurants, or clubs) where alcohol is sold for off-premise consumption may only be open between the hours of 7:00 a.m. and 11:00 p.m. Based upon information from the Village's Police Department, it appears Food Point Liquor Store is remaining open and selling alcohol after the allowed hours of operation.

As noted in section 34-891(2), any commercial business desiring to operate outside the allowed hours of operation may apply in writing for a hearing before the Village Council, setting forth the desired hours of operation and the reasons for deviations from the provisions of section 34-891(1). The Village Council, in its discretion, may vary the hours of operation at such a hearing.

Accordingly, this letter serves as formal notice that the Village intends to enforce the allowed hours of operation set forth in section 34-891 of the Village Code with respect to Food Point Liquor Store. As a courtesy, the Village will delay enforcement of this matter until March 31, 2025, to allow Food Point Liquor Store time to either request a hearing before Village Council or prepare for an adjustment in Food Point Liquor Store's hours of operation.

After March 31, 2025, the Village will begin utilizing code enforcement to enforce section 34-891. I will be happy to meet with you to discuss this matter further.

Sincerely,



Michael Bornstein
Village Manager

Enclosure: Code Section 34-891

c: Thomas Ceccarelli, Chief of Police
Christy Goddeau, Village Attorney

FOOD POINT 4469 SOUTH CONGRESS

From John C. Gee <jgee@vpsfl.org>

Date Tue 4/8/2025 4:13 PM

To Thomas Gehrman <tgehrman@vpsfl.org>

Cc Gary R. Zito <gzito@vpsfl.org>

Tom,

I was dealing with something in the parking lot of Food Point on 04/06 at and around 0300am and noticed that the store was still open and operating. I noticed customers coming in and out the store with beer and fried chicken. Can you advise if the store has been ordered to close at 11pm yet?



Officer John Gee #134

Palm Springs PD

Tactical Unit

230 Cypress Lane | Palm Springs, Florida 33461

Phone: 561-584-8300 Ext# 8761 Fax: 561.968.4933

jgee@vpsfl.org



Palm Springs Police Department Supervisor's Shift Report



Date 4/13/25 Shift Delta ☐ Supervisor Sgt. Salguero Jail Inspection ☒ Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-09274 CFS# End 25-0

Shift Calls Summary

Case #	Signal	Address	Brief of Case
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F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

25-09297	10-61	3355 Lake Worth Rd.	M Discount Beverage (closed)
25-09295	10-61	2843 Lake Worth Rd.	Collge Park Bait & Tackle (closed)
25-09298	10-61	3280 Lake Worth Rd.	Stop N Go2 (closed)
25-09295	10-61	3276 S. Congress Ave.	Marathon (open past 0000)
25-09302	10-61	4021 Lake Worth Rd.	Circle K (open past 0000)
25-09300	10-61	4469 S. Congress Ave.	Food Point (open past 0000)



Palm Springs Police Department Supervisor's Shift Report



Date 4/12/25 Shift Delta ☐ Supervisor Sgt. Salguero

Jail Inspection ☒

Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-09191 CFS# End 25-09238

Shift Calls Summary

Case #	Signal	Address	Brief of Case
		F.S 119.071 (2)(h) or (o)	F.S 119.071 (2)(h) or (o)
		F.S 119.071 (2)(h) or (o)	
		F.S 119.071 (2)(h) or (o)	

25-09226	10-61	3355 Lake Worth Rd.	M Discount Beverage (closed)
25-09228	10-61	2843 Lake Worth Rd.	Collge Park Bait & Tackle (closed)
25-09227	10-61	3280 Lake Worth Rd.	Stop N Go2 (closed)
25-09225	10-61	3276 S. Congress Ave.	Marathon (open past 0000)
25-09210	10-61	4021 Lake Worth Rd.	Circle K (open past 0000)
25-09223	10-61	4469 S. Congress Ave.	Food Point (open past 0000)



Palm Springs Police Department Supervisor's Shift Report



Date 4/11/25 Shift Delta ☐ Supervisor Sgt. Salguero

Jail Inspection ☒

Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-09098 CFS# End 25-0

Shift Calls Summary

Case # Signal Address

F.S 119.071 (2)(h) or (o)

Brief of Case

F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

25-09138 10-61 3355 Lake Worth Rd.
25-09136 10-61 2843 Lake Worth Rd.
25-09139 10-61 3280 Lake Worth Rd.
25-09151 10-61 3276 S. Congress Ave.
25-09131 10-61 4021 Lake Worth Rd.
25-09135 10-61 4469 S. Congress Ave.

M Discount Beverage (closed)
Collge Park Bait & Tackle (closed)
Stop N Go2 (closed)
Marathon (open past 0000)
Circle K (open past 0000)
Food Point (open past 0000)



Palm Springs Police Department Supervisor's Shift Report



Date 4/10/25 Shift Bravo ☐ Supervisor Sgt. McCluskey ☐ Jail Inspection ☒ Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-9011 CFS# End 25-9051

Shift Calls Summary

Case # Signal Address

Brief of Case

[REDACTED] F.S 119.071 (2)(h) or (o)

[REDACTED] F.S 119.071 (2)(h) or (o)

[REDACTED] F.S 119.071 (2)(h) or (o)

[REDACTED] F.S 119.071 (2)(h) or (o)

25-9037 10-61 3355 Lake Worth Rd.
25-9042 10-61 2843 Lake Worth Rd.
25-9040 10-61 3280 Lake Worth Rd.
25-9024 10-61 3276 S. Congress Ave.
25-9050 10-61 3985 Lake Worth Rd.
25-9036 10-61 4021 Lake Worth Rd.
25-9038 10-61 4469 S. Congress Ave.

Discount Beverage (closed)
Collge Park Bait & Tackle (closed)
Stop N Go (closed)
Marathon (open past 0000)
7-Eleven (open past 0000)
Circle K (open past 0000)
Food Point (open past 0000)



Palm Springs Police Department Supervisor's Shift Report



Date **4/9/25** Shift Bravo ☐ Supervisor LT. Annunziata ☐ Jail Inspection ☒ Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-8933 CFS# End 25-8967

Shift Calls Summary

Case # Signal Address

Brief of Case

F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

25-8967 10-61 3355 Lake Worth Rd.
25-8957 10-61 2843 Lake Worth Rd.
25-8959 10-61 3280 Lake Worth Rd.
25-8960 10-61 3276 S. Congress Ave.
25-8955 10-61 3985 Lake Worth Rd.
25-8954 10-61 4021 Lake Worth Rd.
25-8956 10-61 4469 S. Congress Ave.

Discount Beverage (closed)
Collge Park Bait & Tackle (closed)
Stop N Go2 (closed)
Marathon (open past 0000) → Congress + 10th
7-Eleven (open past 0000) → Kirk + Lake Worth
Circle K (open past 0000) → Kirk + Lake Worth
Food Point (open past 0000)



Palm Springs Police Department Supervisor's Shift Report



Date 4/4/25 Shift Bravo ☐ Supervisor Sgt McCluskey ☐ Jail Inspection ☒

Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-8470 CFS# End 25-8521

Shift Calls Summary

Case #	Signal	Address	Brief of Case
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F.S. 119.071 (2)(h) or (o)

F.S. 119.071 (2)(h) or (o)

F.S. 119.071 (2)(h) or (o)

F.S. 119.071 (2)(h) or (o)

25-8517	10-61	3355 Lake Worth Rd.	Discount Beverage (closed)
25-8503	10-61	2843 Lake Worth Rd.	Collge Park Bait & Tackle (closed)
25-8501	10-61	3280 Lake Worth Rd.	Stop N Go2 (closed)
25-8499	10-61	3276 S. Congress Ave.	Marathon (open past 0000)
25-8518	10-61	3985 Lake Worth Rd.	7-Eleven (open past 0000)
25-8519	10-61	4021 Lake Worth Rd.	Circle K (open past 0000)
25-8506	10-61	4469 S. Congress Ave.	Food Point (open past 0000)



Palm Springs Police Department Supervisor's Shift Report



Date 4/5/25 Shift Bravo ☐ Supervisor Sgt McCluskey ☐ Jail Inspection ☒ Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-8685 CFS# End 25-8736

Shift Calls Summary

Case #	Signal	Address	Brief of Case
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F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

25-8718	10-61	3355 Lake Worth Rd.
25-8719	10-61	2843 Lake Worth Rd.
25-8720	10-61	3280 Lake Worth Rd.
25-8717	10-61	3276 S. Congress Ave.
25-8723	10-61	3985 Lake Worth Rd.
25-8721	10-61	4021 Lake Worth Rd.
25-8722	10-61	4469 S. Congress Ave.

Discount Beverage (closed)
Collge Park Bait & Tackle (closed)
Stop N Go2 (closed)
Marathon (open past 0000)
7-Eleven (open past 0000)
Circle K (open past 0000)
Food Point (open past 0000)



Palm Springs Police Department Supervisor's Shift Report



Date 4/5/25 Shift Bravo ☐ Supervisor Sgt McCluskey ☐ Jail Inspection ☒

Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-8570 CFS# End 25-8636

Shift Calls Summary

Case # Signal Address

Brief of Case

F.S 119.071 (2)(h) or (o)

F.S 119.071 (2)(h) or (o)

25-8621 10-61 3355 Lake Worth Rd.
25-8613 10-61 2843 Lake Worth Rd.
25-8620 10-61 3280 Lake Worth Rd.
25-8612 10-61 3276 S. Congress Ave.
25-8615 10-61 3985 Lake Worth Rd.
25-8618 10-61 4021 Lake Worth Rd.
25-8626 10-61 4469 S. Congress Ave.

Discount Beverage (closed)
Collge Park Bait & Tackle (closed)
Stop N Go2 (closed)
Marathon (open past 0000)
7-Eleven (open past 0000)
Circle K (open past 0000)
Food Point (open past 0000)



Palm Springs Police Department Supervisor's Shift Report



Date 4/2/25 Shift Delta ☐ Supervisor Sgt. Salguero Jail Inspection ☒ Facility Issues

10-61 Village Facilities ☒ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 25-08295 CFS# End 25-08339

Shift Calls Summary

Case #	Signal	Address	Brief of Case
		F.S 119.071 (2)(h) or (o)	F.S 119.071 (2)(h) or (o)
		F.S 119.071 (2)(h) or (o)	
		F.S 119.071 (2)(h) or (o)	

25-08330 10-61 3355 Lake Worth Rd.
25-08326 10-61 2843 Lake Worth Rd.
25-08327 10-61 3280 Lake Worth Rd.
25-08334 10-61 3276 S. Congress Ave.
25-08332 10-61 4048 Forest Hill Blvd.
25-08328 10-61 4021 Lake Worth Rd.
25-08329 10-61 4469 S. Congress Ave.

M Discount Beverage (closed)
Collge Park Bait & Tackle (closed)
Stop N Go2 (closed)
Marathon (open past 2300)
7-Eleven (open past 2300)
Circle K (open past 2300)
Food Point (closed)

LW Rd. + Congress
Kirk + FHB

Property Detail

Location Address : 4455 S CONGRESS AVE

Municipality : PALM SPRINGS

Parcel Control Number : 70-43-44-30-16-001-0000

Subdivision : CONGRESS POINT PLAZA

Official Records Book/Page : 22129 / 1647

Sale Date : 09/18/2007

Legal Description : CONGRESS POINT PLAZA PAR A

Owner Information	
Owner(s)	Mailing Address
CONGRESS POINTE INC	106 N MILITARY TRL WEST PALM BEACH FL 33415 2144

Sales Information				
Sales Date	Price	OR Book/Page	Sale Type	Owner
09/18/2007	\$5,650,000	22129 / 01647	WARRANTY DEED	CONGRESS POINTE INC

Exemption Information
No Exemption Information Available.

Property Information

Number of Units : 0

***Total Square Feet :** 36933

Acres : 3.78

Property Use Code : 1100—STORES

Zoning : CG—COMMERCIAL GENERAL (70-PALM SPRINGS)

Building Details

Structural Details

Structural Element for Building 1	
Year Built	1986
STRIP SHOPPING CNTR	33888

Sketch for Building 1

Subarea and Square Footage for Building 1	
Code Description	square Footage
MULTIPLE TENANT RETAIL SAL	31578
CONVENIENCE STORE	2310
Total Square Footage	33888

Property Extra Feature

Description	Year Built	Units
Paving- Asphalt	1986	224
Paving- Asphalt	1986	418
Walkway-Concrete	1986	1296
Paving- Asphalt	1986	15834
Paving- Asphalt	1986	98374
Wall	1986	480
Wall	1986	1140
Walkway-Concrete	1986	1558

Property Land Details

Land Line #	Description	Zoning	Acres
1	COMMERCIAL	CG	3.7780

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	\$3,073,975	\$3,152,275	\$3,051,458	\$2,492,335	\$2,570,191
Land Value	\$1,913,926	\$1,913,926	\$1,823,413	\$1,563,396	\$1,563,396
Total Market Value	\$4,987,901	\$5,066,201	\$4,874,871	\$4,055,731	\$4,133,587

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	\$4,987,901	\$4,907,434	\$4,461,304	\$4,055,731	\$4,133,587
Exemption Amount	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$4,987,901	\$4,907,434	\$4,461,304	\$4,055,731	\$4,133,587

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	\$96,913	\$97,170	\$92,029	\$83,491	\$85,839
NON AD VALOREM	\$25,489	\$24,607	\$23,357	\$22,106	\$21,701
TOTAL TAX	\$122,402	\$121,777	\$115,385	\$105,598	\$107,540

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcapao.gov

Search Results

Owner Name	Location	Municipality	Account Number	Mail Address	Mail City State Zip	Homesteaded
AYALIBBY HAIR SALON	4469S CONGRESS AVE UNIT 111	PALM SPRINGS	237136	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
BOOKSMART ENTERPRISES INC	4469S CONGRESS AVE STE 114	PALM SPRINGS	103908	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
CELLULAR PLUS	4469S CONGRESS AVE STE 122	PALM SPRINGS	170649	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
CONGRESS LAUNDROMATS	4469S CONGRESS AVE STE 112	PALM SPRINGS	123891	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
EL TORITO SPORTS PUB	4469S CONGRESS AVE STE 107	PALM SPRINGS	123892	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
FOOD POINT	4469S CONGRESS AVE STE 103	PALM SPRINGS	065633	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
GUADALUPE MEDICAL CENTER	4469S CONGRESS AVE STE 106	PALM SPRINGS	165529	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
PALM SMOKE SHOP	4469S CONGRESS AVE STE 123	PALM SPRINGS	223285	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
REMIX BARBER SHOP THE	4469S CONGRESS AVE STE 119	PALM SPRINGS	194535	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
SBA	4455S CONGRESS AVE	PALM SPRINGS	188038	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
T-MOBILE SOUTH LLC	4469S CONGRESS AVE	PALM SPRINGS	185437	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
TACOS AL CARBON OF LAKE WORTH LLC	4469S CONGRESS AVE STE 117	PALM SPRINGS	200208	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
THE MERLOS LATIN RESTAURANT	4469S CONGRESS AVE STE 110	PALM SPRINGS	223286	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N
WINGS PLUS	4455S CONGRESS AVE	PALM SPRINGS	129452	106 N MILITARY TRL	WEST PALM BEACH FL 33415 2144	N

Account Information

Property Control Number: 70-43-44-30-16-001-0000	Property Type: Real Property	Status: Active
Mailing Address: 106 N MILITARY TRL West Palm Beach, FL 33415-2144	Property Address: 4455 S CONGRESS AVE LAKE WORTH, FL 33461	Legal Description: CONGRESS POINT PLAZA PAR A
Owner of Record: CONGRESS POINTE INC	Second Owner:	

Last updated: 4/14/2025 09:57:26 AM

2024 Real Estate and Tangible Personal Property Taxes will be delinquent as of April 1, 2025.
Delinquent Property Tax cannot be paid online.
Visit our [Payment Options](#) page to [view delinquent tax payment options](#).

Interest and associated costs for delinquent taxes are determined by the date payment is received to the Tax Collector.
A minimum charge of 3% is collected. Interest accrues at up to 1.5% per month (18% annually).

Tax Bills

Add Tax Bills to the cart then select cart icon (🛒) above to checkout.

Total Payable: \$0.00

+ Recently Paid Bills

Due Date	Net Tax	Last Paid	Amount Paid	Status
3/31/25	☐ \$117,505.62 Net Tax: \$122,401.69 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$4,896.07	11/26/24	-\$117,505.62	● Paid
4/1/24	☐ \$116,905.82 Net Tax: \$121,776.90 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$4,871.08	11/29/23	-\$116,905.82	● Paid
3/31/23	☐ \$110,770.07 Net Tax: \$115,385.49 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$4,615.42	11/29/22	-\$110,770.07	● Paid



**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2025-13

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**CONGRESS POINTE INC.
4455 SOUTH CONGRESS AVENUE
PALM SPRINGS, FL 33461**

**MAILING ADDRESS:
CONGRESS POINTE INC.
106 NORTH MILITARY TRAIL
WEST PALM BEACH, FL 33415 2144
Respondent(s).**

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

Section 14-61. Hours of operation of establishments where served.

d. Establishments located within 250 feet of a residential district shall not continue business activities later than 11:00 p.m. daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the establishment.

Address: 4455 SOUTH CONGRESS AVENUE
Legal Description: CONGRESS POINT PLAZA PAR A
PCN: 70-43-44-30-16-001-0000

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the **17th** day of **April 2025**, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / _____ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

☐ Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

☐ **Section 14-61. Hours of operation of establishments where served.**

d. Establishments located within 250 feet of a residential district shall not continue business activities later than 11:00 p.m. daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the establishment.

- ☐ Respondent **was in violation** of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

☐ **Section 14-61. Hours of operation of establishments where served.**

d. Establishments located within 250 feet of a residential district shall not continue business activities later than 11:00 p.m. daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the establishment.

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent **has** brought the cited code violation(s) into compliance. The Respondent has failed to pay and is ordered to pay the following amounts on or before **April 30, 2025**:
- ☐ Administrative costs of **\$382.10**
 - ☐ Citation fine of \$ N/A
 - ☐ Re-inspection fee of \$ N/A
- ☐ Respondent **has not** brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before March 19, 2025. **If Respondent fails to comply within the time given by April 17, 2025, a fine of \$250.00 shall be issued, repeat violations may be issued as an irreparable/irreversible violation subject to a fine not to exceed \$5,000.00.** The respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **April 30, 2025**.
- ☐ Administrative costs of **\$382.10**
 - ☐ Citation fine of \$ N/A
 - ☐ Re-inspection fee of \$ N/A

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Tom Gehrman at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be

limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8300 ext. 8520 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 17th day of APRIL 2025.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

[106 North Military Trail](#)
[West Palm Beach, FL 33415 2144](#)



Notices
CERTIFIED 4-17-25
9489-0178-9820-5042-0465-45
Regular 4-7-25
Posting 4-17-25
1:55 PM
William Thomas III

CODE ENFORCEMENT
NOTICE OF REQUEST FOR AUTHORIZATION OF FORECLOSURE

4/14/2025

William S. Thomas
Linda S. Thomas
2600 Donald Road
West Palm Beach, FL 33406 7406

CASES NO.: 2020-2467

Property Address: 2620 Donald Road, Palm Springs, FL
Legal Description: MILITARY HILL LTS 49 & 50 BLK E
Parcel Control Number: 70-42-44-13-05-005-0490

Dear Property Owner:

Your property at 2620 Donald Road in the Village of Palm Springs has been determined to have violated the Village's Code of Ordinances in the above referenced Code Enforcement case. The fines for the violation(s) have accrued to \$244,350.00 and the Village has recorded liens against the property. Pursuant to section 162.09, Florida Statutes, and the Village's Code, the Village is now seeking for the Code Enforcement Special Magistrate to authorize the Village to foreclose the lien. **In the event that the Village is successful in obtaining this request before the Special Magistrate, a foreclosure action may be commenced by the Village against the above-referenced property or any other real property you own.**

The request will be presented to the Special Magistrate at a hearing, which you may attend. If you would like to discuss your case prior to that time in an effort to settle all outstanding matters including compliance and payment, please contact the Village Attorney by email at christy@torcivialaw.com or by telephone at (561) 686-8700. OTHERWISE, THE REQUEST WILL BE PRESENTED TO THE CODE ENFORCEMENT SPECIAL MAGISTRATE, **ON THURSDAY, APRIL 17, 2025 AT 10:00AM. IN THE VILLAGE COUNCIL CHAMBERS LOCATED AT 226 CYPRESS LANE, PALM SPRINGS, FLORIDA.**

Please govern yourself accordingly.

Sincerely,

Tom Gehrman
Code Enforcement Division

VILLAGE OF PALM SPRINGS, FLORIDA CODE ENFORCEMENT

VILLAGE OF PALM SPRINGS,
FLORIDA,

Petitioner

Case No. 2020-2467 & 2022-2512

WILLIAM S. THOMAS
LINDA S. THOMAS
2600 DONALD ROAD
WEST PALM BEACH, FL 33406

Respondent(s)

AFFIDAVIT OF SERVICE

I, TOM GEHRMAN, being duly sworn, depose and say that:

On the 7TH Day of APRIL 2025 at 1:55PM, I served the attached Notice of Violation/Notice of Hearing on the within named Respondent(s) WILLIAM & LINDA THOMAS at 2620 DONALD ROAD, Palm Springs, FL 33406 by:

 INDIVIDUAL SERVICE: By serving the within named Respondent a true copy with the date and hour of service endorsed thereon by me.

XX SUBSTITUTE SERVICE: By serving a true copy with the date and hour of service endorsed thereon by me, at the Respondent's usual place of abode with any person residing therein the age of 15 years or older, to-wit: William Thomas III and informing such person of their contents pursuant to F.S. 48.031.

 POSTED BY: Securely affixing a copy to a conspicuous place at the above property address and at Palm Springs Village Hall, 226 Cypress Lane, Palm Springs, FL 33461. PHOTOS INCLUDED

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

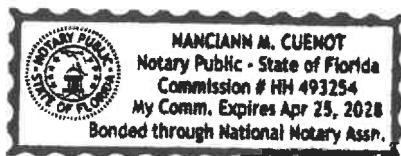
By: Tom Gehman
Code Enforcement Officer

Date: April 14, 2025

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 14th day of April, 2025 by Tom GEHRMAN, Code Enforcement Officer, who is personally known to me or who has produced a Florida driver's license as identification.

(SEAL)



Manciann M. Cuenot
NOTARY PUBLIC, State of Florida



CODE ENFORCEMENT
NOTICE OF REQUEST FOR AUTHORIZATION OF FORECLOSURE

4/14/2025

William S. Thomas
Linda S. Thomas
2600 Donald Road
West Palm Beach, FL 33406 7406

CASES NO.: 2020-2467

Property Address: 2620 Donald Road, Palm Springs, FL
Legal Description: MILITARY HILL LTS 49 & 50 BLK E
Parcel Control Number: 70-42-44-13-05-005-0490

Dear Property Owner:

Your property at 2620 Donald Road in the Village of Palm Springs has been determined to have violated the Village's Code of Ordinances in the above referenced Code Enforcement case. The fines for the violation(s) have accrued to \$244,350.00 and the Village has recorded liens against the property. Pursuant to section 162.09, Florida Statutes, and the Village's Code, the Village is now seeking for the Code Enforcement Special Magistrate to authorize the Village to foreclose the lien. **In the event that the Village is successful in obtaining this request before the Special Magistrate, a foreclosure action may be commenced by the Village against the above-referenced property or any other real property you own.**

The request will be presented to the Special Magistrate at a hearing, which you may attend. If you would like to discuss your case prior to that time in an effort to settle all outstanding matters including compliance and payment, please contact the Village Attorney by email at christy@torcivialaw.com or by telephone at (561) 686-8700. **OTHERWISE, THE REQUEST WILL BE PRESENTED TO THE CODE ENFORCEMENT SPECIAL MAGISTRATE, ON THURSDAY, APRIL 17, 2025 AT 10:00AM. IN THE VILLAGE COUNCIL CHAMBERS LOCATED AT 226 CYPRESS LANE, PALM SPRINGS, FLORIDA.**

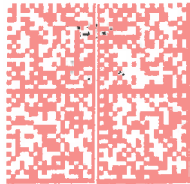
Please govern yourself accordingly.

Sincerely,

Tom Gehrman
Code Enforcement Division



PALM SPRINGS POLICE DEPARTMENT
230 CYPRESS LANE
PALM SPRINGS, FL 33461



quadrant
FIRST-CLASS MAIL
IMI
\$000.69⁰
04/07/2025 ZIP 33480
043M31255277

WILLIAM S THOMAS
LINDA S THOMAS
2600 DONALD RD
WEST PALM BEACH, FL 33406 7406



CERTIFIED MAIL®

PALM SPRINGS POLICE
230 CYPRESS LANE
PALM SPRINGS, FL 33461



9489 0178 9820 3040 0465 45

Label 890-QDT, March 2023



quadrant
FIRST-CLASS MAIL
IMI
\$008.16⁰
04/07/2025 ZIP 33480
043M31255277

WILLIAM S THOMAS
LINDA S THOMAS
2600 DONALD RD
WEST PALM BEACH, FL 33406 7406

CASE PRESENTATION
CASE No. CASE 2020-2467
(Village Foreclosure Request)

1. GOOD MORNING, MY NAME IS TOM GEHRMAN, and I have been sworn in.
2. I AM A CODE ENFORCEMENT OFFICER FOR THE VILLAGE OF PALM SPRINGS, FLORIDA.
3. THIS CASE CONCERNS THE PROPERTY AT 2620 DONALD RD IN THE VILLAGE OF PALM SPRINGS.
4. ACCORDING TO THE PALM BEACH COUNTY PROPERTY APPRAISER'S RECORDS AND PALM BEACH COUNTY TAX COLLECTOR RECORDS THE CURRENT OWNER OF THE PROPERTY IS WILLIAM S. THOMAS & LINDA S. THOMAS.
5. The property was found in violation of Case 2020-2467 Section 34-914 parking and storing inoperable vehicles, parking on the grass, Section 10-19 nuisance declared accumulation of trash and debris visible, Section 30-14 excessive growth of weeds and vegetation. The Order was filed and Lien Recorded. Case 2020-2467 lien was recorded September 29, 2020.

The property remains in violation pursuant to Section 162.09, Florida Statutes, and the Village's Code, the Village is now seeking for the Code Enforcement Special Magistrate to authorize the Village to Foreclose the Lien. In the event that the Village is successful in obtaining this request before the Special Magistrate, a foreclosure action may be commenced by the Village against the above reference property.
5. NOTICE WAS mailed Certified and Regular the Property Owner's Address of Record AND ALSO POSTED AT THE PROPERTY and at Village Hall.
6. Communication with the property owner, the property is up for sale.
7. SUBJECT TO ANY QUESTIONS YOU MIGHT HAVE, THIS CONCLUDES THE VILLAGE TESTIMONY.

**VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT**

CIT CODE CASE: 2020-2467

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

v.

William S Thomas
2620 Donald Road
PALM SPRINGS, FL 33406

MAILING ADDRESS:

William S Thomas
2600 Donald Road
West Palm Beach, FL 33406 7406

CFN 20200361257
OR BK 31779 PG 1269
RECORDED 09/29/2020 08:36:28
Palm Beach County, Florida
AMT
Sharon R. Bock
CLERK & COMPTROLLER
Pgs 1269-1270; (2Pgs)

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of Section(s) section 34-914 parking in single family district; storing inoperable recreational vehicles and parking on grass, Section 10-19 nuisance declared; accumulations of waste, trash and debris, Section 30-141 overgrown residential lot; excessive growth of weeds and vegetation.

Address: 2620 DONALD ROAD
Legal Description: MILITARY HILL LTS 49 & 50 BLK E
PCN: 70-42-44-13-05-005-0490

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 18th day of JUNE, 2020, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent was _____ / was not ☒ present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

☒ Respondent is in violation of Section(s) section 34-914 parking in single family district; storing inoperable recreational vehicles and parking on grass, Section 10-19 nuisance declared; accumulations of waste, trash and debris, Section 30-141 overgrown residential lot; excessive growth of weeds and vegetation; of the Code of Ordinances of the Village of Palm Springs.

☐ Respondent was in violation of Section(s) section 34-914 parking in single family district; storing inoperable recreational vehicles and parking on grass, Section 10-19 nuisance declared; accumulations of waste, trash and debris, Section 30-141 overgrown residential lot; excessive growth of weeds and vegetation; of the Code of Ordinances of the Village of Palm Springs but is currently in compliance.

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

☐ Although Respondent is in compliance with the cited code violation(s), Respondent has failed to pay and is ordered to pay the following amounts on or before JULY 15, 2020.
EPN 20200361257
BOOK 31779 PAGE 1270
2 OF 2

- ☐ Administrative costs of \$173.49
- ☐ Citation fine of \$75.00
- ☐ Re-inspection fee of \$30.00

☒ Respondent is not in compliance with the cited code violation(s). Respondent must comply with all code violations on or before JULY 15, 2020. If Respondent fails to comply within the time given, a fine of \$50.00 per day, per violation will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by JULY 15, 2020:

- ☒ Administrative costs of \$173.49
- ☒ Citation fine of \$75.00
- ☒ Re-inspection fee of \$30.00

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer OSVALDO LANDA at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to a consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein should not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4), Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4), Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five-hundred-dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 304-4820 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED 18th day of June, 2019.20



STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS

I hereby certify that this is a true and correct copy of the CT Code Case 2020-2467 - Order Finding Violation and the original is on file in the Clerk's Office.

Jane R. Worth
Jane R. Worth, CMC
Deputy Village Clerk

[Signature]
Special Magistrate

A copy of this order has been furnished to the respondent at the following statutorily address:
2620 Donald Road
Palm Springs, FL 33406

Property Detail

Location Address : 2620 DONALD RD
Municipality : PALM SPRINGS
Parcel Control Number : 70-42-44-13-05-005-0490
Subdivision : MILITARY HILL IN
Official Records Book/Page : /
Sale Date :
Legal Description : MILITARY HILL LTS 49 & 50 BLK E

Owner Information

Owner(s)

THOMAS LINDA S
THOMAS WILLIAM S &

Mailing Address

2600 DONALD RD
WEST PALM BEACH FL 33406 7406

Sales Information

No Sales Information Available.

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 2205
Acres : .32
Property Use Code : 0100—SINGLE FAMILY
Zoning : RM—RESIDENTIAL MULTI-FAMILY (70-PALM SPRINGS)

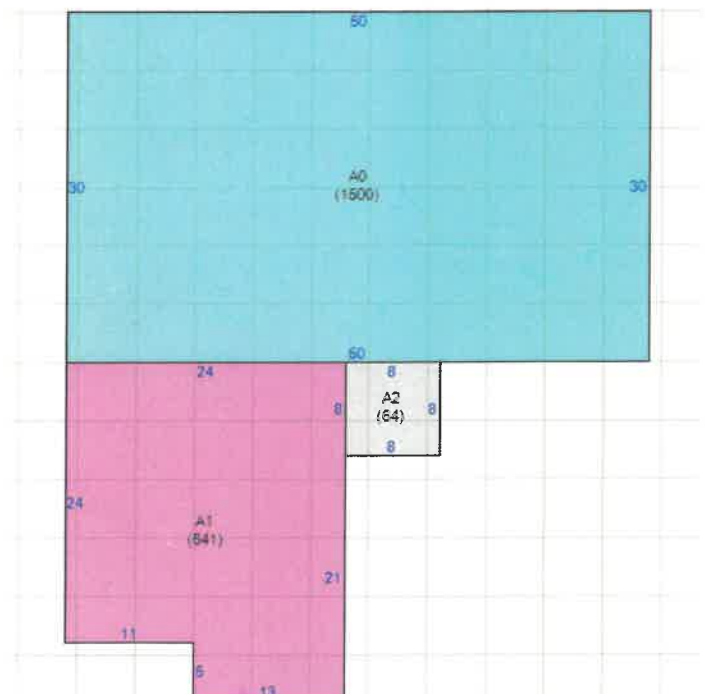
Building Details

Structural Details

Structural Element for Building 1

Exterior Wall 1	MSY: CONC. BLOCK
Year Built	1980
Air Condition Desc.	HTG ONLY
Heat Type	CONVECTION
Heat Fuel	ELECTRIC
Bed Rooms	0
Full Baths	1
Half Baths	0
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP
Roof Cover	ROLLED COMPOSITION
Interior Wall 1	DRYWALL
Interior Wall 2	N/A
Floor Type 1	CARPETING
Floor Type 2	N/A
Stories	1

Sketch for Building 1



Subarea and Square Footage for Building 1

Code Description	square Footage
UST Unfinished Storage	64
UST Unfinished Storage	641
BAS Base Area	1500

 Account Information

Property Control Number: 70-42-44-13-05-005-0490	Property Type: Real Property	Status: Active
Mailing Address: 2600 DONALD RD West Palm Beach, FL 33406-7406	Property Address: 2620 DONALD RD PALM SPRINGS, FL 33406	Legal Description: MILITARY HILL LTS 49 & 50 BLK E
Owner of Record: THOMAS WILLIAM S &	Second Owner: THOMAS LINDA S	

Last updated: 4/14/2025 01:59:12 PM

2024 Real Estate and Tangible Personal Property Taxes will be delinquent as of April 1, 2025.
Delinquent Property Tax cannot be paid online.
Visit our [Payment Options](#) page to [view delinquent tax payment options](#).

Interest and associated costs for delinquent taxes are determined by the date payment is received to the Tax Collector.
A minimum charge of 3% is collected. Interest accrues at up to 1.5% per month (18% annually).

 Tax Bills

Add Tax Bills to the cart then select cart icon (🛒) above to checkout.

Total Payable: \$0.00 Total Due: \$6,180.76

2024 | BILL TYPE: ORIGINAL | BILL NO: 101624905 | ROLL: ANNUAL |
PAST DUE \$6,180.76

NOT PAYABLE ?

Date	Total Tax	Paid	Amount Due If Paid By Date	Status	Payment Options	View Info
3/31/25	\$6,180.76 Net Tax: \$5,979.86 Interest: \$179.40 Penalty: \$0.00 Fees: \$21.50 Discount: \$0.00	\$0.00	\$6,180.76 ▶ 4/14/25 \$6,180.76 4/30/25 \$6,180.76 5/30/25 \$6,180.76	Past Due		

+

 Recently Paid Bills

Due Date	Net Tax	Last Paid	Amount Paid	Status
4/1/24	\$5,645.92 Net Tax: \$5,645.92 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: \$0.00	3/29/24	-\$5,645.92	Paid



ORDER AUTHORIZING FORECLOSURE

CASE NO.: 2020-2467

RESPONDENT: WILLIAM S. THOMAS & LINDA S. THOMAS

PROPERTY: 2620 DONALD ROAD

LEGAL DESCRIPTION: MILITARY HILL LTS 49 & 50 BLK E

PCN: 70-42-44-13-05-005-0490

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs ("Village") in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 17th day of April 2025, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSION OF LAW and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent was / was not present for the hearing.
2. The Village presented evidence and testimony relating to the subject code enforcement case including the relevant Order Finding Violation (the "Order").
3. Case No. 2020-2467 is not in compliance as of the date of this order. Fines in the case have accrued to \$244,350.00.
4. The subject fines have not been paid and remain due and owing to the Village.
5. The subject property is not homestead under Section 4 Article X of the Florida State Constitution.

CONCLUSIONS OF LAW

The lien for Case No. 2024-2467 was duly recorded in the public records and remains unpaid, and it has been more than three (3) months since the Village recorded its lien in the public record. Therefore, the statutory and code requirements to authorize foreclosure proceedings have been met.

ORDER

Pursuant to section 162.09, Florida Statutes, it is the Order of the Code Enforcement Special Magistrate that the Village Attorney is authorized to foreclose on the Code Enforcement lien in Case No. 2020-2467.

DONE AND ORDERED on _____, 2025.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

By: _____
Special Magistrate

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
Case No. 2025-14

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,
V.

Rene & Belsinette Lamartiniere
4222 Gardenia Ave
Palm Springs, FL 33461

Respondent(s).

70-42-44-24-00-000-5051

NOTICE OF VIOLATION AND NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED CERTIFIES AND SWEARS that he has just and reasonable grounds to believe, and does believe that on **April 6th, 2025**, the Respondent(s), **Rene & Belsinette Lamartiniere** owner(s) of the property at **4222 Gardenia Ave, PALM SPRINGS, FL, 33461** is in violation of local ordinances.

SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Remove all unpermitted structures.

SECTION 14-32: No Residential Rental Permit-Obtain a rental permit for each unit.

SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass in the front swale.

SECTION 10-8: Weeds/Driveways-Remove all weeds attached to the chain-link fence and pressure wash the driveway.

SECTION 30-143: Trash/Debris/Materials-Remove all trash/debris/materials stored around the property.

SECTION 34-914: Vehicles-Remove all inoperative and/or unregistered vehicles off the property.

SECTION 30-141: Overgrowth-Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.

SECTION 34-225: Fence Maintenance-Repair or remove all broken chain-link fences and remove all cloth material attached to the fence.

SECTION 10-9: Exterior Property Maintenance-Remove all holiday lights and black discoloration off the front exterior wall/Remove all wood boards covering the windows/Post "4224" house ID numbers on the front of the property.

These violations must be corrected on or before **April 15th, 2025**, failing, this matter shall be heard at a public hearing by a Code Enforcement Special Magistrate at Village Hall, 226 Cypress Lane, Palm Springs, FL. 33461, Tel. 561-584-8200 Ext 8430 **at 10:00 A.M., on THURSDAY April 17th, 2025.** IF THE VIOLATION IS CORRECTED PRIOR TO THE HEARING DATE AS SET FORTH HEREIN, THIS CASE MAY STILL BE PRESENTED TO THE SPECIAL MAGISTRATE FOR A HEARING FOR THE DETERMINATION OF THE VIOLATION(S), FINES AND THE IMPOSITION OF REASONABLE ENFORCEMENT FEES, INCLUDING SPECIAL MAGISTRATE AND ATTORNEY'S FEES.

YOU ARE HEREBY ORDERED to appear and answer the above charges. You may choose to waive your rights to this hearing and the costs as determined by the Special Magistrate. Your failure to appear may result in the Special Magistrate proceeding in your absence.

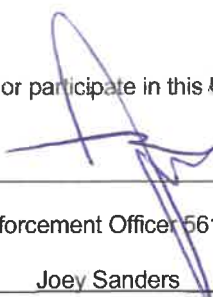
IMPORTANT: It is the responsibility of the Respondent to request an inspection as soon as compliance is achieved by calling the Code Enforcement Office at (561) 584- 8300 Ext 8520 and providing proof of Permits and Inspections. A request for inspection must be made at least 1 day(s) prior to the requested inspection.

If you are found in violation of the Village Code, the Special Magistrate has the legal authority to levy fines of up to **\$500.00** per day, per violation, for each and every day that each violation continues, and to levy all administrative costs required to obtain compliance. **ALL FINES AND COSTS BECOME LIENS ON YOUR PROPERTY.**

You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate at the hearing. All testimony at the hearing will be under oath and recorded. The Special Magistrate shall take testimony from the Code Compliance Officer and the Respondent. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. You will have the opportunity to present witnesses as well as question witnesses against you, prior to a final determination by the Magistrate. If you wish to have witnesses subpoenaed or if you have other questions, you may contact the Village Clerk's Office at (561)584-8200 EXT 8430. Any interested party seeking to appeal any decision of the Special Magistrate with respect to any matter considered at the hearing will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence

CE/ CEB Case No. _____

presented: Persons who need a special accommodation in order to attend or participate in this hearing must advise the Village Clerk at (561) 584-8200 Ext 8430, at least 36 hours prior to the hearing:



Code Enforcement Officer 561-584-8300 ext. 8525

Date Issued: April 6th, 2025

Joey Sanders
Printed Name of Officer

**CODE ENFORCEMENT BOARD
VILLAGE OF PALM SPRINGS, FLORIDA**

**VILLAGE OF PALM SPRINGS,
FLORIDA,**

Petitioner

Case No. 2025-14

RETURN OF SERVICE

**RENE & BELSINETTE LAMARTINIERE
4222 GARDENIA AVE
PALM SPRINGS, FL 33461 3425**
_____ /

Respondent

On the **6th Day of April 2025 at 4:26PM**, I served the attached NOV/NOH on the within named Respondent, **Rene & Belsinette Lamartiniere** at **4222 Gardenia Ave**, Palm Springs, FL 33461 and posted the notice at Palm Springs Village Hall, 226 Cypress Lane, Palm Springs, FL 33461 Palm Beach County, Florida, by:

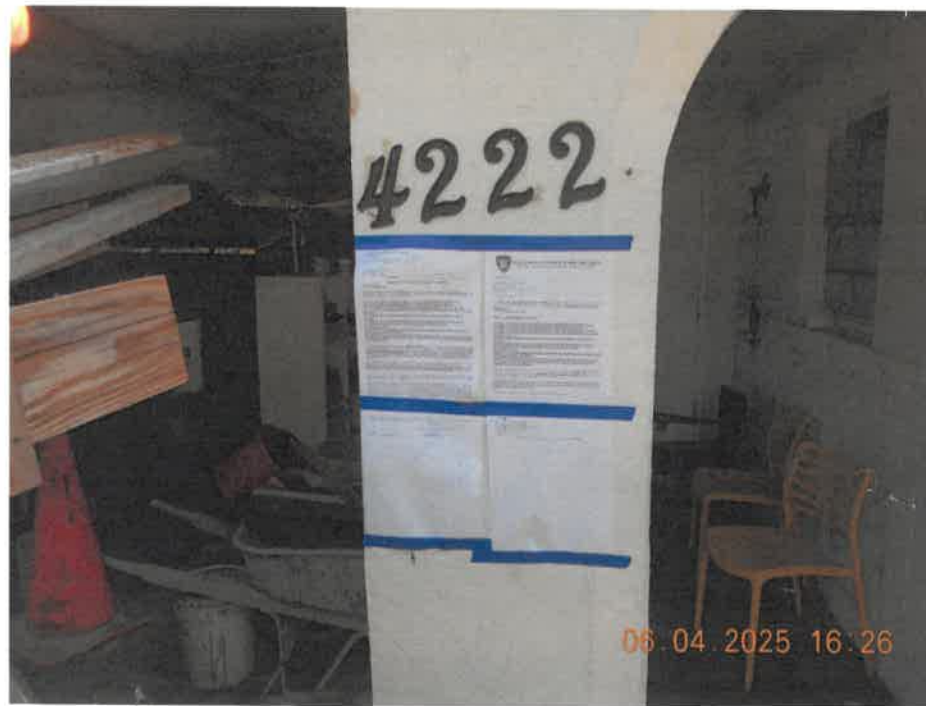
_____ **INDIVIDUAL SERVICE:** By serving the within named Respondent a true copy with the date and hour of service endorsed thereon by me.

_____ **SUBSTITUTE SERVICE:** By serving a true copy with the date and hour of service endorsed thereon by me, at the Respondent's usual place of abode with any person residing therein the age of 15 years or older, to-wit: _____ and informing such person of their contents pursuant to F.S. 48.031.

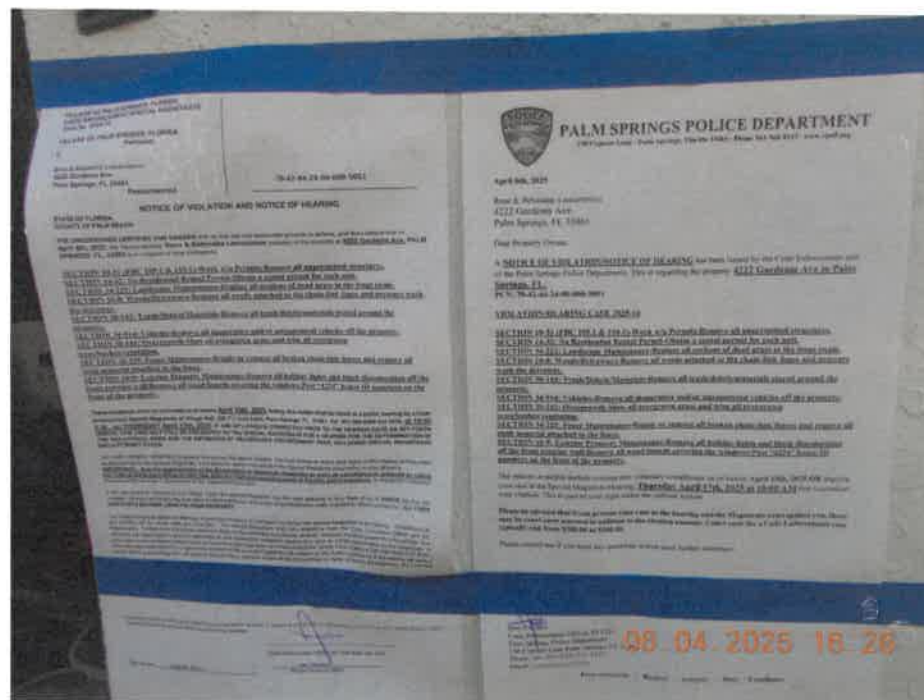
_____ **XX** **POSTED BY:** Securely affixing a copy to a conspicuous place on the property described within. PHOTO INCLUDED

VILLAGE OF PALM SPRINGS
DEPARTMENT OF PUBLIC SAFETY

By: Joey Sanders 10*211
Code Enforcement Officer



DSCN0408.JPG



DSCN0409.JPG



DSCN0281.JPG



DSCN0280.JPG



DSCN0279.JPG



DSCN0278.JPG



DSCN0276.JPG



DSCN0275.JPG



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PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

April 6th, 2025

Rene & Belsinette Lamartiniere
4222 Gardenia Ave
Palm Springs, FL 33461

Dear Property Owner,

A **NOTICE OF VIOLATION/NOTICE OF HEARING** has been issued by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property **4222 Gardenia Ave in Palm Springs, FL.**

PCN: 70-42-44-24-00-000-5051

VIOLATION/HEARING CASE 2025-14

SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Remove all unpermitted structures.

SECTION 14-32: No Residential Rental Permit-Obtain a rental permit for each unit.

SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass in the front swale.

SECTION 10-8: Weeds/Driveways-Remove all weeds attached to the chain-link fence and pressure wash the driveway.

SECTION 30-143: Trash/Debris/Materials-Remove all trash/debris/materials stored around the property.

SECTION 34-914: Vehicles-Remove all inoperative and/or unregistered vehicles off the property.

SECTION 30-141: Overgrowth-Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.

SECTION 34-225: Fence Maintenance-Repair or remove all broken chain-link fences and remove all cloth material attached to the fence.

SECTION 10-9: Exterior Property Maintenance-Remove all holiday lights and black discoloration off the front exterior wall/Remove all wood boards covering the windows/Post "4224" house ID numbers on the front of the property.

The options available include coming into voluntary compliance on or before **April 15th, 2025 OR** arguing your case at the Special Magistrate Hearing, **Thursday April 17th, 2025 at 10:00 AM** that is noted on your citation. This is part of your right under the judicial system.

Please be advised that if you present your case at the hearing and the Magistrate rules against you, there may be court costs assessed in addition to the citation amount. Court costs for a Code Enforcement case typically run from \$200.00 to \$300.00.

Please contact me if you have any questions and/or need further assistance.

Respectfully,

Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

230 Cypress Lane Palm Springs, FL 33461

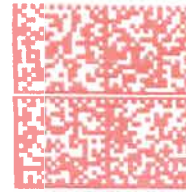
Phone: 561-584-8300 Ext. 8525

Email: jsanders@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence



PALM SPRINGS POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
230 CYPRESS LANE
PALM SPRINGS, FL 33461



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Rene & Belsinette Lamartiniere
4222 Gardenia Ave
Palm Springs, FL 33461



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Rene & Belsinette Lamartiniere
4222 Gardenia Ave
Palm Springs, FL 33461

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owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The Building Official shall coordinate with the floodplain administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the Building Official.

SECTION 105 PERMITS

105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing, fire protection system, or accessible or flood resistant site element, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical or plumbing or interior nonstructural office system(s), the Building Official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The Building Official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit

shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual Facility permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated. The Building Official is authorized to revoke such permit if code violations are found to exist.

105.1.3 Food permit. In accordance with 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

Building:

1. Building permits are not required for replacement or repair work having a value of less than \$1,000.00, providing, however, that such work will not adversely affect the structural integrity, fire rating, exit access or egress requirements.
2. Cabinets and countertops with no reconfiguration for one- and two- Family Dwellings, painting, papering, carpeting, and similar finish work, with no electrical or plumbing work.
3. Temporary motion picture, television and theater sets and scenery.
4. Traditional swings and other standard playground equipment accessory to detached one- and two-family dwellings, as determined by the Building Official, but they may be subject to Zoning permits.
5. Retractable awnings supported by an exterior wall and do not require additional support of Groups R-3 and U occupancies, but they may be subject to Zoning permits.
6. Non-fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the Building Official as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The Building Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.6 Refunds. The Building Official is authorized to establish and publish a refund policy through local ordinance, which is located in the Village of Palm Springs Municipal Code Ch. 10, section 10-56.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain exposed and provided with access for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The Building Official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.1.1 Manufacturers and fabricators. When deemed necessary by the Building Official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The Building Official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications, and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the Building Official. The Building Official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

The Building Official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction;
2. For all major structural alterations;
3. Where the concrete design is based on compressive strength in excess of 3000 pounds per square inch;
4. For pile driving;
5. For buildings with an area greater than 20,000 square feet;
6. For buildings more than two stories in height; or
7. For buildings and structures of unusual design or methods of construction. Such inspectors shall be present when work is underway on the structural elements of the building to adequately attest to its compliance. Such inspectors shall be a registered architect, or engineer. An employee of the architect or engineer licensed under Chapter 468, Part XII, Florida Statutes may perform the inspections, under the direction of and with final certification from the architect or engineer. Such inspectors shall submit weekly progress reports including the daily inspections to the Building Official and including a code compliance opinion of the resident inspector. At the completion of the construction work or project, the architect or engineer shall submit a certificate of compliance to the Building Official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the Building Official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

110.1.3 Affidavit for inspection. With specific prior approval of, and in a format acceptable to the Building Official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector onsite, at the next scheduled

Sec. 10-8. Exterior property areas.

- (a) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which the occupant occupies or controls in a clean, neat, and sanitary condition.
- (b) *Sidewalks and driveways.* 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. Stairs shall comply with the requirements of subsection 10-10(g).
- (c) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches, as set forth in chapter 30. All noxious weeds shall be prohibited. This term shall not include cultivated flowers and gardens, or native vegetation.
- (d) *Accessory structures.* All accessory structures, including detached garages, fences, walls, and swimming pools shall be maintained structurally sound and in good repair.
 - (1) *Water clarity in swimming pools.* Water clarity shall be maintained. When standing at the pool's edge at the deep end, the deepest portion of the swimming pool floor shall be visible.

(Ord. No. 2006-47, § 2, 11-9-2006)

Sec. 10-9. Exterior of structure or building.

- (a) *General.* 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.
- (b) *Exterior painting.* All wood and metal surfaces including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.
- (c) *Street numbers.* One address sign shall be required for each principal building or use on premises showing only the numerical address designation on the premises upon which they are maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard. The address shall be posted in a color contrasting that of the marquee/signboard or building a minimum of four inches for residential and six inches for commercial structure, and of sufficient size to be plainly visible and legible from the roadway. When the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above. Signs shall be plainly visible from the street or right-of-way providing access to the lot and shall be installed and maintained pursuant to the county building security code. This requirement shall apply to all new and existing structures.
- (d) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.
- (f) *Exterior walls.* All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates an adjacent public nuisance.

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- (h) *Decorative features.* All cornices, belt courses, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) *Overhang extensions.* All canopies, marquees, signs, metal awnings, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch, balcony, railings and all other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (k) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- (l) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (m) *Window and doorframes.* Every window, door and frame shall be kept in sound condition, good repair and weather tight.
- (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
- (2) *Openable window.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (n) *Doors.* All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
- (o) Holiday lights and decorations, erected during the appropriate holiday season, shall comply with all applicable building and electrical codes. Holiday lights and decorations may be erected no earlier than 30 days prior to the subject holiday, with the exception of the Christmas/Hanukkah holidays. Christmas/Hanukkah lights and decorations may be erected no earlier than October 15. All Christmas/Hanukkah lights and decorations must be removed within 30 days following the holiday. All other holiday lights and decorations shall be removed within 14 days following the holiday.
- (p) Protection from windborne debris is encouraged for all structures certified for occupancy in the village. Storm shutters, or hurricane protection devices, shall be designed and installed in conformance with the building code in effect at the time such hurricane protection was permitted by the building department.
- (q) It is prohibited to maintain any device (including but not limited to wood, aluminum, or approved hurricane shutters) used for securing property, which impede egress, light, and/or ventilation in a closed/secured position on occupied buildings after a designated hurricane watch or warning has terminated. In addition, it is prohibited to maintain any hurricane protective devices, with the exception of those covering clerestory windows, in a closed/secured position for periods in excess of ten consecutive days unless:
- (1) A hurricane occurs during the ten-day period, at which point the ten-day period begins anew the day after hurricane conditions have subsided; or
- (2) Hurricane or tropical storm watch conditions are predicted to occur within 48 hours after the tenth day; or
- (3) The structure is used for residential purposes, but no person is in residence for a period in excess of ten consecutive days, except that (1) and (2), above, shall still apply during periods when a person is in residence.

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- (4) Clerestory windows exempted under this section, shall be removed ten days after the official conclusion of the hurricane season.

- (r) The owner of an occupied structure shall promptly repair any broken door or window so that a temporary boarded up condition is limited. Any such repair, other than in the case of a natural disaster, shall be made within ten (10) consecutive days. Any means of securing property including crime prevention devices shall be subject to review by the building official for safety and compliance with the Florida Building Code. In no instance shall safety bars, grating, or other similar apparatus be allowed over any window, door, or other opening of any building. Real property may be secured via boarding up windows, doors, or other openings upon the requirement of the building official provided a permit is issued by the village prior to securing a property.

(Ord. No. 2006-47, § 2, 11-9-2006; Ord. No. 2007-07, § 2, 9-13-2007)

Sec. 14-32. Regulatory fee; application.

- (a) *Establishment of permit fee.* There is hereby established a regulatory fee of \$50.00 per year for the issuance of a business permit, payable in advance, for all persons or entities, engaged in a business, occupation, or profession within the village, unless exempted from same by the terms of this article, or as otherwise provided by law. Such fee shall be due and payable on or before October 1 of each year, and the fee shall be prorated to \$25.00 for those persons making an initial application on or after April 1 of the year in which first made.
- (b) *Permit application.* The business permit provided herein shall be issued upon the payment of the application fee and approval of the application by the village. The applicant must complete an application form provided by the village, which shall require at a minimum, the provision of valid information concerning the nature of the business to be operated, the business experience, qualifications, and competence of the employees and the individuals operating the business, number of employees of the business, the licenses, certifications and registrations held by the business operators, insurance coverage(s) maintained by the business, the criminal history of the business operators and employees, and the applicant's agreement not to engage in criminal activity. The applicant shall furnish the village with a copy of all occupational licenses held by the business with the completed application form.
- (c) *Multiple permits required for residential rental units.* Persons and/or entities engaged in the rental of dwellings for residential use, specifically including mobile homes and trailers, shall be required to obtain a separate business permit for each and every dwelling rented, regardless of whether the dwelling is for single or multi-family occupancy, or is located on the same or adjacent lot or parcel of real property. For purposes of this section, a business permit shall not be required for the rental of dwelling units in a motel, hotel, boardinghouse, or a commercial apartment complex, for which an occupational license is required by this code.

(Code 1994, § 14-67; Ord. No. 2006-10, § 2, 2-23-2006)

State law reference(s)—Regulatory fees authorized, F.S. § 166.221.

Sec. 30-141. Excessive growth of weeds and vegetation.

- (a) The growth of weeds over 12 inches in height, or that which is conducive to harboring vermin, reptiles or other wild animal life, upon any lot, piece or parcel of land within the limits of the village, is hereby declared to be a nuisance and a violation of this article.
- (b) All lands in the village shall be kept free from debris, overgrowth, vegetation, including trees, or any other matter which by reason of height, proximity to neighboring structures, physical condition, disease such as,

but not limited to, lethal yellowing of palms, or any other peculiar characteristics, might, in time of hurricane winds prevalent in the region, cause damage to life or property within the immediate area surrounding the region or which constitutes a hazard to health, safety or proper fire control. The existence of any debris, overgrowth, vegetation or other matter as shall create such a hazard is declared to be a nuisance.

(Code 1994, § 26-86)

Sec. 30-143. Removal of rubbish, stagnant water and weeds required.

- (a) *Public nuisance declared.* The presence of new or used construction materials (without valid permit), debris, rubbish, trash, cans, paper, stagnant water, vines, underbrush, weeds, wild growth or grass in excess of 12 inches in height from the ground on any lot, tract or parcel of land within the village shall be unlawful and is hereby prohibited and declared to be a public nuisance to the extent that it constitutes a menace to life, property, the public health or the public welfare; creates a fire hazard; or provides a nest or breeding ground for sand flies, mosquitoes, rats, mice, other rodents, snakes or other types of pests and vermin.
- (b) *Notice.* The village manager, his designee or any code enforcement officer is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the village, or the agent of such owner, to cut, destroy, remove or alleviate conditions existing on such lot, place or area within the village as described in subsection (a) of this section. Such notice shall be by certified mail, addressed to the owner or the agent of the owner at such owner's or agent's last known address.
- (c) *Removal by village.* Upon the failure, neglect or refusal of any owner or agent notified pursuant to subsection (b) of this section to remove and eliminate the conditions described in subsection (a) of this section within the time limit stated in the notice, the village manager is authorized, upon approval by the village council, to contract and pay for such maintenance and bill the property owner or his agent. The charges for such services shall be a lien against the property on which the nuisance is located.

(Code 1994, § 26-86)

State law reference(s)—Nuisance abatement, F.S. § 60.05.

Sec. 34-221. Responsibility of owner; practices enumerated.

The owner or his agent shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat and orderly appearance. Such areas shall be maintained so as to be free of disease, pests, weeds, refuse, overgrowth and debris. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other activities as needed in accordance with accepted horticultural practices. Landscaping shall be inspected periodically by the village to ensure proper maintenance. The owner, tenant or their agent shall be notified in writing, of any areas which are not being properly maintained and shall provide corrective action within 30 calendar days from the time of notification.

(Code 1994, § 30-146; Ord. No. 2015-12, § 6, 4-9-2015)

Sec. 34-225. Fences, walls and other structures.

Fences, walls, and other structures included within buffer areas or landscaped areas shall be installed according to requirements of applicable building codes and other codes, if any, and shall be maintained in a proper manner so as to remain in compliance with such codes or shall be replaced.

(Code 1994, § 30-150)

Sec. 34-914. Parking in single-family residential land use districts; use of portable storage containers and roll-off dumpsters in all zoning districts.

- (a) Parking or storage locations for cars, light trucks, motorcycles, and other vehicles not otherwise provided for in this subdivision, shall be permitted as provided below. Such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and permanent building(s), as follows:
 - (1) Within a garage, covered carport, or front driveway.
 - (2) In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house,
 - (3) In the rear yard behind the setback line, at the height of or below the roofline of the house,
 - (4) In the swale portion of the public right of way, and not within the paved roadway, in front of a single-family residence. However, not more than two automobiles or light trucks may be parallel parked, and no vehicle so parked shall remain parked for more than 48 hours at a time.
- (b) No vehicle, boat and trailer, recreational vehicle, hobby vehicle or race vehicle shall exceed 40 feet in length.
- (c) The use of a shipping container, a portable storage container, or any type or brand of portable/mobile storage container (collectively referred to herein as "storage container(s)" or a roll-off construction dumpster ("dumpster")) within any zoning district in the village, is subject to the following regulations:
 - (1) Neither a storage container nor a construction dumpster, shall be located on any property, for more than 72 consecutive hours, unless the occupant-owner or occupant-lessee, first obtains a permit from the village land development department. Applicants for such a permit, must complete and submit a permit application, on a form prescribed by the village, and pay a permit fee as established by resolution of the village council. A permit for a roll-off dumpster and the related permit fee is not required by this section, if the roll-off dumpster is separately permitted pursuant to a valid building permit issued by the village. The land development department may require the applicant to submit documentary evidence to demonstrate that the applicant is either an occupant-owner, or and occupant-lessee of the property on which the storage container or dumpster will be located, such as a deed, lease agreement, utility bill, etc.
 - (2) Not more than one standard size (eight-foot height × eight-foot width × 16-foot length) storage container or one roll-off construction dumpster in a size not to exceed (4.5-foot height × eight-foot width × 22-foot length) (20-yard capacity), may be located on an impervious or semi-pervious surface, at a single-family residence, multi-family residential property or commercial property, for a time period not to exceed 30 consecutive days. In the event of exceptional circumstances, the permit holder may request an extension of an additional 30 consecutive days time. Any request for an extension of time must be in writing, and must include a written justification statement demonstrating "good cause" as to why the 30-day period should be extended for up to an additional 30 consecutive days. The decision to grant or deny the request for an extension, shall be within the sole discretion of the village. Not more than one permit, per year, for a storage container or a dumpster, shall be issued by the village for the same property.
 - (3) No storage container or dumpster shall exceed the height of the roofline of the house or building. No storage container or dumpster, shall be located within a utility easement, drainage easement, right-of-way, front yard area (except for driveways), alley right-of-way or street right-of-way. No storage container or dumpster shall be stored within a required side yard setback between a building and an adjacent street or property line. The storage container or dumpster, must be owned or leased by the occupant-owner or occupant-lessee of the property, and may not be used for living or sleeping purposes, or for any other use except storage.

-
- (4) Upon the issuance of a tropical storm watch and/or a hurricane watch by the National Weather Service, the occupant-owner or occupant-lessee of property on which a storage container or roll-off dumpster is located, shall use every reasonable and best effort to remove, or to arrange for the removal of, the storage container or roll-off dumpster from the property. In the event removal is not possible, the storage container or the roll-off dumpster and its contents, shall be secured against windloads up to 150 mph. The occupant-owner and/or occupant-lessee of property on which a storage container or roll-off dumpster is located, shall be subject to civil liability and/or code enforcement action, for damages and/or code violations caused by an unsecured storage container or roll-off dumpster and/or its contents.
- (d) Parking or storage locations for not more than the following:
- (1) One boat and trailer, or recreational vehicles, or any combination thereof, shall be permitted so that such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and fixed obstructions as follows:
- a. Within a garage or covered carport, if not otherwise used to park or store a vehicle such as a car, motorcycle, or light truck;
 - b. In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house.
- (2) Additional boats and trailers, or recreational vehicles or any combination thereof, shall be permitted in the side yard or rear yard behind the setback lines, at the height of or below the roofline of the house.
- (e) Each vehicle, boat and trailer, trailer, recreational vehicle, hobby vehicle or race vehicle must be parked on an impervious or semipervious surface.
- (f) The maximum area of impervious and semipervious parking surface in the front yard in any residential zoning district, shall be 40 percent, unless the front yard shall contain a semicircular driveway, in which event, the maximum area of impervious and semipervious parking surface shall be 60 percent of the front yard. Paver blocks set in sand shall only be considered as 25 percent pervious and 75 percent impervious. See section 34-881 also.
- (g) Each hobby vehicle or race vehicle must be completely and securely covered by a commercial, weatherproof, opaque fabric cover. Such vehicle shall be screened from view, if parked in an interior, side or rear yard.
- (h) No major repairs or overhaul work on vehicles which constitutes either a public or private nuisance shall be made or performed on any property within the village, unless otherwise permitted by this Code.
- (i) All parking areas shall be maintained in a clean, and neat manner, and the vehicles, boat and trailer, trailer, recreational vehicle, or combination thereof, shall be in usable and operable condition at all times, and shall have a current tag, if required by state law to have a registration and tag.
- (j) Variances from the size, location, screening and distance requirements set forth in this section shall only be for good cause shown in an administrative variance application to the land development director, as set forth in section 34-607.
- (Ord. No. 2005-25, § 2(30-629), 10-13-2005; Ord. No. 2006-15, § 1, 5-11-2006; Ord. No. 2007-08, § 7, 4-26-2007; Ord. No. 2011-12, § 1, 6-9-2011; Ord. No. 2016-21, § 10, 1-12-2017)

CASE PRESENTATION

CASE No. CASE 2025-14

1. Good morning. My name is Joey Sanders and I'm a code enforcement officer for the Village of Palm Springs and I've been sworn in.

2. Case #2025-14 is concerning the property located at 4222 Gardenia Ave within the Village of Palm Springs.

3. According to the Palm Beach County Property Appraiser's records and the Palm Beach County Tax Collector's records, the current owner of the property is Rene & Belsinette Lamartiniere.

4. Pursuant to observation there are violations of the following local ordinances:
SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Remove all unpermitted structures.
SECTION 14-32: No Residential Rental Permit-Obtain a rental permit for each unit.
SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass in the front swale.
SECTION 10-8: Weeds/Driveways-Remove all weeds attached to the chain-link fence and pressure wash the driveway.
SECTION 30-143: Trash/Debris/Materials-Remove all trash/debris/materials stored around the property.
SECTION 34-914: Vehicles-Remove all inoperative and/or unregistered vehicles off the property.
SECTION 30-141: Overgrowth-Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.
SECTION 34-225: Fence Maintenance-Repair or remove all broken chain-link fences and remove all cloth material attached to the fence.
SECTION 10-9: Exterior Property Maintenance-Remove all holiday lights and black discoloration off the front exterior wall/Remove all wood boards covering the windows/Post "4224" house ID numbers on the front of the property.

Photos are included in the file.

5. On 10/07/2024, I inspected the property and observed multiple code violations to include unpermitted structures constructed throughout the property and several inoperative and/or unregistered vehicles being stored in the driveway. I issued a code courtesy violation notice and posted it on the east side of the property. All of the other above noted violations were also discovered throughout the duration of this case. It should be noted that I mailed the property owner a total of three follow-up letters which included a "Final Notice Before Special Magistrate Hearing" warning notice dated 01/26/2025 with a compliance date of 02/25/2025. As of this writing, the property owner continues to regularly park numerous commercial vehicles on the swale located directly across the street from his property and has failed to make any type of effort to communicate with me.

6. On April 6th, 2025, Notice of Violation/ Notice of Hearing 2025-14 was issued for the violations. The NOV/NOH notice was sent certified and regular mail to the respondent's address of record and posted at the property and at Village Hall. The Green Card from the certified mailing was not signed and returned. Unfortunately, the property remains in non-compliance.

CASE No. _____

7. I request that the respondent be ordered to come into compliance by correcting all the property violations by May 1st, 2025. If not in compliance by May 1st, 2025, a **\$100.00 PER DAY PER VIOLATION** fine shall commence.

8. The Village has also incurred costs in the amount of \$276.60 conducting this investigation and hearing. I request that the respondent be ordered to reimburse those costs to the Village by no later than May 1st, 2025.

9. Subject to any questions you might have, this concludes the Village's testimony.



The Village of Palm Springs FLORIDA



Case Administrative / Court Costs

April 17, 2025, 4222 Gardenia AVE		Case 2025-14		
Line #	Description	Unit #	Cost	Total
1	Additional Inspector Time - 1 hour CE	3.00	35.00	105.00
2	Additional Inspector Time - 1 hour Bldg	0.00	60.00	0.00
3	Additional Inspector Time - 1 hour LD Director	0.00	70.00	0.00
4	Additional photos re-inspections - 5.00 per photo	0.00	5.00	0.00
5	Additional photos re-inspections - 5 for 20.00	5.00	20.00	100.00
6	Additional certified copies for hearing	1.00	8.16	8.16
7	Additional clerk time - 1 hour	0.50	28.00	14.00
8	Additional Attorney Time - per hour	0.25	195.00	48.75
9	Subpoena Fees	0.00	0.00	0.00
10	Postage	1.00	0.69	0.69
11	Magistrate - per hour	0.00	195.00	0.00
12	Administrative Fees	0.00	127.45	0.00
13	Code Enforcement Private Inspector(min 3 hours)	0.00	45.00	0.00
14	Police Officer	0.00	41.00	0.00
15	Police Corporal	0.00	43.00	0.00
16	Police Sergeant	0.00	46.00	0.00
17	Additional Inspector Time -1 hour LD Planner	0.00	35.00	0.00
18		0.00	0.00	0.00
19		0.00	0.00	0.00
20		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
Total Costs for Case 2025-14				276.60



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

January 26th, 2025

Rene & Belsinette Lamartiniere
4222 Gardenia Ave
Palm Springs, FL 33461

Final Notice Before Special Magistrate Hearing

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at **4222 Gardenia Ave Palm Springs, FL 33461**
PCN: 70-42-44-24-00-000-5051

This property is in violation of the following Village of Palm Springs ordinances:

SECTION 14-32

No Residential Rental Permit: No residential rental permit on file with the Village of Palm Springs. Obtain a rental permit by contacting the PZB Department at 561-584-8200 Ext: 8460 for further assistance.

SECTION 105.1 & 110.1

Work w/o Permits: Remove all unpermitted structures constructed throughout the property.

SECTION 34-913 & 34-914

Vehicles/Construction Equipment: Remove all inoperative and/or unregistered vehicles off the property and remove all prohibited construction equipment and vehicles off the property. Additionally, refrain from parking vehicles on your neighbor's swale located directly across the street from your property.

SECTION 30-143 & 34-1381

Trash/Debris/Materials/Open Storage: Remove all trash, debris, materials and misc. items stored around the property (reference attached photos).

SECTION 10-8 & 10-9

Exterior Property Maintenance/Weeds/Driveways/Street Numbers/Holiday Lights/Mailboxes:

- Remove all black discoloration off the exterior wall (front).
- Remove all holiday lights off the property.
- Remove "575" house ID numbers off the mailbox.
- Remove all weeds attached to the chain-link fence (left side).
- Driveway needs to be pressure washed.
- Post "4224" house ID numbers on the front of the property (right side). Must be clearly visible from the roadway and a minimum of 4" height.

SECTION 34-225

Fence Maintenance: Repair or remove all broken chain-link fences and remove all dark-colored materials attached to the fence (right side).

SECTION 30-141 & 34-883

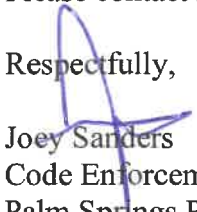
Overgrowth/Hedges: Trim all overgrown trees/bushes/vegetation located throughout the property (this includes the vegetation encroaching over the property line on the right side of the property). Also, all front hedges must be no taller than 4 feet in height.

Compliance Date: February 5th, 2025

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.

Respectfully,


Joey Sanders
Code Enforcement Officer ID #211
Palm Springs Police Department
Phone: 561-584-8300 Ext: 8525
Email: jsanders@vpsfl.org

Professionalism · Respect · Integrity · Duty · Excellence



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

November 26th, 2024

Rene & Belsinette Lamartiniere
4222 Gardenia Ave
Palm Springs, FL 33461

Final Notice Before Special Magistrate Hearing

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at **4222 Gardenia Ave Palm Springs, FL 33461**
PCN: 70-42-44-24-00-000-5051

This property is in violation of the following Village of Palm Springs ordinances:

SECTION 14-32

No Residential Rental Permit: No residential rental permit on file with the Village of Palm Springs. Obtain a rental permit by contacting the PZB Department at 561-584-8200 Ext: 8460 for further assistance.

SECTION 105.1 & 110.1

Work w/o Permits: Remove all unpermitted structures constructed throughout the property.

SECTION 34-913 & 34-914

Vehicles/Construction Equipment: Remove all inoperative and/or unregistered vehicles off the property and remove all prohibited construction equipment and vehicles off the property. Additionally, refrain from parking vehicles on your neighbor's swale located directly across the street from your property.

SECTION 30-143 & 34-1381

Trash/Debris/Materials/Open Storage: Remove all trash, debris, materials and all misc. items stored around the property.

SECTION 30-141 & 34-883

Overgrowth/Hedges: Trim all overgrown trees/bushes/vegetation located throughout the property. Also, all front hedges must be no taller than 4 feet in height.

SECTION 34-225

Fence Maintenance: Repair or remove all broken chain-link fences and remove all dark-colored materials attached to the fence (right side).

SECTION 10-9

Exterior Property Maintenance/Street Numbers:

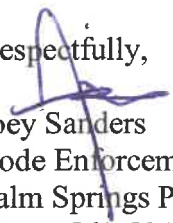
-Post house ID numbers on the front of the property and label each unit's front door with house ID numbers. Must be clearly visible from the roadway and a minimum of 4" height.

Compliance Date: December 14th, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.

Respectfully,


Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

Phone: 561-584-8300 Ext: 8525

Email: jsanders@vpsfl.org

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PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

October 7th, 2024

Rene & Belsinette Lamartiniere
4222 Gardenia Ave
Palm Springs, FL 33461

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at **4222 Gardenia Ave Palm Springs, FL 33461**

PCN: 70-42-44-24-00-000-5051

This property is in violation of the following Village of Palm Springs ordinances:

SECTION 105.1 & 110.1

Work w/o Permits: Remove all unpermitted structures constructed throughout the property.

SECTION 34-913 & 34-914:

Vehicles/Construction Equipment:

- Remove all inoperative and/or unregistered vehicles off the property.
- Remove all prohibited construction equipment and vehicles off the property.

SECTION 30-143 & 34-1381

Trash/Debris/Materials/Open Storage: Remove all trash, debris, materials and misc. items stored throughout the property (reference attached photos).

SECTION 30-141 & 30-142

Overgrowth/Landscape Maintenance: Trim all overgrown trees/bushes/vegetation located throughout the property.

SECTION 34-225

Fence Maintenance: Repair or remove all broken fences.

SECTION 10-9

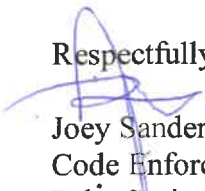
Exterior Property Maintenance/Street Numbers/Holiday Lights:

- Remove all holiday lights off the property.
- Post house ID numbers on the front of the property and label each unit's front door with house ID numbers. Must be clearly visible from the roadway and a minimum of 4" height.

Compliance Date: October 21st, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.



Respectfully,

Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

Phone: 561-584-8300 Ext: 8525

Email: jsanders@vpsfl.org

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Courtesy Code Violation Notice

Case#

Date:

10/07/2024

Time:

Location:

4222 Gardenia Ave

The Village of Palm Springs is committed to improving our community. Well maintained property enhances the quality of life in neighborhoods and reduces crime.

Please address the listed code violations:

10-1-1101-Work W/O Permit
34-913/34-914-Vehicles/Construction Equipment
30-143/34-1381-Trash/Debris/Materials/Open Storage
30-141/30-142-Overgrowth/Landscape Maintenance
34-225-Fence Maintenance
10-9-Exterior Property Maintenance-Street
Numbers/Holiday Lights

* Reference Attached Letter *

Compliance Date:

10/21/2024

Thank you for your efforts to maintain your residence and property in excellent condition. We commend you for your continuing commitment to our community. Feel free to contact me if you have any questions.

Code officer J. Sanders #217

Name

I.D. #

Palm Springs Police Department

(561) 584-8300, ext. 8520

Ext: #8525



Property Detail

Location Address : 4222 GARDENIA AVE
Municipality : PALM SPRINGS
Parcel Control Number : 70-42-44-24-00-000-5051
Subdivision :
Official Records Book/Page : 05424 / 0737
Sale Date : 09/01/1987
Legal Description : 24-44-42, W 76.35 FT OF E 152.70 FT OF S 100 FT OF W 1/2 OF NW 1/4 OF NE 1/4 OF SE 1/4

Owner Information**Owner(s)**

LAMARTINIERE BELSINETTE &
LAMARTINIERE RENE

Mailing Address

4222 GARDENIA AVE
LAKE WORTH BEACH FL 33461 3425

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
09/01/1987	\$71,000	05424 / 00737	WARRANTY DEED	LAMARTINIERE BELSINETTE &
08/01/1986	\$100	04991 / 01802	QUIT CLAIM	
01/01/1980	\$73,000	03366 / 01906		

Exemption Information**Applicant/Owner(s)**

LAMARTINIERE BELSINETTE &
LAMARTINIERE RENE

Year

2025
2025

Detail

HOMESTEAD
HOMESTEAD

Property Information

Number of Units : 2
***Total Square Feet :** 1760
Acres : .18
Property Use Code : 0800—MULTIFAMILY < 5 UNITS
Zoning : RM—RESIDENTIAL MULTI-FAMILY (70-PALM SPRINGS)

Building Details**Structural Details**

Structural Element for Building 1	
Exterior Wall 1	MSY: CB STUCCO
Year Built	1973
Air Condition Desc.	HTG & AC
Heat Type	FORCED AIR DUCT
Heat Fuel	ELECTRIC
Bed Rooms	0
Full Baths	2
Half Baths	0
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP
Roof Cover	ASPHALT/COMPOSITION
Interior Wall 1	DRYWALL
Interior Wall 2	N/A
Floor Type 1	CARPETING
Floor Type 2	N/A
Stories	1

Sketch for Building 1



ANNE M. GANNON

CONSTITUTIONAL TAX COLLECTOR

Serving Palm Beach County Serving you.



 **\$0.00**
CHECK OUT 

[Return](#) [New Search](#) [Print Page](#) [View Assessment Data](#)

Account Information

Property Control Number:
70-42-44-24-00-000-5051

Mailing Address:
4222 GARDENIA AVE
Lake Worth Beach, FL 33461-3425

Owner of Record:
LAMARTINIERE BELSINETTE &

Property Type:
Real Property

Property Address:
4222 GARDENIA AVE
LAKE WORTH, FL 33461

Second Owner:
LAMARTINIERE RENE

Status: Active

Legal Description:
24-44-42, W 76.35 FT OF E 152.70 FT OF
S 100 FT OF W 1/2 OF NW 1/4 OF NE 1/4
OF SE 1/4

Last updated: 4/12/2025 03:38:54 PM

2024 Real Estate and Tangible Personal Property Taxes will be delinquent as of April 1, 2025.
Delinquent Property Tax cannot be paid online.
Visit our Payment Options page to [view delinquent tax payment options](#).

Interest and associated costs for delinquent taxes are determined by the date payment is received to the Tax Collector.
A minimum charge of 3% is collected. Interest accrues at up to 1.5% per month (18% annually).

 Tax Bills

Add Tax Bills to the cart then select cart icon (🛒) above to checkout.

Total Payable: **\$0.00**

 Recently Paid Bills

 Payment Info - Select to Expand Payment History for PIN



**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2025-14

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**RENE & BELSINETTE LAMARTINIERE
4222 GARDENIA AVE
PALM SPRINGS, FL 33461 3425**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

Section 10-31 (FBC 105.1 & 110.1): Work without permits. Remove all unpermitted structures.

Section 14-32: No residential rental permit. Obtain a rental permit for each unit.

Section 10-8: Weeds/driveways. Remove all weeds attached to the chain-link fence and pressure wash the driveway.

Section 30-143: Trash/debris/materials. Remove all trash/debris/materials stored around the property.

Section 34-914: Vehicles. Remove all inoperative and/or unregistered vehicles off the property.

Section 30-141: Overgrowth. Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.

Section 34-225: Fence maintenance. Repair or remove all broken chain-link fences and remove all cloth material attached to the fence.

Section 10-9: Exterior property maintenance. Remove all holiday lights and black discoloration off the front exterior wall. Remove all wood boards covering the windows. Post "4224" house ID numbers on the front of the property.

Address: 4222 GARDENIA AVENUE

Legal Description: 24-44-42, W 76.35 FT OF E 152.70 FT OF S 100 FT OF W ½ OF
NW ¼ OF NE ¼ OF SE 1/4

PCN: 70-42-44-24-00-000-5051

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the **17th** day of **April 2025**, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / _____ was not present at the hearing. There was a finding of proper notice.

2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

☐ Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

☐ **Section 10-31 (FBC 105.1 & 110.1): Work without permits. Remove all unpermitted structures.**

☐ **Section 14-32: No residential rental permit. Obtain a rental permit for each unit.**

☐ **Section 10-8: Weeds/driveways. Remove all weeds attached to the chain-link fence and pressure wash the driveway.**

☐ **Section 30-143: Trash/debris/materials. Remove all trash/debris/materials stored around the property.**

☐ **Section 34-914: Vehicles. Remove all inoperative and/or unregistered vehicles off the property.**

☐ **Section 30-141: Overgrowth. Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.**

☐ **Section 34-225: Fence maintenance. Repair or remove all broken chain-link fences and remove all cloth material attached to the fence.**

☐ **Section 10-9: Exterior property maintenance. Remove all holiday lights and black discoloration off the front exterior wall. Remove all wood boards covering the windows. Post "4224" house ID numbers on the front of the property.**

☐ Respondent **was in violation** of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

☐ **Section 10-31 (FBC 105.1 & 110.1): Work without permits. Remove all unpermitted structures.**

☐ **Section 14-32: No residential rental permit. Obtain a rental permit for each unit.**

☐ **Section 10-8: Weeds/driveways. Remove all weeds attached to the chain-link fence and pressure wash the driveway.**

☐ **Section 30-143: Trash/debris/materials. Remove all trash/debris/materials stored around the property.**

☐ **Section 34-914: Vehicles. Remove all inoperative and/or unregistered vehicles off the property.**

☐ **Section 30-141: Overgrowth. Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.**

☐ **Section 34-225: Fence maintenance. Repair or remove all broken chain-link fences and remove all cloth material attached to the fence.**

☐ **Section 10-9: Exterior property maintenance. Remove all holiday lights and black discoloration off the front exterior wall. Remove all wood boards covering the windows. Post "4224" house ID numbers on the front of the property.**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent **has** brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **May 1st, 2025:**

- ☐ Administrative costs of **\$276.60**
- ☐ Citation fine of **\$ N/A**
- ☐ Re-inspection fee of **\$ N/A**

- ☐ Respondent **has not** brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **May 1st, 2025**. If Respondent fails to comply within the time given, a fine of **\$100.00 per day, per violation** will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **May 1st, 2025**.

- ☐ Administrative costs of **\$276.60**
- ☐ Citation fine of **\$ N/A**
- ☐ Re-inspection fee of **\$ N/A**

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Joey Sanders at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8300 ext. 8525 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 17th day of April 2025.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

[4222 Gardenia Avenue](#)
[Palm Springs, FL 33461 3425](#)

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
Case No. 2025-15

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,
V.

Myrna A Ramos & Brianna Lyn Soto
4279 Narcissus Ave
Palm Springs, FL 33461

Respondent(s).

70-42-44-24-00-000-5244

NOTICE OF VIOLATION AND NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED CERTIFIES AND SWEARS that he has just and reasonable grounds to believe, and does believe that on **April 6th, 2025**, the Respondent(s), **Myrna A Ramos & Brianna Lyn Soto** owner(s) of the property at **4279 Narcissus Ave, PALM SPRINGS, FL, 33461** is in violation of local ordinances.

SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Remove unpermitted shed.

SECTION 10-8: Weeds-Remove all weeds attached to the exterior walls and fences.

SECTION 34-225: Fence Maintenance-Repair or remove all broken chain-link and wood fences.

SECTION 34-893: Canopies-Remove prohibited blue canopy.

SECTION 34-1381: Open Storage-Remove all misc. items stored around the property.

SECTION 30-143: Trash/Debris/Rubbish/Materials-Remove all trash/debris/rubbish/materials stored around the property.

SECTION 34-914: Vehicles/Parking-Remove all vehicles parked on the grass and remove all inoperative and/or unregistered vehicles off the property.

SECTION 30-141: Overgrowth-Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.

SECTION 10-9: Exterior Property Maintenance-Repair all broken windows, mailbox and rotted sections of wood on the front door/Remove all black discoloration off the fascia/Paint all sections of chipped blue paint on the exterior wall.

These violations must be corrected on or before **April 15th, 2025**, failing, this matter shall be heard at a public hearing by a Code Enforcement Special Magistrate at Village Hall, 226 Cypress Lane, Palm Springs, FL. 33461, Tel. 561-584-8200 Ext 8430, **at 10:00 A.M., on THURSDAY April 17th, 2025**. IF THE VIOLATION IS CORRECTED PRIOR TO THE HEARING DATE AS SET FORTH HEREIN, THIS CASE MAY STILL BE PRESENTED TO THE SPECIAL MAGISTRATE FOR A HEARING FOR THE DETERMINATION OF THE VIOLATION(S), FINES AND THE IMPOSITION OF REASONABLE ENFORCEMENT FEES, INCLUDING SPECIAL MAGISTRATE AND ATTORNEY'S FEES.

YOU ARE HEREBY ORDERED to appear and answer the above charges. You may choose to waive your rights to this hearing and the costs as determined by the Special Magistrate. Your failure to appear may result in the Special Magistrate proceeding in your absence.

IMPORTANT: It is the responsibility of the Respondent to request an inspection as soon as compliance is achieved by calling the Code Enforcement Office at (561) 584- 8300 Ext 8520 and providing proof of Permits and Inspections. A request for inspection must be made at least 1 day(s) prior to the requested inspection.

If you are found in violation of the Village Code, the Special Magistrate has the legal authority to levy fines of up to **\$500.00** per day, per violation, for each and every day that each violation continues, and to levy all administrative costs required to obtain compliance. **ALL FINES AND COSTS BECOME LIENS ON YOUR PROPERTY.**

You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate at the hearing. All testimony at the hearing will be under oath and recorded. The Special Magistrate shall take testimony from the Code Compliance Officer and the Respondent. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. You will have the opportunity to present witnesses as well as question witnesses against you, prior to a final determination by the Magistrate. If you wish to have witnesses subpoenaed or if you have other questions, you may contact the Village Clerk's Office at (561)584-8200 EXT 8430. Any interested party seeking to appeal any decision of the Special Magistrate with respect to any matter considered at the hearing will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence

CE/ CEB Case No. _____

presented. Persons who need a special accommodation in order to attend or participate in this hearing must advise the Village Clerk at (561) 584-8200 Ext 8430, at least 36 hours prior to the hearing.



Code Enforcement Officer 561-584-8300 ext. 8525

Joey Sanders

Printed Name of Officer

Date Issued: April 6th, 2025

**CODE ENFORCEMENT BOARD
VILLAGE OF PALM SPRINGS, FLORIDA**

**VILLAGE OF PALM SPRINGS,
FLORIDA,**

Petitioner

Case No. 2025-15

RETURN OF SERVICE

**MYRNA A RAMOS & BRIANNA LYN SOTO
4279 NARCISSUS AVE
PALM SPRINGS, FL 33461 3468**
_____ /

Respondent

On the **6th Day of April 2025 at 4:31PM**, I served the attached NOV/NOH on the within named Respondent, **Myrna A Ramos & Brianna Lyn Soto at 4279 Narcissus Ave**, Palm Springs, FL 33461 and posted the notice at Palm Springs Village Hall, 226 Cypress Lane, Palm Springs, FL 33461 Palm Beach County, Florida, by:

_____ **INDIVIDUAL SERVICE:** By serving the within named Respondent a true copy with the date and hour of service endorsed thereon by me.

_____ **SUBSTITUTE SERVICE:** By serving a true copy with the date and hour of service endorsed thereon by me, at the Respondent's usual place of abode with any person residing therein the age of 15 years or older, to-wit: _____ and informing such person of their contents pursuant to F.S. 48.031.

_____ **XX** **POSTED BY:** Securely affixing a copy to a conspicuous place on the property described within. **PHOTO INCLUDED**

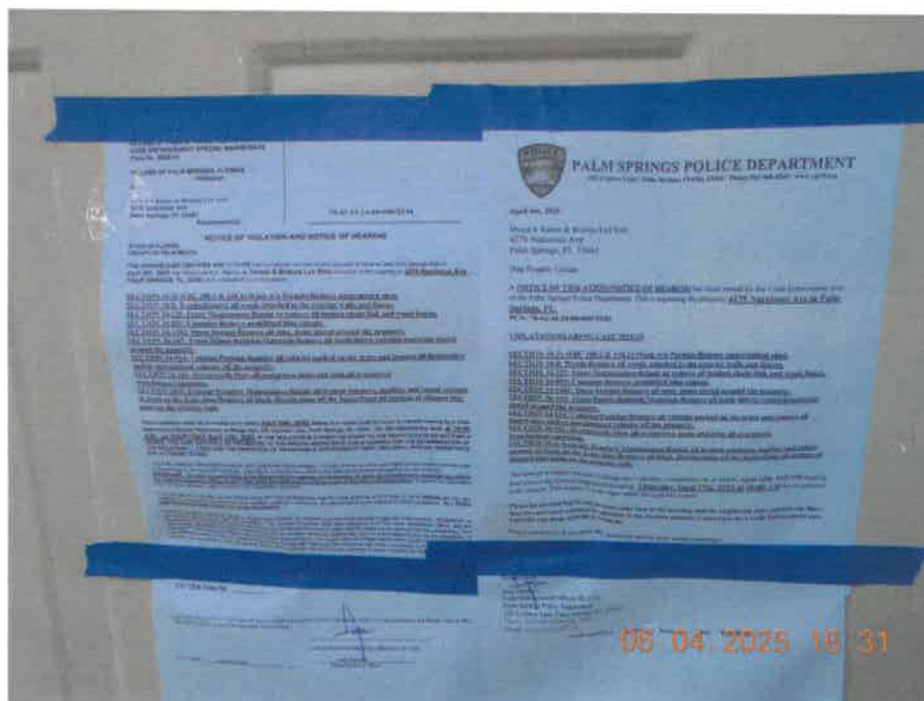
VILLAGE OF PALM SPRINGS
DEPARTMENT OF PUBLIC SAFETY

By:

Joey Sanders
Code Enforcement Officer
10#211



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PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

April 6th, 2025

Myrna A Ramos & Brianna Lyn Soto
4279 Narcissus Ave
Palm Springs, FL 33461

Dear Property Owner,

A **NOTICE OF VIOLATION/NOTICE OF HEARING** has been issued by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property **4279 Narcissus Ave in Palm Springs, FL.**

PCN: 70-42-44-24-00-000-5244

VIOLATION/HEARING CASE 2025-15

SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Remove unpermitted shed.

SECTION 10-8: Weeds-Remove all weeds attached to the exterior walls and fences.

SECTION 34-225: Fence Maintenance-Repair or remove all broken chain-link and wood fences.

SECTION 34-893: Canopies-Remove prohibited blue canopy.

SECTION 34-1381: Open Storage-Remove all misc. items stored around the property.

SECTION 30-143: Trash/Debris/Rubbish/Materials-Remove all trash/debris/rubbish/materials stored around the property.

SECTION 34-914: Vehicles/Parking-Remove all vehicles parked on the grass and remove all inoperative and/or unregistered vehicles off the property.

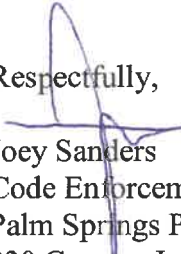
SECTION 30-141: Overgrowth-Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.

SECTION 10-9: Exterior Property Maintenance-Repair all broken windows, mailbox and rotted sections of wood on the front door/Remove all black discoloration off the fascia/Faint all sections of chipped blue paint on the exterior wall.

The options available include coming into voluntary compliance on or before **April 15th, 2025 OR** arguing your case at the Special Magistrate Hearing, **Thursday April 17th, 2025 at 10:00 AM** that is noted on your citation. This is part of your right under the judicial system.

Please be advised that if you present your case at the hearing and the Magistrate rules against you, there may be court costs assessed in addition to the citation amount. Court costs for a Code Enforcement case typically run from \$200.00 to \$300.00.

Please contact me if you have any questions and/or need further assistance.



Respectfully,

Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

230 Cypress Lane Palm Springs, FL 33461

Phone: 561-584-8300 Ext. 8525

Email: jsanders@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence



PALM SPRINGS POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
230 CYPRESS LANE
PALM SPRINGS, FL 33461



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US POSTAGE

Myrna A Ramos & Brianna Lyn Soto
4279 Narcissus Ave
Palm Springs, FL 33461



PALM SPRINGS POLICE DEPARTM
CODE ENFORCEMENT DIVISION
230 CYPRESS LANE
PALM SPRINGS, FL 33461



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Label 890-QDT, March 2023



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US POSTAGE

Myrna A Ramos & Brianna Lyn Soto
4279 Narcissus Ave
Palm Springs, FL 33461

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owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The Building Official shall coordinate with the floodplain administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the Building Official.

SECTION 105 PERMITS

105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing, fire protection system, or accessible or flood resistant site element, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical or plumbing or interior nonstructural office system(s), the Building Official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The Building Official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit

shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual Facility permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated. The Building Official is authorized to revoke such permit if code violations are found to exist.

105.1.3 Food permit. In accordance with 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

Building:

1. Building permits are not required for replacement or repair work having a value of less than \$1,000.00, providing, however, that such work will not adversely affect the structural integrity, fire rating, exit access or egress requirements.
2. Cabinets and countertops with no reconfiguration for one- and two- Family Dwellings, painting, papering, carpeting, and similar finish work, with no electrical or plumbing work.
3. Temporary motion picture, television and theater sets and scenery.
4. Traditional swings and other standard playground equipment accessory to detached one- and two-family dwellings, as determined by the Building Official, but they may be subject to Zoning permits.
5. Retractable awnings supported by an exterior wall and do not require additional support of Groups R-3 and U occupancies, but they may be subject to Zoning permits.
6. Non-fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the Building Official as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The Building Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.6 Refunds. The Building Official is authorized to establish and publish a refund policy through local ordinance, which is located in the Village of Palm Springs Municipal Code Ch. 10, section 10-56.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain exposed and provided with access for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The Building Official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.1.1 Manufacturers and fabricators. When deemed necessary by the Building Official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The Building Official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications, and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the Building Official. The Building Official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

The Building Official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction;
2. For all major structural alterations;
3. Where the concrete design is based on compressive strength in excess of 3000 pounds per square inch;
4. For pile driving;
5. For buildings with an area greater than 20,000 square feet;
6. For buildings more than two stories in height; or
7. For buildings and structures of unusual design or methods of construction. Such inspectors shall be present when work is underway on the structural elements of the building to adequately attest to its compliance. Such inspectors shall be a registered architect, or engineer. An employee of the architect or engineer licensed under Chapter 468, Part XII, Florida Statutes may perform the inspections, under the direction of and with final certification from the architect or engineer. Such inspectors shall submit weekly progress reports including the daily inspections to the Building Official and including a code compliance opinion of the resident inspector. At the completion of the construction work or project, the architect or engineer shall submit a certificate of compliance to the Building Official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the Building Official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

110.1.3 Affidavit for inspection. With specific prior approval of, and in a format acceptable to the Building Official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector onsite, at the next scheduled

Sec. 10-8. Exterior property areas.

- (a) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which the occupant occupies or controls in a clean, neat, and sanitary condition.
- (b) *Sidewalks and driveways.* 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. Stairs shall comply with the requirements of subsection 10-10(g).
- (c) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches, as set forth in chapter 30. All noxious weeds shall be prohibited. This term shall not include cultivated flowers and gardens, or native vegetation.
- (d) *Accessory structures.* All accessory structures, including detached garages, fences, walls, and swimming pools shall be maintained structurally sound and in good repair.
 - (1) *Water clarity in swimming pools.* Water clarity shall be maintained. When standing at the pool's edge at the deep end, the deepest portion of the swimming pool floor shall be visible.

(Ord. No. 2006-47, § 2, 11-9-2006)

Sec. 10-9. Exterior of structure or building.

- (a) *General.* 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.
- (b) *Exterior painting.* All wood and metal surfaces including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.
- (c) *Street numbers.* One address sign shall be required for each principal building or use on premises showing only the numerical address designation on the premises upon which they are maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard. The address shall be posted in a color contrasting that of the marquee/signboard or building a minimum of four inches for residential and six inches for commercial structure, and of sufficient size to be plainly visible and legible from the roadway. When the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above. Signs shall be plainly visible from the street or right-of-way providing access to the lot and shall be installed and maintained pursuant to the county building security code. This requirement shall apply to all new and existing structures.
- (d) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.
- (f) *Exterior walls.* All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates an adjacent public nuisance.

-
- (h) *Decorative features.* All cornices, belt courses, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i). *Overhang extensions.* All canopies, marquees, signs, metal awnings, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch, balcony, railings and all other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (k) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- (l) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (m) *Window and doorframes.* Every window, door and frame shall be kept in sound condition, good repair and weather tight.
- (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
- (2) *Openable window.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (n) *Doors.* All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
- (o) Holiday lights and decorations, erected during the appropriate holiday season, shall comply with all applicable building and electrical codes. Holiday lights and decorations may be erected no earlier than 30 days prior to the subject holiday, with the exception of the Christmas/Hanukkah holidays. Christmas/Hanukkah lights and decorations may be erected no earlier than October 15. All Christmas/Hanukkah lights and decorations must be removed within 30 days following the holiday. All other holiday lights and decorations shall be removed within 14 days following the holiday.
- (p) Protection from windborne debris is encouraged for all structures certified for occupancy in the village. Storm shutters, or hurricane protection devices, shall be designed and installed in conformance with the building code in effect at the time such hurricane protection was permitted by the building department.
- (q) It is prohibited to maintain any device (including but not limited to wood, aluminum, or approved hurricane shutters) used for securing property, which impede egress, light, and/or ventilation in a closed/secured position on occupied buildings after a designated hurricane watch or warning has terminated. In addition, it is prohibited to maintain any hurricane protective devices, with the exception of those covering clerestory windows, in a closed/secured position for periods in excess of ten consecutive days unless:
- (1) A hurricane occurs during the ten-day period, at which point the ten-day period begins anew the day after hurricane conditions have subsided; or
- (2) Hurricane or tropical storm watch conditions are predicted to occur within 48 hours after the tenth day; or
- (3) The structure is used for residential purposes, but no person is in residence for a period in excess of ten consecutive days, except that (1) and (2), above, shall still apply during periods when a person is in residence.

(4) Clerestory windows exempted under this section, shall be removed ten days after the official conclusion of the hurricane season.

- (r) The owner of an occupied structure shall promptly repair any broken door or window so that a temporary boarded up condition is limited. Any such repair, other than in the case of a natural disaster, shall be made within ten (10) consecutive days. Any means of securing property including crime prevention devices shall be subject to review by the building official for safety and compliance with the Florida Building Code. In no instance shall safety bars, grating, or other similar apparatus be allowed over any window, door, or other opening of any building. Real property may be secured via boarding up windows, doors, or other openings upon the requirement of the building official provided a permit is issued by the village prior to securing a property.

(Ord. No. 2006-47, § 2, 11-9-2006; Ord. No. 2007-07, § 2, 9-13-2007)

Sec. 30-141. Excessive growth of weeds and vegetation.

- (a) The growth of weeds over 12 inches in height, or that which is conducive to harboring vermin, reptiles or other wild animal life, upon any lot, piece or parcel of land within the limits of the village, is hereby declared to be a nuisance and a violation of this article.
- (b) All lands in the village shall be kept free from debris, overgrowth, vegetation, including trees, or any other matter which by reason of height, proximity to neighboring structures, physical condition, disease such as, but not limited to, lethal yellowing of palms, or any other peculiar characteristics, might, in time of hurricane winds prevalent in the region, cause damage to life or property within the immediate area surrounding the region or which constitutes a hazard to health, safety or proper fire control. The existence of any debris, overgrowth, vegetation or other matter as shall create such a hazard is declared to be a nuisance.

(Code 1994, § 26-86)

Sec. 30-143. Removal of rubbish, stagnant water and weeds required.

- (a) *Public nuisance declared.* The presence of new or used construction materials (without valid permit), debris, rubbish, trash, cans, paper, stagnant water, vines, underbrush, weeds, wild growth or grass in excess of 12 inches in height from the ground on any lot, tract or parcel of land within the village shall be unlawful and is hereby prohibited and declared to be a public nuisance to the extent that it constitutes a menace to life, property, the public health or the public welfare; creates a fire hazard; or provides a nest or breeding ground for sand flies, mosquitoes, rats, mice, other rodents, snakes or other types of pests and vermin.
- (b) *Notice.* The village manager, his designee or any code enforcement officer is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the village, or the agent of such owner, to cut, destroy, remove or alleviate conditions existing on such lot, place or area within the village as described in subsection (a) of this section. Such notice shall be by certified mail, addressed to the owner or the agent of the owner at such owner's or agent's last known address.
- (c) *Removal by village.* Upon the failure, neglect or refusal of any owner or agent notified pursuant to subsection (b) of this section to remove and eliminate the conditions described in subsection (a) of this section within the time limit stated in the notice, the village manager is authorized, upon approval by the village council, to contract and pay for such maintenance and bill the property owner or his agent. The charges for such services shall be a lien against the property on which the nuisance is located.

(Code 1994, § 26-86)

State law reference(s)—Nuisance abatement, F.S. § 60.05.

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(Supp. No. 12)

Sec. 34-225. Fences, walls and other structures.

Fences, walls, and other structures included within buffer areas or landscaped areas shall be installed according to requirements of applicable building codes and other codes, if any, and shall be maintained in a proper manner so as to remain in compliance with such codes or shall be replaced.

(Code 1994, § 30-150)

Sec. 34-893. Canopies prohibited.

Canopies and freestanding canopies, as defined in section 1-2 of this Code, (excluding tree canopies), are prohibited within the village, unless the village building official has determined that the canopy meets the requirements of the Florida Building Code, and the village has issued a building permit and certificate of completion for the canopy. Any canopy existing within the village at the time of the adoption of the ordinance from which this section derives shall be deemed to be a nonconforming use, and shall be removed no later than June 31, 2007, unless an after-the-fact building permit is applied for and issued for the canopy by the village on or before June 31, 2007. This amortization period was adopted by the Village council, based upon the commencement of the 2007 hurricane season on June 1, 2007; the degree of nuisance, and other adverse effects that this nonconforming use creates; the relative ease and minor expense with which this nonconforming use may be eliminated; and a finding that this period of amortization will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare, and will not substantially diminish or impair property values during the amortization period. The owner of real property on which any freestanding canopy is located, which has not been permitted or completely removed as of July 1, 2007, shall be subject to code enforcement action and/or other legal action by the village.

(Ord. No. 2007-08, § 7, 4-26-2007)

Sec. 34-914. Parking in single-family residential land use districts; use of portable storage containers and roll-off dumpsters in all zoning districts.

- (a) Parking or storage locations for cars, light trucks, motorcycles, and other vehicles not otherwise provided for in this subdivision, shall be permitted as provided below. Such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and permanent building(s), as follows:
 - (1) Within a garage, covered carport, or front driveway.
 - (2) In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house,
 - (3) In the rear yard behind the setback line, at the height of or below the roofline of the house,
 - (4) In the swale portion of the public right of way, and not within the paved roadway, in front of a single-family residence. However, not more than two automobiles or light trucks may be parallel parked, and no vehicle so parked shall remain parked for more than 48 hours at a time.
- (b) No vehicle, boat and trailer, recreational vehicle, hobby vehicle or race vehicle shall exceed 40 feet in length.
- (c) The use of a shipping container, a portable storage container, or any type or brand of portable/mobile storage container (collectively referred to herein as "storage container(s)" or a roll-off construction dumpster ("dumpster")) within any zoning district in the village, is subject to the following regulations:
 - (1) Neither a storage container nor a construction dumpster, shall be located on any property, for more than 72 consecutive hours, unless the occupant-owner or occupant-lessee, first obtains a permit from

the village land development department. Applicants for such a permit, must complete and submit a permit application, on a form prescribed by the village, and pay a permit fee as established by resolution of the village council. A permit for a roll-off dumpster and the related permit fee is not required by this section, if the roll-off dumpster is separately permitted pursuant to a valid building permit issued by the village. The land development department may require the applicant to submit documentary evidence to demonstrate that the applicant is either an occupant-owner, or and occupant-lessee of the property on which the storage container or dumpster will be located, such as a deed, lease agreement, utility bill, etc.

- (2) Not more than one standard size (eight-foot height × eight-foot width × 16-foot length) storage container or one roll-off construction dumpster in a size not to exceed (4.5-foot height × eight-foot width × 22-foot length) (20-yard capacity), may be located on an impervious or semi-pervious surface, at a single-family residence, multi-family residential property or commercial property, for a time period not to exceed 30 consecutive days. In the event of exceptional circumstances, the permit holder may request an extension of an additional 30 consecutive days time. Any request for an extension of time must be in writing, and must include a written justification statement demonstrating "good cause" as to why the 30-day period should be extended for up to an additional 30 consecutive days. The decision to grant or deny the request for an extension, shall be within the sole discretion of the village. Not more than one permit, per year, for a storage container or a dumpster, shall be issued by the village for the same property.
 - (3) No storage container or dumpster shall exceed the height of the roofline of the house or building. No storage container or dumpster, shall be located within a utility easement, drainage easement, right-of-way, front yard area (except for driveways), alley right-of-way or street right-of-way. No storage container or dumpster shall be stored within a required side yard setback between a building and an adjacent street or property line. The storage container or dumpster, must be owned or leased by the occupant-owner or occupant-lessee of the property, and may not be used for living or sleeping purposes, or for any other use except storage.
 - (4) Upon the issuance of a tropical storm watch and/or a hurricane watch by the National Weather Service, the occupant-owner or occupant-lessee of property on which a storage container or roll-off dumpster is located, shall use every reasonable and best effort to remove, or to arrange for the removal of, the storage container or roll-off dumpster from the property. In the event removal is not possible, the storage container or the roll-off dumpster and its contents, shall be secured against windloads up to 150 mph. The occupant-owner and/or occupant-lessee of property on which a storage container or roll-off dumpster is located, shall be subject to civil liability and/or code enforcement action, for damages and/or code violations caused by an unsecured storage container or roll-off dumpster and/or its contents.
- (d) Parking or storage locations for not more than the following:
- (1) One boat and trailer, or recreational vehicles, or any combination thereof, shall be permitted so that such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and fixed obstructions as follows:
 - a. Within a garage or covered carport, if not otherwise used to park or store a vehicle such as a car, motorcycle, or light truck;
 - b. In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house.
 - (2) Additional boats and trailers, or recreational vehicles or any combination thereof, shall be permitted in the side yard or rear yard behind the setback lines, at the height of or below the roofline of the house.

-
- (e) Each vehicle, boat and trailer, trailer, recreational vehicle, hobby vehicle or race vehicle must be parked on an impervious or semipervious surface.
 - (f) The maximum area of impervious and semipervious parking surface in the front yard in any residential zoning district, shall be 40 percent, unless the front yard shall contain a semicircular driveway, in which event, the maximum area of impervious and semipervious parking surface shall be 60 percent of the front yard. Paver blocks set in sand shall only be considered as 25 percent pervious and 75 percent impervious. See section 34-881 also.
 - (g) Each hobby vehicle or race vehicle must be completely and securely covered by a commercial, weatherproof, opaque fabric cover. Such vehicle shall be screened from view, if parked in an interior, side or rear yard.
 - (h) No major repairs or overhaul work on vehicles which constitutes either a public or private nuisance shall be made or performed on any property within the village, unless otherwise permitted by this Code.
 - (i) All parking areas shall be maintained in a clean, and neat manner, and the vehicles, boat and trailer, trailer, recreational vehicle, or combination thereof, shall be in usable and operable condition at all times, and shall have a current tag, if required by state law to have a registration and tag.
 - (j) Variances from the size, location, screening and distance requirements set forth in this section shall only be for good cause shown in an administrative variance application to the land development director, as set forth in section 34-607.

(Ord. No. 2005-25, § 2(30-629), 10-13-2005; Ord. No. 2006-15, § 1, 5-11-2006; Ord. No. 2007-08, § 7, 4-26-2007; Ord. No. 2011-12, § 1, 6-9-2011; Ord. No. 2016-21, § 10, 1-12-2017)

Sec. 34-1381. Nuisances generally; scope.

- (a) No land use or land development activity may be conducted in a manner inconsistent from the normal manner of conduct of such activity and in a way which results in the unusual or extraordinary generation of noise, air or water pollution, smoke or dust, uncontrolled or uncontained solid, liquid, or airborne waste or debris, or which involves unusual accumulation of stored materials not immediately and directly required for the normal operation of the permitted use present on the property.
- (b) No materials may be stored in an outside area visible from any adjacent or nearby street or property in any residential district. No inoperative wheeled vehicle may be stored for more than five days on any parcel in a residential district, except when stored in a completely enclosed structure.

(Code 1994, § 30-956)

CASE PRESENTATION

CASE No. CASE 2025-15

1. Good morning. My name is Joey Sanders and I'm a code enforcement officer for the Village of Palm Springs and I've been sworn in.

2. Case #2025-15 is concerning the property located at 4279 Narcissus Ave within the Village of Palm Springs.

3. According to the Palm Beach County Property Appraiser's records and the Palm Beach County Tax Collector's records, the current owner of the property is Myrna A Ramos & Brianna Lyn Soto.

4. Pursuant to observation there are violations of the following local ordinances:
SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Remove unpermitted shed.
SECTION 10-8: Weeds-Remove all weeds attached to the exterior walls and fences.
SECTION 34-225: Fence Maintenance-Repair or remove all broken chain-link and wood fences.
SECTION 34-893: Canopies-Remove prohibited blue canopy.
SECTION 34-1381: Open Storage-Remove all misc. items stored around the property.
SECTION 30-143: Trash/Debris/Rubbish/Materials-Remove all trash/debris/rubbish/materials stored around the property.
SECTION 34-914: Vehicles/Parking-Remove all vehicles parked on the grass and remove all inoperative and/or unregistered vehicles off the property.
SECTION 30-141: Overgrowth-Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.
SECTION 10-9: Exterior Property Maintenance-Repair all broken windows, mailbox and rotted sections of wood on the front door/Remove all black discoloration off the fascia/Paint all sections of chipped blue paint on the exterior wall.

Photos are included in the file.

5. On 09/11/2024, I inspected the property and observed multiple code violations to include an unpermitted shed and overgrown vegetation located throughout the property. I issued a code courtesy violation notice and posted it on the front door of the property. All of the other above noted violations were also discovered throughout the duration of this case. It should be noted that I mailed the property owner a total of two follow-up letters which included a "Final Notice Before Special Magistrate Hearing" warning notice dated 12/03/2024 with a compliance date of 12/17/2024. My only documented communication with the property owner was a phone call on 09/25/2024. As of this writing, the property owner has made minimal progress toward bringing the property into compliance and has failed to make any additional efforts to communicate with me.

6. On April 6th, 2025, Notice of Violation/ Notice of Hearing 2025-15 was issued for the violations. The NOV/NOH notice was sent certified and regular mail to the respondent's address of record and posted at the property and at Village Hall. The Green Card from the certified mailing was not signed and returned. Unfortunately, the property remains in non-compliance.

7. I request that the respondent be ordered to come into compliance by correcting all the property violations by May 1st, 2025. If not in compliance by May 1st, 2025, a \$100.00 PER DAY PER VIOLATION fine shall commence.

CASE No. _____

8. The Village has also incurred costs in the amount of **\$256.60** conducting this investigation and hearing. I request that the respondent be ordered to reimburse those costs to the Village by no later than **May 1st, 2025**.

9. Subject to any questions you might have, this concludes the Village's testimony.



The Village of Palm Springs FLORIDA



Case Administrative / Court Costs

April 17, 2025, 4279 Narcissus AVE		Case 2025-15		
Line #	Description	Unit #	Cost	Total
1	Additional Inspector Time - 1 hour CE	3.00	35.00	105.00
2	Additional Inspector Time - 1 hour Bldg	0.00	60.00	0.00
3	Additional Inspector Time - 1 hour LD Director	0.00	70.00	0.00
4	Additional photos re-inspections - 5.00 per photo	0.00	5.00	0.00
5	Additional photos re-inspections - 5 for 20.00	4.00	20.00	80.00
6	Additional certified copies for hearing	1.00	8.16	8.16
7	Additional clerk time - 1 hour	0.50	28.00	14.00
8	Additional Attorney Time - per hour	0.25	195.00	48.75
9	Subpoena Fees	0.00	0.00	0.00
10	Postage	1.00	0.69	0.69
11	Magistrate - per hour	0.00	195.00	0.00
12	Administrative Fees	0.00	127.45	0.00
13	Code Enforcement Private Inspector(min 3 hours)	0.00	45.00	0.00
14	Police Officer	0.00	41.00	0.00
15	Police Corporal	0.00	43.00	0.00
16	Police Sergeant	0.00	46.00	0.00
17	Additional Inspector Time -1 hour LD Planner	0.00	35.00	0.00
18		0.00	0.00	0.00
19		0.00	0.00	0.00
20		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
Total Costs for Case 2025-15				256.60



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

December 3rd, 2024

Myrna A Ramos & Brianna Lyn Soto
4279 Narcissus Ave
Palm Springs, FL 33461

Final Notice Before Special Magistrate Hearing

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at **4279 Narcissus Ave Palm Springs, FL 33461**
PCN: 70-42-44-24-00-000-5244

This property is in violation of the following Village of Palm Springs ordinances:

SECTION 105.1 & 110.1

Work w/o Permits: Shed installed without a permit and inspection. Contact the PZB Department at 561-584-8200 Ext: 8460 for further assistance.

SECTION 30-143 & 34-1381

Trash/Debris/Materials/Open Storage: Remove all trash, debris, materials and misc. items stored throughout the property.

SECTION 10-8 & 30-141

Weeds/Overgrowth: Mow all overgrown grass and trim all overgrown trees/vegetation/bushes located throughout the property (this includes the vegetation obstructing any window's ingress/egress). Also, remove all weeds attached to the exterior walls and along the fence line.

SECTION 34-225

Fence Maintenance: Repair, replace or remove all broken fences.

SECTION 34-893

Canopies: Remove prohibited blue canopy off the property.

SECTION 34-914

Vehicles/Parking: Remove all vehicles parked on the grass (white Toyota sedan), All vehicles must be parked on an impervious surface (no grass).

SECTION 10-9

Exterior Property Maintenance/Walkways/Doors/Mailbox/Fascia:

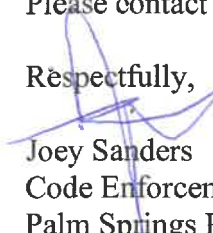
- Remove all black discoloration off the walkways/steps, front/back door and fascia.
- Paint all sections of chipped paint on the exterior walls (left side).
- Replace broken mailbox.

Compliance Date: December 17th, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.

Respectfully,

Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

Phone: 561-584-8300 Ext: 8525

Email: jsanders@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

September 11th, 2024

Myrna A Ramos & Brianna Lyn Soto
4279 Narcissus Ave
Palm Springs, FL 33461

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at **4279 Narcissus Ave Palm Springs, FL 33461**

PCN: 70-42-44-24-00-000-5244

This property is in violation of the following Village of Palm Springs ordinances:

SECTION 105.1 & 110.1

Work w/o Permits: Shed installed without a permit and inspection. Contact the PZB Department at 561-584-8200 Ext: 8460 for further assistance.

SECTION 30-143 & 34-1381

Trash/Debris/Material/Open Storage: Remove all trash, debris, materials and misc. items stored throughout the property.

SECTION 10-8, 30-141 & 30-142

Weeds/Overgrowth/Landscape Maintenance: Trim all overgrown trees/vegetation/bushes located throughout the property (this includes the vegetation obstructing any window's ingress/egress) and remove all weeds attached to the exterior walls and along the fence line.

SECTION 34-893 & 34-931

Canopies/Swimming Pools: Remove all prohibited canopies and children's swimming pools off the property.

SECTION 34-225

Fence Maintenance: Repair, replace or remove all broken fences.

SECTION 10-8 & 10-9

Exterior Property Maintenance/Walkways/Windows/Mailbox/Fascia:

- Remove all black discoloration off the walkways/steps, front door and fascia.
- Paint all sections of chipped paint on the exterior walls (left side).
- Repair all broken and unsound windows.
- Repair broken mailbox and remove the weeds off of it.

Compliance Date: September 25th, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.

Respectfully,

Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

Phone: 561-584-8300 Ext: 8525

Email: jsanders@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence

Courtesy Code Violation Notice

Case#

Date: 09/19/2024 Time: _____

Location: 4279 NARCISSUS AVE

The Village of Palm Springs is committed to improving our community. Well maintained property enhances the quality of life in neighborhoods and reduces crime.

Please address the listed code violations:

105-1, 106-1 - Work w/o Permits
30-143/31-1361 - Trash/Debris/Materials/Open Storage
10-8/30-141/30-142 - Weeds/Overgrowth/Landscape Maintenance
34-893/34-931 - Canopies/Swimming Pools
34-225 - Fence Maintenance
108/10-9 - Exterior Property Maintenance/Walkways
Windows/Mailbox/Fascia

* Reference Attached Letter *

Compliance Date: 09/25/2024

Thank you for your efforts to maintain your residence and property in excellent condition. We commend you for your continuing commitment to our community. Feel free to contact me if you have any questions.

Code officer J. Sanders #211

Name

I.D. #

Palm Springs Police Department

(561) 584-8300, ext. 8520



Property Detail

Location Address : 4279 NARCISSUS AVE
Municipality : PALM SPRINGS
Parcel Control Number : 70-42-44-24-00-000-5244
Subdivision :
Official Records Book/Page : 32241 / 1789
Sale Date : 02/26/2021
Legal Description : 24-44-42, E 81 FT OF W 211 FT OF S 118.88 FT OF N 170.88 FT OF E 1/2 OF E 1/2 OF NW 1/4 OF SE 1/4 (LESS W 20 FT & S 20 FT RD RWS)

Owner Information

Owner(s)	Mailing Address
RAMOS MYRNA A & SOTO BRIANNA LYN	4279 NARCISSUS AVE LAKE WORTH BEACH FL 33461 3468

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
02/26/2021	\$182,000	32241 / 01789	WARRANTY DEED	RAMOS MYRNA A &
07/28/2020	\$82,000	31647 / 01027	WARRANTY DEED	HI LAND PROPERTIES LLC
01/27/2020	\$10	31195 / 01296	WARRANTY DEED	SCHIRMACHER MARLENE &
07/27/2004	\$10	17331 / 00838	QUIT CLAIM	SCHIRMACHER MARLENE &
09/01/1996	\$45,000	09441 / 00447	WARRANTY DEED	
06/01/1985	\$32,000	04569 / 00263	WARRANTY DEED	
01/01/1979	\$100	03206 / 00372		
01/01/1974	\$100	02339 / 01742	QUIT CLAIM	

Exemption Information

Applicant/Owner(s)	Year	Detail
RAMOS MYRNA A &	2025	HOMESTEAD
RAMOS MYRNA A &	2025	ADDITIONAL HOMESTEAD
SOTO BRIANNA LYN	2025	HOMESTEAD
SOTO BRIANNA LYN	2025	ADDITIONAL HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 856
Acres : .14
Property Use Code : 0100—SINGLE FAMILY
Zoning : RM—RESIDENTIAL MULTI-FAMILY (70-PALM SPRINGS)

Building Details**Structural Details**

Structural Element for Building 1	Sketch for Building 1
Exterior Wall 1	WSF: WOOD SIDING
Year Built	1942
Air Condition Desc.	HTG & AC
Heat Type	FORCED AIR DUCT
Heat Fuel	ELECTRIC
Bed Rooms	2
Full Baths	1
Half Baths	0
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP



ANNE M. GANNON

CONSTITUTIONAL TAX COLLECTOR

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\$0.00
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Account Information

Property Control Number:
70-42-44-24-00-000-5244

Mailing Address:
4279 NARCISSUS AVE
Lake Worth Beach, FL 33461-3468

Owner of Record:
RAMOS MYRNA A &

Property Type:
Real Property

Property Address:
4279 NARCISSUS AVE
LAKE WORTH, FL 33461

Second Owner:
SOTO BRIANNA LYN

Status: Active

Legal Description:
24-44-42, E 81 FT OF W 211 FT OF S
118.88 FT OF N 170.88 FT OF E 1/2 OF E
1/2 OF NW 1/4 OF SE 1/4 (LESS W 20 FT
& S 20 FT RD RWS)

Last updated: 4/12/2025 04:57:09 PM

2024 Real Estate and Tangible Personal Property Taxes will be delinquent as of April 1, 2025.
Delinquent Property Tax cannot be paid online.
Visit our Payment Options page to [view delinquent tax payment options](#).

Interest and associated costs for delinquent taxes are determined by the date payment is received to the Tax Collector.
A minimum charge of 3% is collected. Interest accrues at up to 1.5% per month (18% annually).



Tax Bills

Add Tax Bills to the cart then select cart icon (🛒) above to checkout.

Total Payable: \$0.00



Recently Paid Bills



Payment Info - Select to Expand Payment History for PIN



**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2025-15

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**MYRNA A RAMOS & BRIANNA LYN SOTO
4279 NARCISSUS AVENUE
PALM SPRINGS, FL 33461 3468**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

Section 10-31 (FBC 105.1 & 110.1): Work without permits. Remove unpermitted shed.

Section 10-8: Weeds. Remove all weeds attached to the exterior walls and fences.

Section 34-225: Fence maintenance. Repair or remove all broken chain-link and wood fences.

Section 34-893: Canopies. Remove prohibited blue canopy.

Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.

Section 30-143: Trash/debris/rubbish/materials. Remove all trash/debris/rubbish/materials stored around the property.

Section 34-914: Vehicles/parking. Remove all vehicles parked on the grass and remove all inoperative and/or unregistered vehicles off the property.

Section 30-141: Overgrowth. Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.

Section 10-9: Exterior property maintenance. Repair all broken windows, mailbox and rotted sections of wood on the front door. Remove all black discoloration off the fascia. Paint all sections of chipped blue paint on the exterior wall.

Address: 4279 NARCISSUS AVE

Legal Description: 24-44-42, E 81 FT OF W 211 FT OF S 118.88 FT OF N 170.88 FT OF E ½ OF E ½ OF NW ¼ OF SE ¼ (LESS W 20 FT & S 20 FT RD R/WS)

PCN: 70-42-44-24-00-000-5244

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the **17th** day of **April 2025**, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / _____ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

☐ Respondent is in violation of the following Village of Palm Springs Code of Ordinances:

☐ Section 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Remove unpermitted shed.

☐ Section 10-8: Weeds-Remove all weeds attached to the exterior walls and fences.

☐ Section 34-225: Fence Maintenance-Repair or remove all broken chain-link and wood fences.

☐ Section 34-893: Canopies-Remove prohibited blue canopy.

☐ Section 34-1381: Open Storage-Remove all misc. items stored around the property.

☐ Section 30-143: Trash/debris/rubbish/materials. Remove all trash/debris/rubbish/materials stored around the property.

☐ Section 34-914: Vehicles/parking. Remove all vehicles parked on the grass and remove all inoperative and/or unregistered vehicles off the property.

☐ Section 30-141: Overgrowth. Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.

☐ Section 10-9: Exterior property maintenance. Repair all broken windows, mailbox and rotted sections of wood on the front door. Remove all black discoloration off the fascia. Paint all sections of chipped blue paint on the exterior wall.

☐ Respondent was in violation of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

☐ Section 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Remove unpermitted shed.

☐ Section 10-8: Weeds-Remove all weeds attached to the exterior walls and fences.

☐ Section 34-225: Fence Maintenance-Repair or remove all broken chain-link and wood fences.

☐ Section 34-893: Canopies-Remove prohibited blue canopy.

☐ Section 34-1381: Open Storage-Remove all misc. items stored around the property.

☐ Section 30-143: Trash/debris/rubbish/materials. Remove all trash/debris/rubbish/materials stored around the property.

☐ Section 34-914: Vehicles/parking. Remove all vehicles parked on the grass and remove all inoperative and/or unregistered vehicles off the property.

☐ Section 30-141: Overgrowth. Mow all overgrown grass and trim all overgrown trees/bushes/vegetation.

□ Section 10-9: Exterior property maintenance. Repair all broken windows, mailbox and rotted sections of wood on the front door. Remove all black discoloration off the fascia. Paint all sections of chipped blue paint on the exterior wall.

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent **has** brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **May 1st, 2025:**

- ☐ Administrative costs of **\$256.60**
- ☐ Citation fine of **\$ N/A**
- ☐ Re-inspection fee of **\$ N/A**

- ☐ Respondent **has not** brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **May 1st, 2025.** If Respondent fails to comply within the time given, a fine of **\$100.00 per day, per violation** will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **May 1st, 2025.**

- ☐ Administrative costs of **\$256.60**
- ☐ Citation fine of **\$ N/A**
- ☐ Re-inspection fee of **\$ N/A**

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Joey Sanders at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the

Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8300 ext. 8525 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 17th day of April 2025.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

[4279 Narcissus Avenue](#)
[Palm Springs, FL 33461 3468](#)



Village of Palm Springs

Executive Brief

AGENDA DATE: April 17, 2025

DEPARTMENT: Planning, Zoning & Building

ITEM #5: Case No. 2025-17: 4177 S. Congress Avenue - Request by JMJC Real Property Management LLC for Special Residential Facility

SUMMARY: James Green, Esq., representing the contract purchaser JMJC Real Property Management LLC, will present evidence to demonstrate disability necessitating reasonable accommodation to convert the 29-bed Assisted Living Facility to a 29-bed Residential Mental Health Treatment Facility. A Special Residential Facility would otherwise require Special Exception approval pursuant to Sec. 34-764.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Reasonable Accommodation Order
2. Request for Reasonable Accommodation at 4177 S. Congress Ave.
3. PRIOR APPROVAL: Resolution No. 2019-05 Congress Apartments, LLC (Jacob's Garden) SPR19-02 and PSSE 19-01
4. PRIOR APPROVAL: Planning and Zoning Order No. 2019-02 - Congress Apartments LLC - Jacob's Garden
5. PRIOR APPROVAL: Plans and Letters

**VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT**

CASE NO: 2025-17

JMJC Real Property Management, LLC
4177 South Congress Avenue
Palm Springs, FL 33461

MAILING ADDRESS:

JMJC Real Property Management, LLC
c/o James K. Green
JAMES K. GREEN, P.A.
Flagler Center, Suite 306
501 South Flagler Drive
West Palm Beach, FL 33401

REASONABLE ACCOMMODATION ORDER

Pursuant to Section 10-28 of the Village of Palm Springs Code of Ordinances, any person who is disabled, or a qualifying entity, may apply for a reasonable accommodation with respect to the Village's land development regulations.

The property subject to the reasonable accommodation request is:

Address:	4177 S Congress Avenue ("Subject Property") Palm Springs, FL 33461
Current Owner:	Congress Apartments LLC
Legal Description:	Palm Beach Farms CO PLAT 7 L TS C & D BLK 31
PCN:	70-43-44-30-01-031-0030

The Special Magistrate appointed by the Village of Palm Springs to hear these requests for the Village of Palm Springs, in accordance with Section 10-28, "Reasonable Accommodation Procedures," has heard testimony at the reasonable accommodation hearing held on the ____ day of April, 2025, and based on the evidence and testimony presented, the following findings of fact and conclusions of law are hereby entered:

FINDINGS OF FACT

1. The Applicant, JMJC Real Property Management, LLC, is the contract purchaser of the above referenced property ("Property") and is presenting this application on behalf of, disabled and/or handicapped persons under the FHA and/or ADA with the written consent of the current Property owner.

2. The Property currently has a special exception approval by the Village of Palm Springs to operate as an Assisted Living Facility (ALF) with no more than 29 residential patients.

3. The Applicant is proposing to provide residential treatment facility for mental health treatment services at the Property as will be licensed by the Florida Agency for Health Care Administration (AHCA) under Chapter 394, Florida Statutes, for residential mental health treatment.

3. The Applicant has presented evidence that the proposed reasonable accommodation requested for the Property to transfer from the ALF approved special exception use to have an approved special exception use as a Special Residential Facilities use (SRF Use) is the minimum necessary for the financial viability of the Property.

4. The Applicant has presented evidence that the number of residents requested for the treatment facility to be operated on the Property (not to exceed 29) is the minimum necessary to be therapeutically beneficial for the residents. *See* Letter from the Applicant dated January 28, 2025 at pp. 3-4.

5. The proposed SRF Use by the Applicant is comparable in intensity to the previously approved ALF use for 29 patients to reside at the Property and receive treatment and services.

6. The Applicant has submitted all of the required paperwork and/or documents, which is incorporated herein and made a part of this Order.

It is the Order of the Special Magistrate that:

The reasonable accommodation request shall be granted/denied.

If granted are there any conditions? X Yes ____ No

If yes, the conditions are as follows:

- The residential occupancy is limited to 29 patients. All other persons at the facility shall abide by the occupancy limits as set forth by the applicable code(s).
- No patients will be allowed to park vehicles at the property during the course of their residential occupancy.
- The Applicant, its treatment providers, and all other persons at the Property and patients residing at the Property shall comply with all applicable ordinances, rules and laws, including but not limited to, the development standards for SRF regarding accessory commercial uses; applicable building, electrical, plumbing, and fire prevention codes; insurance coverage; and, section 34-1004, Additional Requirements, for food preparation, family living, and staff.
- As the Applicant has applied for a reasonable accommodation on behalf of the patients residing at the property, Applicant certifies that all such patients will be qualified persons with disabilities and satisfy all requirements of the applicable AHCA licensing.
- Applicant will be licensed by AHCA under Chapter 394, Florida Statutes, for residential treatment facility providing mental health treatment services prior to any patients residing at the Property. If the Applicant's AHCA license expires or is terminated, all residential treatment must immediately cease at the Property and the use as a SRF shall also cease.
- This Order applies only to Applicant, and not to subsequent purchasers, assignee, or transferee of the Property.
- Applicant shall maintain the strip of land abutting the Property to the west, conditioned upon the transfer by deed to the Applicant by the Lake Worth Drainage District after title to the Subject Property vests in the Applicant.

If any of the above conditions are violated and confirmed by the Special Magistrate, the Special Magistrate may revoke this Order and the SRF use shall cease.

This order may be appealed to Circuit Court within 30 days of the date of the written decision.

DONE AND ORDERED this ____ day of _____, 2025.

VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT

BY: _____
Special Magistrate

A copy of this order has been furnished to the Applicant at the following address:

JMJC Real Property Management, LLC
c/o James K. Green
JAMES K. GREEN, P.A.
Flagler Center, Suite 306
501 South Flagler Drive
West Palm Beach, FL 33401

JAMES K. GREEN, P.A.
LAWYERS

JAMES K. GREEN
NINA M. ZOLLO
ANNE F. O'BERRY
NANCY F. UDELL, OF COUNSEL

FLAGLER CENTER, SUITE 306
501 SOUTH FLAGLER DRIVE
WEST PALM BEACH,
FLORIDA 33401
561.659.2029
jkg@jameskgreenlaw.com

January 28, 2025

Iramis Cabrera
Planning Zoning and Building Director
Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461

Re: Request for Reasonable Accommodation at 4177 S. Congress Ave. in Palm Springs, Florida

Dear Mr. Cabrera:

Sec. 10-28, Palm Springs Code, my client J Roc Enterprises Inc (Applicant), requests a reasonable accommodation for property located at 4177 S. Congress Ave. in Palm Springs, Florida. The applicant seeks a reasonable accommodation to treat the existing special exception to allow for an inpatient mental health treatment facility. The current owner is Congress Apartments, LLC; the prospective owner under contract is J Roc Enterprises Inc. or its assigns.

The previously approved use was an assisted living facility with 29 beds; the requested use will be no more intense than the previously approved use. See n. 8 below. Please treat this letter as a request for reasonable accommodation under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.* ("ADA") and the Federal Fair Housing Act, 42 U.S.C. § 3601, *et seq.* ("FHA"). Further, the project will meet the site development standards associated with a multi-family development.

Here is a photograph of the property:



The existing Assisted Living Facility located on site will be converted to the proposed inpatient mental health treatment facility. The proposed facility's bed count will be 29 beds, the same as that approved by the Village Council, and the building footprint is not being altered. The staff ratios will remain the same. As such, this facility will remain consistent with the adopted levels of service for utilities and facilities.

I. OVERVIEW OF THE AMERICANS WITH DISABILITIES ACT AND FAIR HOUSING ACT AND THEIR APPLICATION TO LOCAL ZONING DECISIONS.

The Americans with Disabilities Act, 42 U.S.C. § 12000, ("ADA") prohibits public entities from discriminating against individuals or their providers on the basis of their disability.

The ADA applies to local zoning decisions. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132. "This statement constitutes a general prohibition against discrimination by public entities, regardless of activity." *New Directions Treatment Servs. v. City of Reading*, 490 F.3d 293, 301 (3d Cir. 2007). *See also Innovative Health Sys., Inc. v. City of White Plains*, 117 F.3d 37, 44 (2d Cir. 1997) ("[T]he ADA . . . clearly encompasses zoning decisions by the City because making such decisions is a normal function of a governmental entity."), *abrogated on other grounds as noted by Zervos v. Verizon N.Y., Inc.*, 252 F.3d 163, 171 n.7 (2d Cir. 2001)); *Bay Area Addiction Research & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 732 (9th Cir. 1999) ("'[W]e decline to draw an arbitrary distinction--to prohibit public entities from discriminating against persons with disabilities in some of their activities and not in others . . . ' Although we recognize that zoning is a traditionally local activity, Congress has spoken. Accordingly, we hold that the ADA applies to zoning.") (citation omitted)); *Lakeside Resort Enterprises, LP v. Board of Sup'rs of Palmyra Tp.*, 455 F.3d 154 (3d Cir. 2006) (FHAA).¹

The ADA and FHA prohibit all forms of discrimination by local governments through exercise of zoning powers, either: 1) directly through intentional discrimination; 2) indirectly through application of laws that have a discriminatory effect on people in recovery; or 3) by failure to accommodate people in recovery by granting waivers, variances or other land use exceptions. *Oxford House - Evergreen v. City of Plainfield*, 769 F. Supp. 1329, 1343 (D.N.J. 1991); *Carson v. Rochester Housing Authority*, 748 F. Supp 1002, 1007 (W.D. N.Y. 1990).

¹ In the zoning context, the Federal ADA and the FHA are generally interpreted the same. As the Second Circuit has held, "[d]ue to the similarities between the statutes, we interpret them in tandem. Although there may be differences in the FHAA and ADA, we see no material differences presented in this case and the parties have not identified any." *Tsombanidis v. W. Haven Fire Dept.*, 352 F.3d 565, 573 (2d Cir. 2003) (citing *Reg'l Econ. Cmty. Action Prog., Inc. v. City of Middletown*, 294 F.3d 35, 45-46 (2d Cir. 2002)); *Forest City Daly Hous., Inc. v. Town of N. Hempstead*, 175 F.3d 144, 151 (2d Cir. 1999) (court's analysis of the FHA claims also applies to plaintiffs' ADA claims); *Socal Recovery, LLC v. City of Costa Mesa*, 56 F.4th 802 (9th Cir. 2023) (same).

II. PEOPLE IN TREATMENT FOR MENTAL HEALTH ISSUES ARE PROTECTED BY THE ADA AND FHA, AND SERVICE/MEDICAL PROVIDERS SUCH AS THE APPLICANT HAVE STANDING TO ASSERT ADA AND FHA CLAIMS

A. People in Treatment for Mental Health Issues Are Considered “Qualified Individual[s] with a Disability” Protected by the Federal ADA and FHA

The ADA states in part that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any such entity.” 42 U.S.C. § 12102(2). It has long been established that people recovering from Mental Health Issues meet the statutory definition of “qualified persons with disabilities.” *Doe v. Judicial Nominating Commission*, 906 F. Supp. 1534 (S.D. Fla. 1995); *Ellen S. v. Florida Board of Bar Examiners*, 859 F. Supp. 1489 (S.D. Fla. 1994).

B. Treatment Providers Such as the Applicant Have Independent Standing to Raise Federal ADA or FHA Claims

Treatment and housing providers such as the Applicant have standing to raise the ADA or FHA rights both of itself and its patients. *Andrews v. State of Ohio*, 104 F. 3d 803, 807 (6th Cir. 1997); *Assisted Living Associates of Moorestown, L.L.C. v. Moorestown Tp.*, 996 F. Supp. 409 (D.N.J. 1998) (developer of an assisted living facility has standing); *Kessler Institute for Rehabilitation, Inc. v. Mayor and Council of Borough of Essex Fells*, 876 F. Supp. 641 (D.N.J. 1995) (an operator of adult care facilities has standing); *Epicenter of Steubenville, Inc. v. City of Steubenville*, 924 F. Supp. 845 (S.D. Ohio 1996) (same); *Potomac Group Home Corp. v. Montgomery County, Md.*, 823 F. Supp. 1285 (D. Md. 1993) (a corporation which owns group homes for the elderly has standing); *North Shore-Chicago Rehabilitation Inc. v. Village of Skokie*, 827 F. Supp. 497 (N.D. Ill. 1993) (a corporation seeking to establish a group home for brain-damaged adults has standing); *Groome Resources Ltd., L.L.C. v. Parish of Jefferson*, 234 F.3d 192 (5th Cir. 2000) (sustaining reasonable accommodation provision of Title VIII under commerce power in light of impact on pervasive discrimination in national housing market and affirming injunction against interfering with Alzheimer group home by refusing an exception of blood or marriage limitation in single-family district); *see also Socal Recovery, LLC*, *supra*. (holding that program had standing to sue in FHA/ADA Title II claims requesting special use permit without requiring program to demonstrate that all residents had disabilities).. This is because the enforcement provision of the ADA broadly refers to “any person,” not solely disabled individuals. *Cf. Helen L. v. DiDario*, 46 F.3d 325, 331 (3d Cir. 1995) (characterizing overall language in Title II of the ADA as “broad”).

III. THE ACCOMMODATION IS REASONABLE AND NECESSARY

The Applicant has the initial burden of demonstrating that the requested accommodation is **necessary** to afford the disabled persons served by the Applicant an equal opportunity to get treatment at a location of their own choosing.² Once Applicant has met its burden of proof, the burden then shifts to the Village to prove: (i) the requested accommodation imposes undue

² *Schaw v. Habitat for Humanity of Citrus County, Inc.*, 938 F.3d 1259 (11th Cir. 2019).

financial and administrative burdens on the Village; or (ii) requires a fundamental alteration in the nature of the program, i.e., a fundamental alteration to the zoning scheme.³

In order for requested accommodation to be “necessary” under FHAA and ADA, there must be direct linkage between proposed accommodation and equal opportunity to be provided; this relationship is akin to causation.⁴ Whether a requested accommodation is “necessary” requires a showing that the desired accommodation will affirmatively enhance a disabled person’s quality of life by ameliorating or alleviating the effects of the disability.⁵ A “necessary” accommodation is one that alleviates not “handicaps” per se, but rather “the effects of” those handicaps.⁶ Individuals with mental illness need treatment, and “[t]reatment for mental illness is effective.” <https://www.samhsa.gov/mental-health-treatment-works>

“Nearly 2.9 million adults in Florida have some sort of mental health condition, according to the National Alliance on Mental Illness, and only about 36% receive any form of treatment.” <https://www.clickorlando.com/news/local/2023/02/24/less-than-half-of-people-in-florida-with-mental-illness-dont-get-treatment/#:~:text=%E2%80%93%20Nearly%202.9%20million%20adults%20in,to%20access%20available%20viewer%20actions>. “The Department of Children and Families Substance Abuse and Mental Health Program has services for low-income and uninsured people, but there are more than 1,300 people on the waitlist every month, according to a legislative report by the State Commission on Mental Health and Substance Abuse.” *Id.* Compare “[I]n May 2022, among adults in Florida who reported experiencing symptoms of anxiety and/or depressive disorder, 23.6% reported needing counseling or therapy but not receiving it in the past four weeks, compared to the U.S. average of 28.2%.” <https://www.kff.org/statedata/mental-health-and-substance-use-state-fact-sheets/florida/#:~:text=Unmet%20Need%20and%20Barriers%20to%20Care,-Unmet%20need%20refers&text=As%20shown%20in%20the%20figure%20below%2C%20in%20May%202022%2C%20among,the%20U.S.%20average%20of%2028.2%25>. “Florida ranked a disappointing 50th in the nation in its per capita mental health support for Fiscal Year 2014 (the most recent year for which data is available).” floridapolicy.org/posts/florida-must-increase-its-support-for-mental-health-services

These studies and articles are hereby incorporated herein and intended to be a part of the Application.

III. THE VILLAGE’S CURRENT ZONING SCHEME VIOLATES THE ADA AND FHA; THE VILLAGE CAN CURE THOSE VIOLATIONS BY GRANTING THE APPLICANT A REASONABLE ACCOMMODATION BY TREATING IT AS A PERMITTED USE

A. The Village’s zoning code, which makes treatment providers for people with mental health disorders subject to the burdens of special exception hearings

³ *Schwarz v. City of Treasure Island*, 544 F.3d 1201 (11th Cir. 2008); *Jeffrey O. v. City of Boca Raton*, 511 F. Supp. 2d 1339 (S.D. Fla. 2007).

⁴ *Caron Foundation of Florida, Inc., v. City of Delray Beach*, 879 F.Supp.2d 1353 (S.D. Fla. 2012), citing the Fair Housing Act, § 804(f)(3)(B), 42 U.S.C.A. § 3604(f)(3)(B).

⁵ *Schaw, supra*.

⁶ *Bhogaita v. Altamonte Heights Condominium Association*, 765 F.3d 1277 (11th Cir.2014).

and conditions, but allows other health care uses such as assisted living facilities homes as special exception permitted uses, facially discriminates against people in recovery and their treatment providers

It is unlawful for a local government to treat mental health treatment facilities differently from other health or medical care services. Yet the Village's zoning code does exactly that. Unlike assisted living facilities and other inpatient treatment facilities, which are uses permitted as special exceptions, the Village's zoning code requires the Applicant to expend a substantial amount of money to pay legal fees and costs to apply for and obtain approval for a special exception for a proposed use that is no more intensive than the previously-approved special exception for assisted living facility, while being subjected to hostility and prejudice at numerous public hearings, perhaps leading to expensive appeals. The Village is imposing precisely the kind of additional or different burdens on the Applicant that the ADA or FHA were intended to combat.⁷

If assisted living facilities are permitted uses by special exception on this site, the Village also must treat the existing special exception to allow for an inpatient mental health treatment facility and provide zoning verification that the proposed use is a permitted use in this zone.

The Village's imposition of these requirements and burdens on this zoning district are considered facial discrimination and/or disparate impact discrimination under Title II of the ADA. *Pathways v. Town of Leonardtown*, 133 F. Supp. 2d 772, 777-78 (D. Md. 2001) (defendants' interpretation of a psychiatric rehabilitation program as a "school" or "adult day care facility" instead of an "office" and/or "medical office" raised a triable issue of fact that the Commission's decision was due to impermissible discrimination); *Smith-Berch v. Baltimore County*, 68 F. Supp. 2d 602, 621-23 (D. Md. 1999) and 115 F. Supp. 2d 520, 524 (D. Md. 2000), *vacated on other grounds*, *Smith-Berch, Inc. v. Baltimore County*, 64 F. App'x 887 (4th Cir. 2003) (imposing a hearing requirement on a methadone facility whereas no such requirement was imposed on other medical facilities had a discriminatory impact on programs for people with addictions and was therefore a violation of federal law).

In addition to *Pathways* and the twin decisions in *Smith-Berch*, numerous federal district and appellate courts throughout the country have ruled that it is illegal under the ADA and its implementing regulations to exclude a particular type of treatment program from zoning districts where other medical and/or counseling services are allowed. *See, e.g., Innovative Health Systems v. City of White Plains*, 931 F. Supp. 222, 242-43 (S.D. N.Y. 1996), *aff'd*, 117 F.3d 37, 44-45 (2d Cir. 1997) (illegal for local government to exclude drug treatment program from definition of "office"); *MX Group, Inc. v. City of Covington*, 106 F. Supp. 2d 914 (N.D. Ky. 2000), *aff'd*, 293 F.3d 326 (6th Cir. 2000) (special occupancy standard applied only to methadone treatment programs invalidated as facially discriminatory; treatment program must be permitted to locate like other "medical offices"); *Habit Management, Inc. v. City of Lynn*, 235 F. Supp. 2d 28 (D. Mass. 2002) (illegal to exclude methadone maintenance services that offer counseling and therapy

⁷ "The Americans With Disabilities Act is a plenary civil rights statute designed to halt all practices that segregate persons with disabilities and those which treat them inferior or differently. By enacting the ADA, we are making a conscious decision to reverse a sad legacy of segregation and degradation." 136 Cong. Rec. H2639 (May 22, 1990) (statement of Rep. Dellums) (emphasis added).

from areas where other medical services are allowed). *See also Bangerter v. Orem City Corp.*, 46 F.3d 1491, 1500-1501 (10th Cir.1995) (a law that “facially single[s] out the handicapped and appl[ies] different rules to them” states a claim for disparate treatment; in such a case, “a plaintiff need not prove the malice or discriminatory animus of a defendant.”) (citations and footnote omitted).

A. The ADA and FHA Require the Village to be Flexible in Zoning and Make Reasonable Accommodations

The ADA and FHA require the Village to be flexible in zoning and make reasonable accommodations. *Hovsons, Inc. v. Township of Brick*, 89 F.3d 1096 (3d Cir. 1996) (the Township was required to be flexible in zoning in order to make a “reasonable accommodation” and treat a nursing home as a single-family dwelling). As one court has explained, “strict adherence to a rule which has the effect of precluding handicapped individuals from residing in the residence [of their choice] was precisely the type of conduct which the Fair Housing Amendments Act sought to overcome with the enactment of § 3604(f)(3)(B).” *United States v. Village of Marshall, Wisconsin*, 787 F. Supp. 872, 879 (W.D. Wis. 1991); *Horizon House Developmental Services, Inc. v. Township of Upper Southampton*, 804 F. Supp. 683, 693-94 (E.D. Pa. 1992) (**local governments must change, waive, or make exceptions in their zoning rules to afford people with disabilities the same opportunity to housing as those without disabilities**); *U. S. v. City of Philadelphia*, 838 F. Supp. 223, 228-29 (E.D. Pa. 1993) (accommodation was to waive yard/lot size requirements for shelter); *North Shore-Chicago Rehabilitation Inc.*, 827 F. Supp. at 502 (accommodation was to waive licensing and occupancy requirements of zoning ordinance for rehabilitation center); *Oxford House-Evergreen v. City of Plainfield*, 769 F. Supp. 1329, 1344 (D.N.J. 1991) (accommodation is to treat unrelated group home residents as if they were a “family”); *Regional Econ. Comm’y Action Program, supra*. (waiver or modification of rules prohibiting elevators in buildings where this would prohibit certain people from residing in the buildings is a reasonable accommodation under the statute); *Smith-Berch*, 68 F. Supp. 2d at 621 (even if a treatment program is severely restricted or excluded in a particular zoning district, public officials have an affirmative duty to waive or modify the rule as a reasonable modification under Title II of the ADA); *United States v. Commonwealth of Puerto Rico*, 764 F.Supp. 220, 224 (D.P.R. 1990) (reasonable accommodation requires that the local zoning authority waive the 10-space parking requirement for a 13-bed nursing home where the “actual use of the home will never necessitate the provision of the amount of parking technically required by the rule ...”).

Where, as here, the Village approved an Assisted Living Facility (“ALF”) to house 29 residents at this site, and this proposed use is no more intense than that previously approved,⁸ the Village

⁸ There is no difference in the use or treatment allowed by an ALF or, here, an inpatient mental health treatment facility. In Florida, both Assisted Living Facilities (ALFs) and Residential Treatment Facilities (RTFs) are licensed and regulated by the Agency for Health Care Administration (AHCA). Notably, assisted living facilities can care for a wide variety of people with disabilities, including those with memory care and mental health needs. *See, e.g.*, Fla. Stat. § 429.075. Fla. Stat. §429.075(4) allows an ALF limited mental health licensee to enter into a cooperative agreement with a private mental health provider that can provide mental health services at ALFs and that can also function as a case manager. Further, nothing in Fla. Stat. Ch. 429 prevents physicians or clinicians from making regular house calls to ALFs to provide medical,

will be unable to meet its burden to prove that the prove that the accommodation would nonetheless result in a “fundamental alteration” of its program.

Based upon the above, the Village should treat the existing special exception to allow for an inpatient mental health treatment facility comparable to the approved special exception.

IV. CONCLUSION

Approval of the accommodation will not fundamentally alter the Village’s zoning scheme because the use proposed by the Applicant and it does not impose additional costs upon the Village. This request must therefore be granted.

In conclusion, the Applicant requests that the Village grant a reasonable accommodation to treat the existing special exception to allow for an inpatient mental health treatment facility and provide zoning verification that the proposed use is a permitted use in this zone.

Please contact me if you have any questions or wish to discuss these issues further.

Sincerely,

/s/ James K. Green

cc. Christy L. Goddeau, via email to christy@torcivialaw.com

nursing, or mental health services to ALF residents at specialty ALFs such as the previously-approved ALF.

RESOLUTION NO. 2019-05

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) WITH CONDITIONS, A REQUEST FROM KEVIN MCGINLEY, AGENT FOR CONGRESS APARTMENTS, LLC, (JACOB'S GARDEN) ("APPLICANT"), TO CONSIDER SITE PLAN (SPR19-02) AND SPECIAL EXCEPTION USE (PSSE 19-01) TO CONVERT THE EXISTING 16-UNIT MULTI-FAMILY APARTMENT COMPLEX INTO AN ASSISTED LIVING FACILITY (ALF) WITH 29 BEDS, LOCATED AT 4177 SOUTH CONGRESS AVENUE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on February 12, 2019, the Planning & Zoning Board reviewed the request of Kevin McGinley, Agent for Congress Apartments, LLC, (Jacob's Garden) ("Applicant"), , for Site Plan (SPR19-02) and Special Exception (PSSE19-01) approval for a 29-bed assisted living facility (ALF) within the existing 16-unit rental apartment complex located at 4177 South Congress Avenue. Two of the existing rental units will be combined and converted to common areas, including dining room/lounge, kitchen, administrative offices and storage. Fourteen of the existing rental units will house the 29 residents (2 residents in 13 units and 3 residents in the 2-bedroom unit), located at 4177 South Congress Avenue; and

WHEREAS, a Zen garden will be constructed in the central portion of the property, and will include canopy shading, benches, native and exotic flowers and other landscaping to serve as a focal point and outdoor communal area; and

WHEREAS, the recommendation of the Planning & Zoning Board to approve this application, subject to staff report conditions, has been forwarded to the Village Council for final consideration; and

WHEREAS, the Village Council has heard this matter in public session; has considered the presentation and other evidence presented by the Applicant; has received and considered the recommendations of the Village Staff and Planning & Zoning Board; and has otherwise been fully informed regarding this matter.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The Village Council having received and considered the request of Kevin McGinley, agent for Congress Apartments, LLC (Jacob's Garden) ("Applicant"), for Site Plan (SPR19-02) and Special Exception (PSSE19-01) approval for a 29-bed assisted living facility (ALF) within the existing 16-unit rental apartment complex located at 4177 South Congress Avenue. Two of the existing rental units will be combined and converted to common areas, including dining room/lounge, kitchen, administrative offices and storage. Fourteen of the existing rental units will house the 29 residents (2 residents in 13 units and 3 residents in the 2-bedroom unit), located at 4177 South Congress Avenue.

The Planning & Zoning Board considered these requests during their February 12, 2019 meeting and; and having been otherwise fully apprised of the premises herein, the Village Council hereby (approves/denies) the said application, with the staff report conditions attached hereto as **Exhibit "A"**, and which is incorporated herein by reference.

Notwithstanding any exceptions, conditions or other approvals granted herein, the applicant must conform to all other applicable codes, ordinances, and laws whether stated herein or not.

Section 2. This Resolution shall take effect immediately upon adoption.

Council Member Ready offered the foregoing resolution. Council Member Waller seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☒	☐	☐
DOUG GUNTHER, VICE MAYOR	☒	☐	☐
JONI BRINKMAN, MAYOR PRO TEM	☐	☐	☒
PATTI WALLER, COUNCIL MEMBER	☒	☐	☐
GARY M. READY, COUNCIL MEMBER	☒	☐	☐

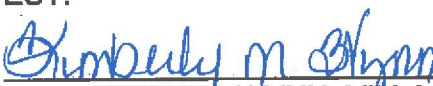
The Mayor thereupon declared the Resolution duly passed and adopted this 14th day of March, 2019.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: 

BEV SMITH, MAYOR

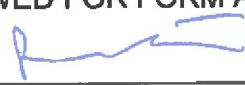
ATTEST:

BY: 

KIMBERLY M. WYNN, VILLAGE CLERK



REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: 

 GLEN J. TORCIVIA, VILLAGE ATTORNEY

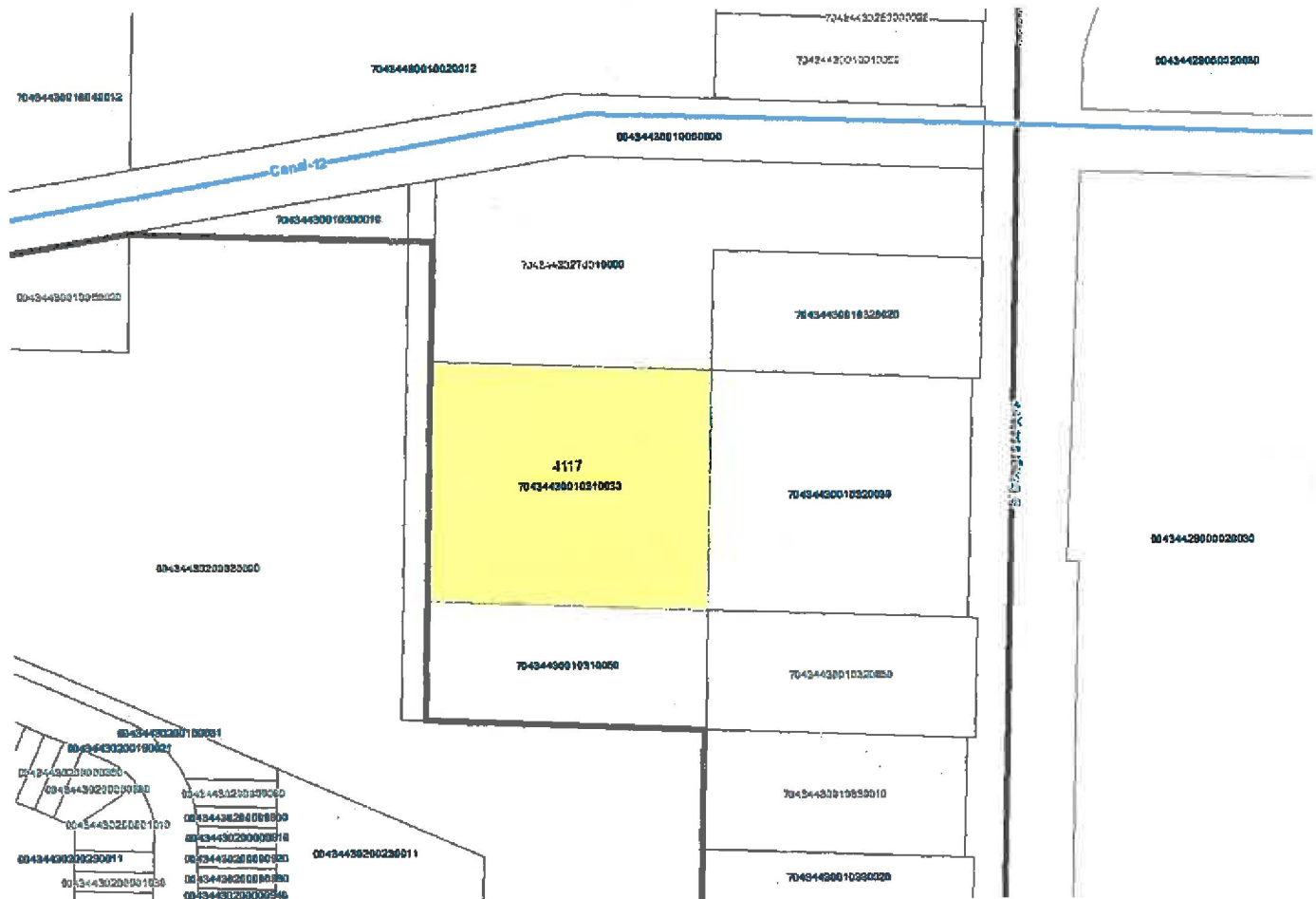


PLANNING, ZONING & BUILDING STAFF REPORT

SUBJECT: Special Exception Use and Site Plan Amendment with variances – Jacob's Garden (Assisted Living Facility)- 4177 South Congress Avenue.

Application Summary			
Applicant	Congress Apartments, LLC	Submittal Date	7/9/2018
Reference Name	Jacob's Garden	Case Number	SPR19-02/ PSSE19-01/ PSV19-02 /PSV19-03
		Parcel Control No	70-43-44-07-36-005-0000
Location	4177 South Congress Avenue	Site Area	1.98 acres
P&Z B Meeting	February 12, 2019	Council Meeting	March 14, 2019
Requests			
Proposed Use(s)	Special Exception Use and Site Plan Amendment to convert the existing 16-unit multi-family apartment complex into an Assisted Living Facility (ALF) with 29 beds.		
Number of Buildings	2 existing buildings (total of 10,917 s.f.)		
Variances	PLANNING AND ZONING BOARD CONSIDERATIONS PSV19-02 Requesting Variance relief from Section 34-982(1) to allow an assisted living facility to be located less than 1500' from a child day care facility. PSV19-03 Requesting Variance relief from Section 34-982(4) to allow the existing buildings to be setbacks as follows: 1) Building A south setback 28.7' rather than 50'. 2) Building B east setback 34.4' rather than 50'.		
Parking			
Code	Required	Provided	Meets Requirement
Total Parking	14 spaces 1/4 beds @ 29 beds = 8 spaces 1/1 employee @ 6 employees = 6	30 spaces	Yes
Building Setbacks			
Code	Required Minimum	Proposed	Meets Requirement
Front yard (East side)	50'	34.4'	No (variance requested)
Rear yard (West side)	50'	78.8'	Yes
Side yard (North side)	50'	65.2'	Yes
Side yard (South side)	50'	28.7'	No (variance requested)
Site Characteristics			
Existing Use	2 residential apartment buildings with a total of 16 rental units.	Proposed Use	29 beds Assisted Living Facility
Zoning	Residential Multiple-Family (RM)	Existing Future Land Use	Medium Density Residential
Surrounding Existing Land Use, Future Land Use, and Zoning			
Direction	Existing Use	Future Land Use	Zoning District
North	Kingswood Academy child day care facility	Commercial	Commercial General (CG)
South	Vacant land (church parcel)	Commercial	Commercial General (CG)
East	Commercial plaza with	Commercial	Commercial General (CG)

	professional office businesses		
West	Vacant land	Unknown Unincorporated Palm Beach County	Unknown Unincorporated Palm Beach County
Recommendation			
Planning, Zoning and Building Staff recommends conditional approval of the conversion of the existing 16-unit rental apartment buildings into a 29 bed Assisted Living Facility, as depicted on the proposed site plan, based on consistency with the Village Comprehensive Plan and compatibility with surrounding uses.			



I Site History

- **Ordinance 2016-22: Annexation**
The property was voluntarily annexed into the Village of Palm Springs on December 15, 2016 and designated with the Land Development as Residential Multiple-Family zoning districts and future land use Medium Density Residential.

II Comprehensive Plan Consistency

- The subject property's Zoning and Future Land Use designation are Medium Density-Residential and Residential Multiple-Family (RM), respectively. The proposed special exception use of an Assisted Living Facility is consistent with goals, objectives and policies of the Village's Comprehensive Plan.

III Variances Requested

- **PSV19-02** - The applicant is requesting Variance relief from the Village Regulation Section 34-982(1) to allow an Assisted Living Facility to be adjacent to a child day care facility instead of 1,500 feet away from a child day care.

The applicant contends that the requirement of 1,500 feet separation distance from a child day care facility is required due to recent changes to the Village code addressing ALF's. It is assumed that the separation distance was codified in order to provide Village Staff the opportunity to evaluate potential impacts and conflicts that may arise from locating an ALF near a child day care facility. It is the applicant's contention that no such conflicts or incompatibility issues are associated with the proposed elderly care ALF. The proposed conversion, while being requested by the applicant, was in the process prior to the adoption of the Village Code standards requiring the 1,500-foot separation distance from a child day care facility. The nature of the proposed conversion of the subject property to an elderly care ALF is deemed to be in harmony with the general intent of the Village Code because no conflicts will arise from the proximity of one use from the other. The applicant's full justification is attached hereto.

Staff supports the applicant's request to allow the proposed assisted living facility to be abutting a child day care facility considering the special conditions and circumstances existed on the land but did not result from the actions of the applicant. While a landscaped buffer is not required between the two uses, the applicant is proposing a 10' landscaped buffer in a manner to compensate the distance separation requirement.

- **PSV19-03** - The applicant is requesting Variance relief from the Village Regulation Section 34-982(4) to allow 28.7' setback from south side and 34.4' setback from east side, in lieu of 50' setback required from all perimeter boundary.

The applicant contends that the existing buildings were constructed in 1987, prior to the adoption of the Village's standards setback requirements. This constitutes a special circumstance peculiar to the existing structures and the property. These special conditions do not result from actions of the applicant. The applicant's full justification is attached hereto.

Staff supports the applicant's request to allow the reduction of the setback on the east and south sides of the property due to the existing configuration and characteristics of the property. Granting the Variance will be in harmony with the general intent and purpose of the applicant requests and will not be injurious to the area involved or otherwise detrimental to the public welfare.

IV Neighborhood Compatibility

- 1) The proposed project is located on the West side of South Congress Avenue just behind a commercial professional plaza.
- 2) The property doesn't have any frontage facing a major roadway and the access is through an access easement from the property to the east.
- 3) The property is within a Residential Multiple-Family zoning district.
- 4) Proposed facility is located within 0.5 miles of a Palm Beach County Fire Rescue facility.
- 5) JFK hospital is located approximately 1 mile south of the property.

V Regulatory Issues

- The site plan conforms to the property development standards of the RM district.
 - 1) Proposed project plan generally meets required site development regulation.
 - 2) The proposed project is going to be licensed by the Florida Agency for Health Care Administration (AHCA).
 - 3) The proposed Site Plan meets the Traffic Performance Standards of Palm Beach County.
 - 4) Permits from all applicable permitting agencies, including Lake Worth Drainage District, PBC Water Utility Department, PBC Department of Health and Palm Beach County Fire Rescue Department.
 - 5) The building must have a fire sprinkler system and a fire alarm system installed.
 - 6) A fire hydrant must be installed within 100 feet of the fire department connection.
 - 7) Fire department connection must have a minimum of 60' clearance.

VI Environmental Issues

There are no environmental (wetlands, floodplains, etc) issues identified.

VII Community Outreach/ Notification

- The subject property was posted on January 31, 2019.
- Public Notification letters were mailed to all property owners within 300-foot radius of subject property on January 24, 2019.
- Legal advertisement was published in the paper on January 31, 2019.
- Staff has not received any inquiries or comments as a result of the notices.

VIII Proposed Development Plan Details

The petitioner's development plans dated received on July 9, 2018 depicts the following:

- Application for Special Exception and Site Development Plan approval for the conversion of the existing 16-unit multi-family apartment complex to an Assisted Living Facility (ALF) with 29 beds.
 1. Site Plan dated received July 9, 2018 revised and resubmitted on January 18, 2019.

2. Landscape plans dated received July 9, 2018 revised and resubmitted on January 18, 2019.
3. Engineering plans dated received October 8, 2018.
4. Architecture plan dated received October 8, 2018.
5. Boundary survey dated received October 8, 2018.
6. Justification statement of proposed use.
7. Color rendering.

IX Recommendation

The applicant is requesting Special Exception Use and Site Plan Amendment to convert an existing 16-unit multi-family apartment complex to an Assisted Living Facility (ALF). The proposed ALF will consist of 29 resident beds, with 2 existing units being converted to dining room/ lounge, kitchen, administrative offices and storage. A Zen garden is proposed to be constructed in the central portion of the property by removing existing impervious area and expanding the greenspace in this location. This outdoor passive area will include shading canopy, benches and a variety of flowers to create a place of peace and nature for the residents to enjoy.

In addition, the project exceeds some of the minimum development standards for an Assisted Living facility as shown on table below:

Criteria	Required	Proposed
Lot area	1 acre	1.98 acres
Floor area	1/70 SF of the net bedroom or sleeping room floor area	Between 71 and 75 SF
Parking	1/4 beds + 1/employee 14 parking totals	30 spaces
Density	Maximum of 2.6 x acres x density (2.6 x 1.98 acres x 10 DU/acre) 51 beds maximum allowed	29 beds

Planning, Zoning and Building Staff has conducted a review of the application and found the proposed Special Exception use to be consistent with goals, objectives and policies of the Village's Comprehensive Plan. The proposed ALF is generally consistent with the Land Development and zoning regulation and all other portions of the code. The proposed special exception use does not significantly reduce light and air to adjacent properties and would not be deterrent to surrounding properties. The new project does not negatively impact natural systems and with the improvements the open/natural areas will increase noticeable.

Planning, Zoning and Building Staff recommends conditional approval of the Special Exception use and Site Plan Amendment subject to the following thirty-eight (38) conditions below:

1. Build out date is December 31, 2021.

2. The special exception approval for the new ALF shall be implemented within 18 months of Council approval.
3. Civil/Utility Plans shall be approved by the Village Engineer and Public Service Department at **time of permitting**; see comments to be addresses below:
 - I. Show the sanitary sewer connections
 - II. Provide a topographic survey with grade elevations and the finished floor elevation
 - III. Proposed water system will need to be approved by PBCWUD (an easement may be required)
 - IV. Separation between the landscape and water main shall be provided per the Village's Land Development Regulation.
4. The exotic vegetation/prohibited species located on the west side of the property shall be cleared **prior to issuance of a Certificate of Occupancy**.
5. Existing dumpster shall be screened and enclosed accordingly with the Village Land Development Regulation.
6. The ALF shall be limited to 29 beds. Expansion of the use/occupancy will necessitate subsequent review and approval by the Village Council.
7. The applicant/operator of the ALF shall prohibit tenants/residents from parking personal vehicles at the facility.
8. Landscape buffers shall only overlap 5' any utility easement.
9. Proposed shade structure shall be constructed in accordance with the FBC edition in effect at the time of permitting.
10. Any special event to be held at the facility is subject to Special Event Permit approval by the Village.
11. No local business license shall be issued by the Village unless a license has first been obtained from the state and any other permitting agency required.
12. Delivery hours shall not commence prior to 8:00 am or continue later than 9:00 pm.
13. Copy the annual food permit from Florida Department of Agricultura and Consumer Services shall be provided to the Village along with the inspection report.
14. A certificate of insurance shall be provided to the Planning, Zoning & Building Department, evidencing coverage against injury and property damaged caused by the tortious conduct of the operator. Insurance coverage shall protect the residents and all other persons who enter the facility in connection with its business, and shall be in amount of not less than \$100,000.00 per person and \$300,000.0 per accident or occurrence for personal injury, and \$5,000.00 for property damage.
15. Dumpster/enclosure area shall be big enough to accommodate collection of recycling materials, coordinate with Republic Services and the Village **at the time of permitting**.
16. The property owner shall provide the School District a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community **no later than six (6) months after Council approval**. This declaration shall be recorded in the pubic records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney.
17. Details of the proposed monument sign shall be reviewed and approved by the Village **at time of permitting**.
18. The buildings must have a fire sprinkler system and a fire alarm system installed.
19. Installation of the new fire hydrant shall be review and approved by PBC Fire Department and PBCWUD **at time of permitting**.
20. Mechanical equipment and above-ground infrastructure shall be screened from view.

21. Provide copies of the permits from all applicable agencies including, but not limited to PBC Water Department, PBC Fire Rescue Department and PBC Department of Health **at the time of permitting.**
22. The Applicant may be required to undertake additional security measures, based on the number of complaints or calls for service for incidents at the premises, as determined by the Police Chief. Such additional security measures, as approved by the Police Chief, may include provisions of on-site security at the operator's sole expense.
23. Trees/palms slated for removal and destruction shall be offered to the Village for relocation to a public property. Property owners shall provide at least 60 days' notice to the Village and grant the Village permission to enter the property and relocate any trees approved for removal.
24. Verify utility and easement locations to ensure that there are no conflicts with landscaping, revise at time of permitting, as needed.
25. Landscaped areas shall be irrigated (including but not limited to buffer, islands, planter boxes, etc.). New irrigation systems shall be maintained separately from potable water distribution systems and shall include rain sensor shut-off mechanisms.
26. A pre-construction meeting shall be scheduled with the Village Land Development Department prior to commencement of any construction activity. Permits are required from the Land Development Department prior to commencing any construction or renovation. The project shall be constructed in accordance with the FBC edition in effect at the time of permitting.
27. All electric shall be underground (specifically the service line to the project power pole and buildings, and new electrical connections from the permanent generator). The existing overhead lines along the north perimeter of the property are not required to be underground.
28. A silt barrier shall be installed around the perimeter of the property prior to commencement of any site work or construction activity, and a track pad shall be installed at the construction entrance(s), both of which shall remain through substantial completion.
29. The Landscaping shall be certified by the Landscape Architect upon completion and prior to Certificate of Occupancy.
30. Plants installed shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of the Grades and standards for Nursery Plants, Part I and II, prepared by the State Department of Agriculture and Consumer Services.
31. Any sidewalk broken or damaged during construction shall be replaced by the contractor prior to CO.
32. The civil engineer of record shall certify the site construction prior to Certificate of Occupancy.
33. The applicant may be required to provide a resident inspector for structural elements such as concrete pours in accordance with Section 109.1.3 FBC 2010 and F.S. 553.791. Determination shall be made at time of pre-construction conference with Land Development Director.
34. Permits are required from the Planning, Zoning and Building Department prior to commencing any construction or renovation.
35. The General Contractor shall be on site during any and all construction activity in accordance with FS 489.1195.
36. The project shall receive approval from all Authorities Having Jurisdiction and submit copies of approvals to the Village of Palm Springs.
37. At the time of CO, the petitioner shall provide the Planning, Zoning and Building Department with electronic copies of as-builts.
38. The dumpster provider including the construction dumpster shall be Republic Services who is under franchise Agreement with the Village. No drains to sanitary sewer are permitted in the dumpster pad.

**VILLAGE OF PALM SPRINGS, FLORIDA
PLANNING AND ZONING BOARD**

PZ&B Order No. 2019-02

**Congress Apartments LLC
Jacob's Garden
4177 S CONGRESS AVENUE
Palm Springs, FL 33461**

Applicant(s)

PCN: 70-43-44-30-01-031-0030

FINAL ORDER

THIS MATTER having come before the Village of Palm Springs Planning and Zoning Board ("The Board") on **February 12, 2019**. The Board, having considered the evidence presented by the parties; and having been fully apprised of the circumstances, makes the following finding of fact and conclusions of law.

FINDINGS OF FACT

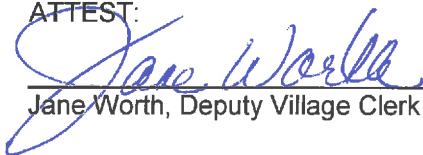
1. The Board has jurisdiction over variance applications PSV19-02 and PSV19-03.
2. The above Applicant(s) is the owner of the property legally described as: **PALM BEACH FARMS**
CO PLAT 7 LTS C & D BLK 31
PCN: 70-43-44-30-01-031-0030
3. The Applicant has submitted an application for two (2) variances from the Village of Palm Springs, Florida as set forth below:
 - 1) **PSV19-02** - Requesting Variance relief from Section 34-982(1) to allow an assisted living facility to be located less than 1500' from a child day care facility.
 - 2) **PSV19-03** - Requesting Variance relief from Section 34-982(4) to allow the existing buildings to be setbacks as follows:
 - 1) Building A south setback 28.7' rather than 50'.
 - 2) Building B east setback 34.4' rather than 50'.
4. The Village's Land Development Code Section 34-746 (10) requires the Board to determine that the variance meets the following requirements:
 1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same land development district.
 2. The special conditions and circumstances do not result from the actions of the applicant.
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same land development district.
 4. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same land development district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
 5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

PZ&B Order No. 2019-02

6. The grant of the variance will be in harmony with the general intent and purpose of this chapter.
 7. Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
-
5. The Board has determined that Variance PSV19-02 meets the requirements of Section 34-746(10) of the Land Development Code.
 6. The Board has determined that Variance PSV19-02 meets the requirements of Section 34-746(10) of the Land Development Code.
 7. The Variance is hereby GRANTED/DENIED.

DONE AND ORDERED in Palm Springs, Florida this 12th day of February, 2019.

ATTEST:


Jane Worth, Deputy Village Clerk




Johnnie Tieche, Chairman
Planning and Zoning Board

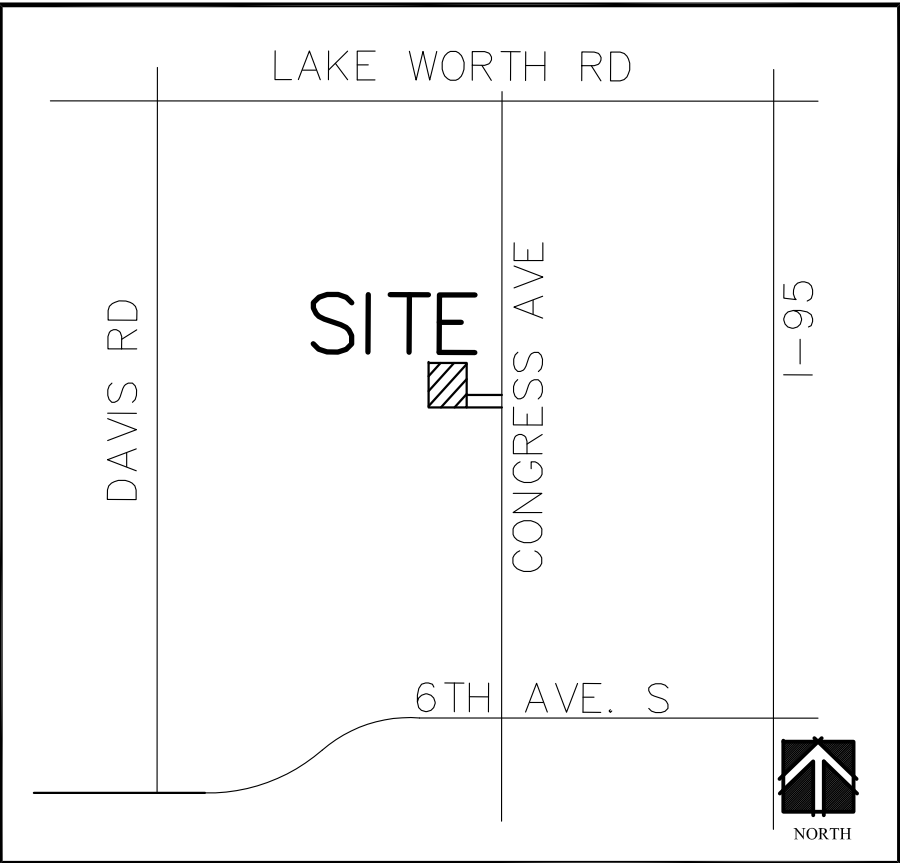
Copies furnished to:

Jacob's Garden - Congress Apartments, LLC, 4177 South Congress Avenue, Palm Springs, FL 33461

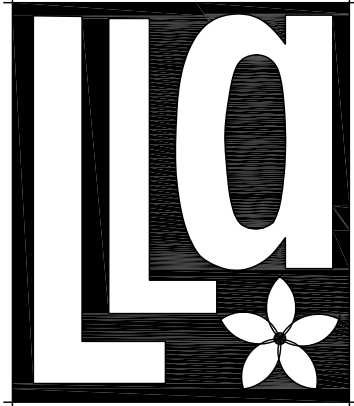
Kim Glas-Castro, Land Development Director, 226 Cypress Lane, Palm Springs, FL 33461

Glen J. Torcivia, Village Attorney, Northpoint Corporate Center, 701 Northpoint Parkway, Suite 209,
West Palm Beach, FL 33407

LOCATION MAP



354 Cypress Drive, Suite 6, Tequesta, FL 33469
P(561) 222-9284 F(561) 348-9491



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Palm City, FL 34990
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JACOB'S GARDENS

Village of Palm Springs, Florida

PROJECT DATA:

PROJECT NAME: JACOB'S GARDENS
PROPERTY ADDRESS: 4177 S. CONGRESS AVE
FLU DESIGNATION: RESIDENTIAL
EXISTING ZONING: RM - RESIDENTIAL MULTI-FAMILY
SECTION, TOWNSHIP, RANGE: 30,44,43
PROEPRTY CONTROL NUMBER: 70-43-44-30-01-031-0030
EXISTING USE: MULTI-FAMILY APARTMENTS
PROPOSED USE: ASSISTED LIVING FACILITY

DEVELOPMENT ACREAGE (86,287.53 SF): 1.98 ACRES

TOTAL BUILDING SQUARE FOOTAGE: 10,917 SF.
EXISTING BUILDING A - 5,452 SF. (6 UNITS/12 BEDS)
EXISTING BUILDING B - 5,465 SF. (8 UNITS/17 BEDS)

TOTAL NUMBER OF BEDS: 29 BEDS
LOT COVERAGE: 13%
FLOOR AREA RATIO (FAR): 0.13
PERVIOUS AREA: 52,942 SF (61.3%)
IMPERVIOUS AREA: 33,345.33 SF (38.7%)

PARKING REQUIRED: 13 SPACES
ALF - 1 SP./4 BEDS @ 29 BEDS = 7 SP.
PLUS 1 SP./EMPLOYEE @ 6 EMPLOYEES = 6 SP.
PARKING PROVIDED: 30 SPACES
HANDICAP SPACES REQUIRED: 2 SPACES
HANDICAP SPACES PROVIDED: 2 SPACES

REQUIRED SETBACKS TO BUILDING:
FRONT: MIN. 50' (EAST)
REAR: MIN. 50' (WEST)
INTERIOR SIDE: MIN. 0' (NORTH)
INTERIOR SIDE: MIN. 50' (SOUTH)

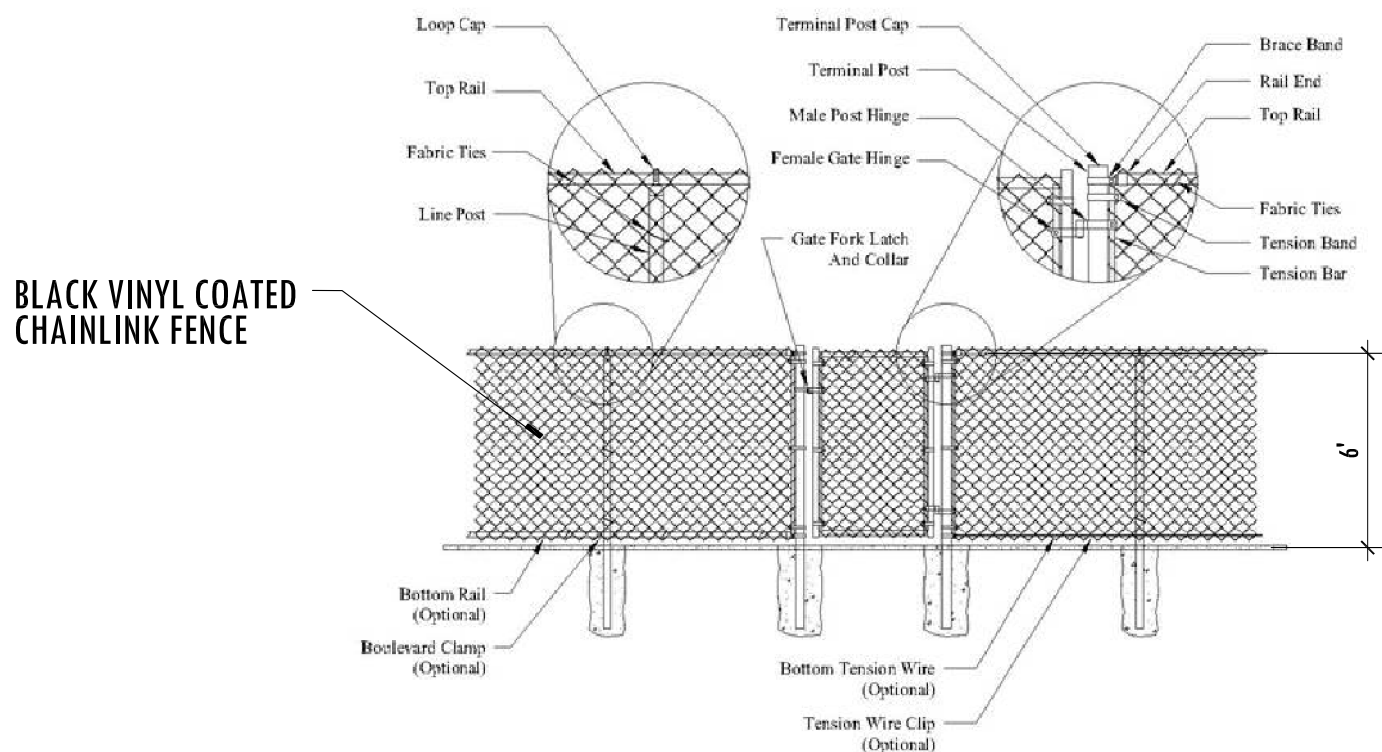
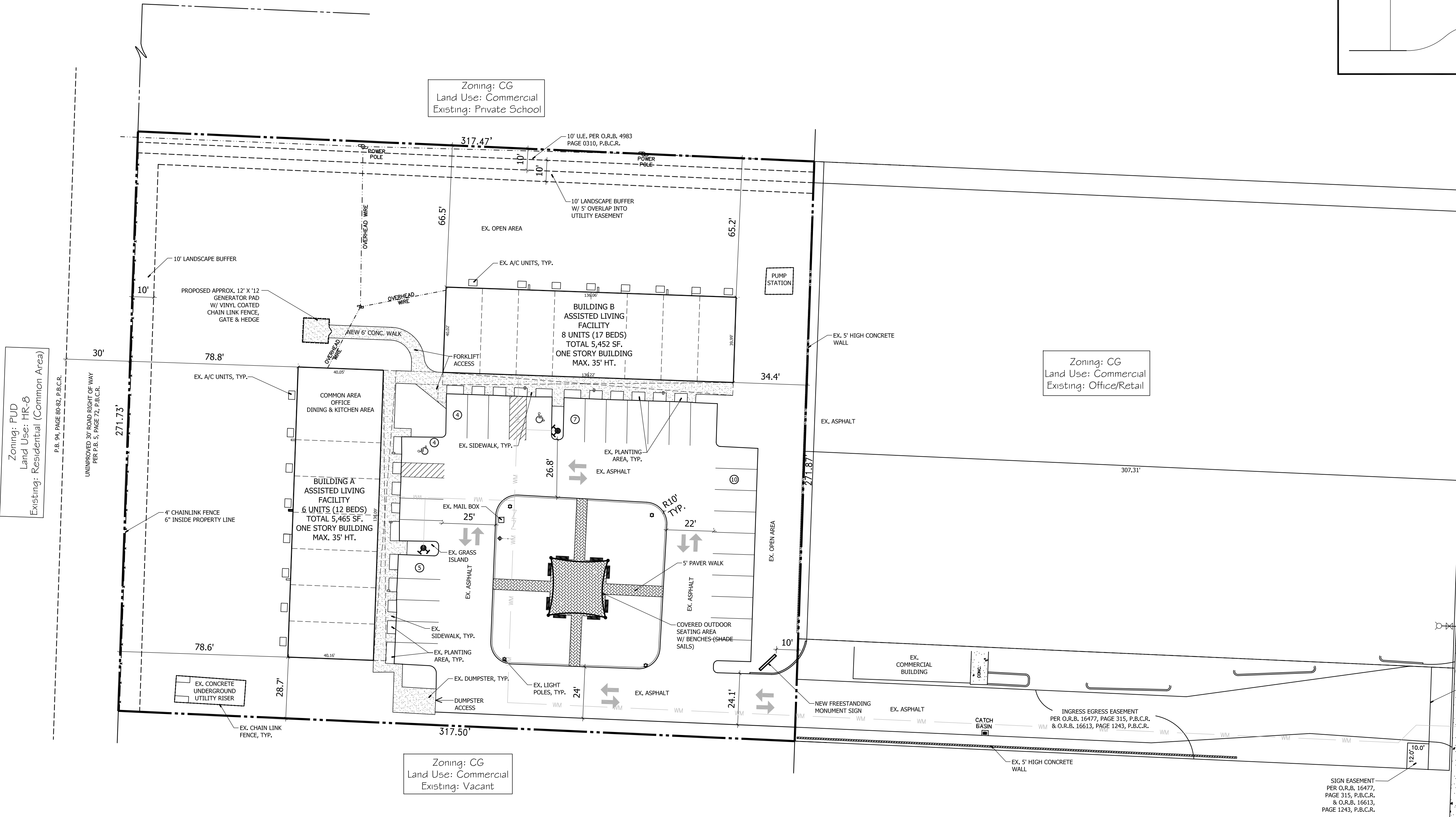
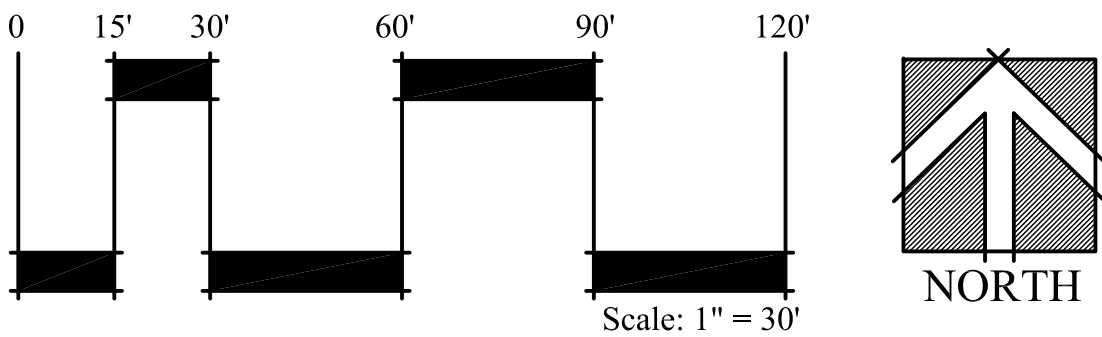
ACTUAL SETBACKS TO BUILDING:
FRONT: 34.4' (EAST)
REAR: 78.6' (WEST)
INTERIOR SIDE: 65.2' (NORTH)
INTERIOR SIDE: 28.7' (SOUTH)

ADT: 77
1 (1)
2 (2)
0 (1)
1 (2)

X = AM PEAK
(X) = PM PEAK

VARIANCE REQUEST				
ITEM NO.:	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
V1	SEC. 34-982 (1) LOCATION	1,500'	0'	1,500'
V2	SEC. 34.982(3) SETBACKS			
	FRONT (EAST)	50'	34.4'	15.6'
	INTERIOR SIDE (SOUTH)	50'	28.7'	21.3'

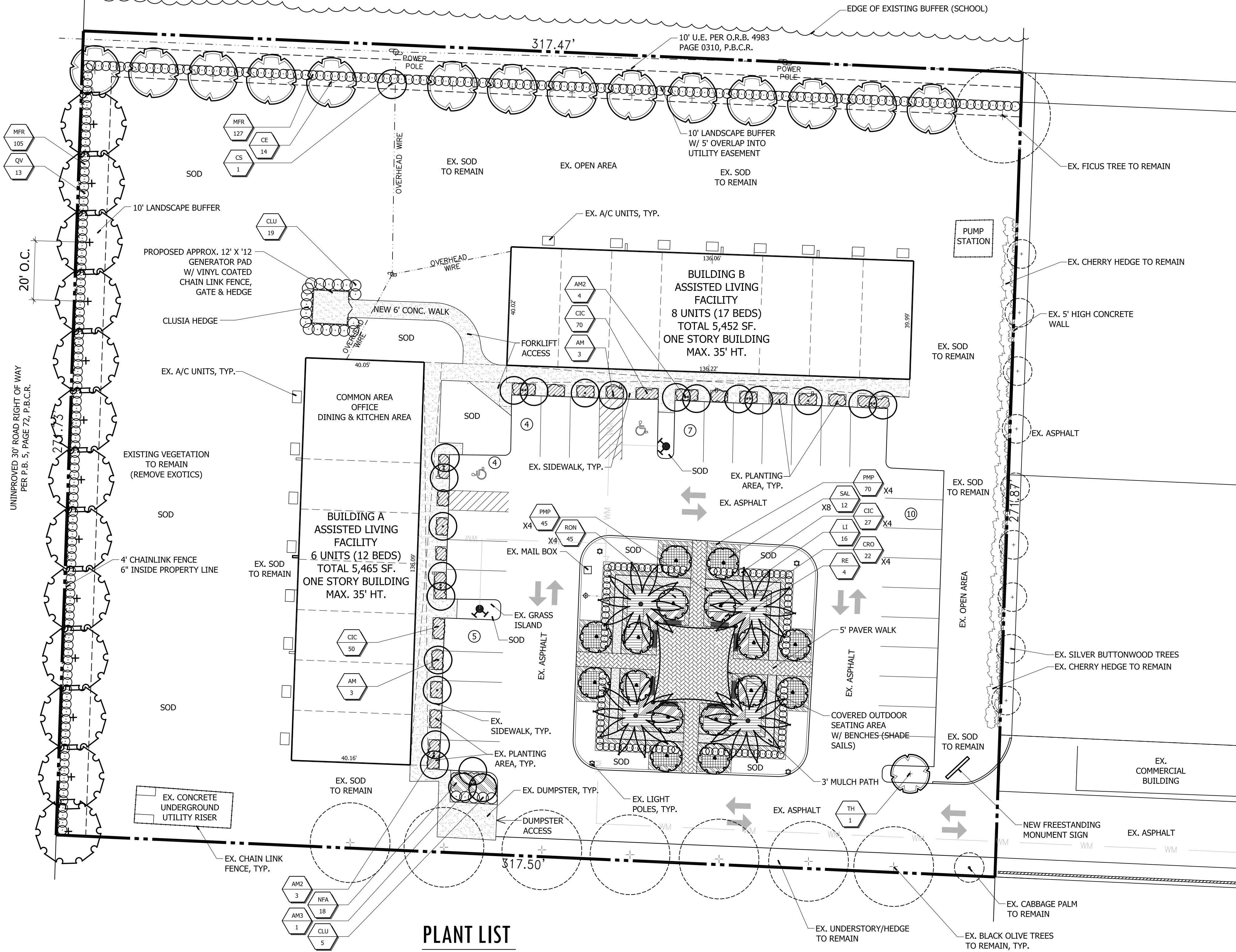
Site Plan



6' VINYL COATED CHAINLINK FENCE
SCALE: NOT TO SCALE

P.B. 94, PAGE 80-82, P.B.C.R.

UNIMPROVED 30' ROAD RIGHT OF WAY
PER P.B. 5, PAGE 72, P.B.C.R.



PLANT LIST

TREES/PALMS		BOTANICAL NAME	COMMON NAME	HEIGHT	SPR.	O.C.	REMARKS
SYM	QTY.						
* V	RE	4	ROYSTONIA ELATA	14-16' G.W.	-	24"	FULL & THICK, MATCHED HEIGHTS
M	TH	1	TABEBUIA HETEROPHYLLA	12' HT.	5' MIN.	24"	FULL & THICK
M	AM	6	ADONIDIA MERRILLII	12' HT.	-	24"	FULL & THICK, SINGLE TRUNK
M	AM2	7	ADONIDIA MERRILLII	12' HT.	-	24"	FULL & THICK, DOUBLE TRUNK
M	AM3	1	ADONIDIA MERRILLII	12' HT.	-	24"	FULL & THICK, TRIPLE TRUNK
M	LI	16	LAGERSTROEMIA INDICA 'MUSKOGEE'	12' HT.	5' MIN.	24"	FULL & THICK, MULTI-TRUNK, 4' C.T.
* V	QV	13	QUERCUS VIRGINIANA	12' HT.	5' MIN.	24"	FULL & THICK, 2.5" DBH
* V	CS	1	CONOCARPUS ERECTUS 'SERICEUS'	12' HT.	5' MIN.	24"	FULL & THICK, 2" DBH
* V	CE	14	CONOCARPUS ERECTUS	12' HT.	5' MIN.	24"	FULL & THICK, 2.5" DBH
SHRUBS & GROUNDCOVERS		BOTANICAL NAME	COMMON NAME	HEIGHT	SPR.	O.C.	REMARKS
KEY	QTY.						
* V	CIC	228	CHRYSOBALANUS ICACO 'RED TIP'	30" MIN.	18" MIN.	24"	FULL & THICK TO BASE
M	CRO	88	CODIAEUM VARIEGATUM 'MAMMEY'	#3, 18" O.A.	14"	24"	FULL & THICK TO BASE
* V	CLU	24	CLUSIA GUTTIFERA	#15, 5-6' O.A.	36"	36"	FULL & THICK TO BASE
M	PMP	460	PODOCARPUS MACROPHYLLUS 'PRINGLES'	#3, 16" O.A.	16"	18"	FULL & THICK TO BASE
M	SAL	96	SALVIA (PURPLE OR BLUE)	#3, 20" O.A.	18"	24"	FULL & THICK TO BASE
M	RON	180	RONDELETIA LEUCOPHYLLA	#3, 20" O.A.	18"	24"	FULL & THICK TO BASE
M	NFA	18	NEPHROLEPIS FALCATA	#3, 16" O.A.	18"	24"	FULL & THICK TO BASE
* V	MFR	232	MYRCIANTHES FRAGRANS	#7, 36" O.A.	24"	30"	FULL & THICK TO BASE

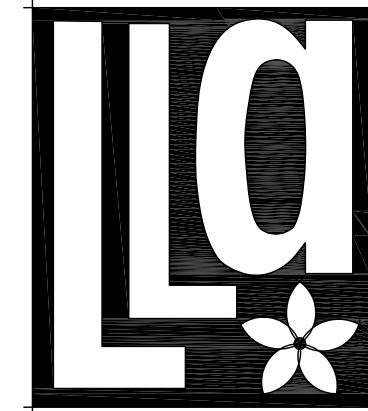
* ASTERISK DENOTES NATIVE PLANT MATERIAL
V INDICATES VERY DROUGHT TOLERANT PLANT MATERIAL
M INDICATES MODERATELY DROUGHT TOLERANT PLANT MATERIAL

SOD: ST. AUGUSTINE 'FLORITAM'
MULCH: 3" SHREDDED MELALEUCA MULCH (OR APPROVED RECYCLED MULCH) TO BE APPLIED TO ALL PLANTING BEDS.

IRRIGATION NOTE:
ALL NEW LANDSCAPE AREAS SHALL RECEIVE 100% OVERLAP COVERAGE FROM A FULLY AUTOMATIC IRRIGATION SYSTEM EQUIPPED WITH A RAIN SENSOR.
IRRIGATION WATER SOURCE: NON-POTABLE WELL

LANDSCAPE NOTES

1. ALL PLANT MATERIAL SHALL BE FLORIDA NUMBER 1 OR BETTER AS DEFINED BY THE DIVISION OF PLANT INDUSTRY 'GRADES AND STANDARDS' LATEST EDITION.
2. ALL LANDSCAPE SHALL CONFORM TO THE REQUIREMENTS OF VILLAGE OF PALM SPRINGS LAND DEVELOPMENT REGULATIONS.
3. THE LANDSCAPE CONTRACTOR SHALL NOT MAKE ANY SUBSTITUTIONS CHANGES WITHOUT THE AUTHORIZATION OF THE VILLAGE OF PALM SPRINGS, THE OWNER AND THE LANDSCAPE ARCHITECT.
4. THE LANDSCAPE CONTRACTOR SHALL REVIEW THE PROJECT DRAINAGE AND UTILITY PLANS PRIOR TO CONSTRUCTION AND AVOID ALL CONFLICTS. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK.
5. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS.
6. ALL TREES SHALL BE LOCATED WITHIN A MULCH PLANTING BED WITH A MINIMUM OF TWO (2) FEET OF CLEARANCE TO THE EDGE OF THE BED.
7. ALL SOD SHALL BE STENOTAPHRUM SECONDATUM FLORITAM (ST. AUGUSTINE SOD).
8. ALL VEGETATION SHALL BE SELECTED AND POSITIONED SO THAT IT DOES NOT PRESENT OBSTRUCTIONS TO THE LINE OF SIGHT AT INTERSECTIONS PURSUANT TO FLORIDA DEPARTMENT OF TRANSPORTATION SIGHT LINE GUIDELINES.
9. CLEAR VISIBILITY SHALL BE MAINTAINED BETWEEN 18" AND 8" WITHIN SIGHT VISIBILITY TRIANGLES. TWENTY BY TWENTY FOOT SIGHT VISIBILITY TRIANGLES SHALL BE PROVIDED AT THE INTERSECTIONS WITH THE PUBLIC RIGHT OF WAY. IN ADDITION, ALL LANDSCAPING SHALL CONFORM TO THE REQUIREMENTS OF FOOT INDEX 546.
10. ALL LANDSCAPE ISLANDS AND BEDS WILL BE FREE OF SHELL ROCK AND CONSTRUCTION DEBRIS, EXCAVATED TO A DEPTH OF 30 INCHES OR TO CLEAN NATIVE SOILS AND FILLED WITH THE SPECIFIED BACKFILL MIXTURE.
11. ALL PROPOSED LANDSCAPE AREAS SHALL RECEIVE 100% OVERLAP COVERAGE FROM A FULLY AUTOMATIC IRRIGATION SYSTEM EQUIPPED WITH A RAIN SENSING DEVICE ACCORDING TO LOCAL AND STATE CODES. IRRIGATION WATER SHALL BE PULLED FROM A WELL SOURCE.
12. ALL ABOVE GROUND UTILITIES SHALL BE SCREENED FROM VIEW ON THREE SIDES WITH AN APPROPRIATE HEDGE MATERIAL. HEIGHT OF PLANT MATERIAL AT TIME OF INSTALLATION SHALL BE AT LEAST AS TALL AS THE UTILITY BEING SCREENED AND SHALL BE SPACED APPROPRIATELY IN ORDER TO PROVIDE COMPLETE SCREENING OF UTILITY WITHIN ONE YEAR OF INSTALLATION.
13. ALL TREES NOT LOCATED WITHIN A LANDSCAPE BED SHALL RECEIVE A 4-5' DIA. MULCH RING.
14. ALL EXOTIC AND NUISANCE VEGETATION SHALL BE REMOVED FROM SUBJECT PROPERTY PRIOR TO ANY CERTIFICATE OF OCCUPANCY.



Litterick
Landscape
Architecture

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JACOB'S GARDENS
Village of Palm Springs, Florida

Project Name

Landscape Architect of Record

Jason M. Litterick, RLA
(LA0001677)

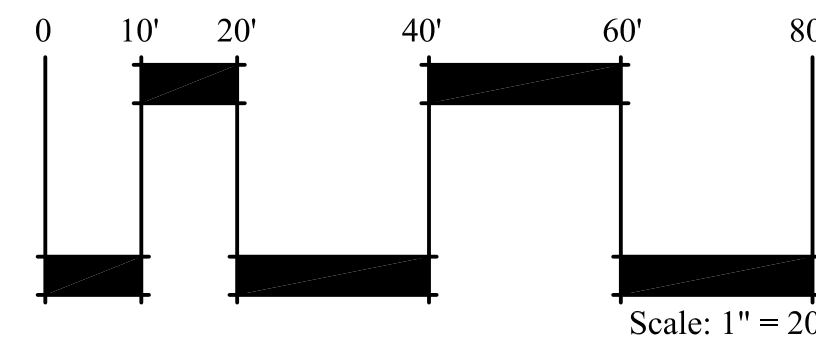
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Designed: JML
Drawn: JML
Approved: JML
Date: 6/27/18
Job no.:
Revisions: 9/28/18
1/15/19

Sheet No.

LP-1
JOB NO.

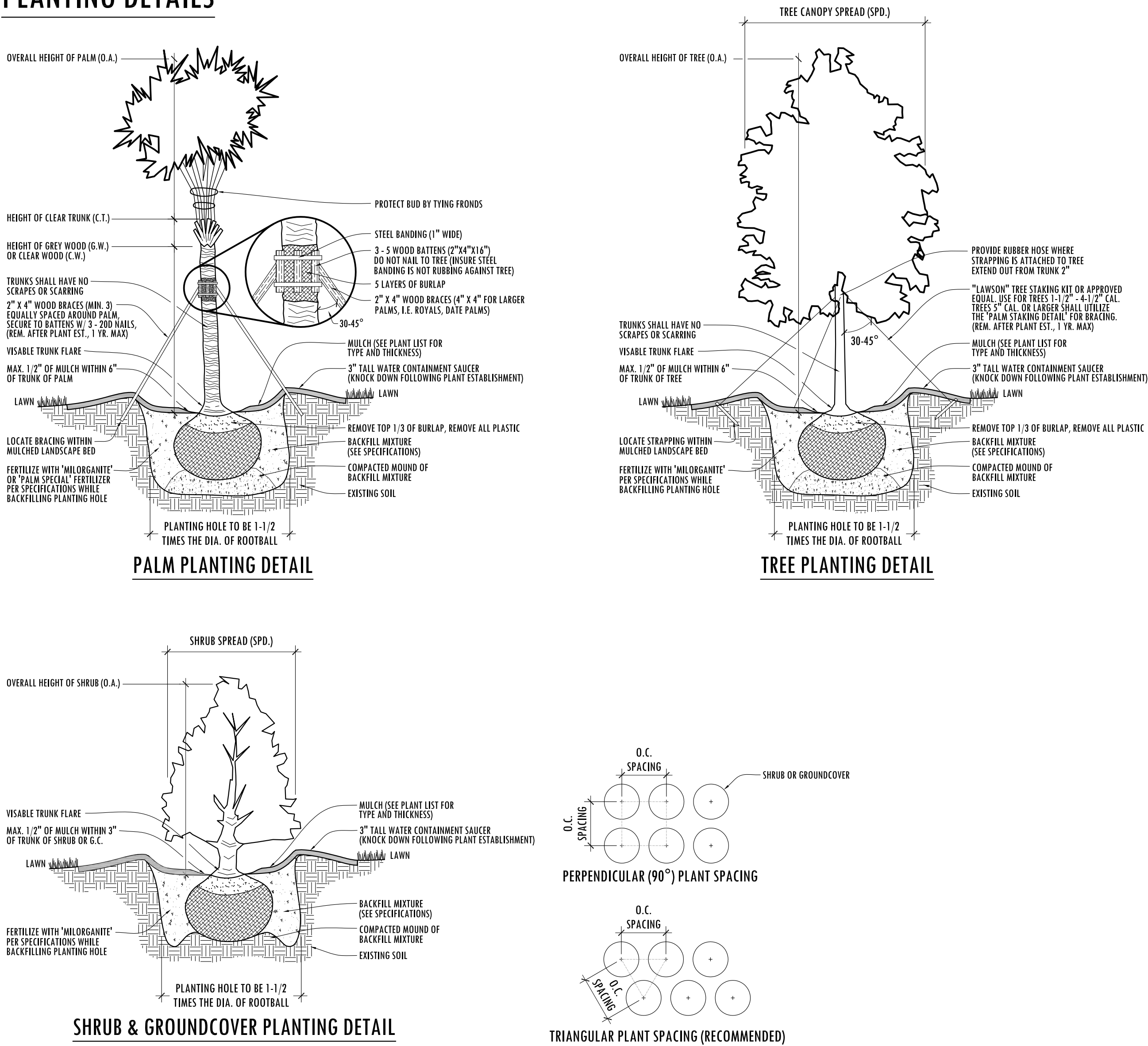
Landscape Plan



PLANT LIST

REFER TO SHEETS LP-1 FOR PLANT LIST

PLANTING DETAILS



PLANTING SPECIFICATIONS

1. SCOPE OF WORK

LANDSCAPE CONTRACT WORK INCLUDES, BUT IS NOT LIMITED TO, SOIL PREPARATION, FINE OR FINISH GRADING, FURNISHING AND INSTALLING PLANT MATERIAL, WATERING, STAKING, GUYING AND MULCHING.

ALL LABOR AND MATERIAL FOR SOIL AMENDMENTS AND FERTILIZER THAT IS REQUIRED TO INSURE THE SUCCESSFUL ESTABLISHMENT AND SURVIVAL OF THE PROPOSED VEGETATION, AS WELL AS ALL THE COST FOR THE REMOVAL OF UNSUITABLE OR EXCESS BACKFILL MATERIAL, SHALL BE INCLUDED IN THE CONTRACTOR'S BID TO PERFORM THE WORK REPRESENTED IN THIS PLAN SET.

2. QUALITY ASSURANCE

LANDSCAPE CONTRACTOR MUST BE REGULARLY ENGAGED IN THE INSTALLATION OF LIVING PLANT MATERIAL. LABOR CREWS SHALL BE CONTROLLED AND DIRECTED BY A LANDSCAPE FOREMAN WELL VERSED IN LANDSCAPE INSTALLATION, PLANT MATERIALS, READING PLANS AND COORDINATION BETWEEN THE JOB AND NURSERY.

THE LANDSCAPE CONTRACTOR AND IRRIGATION CONTRACTOR SHALL REVIEW LAYOUT AND SCHEDULING PRIOR TO INSTALLATION OF MATERIAL. MINOR ADJUSTMENT TO IRRIGATION DESIGN MAY BE MADE IN RESPONSE TO THE NEEDS OF SPECIFIC PLANT MATERIAL. THE LANDSCAPE ARCHITECT MUST BE NOTIFIED OF SUCH CHANGES.

3. MATERIALS

PLANT SIZE AND QUALITY
PLANT SPECIES AND SIZES SHALL CONFORM TO THOSE INDICATED ON THE DRAWINGS, NOMENCLATURE SHALL CONFORM TO STANDARD PLANT NAMES, 1942 EDITION. ALL NURSERY STOCK SHALL BE IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS PARTS I & II, LATEST EDITION PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, UNLESS SPECIFIED OTHERWISE. ALL PLANTS SHALL BE FLORIDA GRADE NUMBER 1 OR BETTER AS DETERMINED BY THE FLORIDA DIVISION OF PLANT INDUSTRY. THOROUGHLY KNIT PLANT, SO TRAINED OR FAVORED IN ITS DEVELOPMENT THAT FIRST APPEARANCE IS UNQUESTIONABLE AND IT IS OUTSTANDINGLY SUPERIOR IN FORM, NUMBER OF BRANCHES, COMPACTNESS AND SYMMETRY. ALL PLANTS SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND FREE OF DISEASE AND INSECT EGGS AND LARVAE AND SHALL HAVE ADEQUATE ROOT SYSTEMS. TREES AND PALMS FOR PLANTING ROWS SHALL BE UNIFORM IN SIZE AND SHAPE. ALL MATERIALS SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT. THE PLANTS FURNISHED SHALL BE NORMAL FOR THE VARIETY AND FLORIDA NUMBER 1. PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT. ALL PLANTS SHALL BE FREE OF WEEDS OR ANY OTHER OBJECTIONABLE VEGETATION.

ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED PLANTS AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS OF GOOD QUALITY AND BE IN A HEALTHY GROWING CONDITION.

CONTAINER GROWN PLANTS SHALL HAVE A DEVELOPED ROOT STRUCTURE SO THAT THE ROOT MASS STAYS IN TACT WHEN REMOVED FROM CONTAINER. IN NO CASE SHALL THE PLANT CONTAIN CIRCLING ROOTS NOR BE ROOT-BOUND.

QUANTITIES
ALL QUANTITIES INDICATED ON THE PLANT LIST ARE INTENDED AS A GUIDE FOR THE BIDDERS AND DOES NOT RELIEVE THE BIDDER OF HIS RESPONSIBILITY TO DO A COMPREHENSIVE PLANT TAKE OFF. SHALL A DISCREPANCY OCCUR BETWEEN THE BIDDER'S TAKE OFF AND THE PLANT LIST QUANTITY, THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED FOR CLARIFICATION PRIOR TO THE SUBMISSION OF THE BID.

MULCH
MULCH SHALL BE A SHREDDED VARIETY AS SPECIFIED IN THE PLANT LIST. ALL MULCH IS TO BE APPLIED TO A DEPTH OF 3" EXCEPT FOR THOSE SPECIFIC SITUATIONS SHOWN BELOW IN SECTION 4 AND IN PLANTING DETAILS.

FERTILIZER
FERTILIZER IN BACKFILL MIXTURE FOR ALL PLANTS SHALL CONSIST OF "MILORGANITE" ACTIVATED SLUDGE MIXED WITH THE BACKFILL AT A RATE OF NOT LESS THAN 50 LBS. PER CUBIC YARD.

FERTILIZER FOR TREES AND SHRUBS MAY BE TABLET FORM OR GRANULAR. GRANULAR FERTILIZER SHALL BE UNIFORM IN COMPOSITION, DRY AND FREE-FLOWING. THIS FERTILIZER SHALL BE DELIVERED TO THE SITE IN THE ORIGINAL UNOPENED BAGS, EACH BEARING THE MANUFACTURER'S STATEMENT OF ANALYSIS. FERTILIZE ALL NEW PLANTINGS PER RATES SHOWN BELOW:

TREES:
FERTILIZE NEW TREES WITH "MILORGANITE" AT THE FOLLOWING RATES:
- 8" AND SMALLER: 2-4 LBS.
- 8"-12" TALL: 4-8 LBS.
- 12" AND TALLER: 6-8 LBS.
(3 CUPS = 1 LB.)

SHRUBS:
FERTILIZE NEW SHRUBS AND ACCENTS WITH "MILORGANITE" AT THE FOLLOWING RATES:
- 4-6" POTS: 1/2 CUP
- 1 GAL.: 1 CUP
- 3 GAL.: 2 CUPS
- 7-10 GAL.: 2 CUPS
- 15 GAL. AND GREATER: 3 CUPS

PALM TREES:
FERTILIZE NEW PALM TREES WITH A "PALM SPECIAL" FERTILIZER IN SLOW RELEASE FORM. FERTILIZER SHALL CONTAIN AN ADDITIONAL MAGNESIUM AND MICRO-NUTRIENT AMENDMENT

SOIL
PLANTING SOIL SHALL BE SANDY LOAM AND SHALL CONTAIN A 25% MINIMUM AMOUNT OF DECOMPOSED ORGANIC MATTER. PLANTING SOIL SHALL BE FREE OF CLAY, STONES, PLANTS, ROOTS AND OTHER FOREIGN MATERIALS WHICH MIGHT BE A HINDRANCE TO PLANTING OPERATIONS OR BE DETRIMENTAL TO GOOD PLANT GROWTH. SOIL SHALL BE DELIVERED IN A LOOSE FRIABLE CONDITION AND APPLIED IN ACCORDANCE WITH THE PLANTING SPECIFICATIONS.

ALL SHRUBS, TREES AND GROUND COVER WILL HAVE IMPROVED SOIL AS PER PLANTING SOIL NOTES. THE SOILS SHALL BE PLACED IN THE HOLE DURING PLANTING. TOP DRESSING ONLY IS NOT ACCEPTABLE.

DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING. ALL TREES SHALL BE SPIKED IN UTILIZING WATER AND A TREE BAR.

WATER
WATER FOR PLANTING WILL BE AVAILABLE AT THE SITE AND WILL BE PROVIDED BY THE OWNER. LANDSCAPE CONTRACTOR SHALL NOT ASSUME THAT THE IRRIGATION SYSTEM WILL BE OPERATIONAL AT THE TIME OF PLANTING. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO PROVIDE ALL THE REQUIRED WATER NECESSARY TO MAINTAIN THE PLANT MATERIAL IN A HEALTHY GROWING CONDITION. THE WATERING MAY INCLUDE DEEP WATERING OF TREES AND THE WATERING OF SHRUB AND GROUND COVER AREAS. ANY PLANT MATERIALS THAT DIE OR THAT ARE NOT IN A HEALTHY GROWING CONDITION DUE TO LACK OF WATER SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

4. EXECUTION

FIELD GROWN TREES AND PALMS PREVIOUSLY ROOT PRUNED SHALL OBTAIN A ROOT BALL WITH SUFFICIENT ROOTS FOR CONTINUED GROWTH WITHOUT RESULTING SHOCK.

CONTRACTOR SHALL NOT MARK OR SCAR TRUNK IN ANY FASHION.

PLANTS SHALL BE WATERED AS NECESSARY OR WITHIN 24 HOURS AFTER NOTIFICATION BY THE LANDSCAPE ARCHITECT.

THE LOCATIONS OF PLANTS, AS SHOWN IN THESE PLANS, ARE APPROXIMATE. THE FINAL LOCATIONS MAY BE ADJUSTED TO ACCOMMODATE UNFORESEEN FIELD CONDITIONS. MAJOR ADJUSTMENTS TO THE LAYOUT ARE TO BE APPROVED BY THE LANDSCAPE ARCHITECT.

ALL PLASTIC FABRIC SHALL BE REMOVED FROM PLANT MATERIAL AT TIME OF INSTALLATION.

ALL TREES MUST BE STAKED AS SHOWN ON THE PLANTING DETAILS WITHIN 24 HOURS OF PLANTING. STAKES TO REMAIN FOR A MINIMUM OF 9 MONTHS, BUT NO LONGER THAN 18 MONTHS. CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE AND REMOVAL OF THE STAKES.

ALL TREES MUST BE PRUNED AS PER LANDSCAPE ARCHITECT'S DIRECTION. SABAL PALMS MAY BE HURRICANE CUT.

ALL SHRUBS, TREES AND GROUND COVER WILL HAVE IMPROVED SOIL AS PER PLANTING SOIL NOTES. THE SOILS SHALL BE PLACED IN THE HOLE DURING PLANTING. TOP DRESSING ONLY IS NOT ACCEPTABLE.

DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING. ALL TREES SHALL BE SPIKED IN UTILIZING WATER AND A TREE BAR.

AFTER FINAL SETTLING OF BALLED AND BURLAPED PLANTS, LOOSEN BURLAP WRAPPING EXPOSING THE TOP OF THE ROOTBALL, LEAVING THE BALL UNBROKEN. REMOVE EXCESS AMOUNTS OF BURLAP TO ELIMINATE VOIDS WHICH MAY BE CAUSED UPON DECOMPOSITION.

CONTAINER GROWN PLANTS SHALL, WHEN DELIVERED, SHALL HAVE SUFFICIENCY GROWTH TO HOLD EARTH INTACT WHEN REMOVED FROM CONTAINER AND SHALL NOT BE ROOT BOUND. PLANT PITS FOR CONTAINER MATERIALS SHALL BE FORMED FLAT ON THE BOTTOM TO AVOID AIR POCKETS AT THE BOTTOM OF ROOT BALLS AND CONTAINERS SHALL BE REMOVED CAREFULLY TO PREVENT DAMAGE TO THE PLANT OR ROOT SYSTEMS.

TEST TREE PITS WITH WATER BEFORE PLANTING TO ASSURE PROPER DRAINAGE PERCOLATION IS AVAILABLE. PITS WHICH ARE FOUND NOT TO BE ADEQUATELY DRAINING SHALL BE EXCAVATED TO A DEPTH SUFFICIENT FOR DRAINAGE AND BACKFILLING WITH GRAVEL OR CRUSHED ROCK. NO ALLOWANCES WILL BE MADE FOR LOST PLANTS DUE TO IMPROPER DRAINAGE.

PLANTING BED PREPARATION
ALL PLANTING BEDS SHALL BE PROPERLY PREPARED PRIOR TO THE COMMENCEMENT OF ANY PLANTING. PLANTING AREAS, INCLUDING LAWNS SHALL BE FREE OF ALL WEEDS AND NUISANCE VEGETATION. IF TORPEDO GRASS (Panicum repens) IS PRESENT OR ENCOUNTERED DURING PLANTING, THE LANDSCAPE CONTRACTOR SHALL STOP ALL PLANTING UNTIL IT CAN BE DEMONSTRATED THAT IT HAS BEEN COMPLETELY REMOVED OR ERADICATED. THERE SHALL BE NO EXCEPTIONS TO THIS PROVISION.

ALL LANDSCAPE ISLANDS AND BEDS WILL BE FREE OF SHELL ROCK AND CONSTRUCTION DEBRIS AND WILL BE EXCAVATED TO A DEPTH OF 30 INCHES OR TO CLEAN, NATIVE SOIL AND FILLED WITH THE SPECIFIED BACKFILL MIXTURE.

PLANTING TREES

EXCAVATE PIT AS PER PLANTING DETAILS. COMPACT LAYER OF TOPSOIL IN PIT WITH A SLIGHTLY DISHED GRADE TO CENTER.

BACKFILL AROUND BALL WITH TOPSOIL AND SLIGHTLY COMPACT, WATER THOROUGHLY AS LAYERS ARE PLACED TO ELIMINATE VOIDS AND AIR POCKETS. BUILD A 6" HIGH BERM OF TOPSOIL BEYOND EDGE OF EXCAVATION. APPLY 3" (AFTER SETTLEMENT) OF MULCH.

PRUNE TREE TO REMOVE DAMAGED BRANCHES, IMPROVE NATURAL SHAPE AND THIN OUT STRUCTURE. DO NOT REMOVE MORE THAN 15% OF BRANCHES. DO NOT PRUNE BACK TERMINAL LEADER.

GUY AND STAKE TREE IN ACCORDANCE WITH THE STAKING DETAILS IMMEDIATELY AFTER PLANTING.

PLANTING SHRUBS

LAYOUT SHRUBS TO CREATE A CONTINUOUS SMOOTH FRONT LINE AND FILL IN BEHIND.

EXCAVATE PIT OR TRENCH TO 1-1/2 TIMES THE DIAMETER OF THE BALLS OR CONTAINERS OR 1'-0" WIDER THAN THE SPREAD OF ROOTS AND 3" DEEPER THAN REQUIRED FOR POSITIONING AT PROPER HEIGHT. COMPACT A LAYER OF TOPSOIL IN BOTTOM BEFORE PLACING PLANTS. BACKFILL AROUND PLANTS WITH PLANTING MIXTURE, COMPACTED TO ELIMINATE VOIDS AND AIR POCKETS. FORM GRADE SLIGHTLY DISHED AND BERMED AT EDGES OF EXCAVATION. APPLY 3" OF MULCH.

PRUNE SHRUBS TO REMOVE DAMAGED BRANCHES, IMPROVE NATURAL SHAPE AND THIN OUT STRUCTURE. DO NOT REMOVE MORE THAN 15% OF BRANCHES.

PLANTING GROUND COVER

LOOSEN SUBGRADE TO DEPTH OF 4" IN AREAS WHERE TOPSOIL HAS BEEN STRIPPED AND SPREAD SMOOTH.

SPACE PLANTS AS OTHERWISE INDICATED. DIG HOLES LARGE ENOUGH TO ALLOW SPREADING OF ROOTS. COMPACT BACKFILL TO ELIMINATE VOIDS AND LEAVE GRADE SLIGHTLY DISHED AT EACH PLANT. WATER THOROUGHLY. APPLY 3" OF MULCH OVER ENTIRE PLANTING BED, LIFTING PLANT FOLIAGE ABOVE MULCH. PURPLE QUEEN GROUND COVER, IF SPECIFIED, SHALL ONLY RECEIVE 1" OF MULCH.

DURING PERIODS OF HOT SUN AND/OR WIND AT TIME OF PLANTING, PROVIDE PROTECTIVE COVER FOR SEVERAL DAYS OR AS NEEDED.

PLANTING SOD

SODDING: SOD TYPE SPECIFIED ON PLANT LIST SHALL BE MACHINE STRIPPED NOT MORE THAN 24 HOURS PRIOR TO LAYING. SOD SHALL BE FIRM, TOUGH TEXTURE, HAVING A COMPACT GROWTH OF GRASS WITH GOOD ROOT DEVELOPMENT, AND SHALL CONTAIN NO BERMUDA GRASS, WEEDS OR ANY OTHER OBJECTIONABLE VEGETATION.

LOOSEN SUBGRADE TO DEPTH OF 4" AND GRADE WITH TOPSOIL EITHER PROVIDED ON SITE OR IMPORTED TO FINISH DESIGN ELEVATIONS. IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO FINISH GRADE ALL LANDSCAPE AREAS, ELIMINATING ALL BUMPS, DEPRESSIONS, STICKS, STONES AND OTHER DEBRIS. ROLL PREPARED LAWN SURFACE. WATER THOROUGHLY, BUT DO NOT CREATE MUDDY SOIL CONDITION.

FERTILIZE SOIL AT THE RATE OF APPROXIMATELY 10 LBS. PER 1,000 S.F. SPREAD FERTILIZER OVER THE AREA TO RECEIVE GRASS BY USING AN AIR-APPLIED DISTRIBUTION DEVICE CALIBRATED TO DISTRIBUTE THE APPROPRIATE QUANTITY. DO NOT FERTILIZE WHEN WIND VELOCITY EXCEEDS 15 M.P.H. THOROUGHLY MIX FERTILIZER INTO THE TOP 2" OF TOPSOIL.

LAY SOD STRIPS WITH TIGHT JOINTS, DO NOT OVERLAP. STAGGER STRIPS TO OFFSET JOINTS IN ADJACENT COURSES. WORK SIFTED SOIL MIX INTO MINOR CRACKS BETWEEN PIECES OF SOD AND REMOVE EXCESS SOIL DEPOSITS FROM SODDED AREAS. SOD ON SLOPES GREATER THAN 3:1 SHALL BE STAKED IN PLACE. ROLL OR STAMP LIGHTLY AND WATER THOROUGHLY WITH A FINE SPRAY IMMEDIATELY AFTER PLANTING.

5. MISCELLANEOUS LANDSCAPE WORK

LANDSCAPE MAINTENANCE
MAINTAIN LANDSCAPE WORK IMMEDIATELY AFTER PLANTING AND UNTIL FINAL ACCEPTANCE IS ISSUED BY THE OWNER'S REPRESENTATIVE. INCLUDE WATERING, WEEDING, CULTIVATING, RESTORATION OF GRADE, MOVING AND TRIMMING GRASS, PRUNING TREES AND SHRUBS, PROTECTION FROM INSECTS AND DISEASES, FERTILIZING AND SIMILAR OPERATIONS AS NEEDED TO INSURE NORMAL GROWTH AND GOOD HEALTH FOR LIVE PLANT MATERIAL. SETTLED PLANTS SHALL BE RESET TO PROPER GRADE, PLANTING SAUCERS RESTORED, AND DEFECTIVE WORK CORRECTED.

IN THE EVENT OF SERIOUS DAMAGE FROM INSECTS OR DISEASE PRIOR TO FINAL ACCEPTANCE, THE PLANTS SHALL BE TREATED BY PREVENTATIVE OR REMEDIAL MEASURES APPROVED FOR GOOD HORTICULTURAL PRACTICE AT NO ADDITIONAL COST TO THE OWNER.

CLEAN UP
THE LANDSCAPE CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES FREE FROM ACCUMULATION OF WASTE MATERIALS OR DEBRIS CAUSED BY HIS CREWS DURING THE PERFORMANCE OF THE WORK. UPON COMPLETION OF THE WORK, THE CONTRACTOR SHALL PROMPTLY REMOVE ALL WASTE MATERIALS, DEBRIS, UNUSED PLANT MATERIAL, EMPTY PLANT CONTAINERS AND ALL EQUIPMENT FROM THE PROJECT SITE.

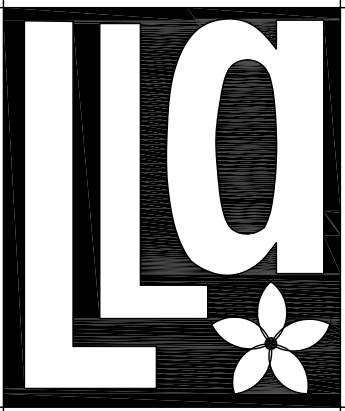
ANY SOIL, PEAT OR SIMILAR MATERIAL WHICH HAS BEEN BROUGHT ONTO ANY PAVED AREAS SHALL BE REMOVED PROMPTLY KEEPING THESE AREAS CLEAN AS THE WORK PROGRESSES. UPON COMPLETION OF THE PLANTING, ALL EXCESS SOIL, STONES AND DEBRIS WHICH HAS NOT BEEN PREVIOUSLY CLEANED UP SHALL BE REMOVED FROM THE SITE.

INSPECTION & ACCEPTANCE
THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT UPON COMPLETION OF THE WORK TO REQUEST A FINAL INSPECTION OF THE INSTALLATION AND PLANT MATERIALS. THE LANDSCAPE ARCHITECT AND/OR OWNER'S REPRESENTATIVE WILL NOTIFY THE LANDSCAPE CONTRACTOR OF ANY DEFICIENCIES VIA A "PUNCH LIST" WHICH SHALL BE PROMPTLY CORRECTED BY THE LANDSCAPE CONTRACTOR. CONDITIONAL LANDSCAPE ACCEPTANCE OF ALL PLANT MATERIAL AND WORKMANSHIP WILL BE GIVEN IN WRITING BY THE LANDSCAPE ARCHITECT AFTER ALL "PUNCH LIST" ITEMS HAVE BEEN CORRECTED AND ANY PLANT REPLACEMENTS MADE. THIS ACCEPTANCE WILL BEGIN THE WARRANTY PERIOD. DEFICIENCIES NOTED AFTER THE CONDITIONAL LANDSCAPE ACCEPTANCE SHALL BE RECTIFIED DURING THE WARRANTY PERIOD AND PRIOR TO FINAL LANDSCAPE ACCEPTANCE.

GUARANTEE AND REPLACEMENT
ALL PLANT MATERIAL AND WORKMANSHIP SHALL BE GUARANTEED BY THE LANDSCAPE CONTRACTOR FOR A PERIOD OF SIX (6) MONTHS FROM THE DATE OF CONDITIONAL LANDSCAPE ACCEPTANCE BY THE LANDSCAPE ARCHITECT. ANY PLANT MATERIAL OR WORKMANSHIP THAT IS DEFICIENT OR HAS DIED SHALL BE REPLACED AT THE SAME SPECIFICATION NOTED IN THE PROVIDED LANDSCAPE PLANS. REPLACEMENTS SHALL BE MADE BY THE LANDSCAPE CONTRACTOR WITHIN TWO (2) WEEKS OF NOTIFICATION BY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE AT NO ADDITIONAL COST TO THE OWNER. WARRANTIES OF REPLACEMENT MATERIAL SHALL BE SIX (6) MONTHS FROM THE DATE OF REPLACEMENT INSTALLATION. DEATH OR DAMAGE RESULTING FROM LIGHTNING, VANDALISM OR AUTOMOBILES OR BY NEGLIGENCE BY THE OWNER SHALL NOT BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR. UNLESS OTHERWISE ARRANGED WITH THE OWNER, THE CONTRACTOR IS RESPONSIBLE FOR GENERAL PLANT MAINTENANCE INCLUDING WATERING AND MOVING UP UNTIL THE DATE OF CONDITIONAL ACCEPTANCE.

PLANT MATERIAL SUBSTITUTION

THERE WILL BE NO SUBSTITUTION OF PLANT MATERIAL UNLESS AUTHORIZED BY THE LANDSCAPE ARCHITECT AND/OR OWNER. THIS INCLUDES SPECIES AND SIZE OF PLANT MATERIAL.



Litterick
Landscape
Architecture

2740 SW Martin Downs Blvd. #199
Palm City, FL 34990
561-719-3876
JasonLA1677@yahoo.com

JACOB'S GARDENS

Village of Palm Springs, Florida

Project Name

Landscape Architect of Record

Jason M. Litterick, RLA
(LA0001677)

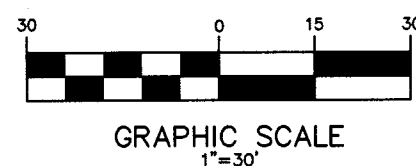
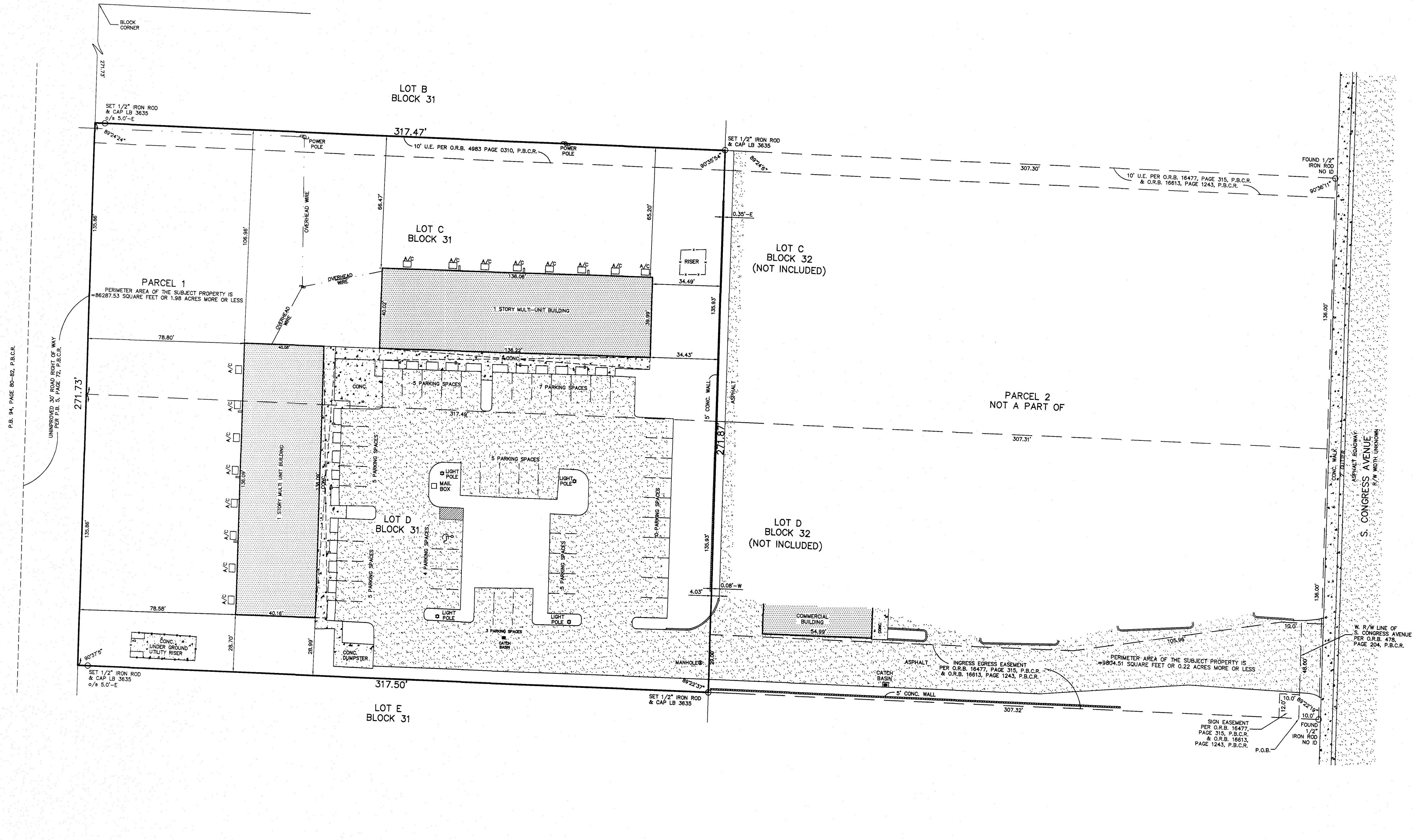
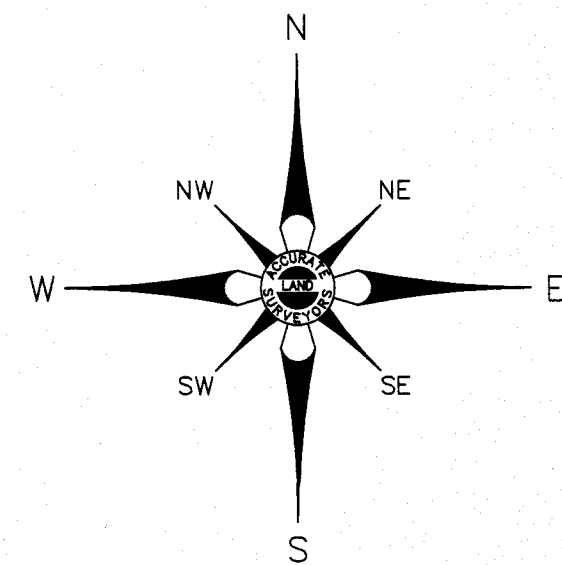
Scale: Not to Scale

Designed: JML
Drawn: JML
Approved: JML
Date: 6/27/18
Job no.:
Revisions:

Sheet No.

LP-2

Landscape Specifications & Planting Details



BOUNDARY SURVEY

LEGEND OF ABBREVIATIONS:

A	ANGLE	PCP	PERMANENT CONTROL POINT
AL	ARC LENGTH	P.C.R.	PALM BEACH COUNTY RECORDS
CB	CHORD BEARING	P	PLAT
R	RADIUS	N&D	NAIL & DISC
R/W	RIGHT OF WAY	P.O.C.	POINT OF COMMENCEMENT
PC	POINT OF CURVATURE	P.O.B.	POINT OF BEGINNING
PT	POINT OF TANGENCY	AC	AIR CONDITIONER
WM	WATER METER	END	FOUND
QH	OVERHANG	CHATT	CHATTANOOGUE
N	NORTH	STA	STATION
S	SOUTH	F.P.L.	FLORIDA POWER & LIGHT
E	EAST	N.T.S.	NOT TO SCALE
W	WEST	B.C.R.	BROWARD COUNTY RECORDS
CONC.	CONCRETE	D.C.R.	DADE COUNTY RECORDS
D.B.	DIED BOOK	P.B.	PLAT BOOK
CLF	CHAIN LINK FENCE	O.R.B.	OFFICIAL RECORDS BOOK
BLVD	BOULEVARD	FF	FINISHED FLOOR
ENCL	ENCLOSURE	GAR	GARAGE
IP	IRON PIPE	ELC	ELECTRIC
IR	IRON ROD	SEC	SECTION
P.R.M.	PERMANENT REFERENCE MONUMENT	TWP	TOWNSHIP
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM	RNG	RANGE
U.E.	UTILITY EASEMENT	CL	CENTERLINE
D.E.	DRAINAGE EASEMENT	ASPH	ASPHALT
A.E.	ANCHOR EASEMENT	MH	MANHOLE
MAINT	MAINTENANCE	MJ	MEASURED
ESMT	EASEMENT	LP	LIGHT POLE
ELEV	ELEVATION		
B.M.	BENCHMARK		

STREET ADDRESS:

4177 S. CONGRESS AVENUE # 1, PALM SPRINGS, FL 33461

LEGAL DESCRIPTION:

LOT C AND D, BLOCK 31, THE PALM BEACH FARMS CO. PLAT NO. 7 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 72, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH AN EASEMENT RECORDED IN O.R.B. 16477, PAGE 315, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EASEMENTS ACCORDING TO THE COMMITMENT LISTED IN NOTE 10 HEREON:

1. 10' U.E. PER O.R.B. 4983, PAGE 310 PALM BEACH COUNTY RECORDS ALONG THE N. LINE OF LOT C BLOCK 31
2. 10' U.E. PER O.R.B. 16477, PAGE 315, P.B.C.R. & O.R.B. 16613, PAGE 1243, PALM BEACH COUNTY RECORDS ALONG THE N. LINE OF LOT C, BLOCK 32.
3. INGRESS, EGRESS EASEMENT ALONG THE S. LINE OF LOT D, BLOCK 32, O.R.B. 16477, PAGE 315, P.B.C.R. & O.R.B. 16613, PAGE 1243, PALM BEACH COUNTY RECORDS.
4. SIGN EASEMENT PER O.R.B. 16477, PAGE 315, P.B.C.R. ALONG THE EAST LINE OF LOT D, BLOCK 32, & O.R.B. 16613, PAGE 1243, PALM BEACH COUNTY RECORDS.
5. SEE O.R.B. 16477, PAGE 315 & O.R.B. 16613, PAGE 1243, P.B.C.R. FOR NON PLOTTABLE BLANKET EASEMENTS

ABOVE GROUND ENCROACHMENTS ACCORDING TO THE PLAT HEREON:

1. CONCRETE CURB ALONG THE EAST BOUNDARY OF LOT D BLOCK 31

CERTIFY TO:

1. CONGRESS APARTMENTS, LLC.

NOTES:

1. UNLESS OTHERWISE NOTED FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
2. BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N/A
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS, OR OTHER MATTERS OF RECORDS BY ACCURATE LAND SURVEYORS, INC.
4. OWNERSHIP OF FENCES AND WALLS IF ANY NOT DETERMINED.
5. THIS DRAWING IS THE PROPERTY OF ACCURATE LAND SURVEYORS, INC. AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
6. THIS SURVEY CONSISTS OF A MAP AND TEXT REPORT. ONE IS NOT VALID WITHOUT THE OTHER.
7. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CERTIFIED HEREON. TO BE VALID ONE YEAR FROM THE DATE OF SURVEY AS SHOWN.
8. THE FLOOD ZONE INFORMATION SHOWN HEREON IS FOR THE DWELLABLE STRUCTURE ONLY UNLESS OTHERWISE INDICATED.
9. THE LOCATION OF OVERHEAD UTILITY LINES ARE APPROXIMATE IN NATURE DUE TO THEIR PROXIMITY ABOVE GROUND. SIZE, TYPE & QUANTITY MUST BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION.
10. THIS IS TO CERTIFY THAT ALL PLOTTABLE EASEMENTS IN ITEMS 6, 7 & 9 ARE SHOWN HEREON AS PER SCHEDULE B-II OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 06-2012-011900 DATED NOV. 23 2012 @ 11:00 PM

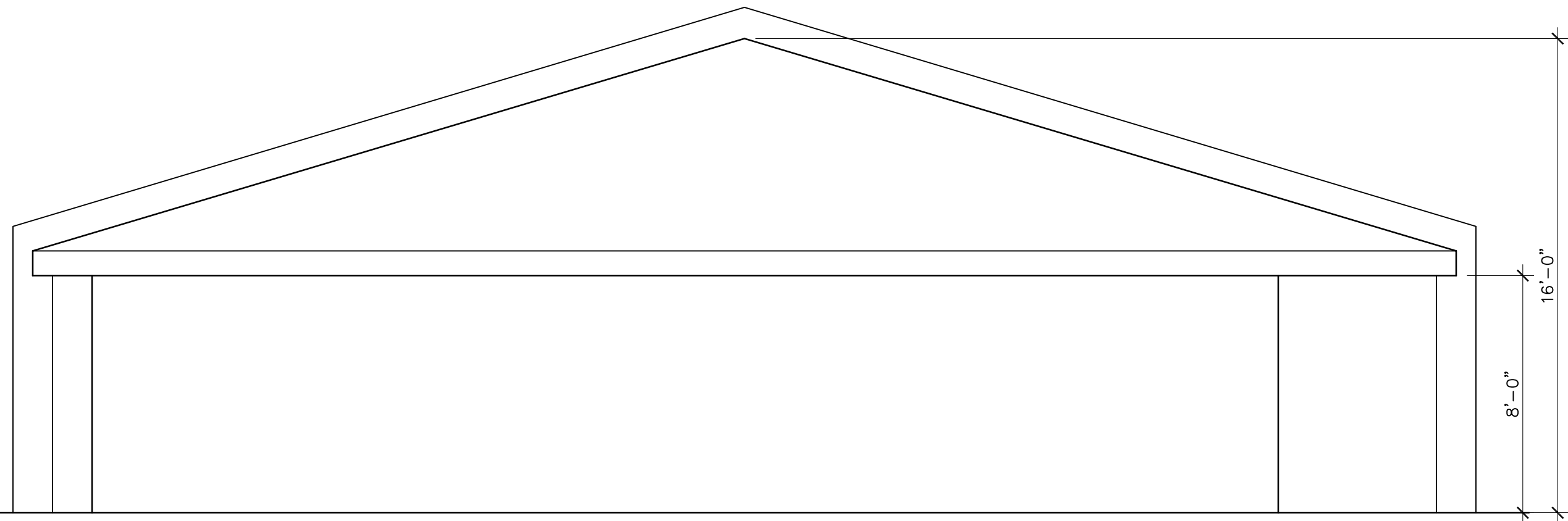
FLOOD ZONE DATA:

FLOOD ZONE: X
BASE FLOOD ELEVATION: N/A
CONTROL PANEL NUMBER: 120192-0777-F
EFFECTIVE: 10-05-2017
REVISED:

ELEVATIONS:

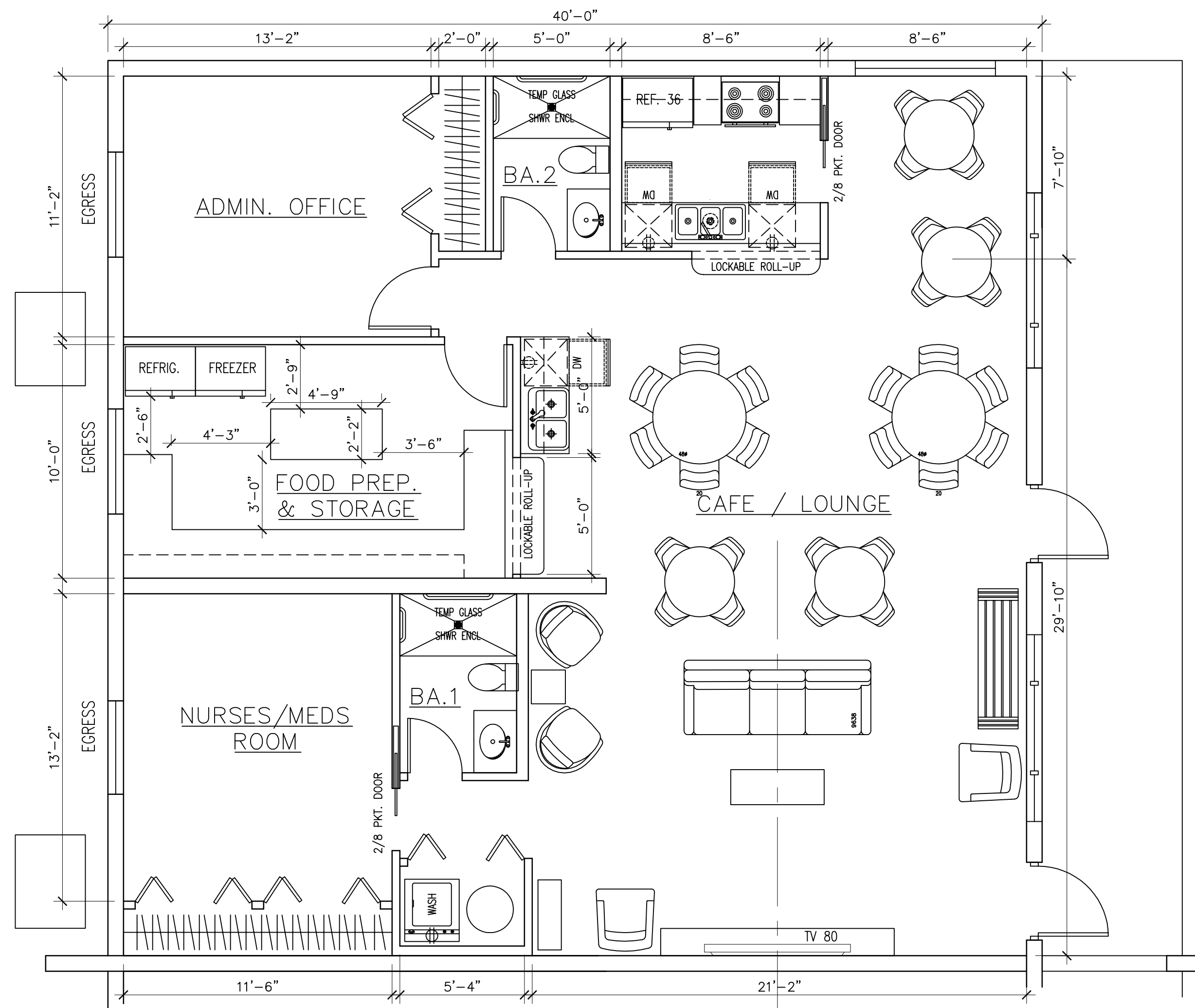
REFERENCE BENCHMARK: N/A

DATE OF FIELD SURVEY: 11-30-12		DRAWN BY: AL	
FIELD BOOK: 12-3656		CHECKED BY: RL	
REVISIONS		DATE	BY
ADD AREA CALCULATIONS		06-07-18	AL/RL
UPDATE SURVEY SU-18-1454		05-24-18	AL/RL
CERTIFICATION CHANGE		12-12-12	MLW
CERTIFICATION: THIS IS TO CERTIFY THAT THIS ABOVE GROUND SKETCH OF BOUNDARY SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH MEETS THE CURRENT STANDARDS OF PRACTICE, ESTABLISHED BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 53-17, FLORIDA ADMINISTRATIVE CODES, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.  ROBERT L. THOMPSON (PRESIDENT) PROFESSIONAL SURVEYOR AND MAPPER No. 3869 - STATE OF FLORIDA			
SHEET 1 OF 1		SCALE 1"=30'	SKETCH NUMBER SU-12-3656

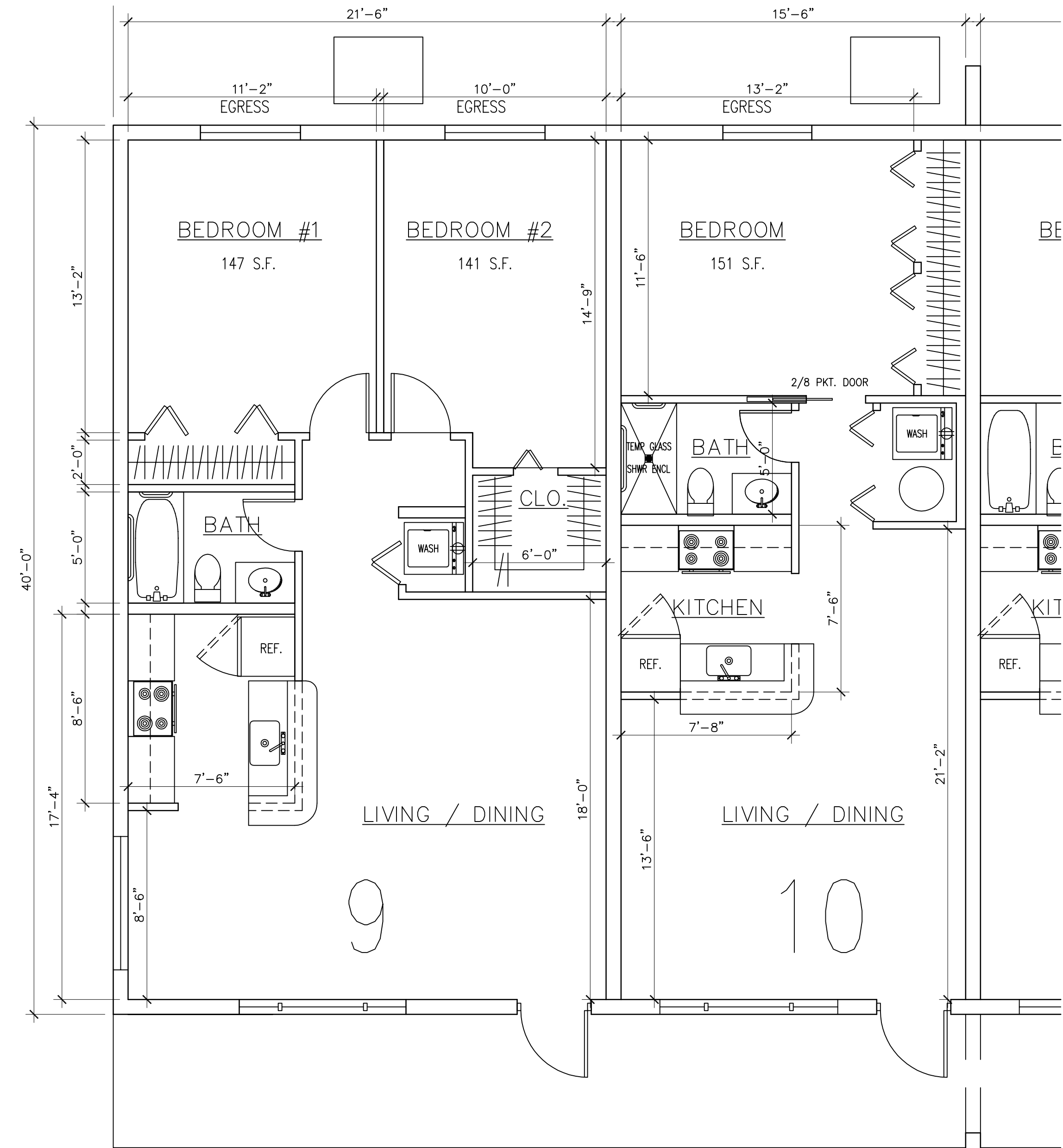
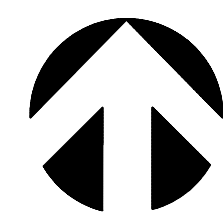


TYP. BLDG. END VIEW

- NOTE AMENITIES AND UPGRADES:
FULL 36" REFRIG./FREEZER (FRENCH DOOR)
3-BASIN SINK (AHCA REQUIREMENT)
GARBAGE DISPOSAL
2 DISHWASHERS
GRANITE COUNTERTOPS
TABLES CHAIRS AND BENCHES THROUGHOUT CAFE /
TV LOUNGE
DOORS ON KITCHEN ENTRYWAY TO LOCK DURING OFF
HOURS



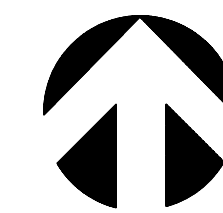
BLDG. 'A' COMBINED UNITS 7+8



TYP. 2 BR

TYP. 1 BR

BUILDING 'B'

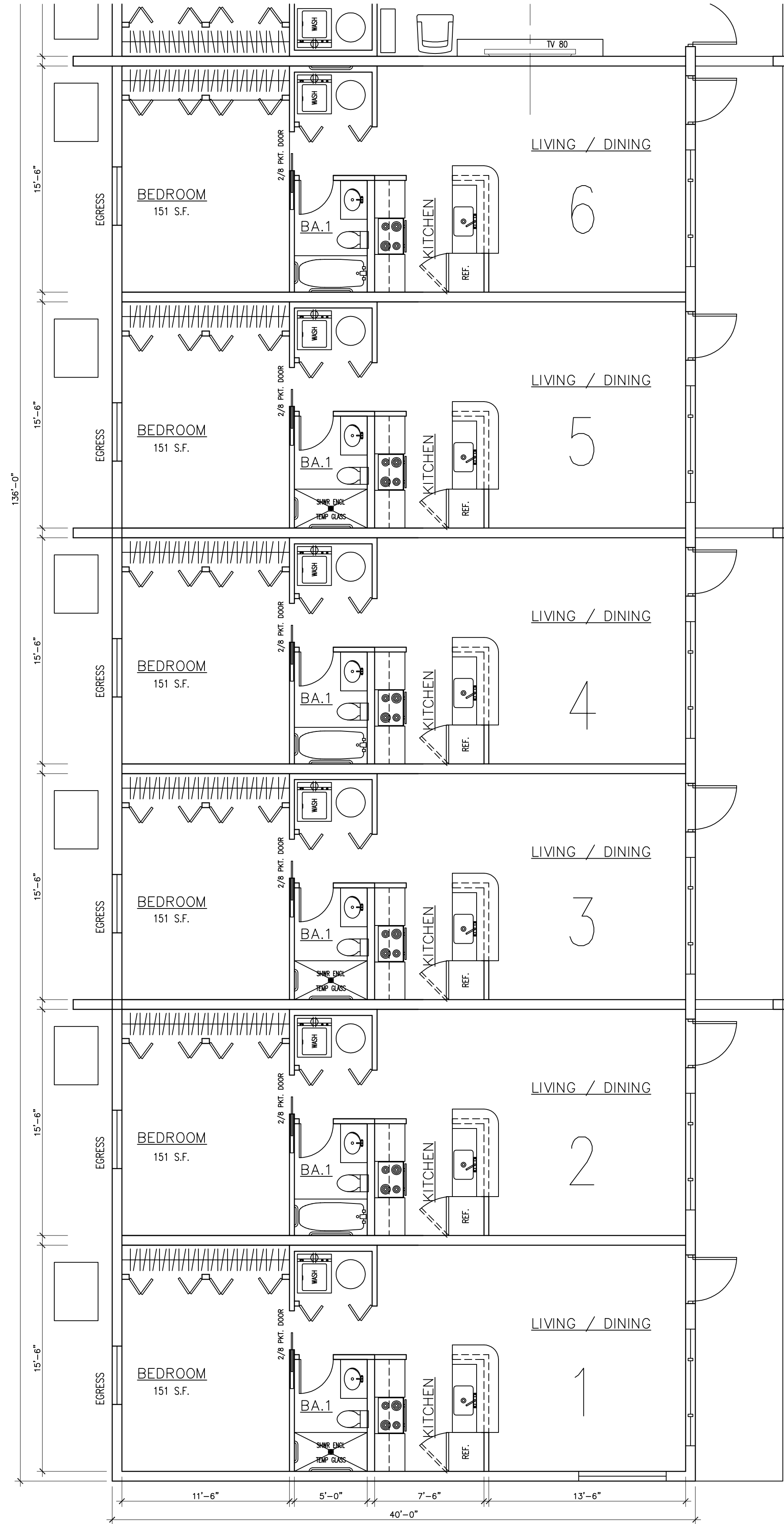
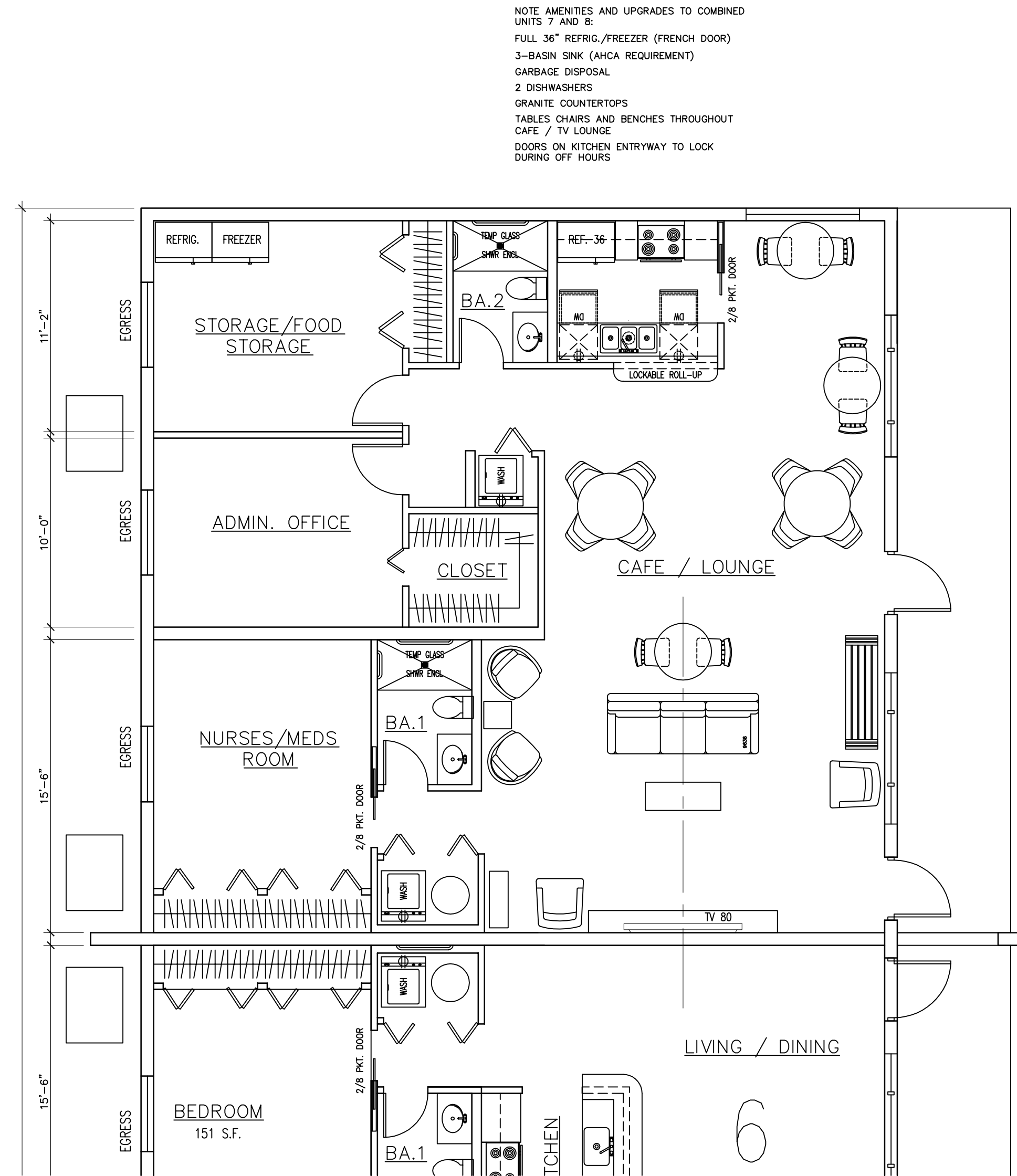


REVISIONS	BY
01.30.19 ADDED BR S.F.	JWL

JAMES W. LOESCHEN
DESIGN AND DRAFTING
233 GREENWOOD DRIVE
WEST PALM BEACH, FLORIDA 33405
561-832-6671 FAX:561-833-8083

PROPOSED FLOOR PLAN
JACOB'S GARDENS
PALM SPRINGS, FLORIDA

DRAWN BY:	JWL
CHECKED BY:	
DATE:	09.27.18
SCALE:	1/4"=1'-0"
JOB NO:	J. DINOV



REVISIONS	BY
01.30.19 ADDED BR S.F.	JWL

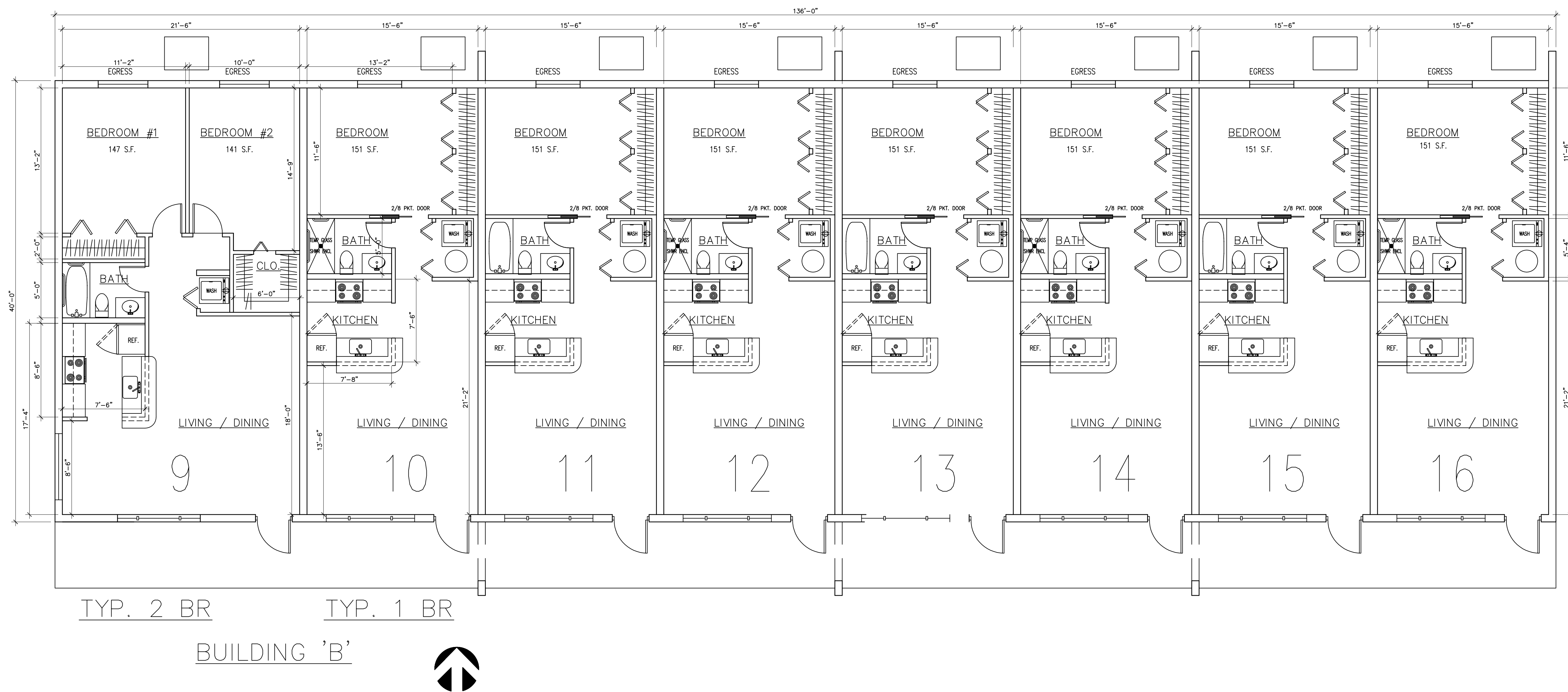
JAMES W. LOESCHEN
DESIGN AND DRAFTING
233 GREENWOOD DRIVE
WEST PALM BEACH, FLORIDA 33405
561-832-6671 FAX:561-833-8083

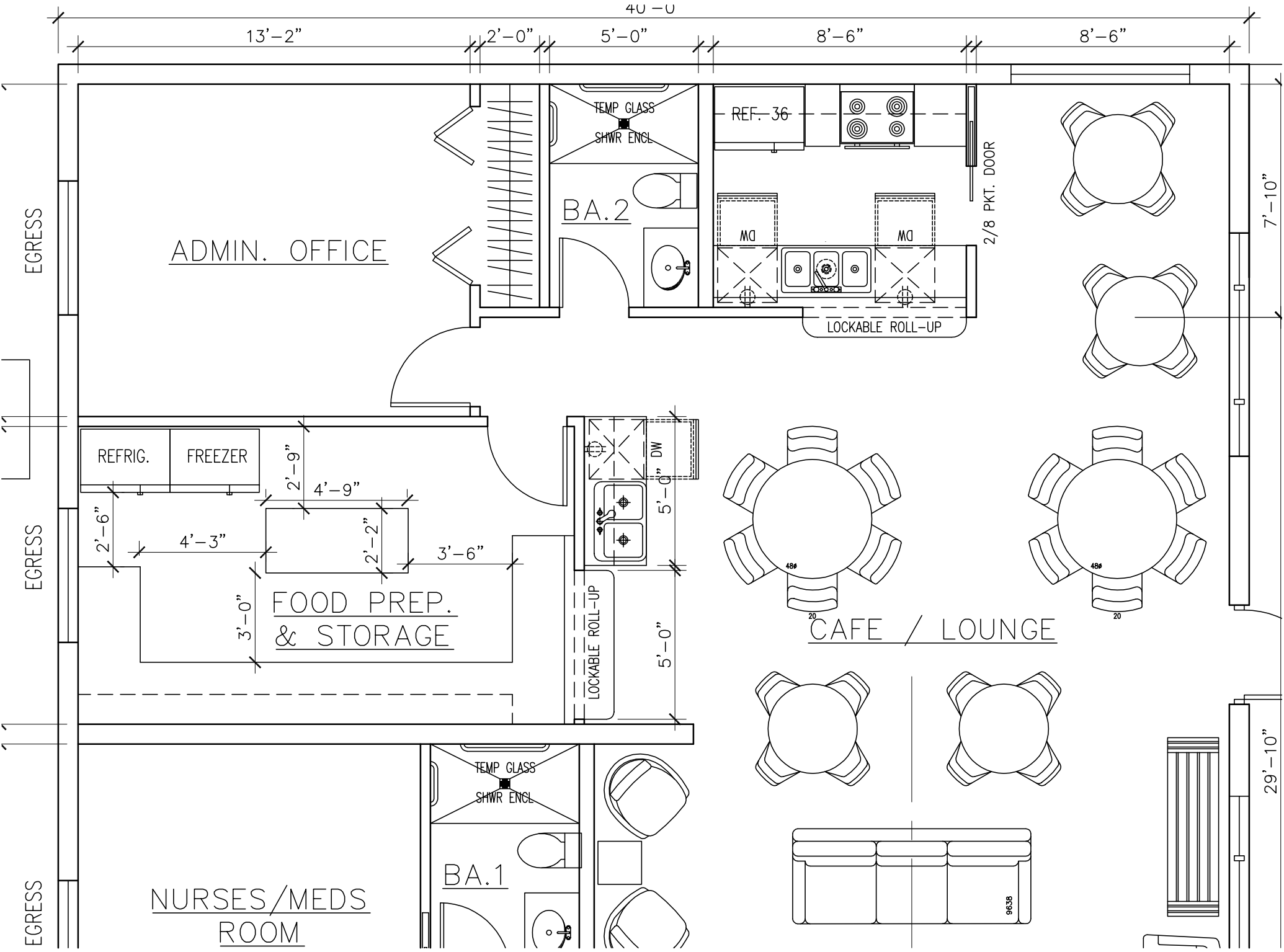
PROPOSED BUILDING 'A' PLAN
JACOB'S GARDENS
PALM SPRINGS, FLORIDA

DRAWN BY:	JWL
CHECKED BY:	
DATE:	09.06.18
SCALE:	3/16"=1'-0"
JOB NO:	J. DINO

JAMES W. LOESCHEN
DESIGN AND DRAFTING
233 GREENWOOD DRIVE
WEST PALM BEACH, FLORIDA 33405
561-832-6671 FAX:561-833-8083

DRAWN BY:	JWL
CHECKED BY:	
DATE:	09.06.18
SCALE:	3/16" = 1' - 0"
JOB NO:	J. DINOVI





October 22,, 2018

To: Kim Glas-Castro, Planning, Zoning & Building Director

From: Tara Bamber, PE 

**Re: Jacob's Garden
Site Plan Approval Letter
Engenuity Group Project No. 6001.53**

We have received the following through WeTransfer on 10-8-18 for the above reference project:

1. Civil Engineering Plans, 1 sheet, dated September 2018, by Last Devenport, Inc.
2. Site Plan, 1 sheet, revised 9-28-18, by Litterick Landscape Architecture
3. Landscape Plans, 2 sheets (LP-1, revised 9-28-18 & LP-2, revised 6-27-18), by Litterick Landscape Architecture
4. Project Narrative & Supplemental Regulations, 4 sheets, revised 10-8-18
5. Traffic Performance Standards Review Letter, from PBC Dept. of Engineering & Public Works to Andrea Troutman PE, dated 10-16-18

We recommend Site Plan approval with the following conditions:

1. Show the sanitary sewer connections.
2. Provide a topographic survey with grade elevations and the finished floor elevation.
3. Provide permits from applicable agencies including, but not limited to, PBC Traffic, PBC Water Utilities, etc.

If you should have any questions, please give me a call at 561-655-1151.

Cc: Lisa Tropepe, PE



**Department of Engineering
and Public Works**

P.O. Box 21229

West Palm Beach, FL 33416-1229

(561) 684-4000

FAX: (561) 684-4050

www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor

Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

November 5, 2018

Ms. Kim Glas-Castro
Director of Planning, Zoning & Building
Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461

**RE: Jacob's Garden
Project #: 181004
Traffic Performance Standards Review**

Dear Ms. Castro:

The Palm Beach County Traffic Division has reviewed the **Jacob's Garden** Traffic Impact Statement dated June 28, 2018, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code (ULDC). The project is summarized as follows:

Municipality:	Village of Palm Springs
Location:	West side of Congress Avenue, about 0.25 miles south of Lake Worth Road
PCN:	70-43-44-30-01-031-0030
Access:	Full access driveway connection onto Congress Avenue, (existing or proposed, not necessarily implies approval by County through this TPS letter, see later)
Existing Uses:	Apartments = 16 DUs
Proposed Uses:	Assisted Living Facility = 29 Beds
New Daily Trips:	(29)
New Peak Hour Trips:	-8 (1/-9) AM; -4 (-4/0) PM
Build-out:	December 31, 2021

Based on our review, the Traffic Division has determined the proposed development does not have significant peak hour traffic impact (as defined in PBC TPS) on the roadway network and, therefore, **meets** the Traffic Performance Standards of Palm Beach County.

Please note the receipt of a Traffic Performance Standards (TPS) approval letter does not constitute the review and issuance of a Palm Beach County Right-of-Way (R/W) Construction Permit nor does it eliminate any requirements that may be deemed as site related. For work within Palm Beach County R/W, a detailed review of the project will be provided upon submittal for a R/W permit application. The project is required to comply with all Palm Beach County standards and may include R/W dedication.

"An Equal Opportunity
Affirmative Action Employer"



Ms. Kim Glas-Castro
November 5, 2018
Page 2

No building permits are to be issued by the Village after the build-out date specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development Order has been submitted, or the approval letter has been superseded by another approval letter for the same property.

If you have any questions regarding this determination, please contact me at 561-684-4030 or email QBari@pbcgov.org.

Sincerely,

A handwritten signature in black ink, which appears to read "Quazi Bari".

Quazi Bari, P.E.
Senior Professional Engineer
Traffic Division

QB:HA/dd

cc: Addressee:

Andrea M. Troutman, P.E., Pinder Troutman Consulting, Inc.
Hanane Akif, E.I., Project Coordinator II, Traffic Division
Steve Bohovsky, Technical Assistant III, Traffic Division

File: General - TPS - Mun - Traffic Study Review

F:\TRAFFIC\HA\MUNICIPALITIES\APPROVALS\2018\181004 - JACOB'S GARDEN.DOCX

VILLAGE OF PALM SPRINGS, FLORIDA

**STAFF RECOMMENDATION TO THE SPECIAL MAGISTRATE
ON REQUEST FOR REDUCTION OF FINE**

Code Enforcement Officer: Cuenot

Date: April 17, 2025

Case No.: 2024-10

Respondent(s): PRONTO ENTERPRISES OF PALM BEACH INC

Violation Address: 4077 LAKE WORTH RD

BACKGROUND

On March 21, 2024 the above referenced case was adjudicated by the Special Magistrate as being in violation of Code Sections 10-8 Exterior of property – repave and stripe parking lot; 62-75 Commercial storage area – enclose dumpster and 34-892 Mechanical equipment in rear of building and on the roof must be screened from view. The Respondent was given a violation and fine commencing on June 19, 2024, and continuing to accrue at the rate of \$75.00 per day per three (3) violations for every day not in compliance. To date, the fine has accumulated for 274 days, for a total fine of \$61,650.00 as of the compliance date of March 21, 2025. The administrative costs of \$450.44 have been paid.

RECOMMENDATION.

Code Enforcement Staff recommends the following actions pursuant to Florida Statute Section 162.09(b), for the Special Magistrate's consideration:

- A. ☒ That based upon the criteria of Section 162.09(2)(b), Fla. Stat., that the Special Magistrate **approve** the Respondent's Request for a Reduction of Fine, and that the Respondent pay the reduced fine in the amount of \$12,330.00 within thirty (30) days of the date of the Magistrate's Final Order on the Request or on or before May 16, 2025. If the reduced fine is not paid with the time specified, the original fine in the amount of \$61,650.00 shall be reinstated.
- B. ☐ That based upon the criteria of Section 162.09(2)(b), Fla. Stat., that the Special Magistrate **deny** the Respondent's Request for a Reduction of Fine.

STAFF JUSTIFICATION FOR RECOMMENDATION

Staff has based its recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the Respondent to correct the violation(s), and any previous violations committed by the Respondent. The basis for the Staff's recommendation is set forth as follows: This property was unsightly and had multiple violations. The property owner was given an extension of time, and many of the violations came into compliance. Three of the violations remained for 274 days because site plan and permits were required, and the property owner changed contractors several times. Improvements to the building and property are great. The Village recommends reducing the fine amount in this case to 20% of the total lien amount.

Dated: April 17, 2025

By: Nanciann Cuenot
Code Enforcement Officer

**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**



CFN 20240357512
OR BK 35333 PG 661
RECORDED 10/21/2024 10:24 AM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 661 - 663; (3pgs)

CODE CASE: 2024-10

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

PRONTO ENTERPRISES OF PALM BEACH INC
4077 LAKE WORTH ROAD
LAKE WORTH, FL 33461

MAILING ADDRESS:
6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406 5214
Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of following Village of Palm Springs Code of Ordinances:

SECTION 70-94: Application; Local Business Tax Receipt Required

Address: 4077 LAKE WORTH RD
Legal Description: MC S ACRES PB21P81 LT 2 (LESS N 30 FT, S 8 FT RD R/W & ADDL R/W SR 802)
PCN: 70-42-44-24-11-000-0021

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 21st day of March 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / ☒ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

- ☒ **SECTION 10-8 Exterior of Property- parking lot repave & stripe Requires permits and administrative site plan amendment.**
- ☒ **SECTION 10-9 Exterior Building - stucco repairs and paint**
- ☒ **SECTION 62-75 Commercial storage area - enclose recycle & dumpster requires permit and site plan amendment.**
- ☒ **SECTION 34-224 Replacement of vegetation/ hedges/grass/groundcover/mulch replace with similar species and size.**

- ☒ **SECTION 34.143 Public Nuisance – Trash & debris.**
- ☐ **SECTION 34-1381 Open storage - unusual accumulation of stored materials**
- ☒ **SECTION 34-828 Supplemental regulations – Screen Ice box & propane tanks from view**
Requires permits and administrative site plan amendment.
- ☒ **SECTION 34-892 Mechanical equipment screen from view. Requires permits and administrative site plan amendment.**
- ☐ **SECTION 30-141 Overgrown commercial property/trim trees.**
- ☐ **SECTION 34-262 Prohibited window signs – Neon signs**
- ☐ **SECTION 34-328 Window signs/ entry door clear zone**
- ☒ **SECTION FBC 105.1 No Permits & FBC 110.1 No Inspections for the following**
 - Installation of mechanical equipment at rear of building and on the roof. Requires permits and administrative site plan amendment.
 - Interior renovations
 - Relocation of dumpster on property and black metal enclosure. Requires permits and administrative site plan amendment.

* Respondent was in violation of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

- ☒ **SECTION 10-8 Exterior of Property - pressure wash & paint privacy wall.**
- ☒ **SECTION 10-9 Exterior Building/ stucco/paint/awnings/storm shutters**
- ☐ **SECTION 62-75 Commercial storage area/ enclose recycle & dumpster.**
- ☐ **SECTION 34-224 Replacement of vegetation -hedges, grass, groundcover, or mulch**
- ☐ **SECTION 34.143 Public Nuisance – Trash & debris.**
- ☒ **SECTION 34-1381 Open storage /unusual accumulation of stored materials**
- ☐ **SECTION 34-828 Supplemental regulations/ice box & propane tanks screen from view**
- ☐ **SECTION 34-892 Mechanical equipment screen from view**
- ☒ **SECTION 30-141 Overgrown commercial property/trim trees.**
- ☒ **SECTION 34-262 Prohibited window signs**
- ☒ **SECTION 34-328 Window signs/ entry door clear zone**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **April 01, 2024**:

- ☐ Administrative costs of \$450.44
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

- ☒ Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **June 19, 2024**. If Respondent fails to comply within the time given, a fine of **\$75.00** per day, per violation will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent is ordered to pay the following amounts on or before **April 01, 2024**.

- ☒ Administrative costs of \$450.44
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

All payments shall be made to The Village of Palm Springs at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Nanciann Cuenot at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat.

The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgement for the amount of the lien plus accrued interest. Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five-hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561)584-8300 ext. 8521 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 21st day of March 2024.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

BY:

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS

I hereby certify this is a true and correct copy of the Code Case 2024-10 Order Finding Violation and the original is on file in the Clerk's Office.


Jane R. Worth, CMC
Deputy Village Clerk



4077 LAKE WORTH ROAD
LAKE WORTH BEACH, FL 33461

Village of Palm Springs, FL
Planning and Zoning
226 Cypress Ln
Palm Springs, FL 33461
(561) 584-8200 x8460
Welcome

04/02/2024 10:14AM Clara S.
008783-0001

MISCELLANEOUS

Violations of Local Ord
(35400)
External Item Reference: 35400
External Payment Reference: 2024-02-
5441145-5441145
2024 Item: 35400
1 @ \$340.4400
Balance unpaid: -\$340.44
Violations of Local
Ord (35400) **\$340.44** 2024-11

Violations of Local Ord
(35400)
External Item Reference: 35400
External Payment Reference: 2024-02- - 2024-10
5441146-5441146
2024 Item: 35400
1 @ \$450.4400
Balance unpaid: -\$450.44
Violations of Local
Ord (35400) **\$450.44**

\$790.88

Subtotal \$790.88
Total \$790.88

CREDIT CARD PBZ \$790.88
Visa *****4700
Ref=21205160703
Auth=081416

Change due \$0.00

Paid by: YERALDI BENITEZ

Comments: CODE CASE 2024-10 (4077 LAKE
WORTH RD)
2024-11 (4053 LAKE WORTH RD)

Thank you for your payment

Village of Palm Springs, FL COPY
DUPLICATE RECEIPT

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT

CITATION 2024-10

X AFFIDAVIT OF COMPLIANCE
AFFIDAVIT OF NON-COMPLIANCE
(Check One)

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner

vs.

PRONTO ENTERPRISES OF PALM BEACH INC
4077 LAKE WORTH ROAD
LAKE WORTH, FL 33461

MAILING ADDRESS:

6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406 5214

Respondent

The property at **4077 Lake Worth Road in Palm Springs** in the Notice of Violation dated **March 21, 2024**, in the above-mentioned case, has been re-inspected and, I Nanciann Cuenot state that said property is **NOW** in compliance with **SECTION 10-8 Exterior of Property**/repave and stripe parking lot; **SECTION 62-75 Commercial storage area**/enclose dumpster; **SECTION 34-892 Mechanical equipment** screen from view in rear and on roof, of the Ordinance Codes of the Village of Palm Springs on the **Twenty- First (21st) day of March 2025**.

Administrative Costs of \$450.44 have been paid.

Nanciann Cuenot
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to, (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 1st day of APRIL, 2025, by, NANCIANN M. CUENOT, who is personally known to me or who has produced _____ as identification.

My Commission expires:



Jane R. Worth
NOTARY SIGNATURE
Jane R. Worth
PRINT NAME

Notary Public, State of Florida
Commission No.:

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT

CITATION 2024-10

~~X~~ AFFIDAVIT OF COMPLIANCE
AFFIDAVIT OF NON-COMPLIANCE
(Check One)

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner

vs.

PRONTO ENTERPRISES OF PALM BEACH INC
4077 LAKE WORTH ROAD
LAKE WORTH, FL 33461
MAILING ADDRESS:
6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406 5214

Respondent

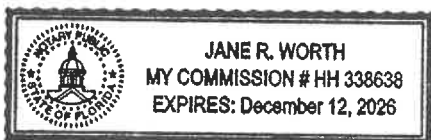
The property at **4077 Lake Worth Road in Palm Springs** in the Notice of Violation dated **March 21, 2024**, in the above-mentioned case, has been re-inspected and, I Nanciann Cuenot state that said property is **NOW** in compliance with **SECTION 10-9 Exterior Building stucco repairs and paint; SECTION 34-224 Replacement of vegetation; SECTION 34-143 Public nuisance, trash & debris; SECTION 34-828 Supplemental Regulations, screen ice box and propane tanks from view; SECTION 10-31 (FBC 105.1 & 110.1) permits and inspections for walk in cooler compressor, of the Ordinance Codes of the Village of Palm Springs on the Sixteenth (16th) day of May 2024. Administrative Costs of \$450.44 have been paid.**

Nanciann M. Cuenot
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to, (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 2nd day of April, 2025, by, NANCIANN M. CUENOT, who is personally known to me or who has produced _____ as identification.

My Commission expires:



Jane R. Worth
NOTARY SIGNATURE
Jane R. Worth
PRINT NAME
Notary Public, State of Florida
Commission No.:

Property Detail

Location Address : 4077 LAKE WORTH RD
Municipality : PALM SPRINGS
Parcel Control Number : 70-42-44-24-11-000-0021
Subdivision : MC S ACRES IN
Official Records Book/Page : 14570 / 230
Sale Date : 12/17/2002
Legal Description : MC S ACRES PB21P81 LT 2 (LESS N 30 FT, S 8 FT RD R/W & ADDL R/W SR 802)

Owner Information**Owner(s)**

PRONTO ENTERPRISES OF PALM BEACH INC

Mailing Address

6765 ESCONDIDA DR
 WEST PALM BCH FL 33406 5214

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
12/17/2002	\$250,000	14570 / 00230	WARRANTY DEED	PRONTO ENTERPRISES OF PALM BEACH INC
06/01/1999	\$215,000	11181 / 01570	WARRANTY DEED	
12/01/1983	\$94,000	04134 / 01106	WARRANTY DEED	
11/01/1983	\$28,400	04098 / 01822	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	\$406,905	\$413,346	\$384,336	\$314,019	\$318,718
Land Value	\$279,942	\$279,942	\$251,086	\$215,340	\$215,340
Total Market Value	\$686,847	\$693,288	\$635,422	\$529,359	\$534,058

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	\$686,847	\$640,525	\$582,295	\$529,359	\$534,058
Exemption Amount	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$686,847	\$640,525	\$582,295	\$529,359	\$534,058

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	\$13,345	\$12,890	\$12,006	\$10,897	\$11,090
NON AD VALOREM	\$4,969	\$4,800	\$4,560	\$4,321	\$4,252
TOTAL TAX	\$18,314	\$17,689	\$16,567	\$15,218	\$15,342

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcapao.gov



**Village of Palm Springs
Code Enforcement Magistrate Hearing**

Case No.: 2024-10

**Village of Palm Springs, Florida
Petitioner,**

vs.

**PRONTO ENTERPRISES OF PALM BEACH INC
6765 ESCONDIDA DRIVE
WEST PALM BEACH, FL 33406**

Respondent(s).

PCN: 70-42-44-24-11-000-0021

FINE REDUCTION OR ABATEMENT ORDER

THIS MATTER having come before the Village of Palm Springs Code Enforcement Special Magistrate on **April 17, 2025**, and the Magistrate, having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. The above Respondent(s) is the owner or occupant of **4077 LAKE WORTH ROAD** THE PROPERTY DESCRIBED AS: **MC S ACRES PB21P81 LT 2 (LESS N 30 FT, S 8 FT RD R/W & ADDL R/W SR 802)**

2. On **March 21, 2024**, the Village of Palm Springs Code Enforcement Special Magistrate entered an order finding the Respondent in violation of Section(s) **10-8 Exterior or Property – repave and stripe parking lot; 62-75 Commercial storage area – Enclose dumpster; 34-892 Mechanical equipment in rear of building and on the roof must be screened from view;** of the Village of Palm Springs Code of Ordinances. The Respondent was given until **June 19, 2024** within which to comply with the code, failing which a fine of **\$75.00** per day was assessed against Respondent (s). The fines continued for 274 days and totaled **\$61,650.00**.

3. Administrative costs in the amount of **\$450.44** were also levied against the Respondent(s) and have been paid in full.

4. On **March 21, 2025**, the Respondent(s) complied with the cited violation(s).

5. The Respondent has submitted an application for a fine reduction.

IT IS HEREBY ORDERED, that

A. Based upon the testimony of the parties, and viewing the facts presented in the light most favorable to the Respondent, fine reduction criteria under Section 162.09(2)(b), Florida Statutes, has been _____ or _____ has not been established; and

B. _____ Respondent is ordered to pay a reduced fine of **\$12,330.00** and costs in the amount of **\$-0-** on or before **May 19, 2025**. If the reduced fine is not paid within the specified time, the fine shall revert to the original accrued amount of **\$61,650.00** before the reduction of **\$12,330.00**.

DONE AND ORDERED this 17th day of April, 2025.

By: Special Magistrate

Copies Furnished to the Parties by U.S. Mail



VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT SPECIAL MAGISTRATE

CASE NO: 2024-10

REQUEST FOR REDUCTION OF FINE INSTRUCTIONS:

Please answer all questions on this form completely. Be specific and use additional pages if necessary. **PRIOR TO SUBMITTING THIS REQUEST, ALL UNPAID CITATIONS AND ADMINISTRATIVE COSTS MUST BE PAID AND PROPERTY MUST BE IN TOTAL COMPLIANCE.** Return this form and the **\$250.00** application fee, to the Village Clerk. The request will then be presented to the Magistrate at the next regularly scheduled hearing. **The Special Magistrate will not consider your request unless you are present at the hearing.** You will be notified in writing of the Special Magistrate's decision within ten (10) days after the meeting. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a Doctor's statement or proof of income). If you have any questions, please call the Village Clerk's Office (561) 584-8200 ext. 8430.

Property Owner's Name: PRONTO ENTERPRISES OF PALM BEACH INC

Property Address: 4077 LAKE WORTH RD, LAKE WORTH, FL

Telephone number where you can be reached during the day: (561)714-5823

Is the property now in compliance: ☒ Yes ☐ No (If no, explain in detail)

Are you requesting an extension of time to make repairs: ☐ Yes ☒ No

If yes, until what date:

Date you called The Village of Palm Springs Code Enforcement Division for a re-inspection:

Compliance date specified by Special Magistrate:

Are you claiming a financial hardship: ☒ Yes ☐ No

Are you claiming a medical hardship: ☐ Yes ☒ No

If the property owner is unable to complete this form, list name of person who is authorized to act for the property owner:

Relationship to property and/or property owner:

Request for Reduction of Fine Case No.: 2024-10

MAKE CERTAIN THAT THIS FORM SETS FORTH YOUR POSITION.

I, Norberto Benitez Calderon, do hereby submit this petition in request for a reduction in the total amount of penalty imposed, or a request for an extension of time to bring the property into compliance, and in support, offer the following statement:

I would like to have the fine imposed reduced since I tried from the beginning to put the property in compliance, however, the requests from the Village of Palm Springs kept changing. The Plans kept changing. There were many calls and visits to try and get permits and the permits would not be issued because of the changes that were being made. I hired architects and contractors and nobody seemed to be able to deliver what the Village wanted and therefore the permits were not issued. As soon as the permits were issued, the work was done. All the changes made it very difficult in getting the permits. I do not believe that the delay was my fault.

I had To Change Architects & Contractors Several Times After
Paying them for the work that was Never Completed. you saw that
as soon as you issued The permits, the work was done.

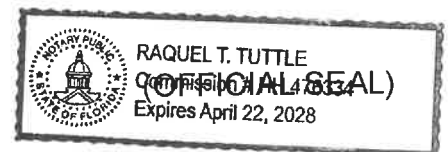
Date: Click or tap to enter a date.

Signature: 

State of: Florida County of: Palm Beach THE
FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY
OF April 2025, BY Norberto Benitez Calderon WHO IS PERSONALLY KNOWN
TO ME OR WHO HAS PRODUCED Personally Known AS
IDENTIFICATION AND WHO DID/DID NOT TAKE AN OATH.

Raquel T. Tuttle
SIGNATURE OF NOTARY PUBLIC

RAQUEL T. TUTTLE
PRINT NAME OF NOTARY PUBLIC





VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT03790

Application Date: 01/05/24

Receipt Date 04/11/25 Permit Number 24-00007
Payee PRONTO ENTERPRISES OF PALM BEACH I
Address 4077 LAKE WORTH RD, Palm Springs, FL 33406
Permit Type Property Maintenance General
Payment Method Check Payment
Confirmation #

CE Application Fee for Fine Reduction Request	\$250.00
---	----------

Comments:

Amount \$250.00
Total Paid \$250.00



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT03790

Application Date: 01/05/24

Receipt Date 04/11/25 Permit Number 24-00007
Payee PRONTO ENTERPRISES OF PALM BEACH I
Address 4077 LAKE WORTH RD, Palm Springs, FL 33406
Permit Type Property Maintenance General
Payment Method Check Payment
Confirmation #

CE Application Fee for Fine Reduction Request	\$250.00
---	----------

Comments:

Amount \$250.00
Total Paid \$250.00

**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**



CFN 20240357512
OR BK 35333 PG 661
RECORDED 10/21/2024 10:24 AM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 661 - 663; (3pgs)

CODE CASE: 2024-10

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

PRONTO ENTERPRISES OF PALM BEACH INC
4077 LAKE WORTH ROAD
LAKE WORTH, FL 33461

MAILING ADDRESS:
6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406 5214

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of following Village of Palm Springs Code of Ordinances:

SECTION 70-94: Application; Local Business Tax Receipt Required

Address: 4077 LAKE WORTH RD
Legal Description: MC 5 ACRES PB21P81 LT 2 (LESS N 30 FT, S 8 FT RD R/W & ADDL R/W SR 802)
PCN: 70-42-44-24-11-000-0021

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 21st day of March 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / ☒ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

- ☒ **SECTION 10-8 Exterior of Property- parking lot repave & stripe Requires permits and administrative site plan amendment.**
- ☒ **SECTION 10-9 Exterior Building - stucco repairs and paint**
- ☒ **SECTION 62-75 Commercial storage area - enclose recycle & dumpster requires permit and site plan amendment.**
- ☒ **SECTION 34-224 Replacement of vegetation/ hedges/grass/groundcover/mulch replace with similar species and size.**

- ☒ **SECTION 34.143 Public Nuisance – Trash & debris.**
- ☐ **SECTION 34-1381 Open storage - unusual accumulation of stored materials**
- ☒ **SECTION 34-828 Supplemental regulations – Screen ice box & propane tanks from view**
Requires permits and administrative site plan amendment.
- ☒ **SECTION 34-892 Mechanical equipment screen from view. Requires permits and administrative site plan amendment.**
- ☐ **SECTION 30-141 Overgrown commercial property/trim trees.**
- ☐ **SECTION 34-262 Prohibited window signs – Neon signs**
- ☐ **SECTION 34-328 Window signs/ entry door clear zone**
- ☒ **SECTION FBC 105.1 No Permits & FBC 110.1 No Inspections for the following**
 - **Installation of mechanical equipment at rear of building and on the roof. Requires permits and administrative site plan amendment.**
 - **Interior renovations**
 - **Relocation of dumpster on property and black metal enclosure. Requires permits and administrative site plan amendment.**

* Respondent was in violation of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

- ☒ **SECTION 10-8 Exterior of Property - pressure wash & paint privacy wall.**
- ☒ **SECTION 10-9 Exterior Building/ stucco/paint/awnings/storm shutters**
- ☐ **SECTION 62-75 Commercial storage area/ enclose recycle & dumpster.**
- ☐ **SECTION 34-224 Replacement of vegetation -hedges, grass, groundcover, or mulch**
- ☐ **SECTION 34.143 Public Nuisance – Trash & debris.**
- ☒ **SECTION 34-1381 Open storage /unusual accumulation of stored materials**
- ☐ **SECTION 34-828 Supplemental regulations/ice box & propane tanks screen from view**
- ☐ **SECTION 34-892 Mechanical equipment screen from view**
- ☒ **SECTION 30-141 Overgrown commercial property/trim trees.**
- ☒ **SECTION 34-262 Prohibited window signs**
- ☒ **SECTION 34-328 Window signs/ entry door clear zone**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before April 01, 2024:

- ☐ Administrative costs of \$450.44
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

☒

Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before June 19, 2024. If Respondent fails to comply within the time given, a fine of \$75.00 per day, per violation will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent is ordered to pay the following amounts on or before April 01, 2024.

- ☒ Administrative costs of \$450.44
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

All payments shall be made to The Village of Palm Springs at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Nanciann Cuenot at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat.

The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgement for the amount of the lien plus accrued interest. Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five-hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561)584-8300 ext. 8521 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 21st day of March 2024.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

BY:

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

4077 LAKE WORTH ROAD
LAKE WORTH BEACH, FL 33461

STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS

I hereby certify this is a true and correct copy of the Code Case 2024-10 Order, Finding Violation and the original is on file in the Clerk's Office.

Jane R. Worth, CMC
Deputy Village Clerk



VILLAGE OF PALM SPRINGS, FLORIDA

STAFF RECOMMENDATION TO THE SPECIAL MAGISTRATE
ON REQUEST FOR REDUCTION OF FINE

Code Enforcement Officer: Cuenot

Date: April 17, 2025

Case No.: 2024-11

Respondent(s): PRONTO ENTERPRISES OF PALM BEACH INC

Violation Address: 4053 LAKE WORTH RD

BACKGROUND

On March 21, 2024 the above referenced case was adjudicated by the Special Magistrate as being in violation of Code Sections 10-8 Exterior of property – repave and stripe parking lot; 62-75 Commercial storage area – enclose dumpster. The Respondent was given violations and a fine commencing on June 19, 2024 and continuing to accrue at the rate of \$75.00 per day per violation (2) for every day not in compliance. To date, the fine has accumulated for 274 days, for a total fine of \$41,100.00 as of the compliance date of March 21, 2025. The administrative costs of \$340.44 have been paid.

RECOMMENDATION.

Code Enforcement Staff recommends the following actions pursuant to Florida Statute Section 162.09(b), for the Special Magistrate's consideration:

- A. ☒ That based upon the criteria of Section 162.09(2)(b), Fla. Stat., that the Special Magistrate **approve** the Respondent's Request for a Reduction of Fine, and that the Respondent pay the reduced fine in the amount of \$8,220.00 within thirty (30) days of the date of the Magistrate's Final Order on the Request or on or before May 16, 2025. If the reduced fine is not paid with the time specified, the original fine in the amount of \$41,100.00 shall be reinstated.
- B. ☐ That based upon the criteria of Section 162.09(2)(b), Fla. Stat., that the Special Magistrate **deny** the Respondent's Request for a Reduction of Fine.

STAFF JUSTIFICATION FOR RECOMMENDATION

Staff has based its recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the Respondent to correct the violation(s), and any previous violations committed by the Respondent. The basis for the Staff's recommendation is set forth as follows: This property had multiple violations. All violations came into compliance except re-paving the parking lot and enclosing the dumpster. The two (2) violations remained for 274 days because site plan and permits were required, and the property owner changed contractors several times. The Village recommends reducing the fine amount in this case to 20% of the total lien amount.

Dated: April 17, 2025

By: Nanciann Cuenot
Code Enforcement Officer

**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**



CFN 20240357513
OR BK 35333 PG 664
RECORDED 10/21/2024 10:24 AM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 664 - 666; (3pgs)

CODE CASE: 2024-11

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

PRONTO ENTERPRISES OF PALM BEACH INC
4053 LAKE WORTH ROAD
LAKE WORTH, FL 33461

MAILING ADDRESS:
6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406 5214
Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of following Village of Palm Springs Code of Ordinances:

SECTION 70-94: Application; Local Business Tax Receipt Required

Address: 4053 LAKE WORTH RD
Legal Description: BEVERLY PK ADD TO LAKE WORTH LTS 1 TO 4 (LESS LAKE WORTH RD
R/W & ADDL SR 802 R/W AS IN OR2644P1515) & LTS 5 TO 9 INC BLK
2
PCN: 70-42-44-24-02-002-0010

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 21st day of March 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / ☒ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

☒ Respondent is in violation of the following Village of Palm Springs Code of Ordinances:

- ☒ SECTION 10-8 Exterior of Property- Repair Wood fence & repave restripe parking lot - requires permits and inspections.
- ☐ SECTION 10-9 Exterior Building – pressure clean and paint.
- ☒ SECTION 62-75 Commercial storage area - enclose dumpster - requires permits & inspections.
- ☒ SECTION 34.143 Public Nuisance – Trash & debris.

- ☒ **SECTION 34-262 Prohibited window signs – Neon signage**
☒ **SECTION 34-328 Window signs no more than 25% of the window / entry door clear zone.**

Respondent was in violation of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

- ☐ **SECTION 10-8 Exterior of Property- Repair Wood fence & repave restripe parking lot - requires permits and inspections.**
☒ **SECTION 10-9 Exterior Building – pressure clean and paint.**
☐ **SECTION 62-75 Commercial storage area - enclose dumpster - requires permits & inspections.**
☐ **SECTION 34.143 Public Nuisance – Trash & debris.**
☐ **SECTION 34-262 Prohibited window signs – Neon signage**
☐ **SECTION 34-328 Window signs no more than 25% of the window / entry door clear zone.**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before April 01, 2024:
- ☐ Administrative costs of \$340.44
 - ☐ Citation fine of \$ N/A
 - ☐ Re-inspection fee of \$ N/A
- ☒ Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before June 19, 2024. If Respondent fails to comply within the time given, a fine of \$75.00 per day, per violation will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent is ordered to pay the following amounts on or before April 01, 2024:
- ☒ Administrative costs of \$340.44
 - ☒ Citation fine of \$ N/A
 - ☒ Re-inspection fee of \$ N/A

All payments shall be made to The Village of Palm Springs at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Nanciann Cuenot at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public

Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat.

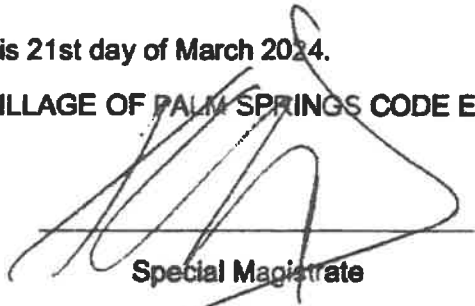
The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgement for the amount of the lien plus accrued interest. Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five-hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561)584-8300 ext. 8521 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 21st day of March 2024.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

BY:


Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

4053 LAKE WORTH ROAD
LAKE WORTH BEACH, FL 33461

STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS

I hereby certify this is a true and correct
copy of the Code Case 2024-11 Order
Finding Violation and the original is on file
in the Clerk's Office.


Jane R. Worth, CMC
Deputy Village Clerk



Village of Palm Springs, FL
Planning and Zoning
226 Cypress Ln
Palm Springs, FL 33461
(561) 584-8200 x8460
Welcome

04/02/2024 10:14AM Clara S.
008783-0001

MISCELLANEOUS

Violations of Local Ord
(35400)
External Item Reference: 35400
External Payment Reference: 2024-02-
5441145-5441145
2024 Item: 35400
1 @ \$340.4400
Balance unpaid: -\$340.44
Violations of Local
Ord (35400)

\$340.44

2024-11

Violations of Local Ord
(35400)
External Item Reference: 35400
External Payment Reference: 2024-02-
5441146-5441146
2024 Item: 35400
1 @ \$450.4400
Balance unpaid: -\$450.44
Violations of Local
Ord (35400)

\$450.44

\$790.88

Subtotal \$790.88
Total \$790.88

CREDIT CARD: PBZ \$790.88
Visa *****4700
Ref=21208160703
Auth=081411

Change due \$0.00

Paid by: YERALDI BENITEZ

Comments: CODE CASE 2024-10 (4077 LAKE
WORTH RD)
2024-11 (4053 LAKE WORTH RD)

Thank you for your payment

Village of Palm Springs, FL COPY
DUPLICATE RECEIPT

VILLAGE OF PALM SPRINGS, FLORIDA
CCDE ENFORCEMENT

CITATION 2024-11

X AFFIDAVIT OF COMPLIANCE
AFFIDAVIT OF NON-COMPLIANCE
(Check One)

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner

vs.
PRONTO ENTERPRISES OF PALM BEACH INC
4053 LAKE WORTH ROAD
LAKE WORTH, FL 33461

MAILING ADDRESS:
6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406 5214

Respondent

The property at **4053 Lake Worth Road in Palm Springs** in the Notice of Violation dated **March 21, 2024**, in the above-mentioned case, has been re-inspected and, I Nanciann Cuenot state that said property is **NOW** in compliance with **SECTION 10-8 Exterior of Property**/repave and stripe parking lot; **SECTION 62-75 Commercial storage area**/enclose dumpster; of the Ordinance Codes of the Village of Palm Springs on the **Twenty-First (21st) day of March 2025**.
Administrative Costs of \$340.44 have been paid.

Nanciann Cuenot
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to, (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 1st day of April, 2025, by, NANCIANN M. CUENOT, who is personally known to me or who has produced _____ as identification.

My Commission expires:



Jane R. Worth
NOTARY SIGNATURE

Jane R. Worth
PRINT NAME
Notary Public, State of Florida
Commission No.:

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT

CITATION 2024-11

X AFFIDAVIT OF COMPLIANCE
AFFIDAVIT OF NON-COMPLIANCE
(Check One)

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner

vs.

PRONTO ENTERPRISES OF PALM BEACH INC
4053 LAKE WORTH ROAD
LAKE WORTH, FL 33461

MAILING ADDRESS:
6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406 5214

Respondent

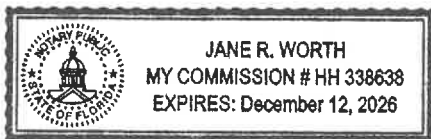
The property at **4053 Lake Worth Road in Palm Springs** in the Notice of Violation dated **March 21, 2024**, in the above-mentioned case, has been re-inspected and, I Nanciann Cuenot state that said property is **NOW** in compliance with **SECTION 10-8 Exterior of Property/repair wood fence; SECTION 34-143 Trash & Debris; Section 34-262 Prohibited neon sign; Section 34-328 Window signs** of the Ordinance Codes of the Village of Palm Springs on the **Sixteenth (16th) day of May 2024**.
Administrative Costs of \$340.44 have been paid.

Nanciann Cuenot
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to, (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 2nd day of April, 2025, by, NANCIANN M. CUENOT, who is personally known to me or who has produced _____ as identification.

My Commission expires:



Jane R. Worth
NOTARY SIGNATURE
Jane R. Worth
PRINT NAME
Notary Public, State of Florida
Commission No.:

Property Detail

Location Address : 4053 LAKE WORTH RD
Municipality : PALM SPRINGS
Parcel Control Number : 70-42-44-24-02-002-0010
Subdivision : BEVERLY PARK IN
Official Records Book/Page : 17162 / 1399
Sale Date : 06/18/2004
Legal Description : BEVERLY PK ADD TO LAKE WORTH LTS 1 TO 4 (LESS LAKE WORTH RD R/W & ADDL SR 802 R/W AS IN OR2644P1515) & LTS 5 TO 9 INC BLK 2

Owner Information**Owner(s)**

PRONTO ENTERPRISES OF PALM BEACH INC

Mailing Address
 6765 ESCONDIDA DR
 WEST PALM BCH FL 33406 5214
Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
06/18/2004	\$540,000	17162 / 01399	WARRANTY DEED	PRONTO ENTERPRISES OF PALM BEACH INC
12/01/1988	\$274,900	05922 / 00731	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	\$280,763	\$292,418	\$262,857	\$224,939	\$224,996
Land Value	\$251,250	\$251,250	\$234,500	\$201,000	\$201,000
Total Market Value	\$532,013	\$543,668	\$497,357	\$425,939	\$425,996

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	\$532,013	\$515,386	\$468,533	\$425,939	\$425,996
Exemption Amount	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$532,013	\$515,386	\$468,533	\$425,939	\$425,996

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	\$10,337	\$10,280	\$9,570	\$8,768	\$8,846
NON AD VALOREM	\$1,141	\$1,118	\$1,064	\$982	\$964
TOTAL TAX	\$11,477	\$11,397	\$10,633	\$9,750	\$9,810

 Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcapao.gov



**Village of Palm Springs
Code Enforcement Magistrate Hearing**

Case No.: 2024-11

**Village of Palm Springs, Florida
Petitioner,**

vs.

**PRONTO ENTERPRISES OF PALM BEACH INC
6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406**

Respondent(s).

PCN: 70-42-44-24-02-002-0010

FINE REDUCTION OR ABATEMENT ORDER

THIS MATTER having come before the Village of Palm Springs Code Enforcement Special Magistrate on **APRIL 17, 2025** and the Magistrate, having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. The above Respondent(s) is the owner or occupant of **4053 LAKE WORTH ROAD** THE PROPERTY DESCRIBED AS: THE PROPERTY DESCRIBED AS: BEVERLY PK ADD TO LAKE WORTH LTS 1 TO 4 (LESS LAKE WORTH RD R/W & ADDL SR 802 R/W AS IN OR2644P1515) & LTS 5 TO 9 INC BLK 2

2. On March 21, 2024, the Village of Palm Springs Code Enforcement Special Magistrate entered an order finding the Respondent in violation of Section(s) 10-8 Exterior or Property – repave and stripe parking lot; 62-75 Commercial storage area – Enclose dumpster of the Village of Palm Springs Code of Ordinances. The Respondent was given until June 19, 2024 within which to comply with the code, failing which a fine of \$75.00 per day was assessed against Respondent (s). The fines continued for 274 days and totaled \$41,100.00.

3. Administrative costs in the amount of \$340.44 were also levied against the Respondent(s) and have been paid in full.

4. On March 21, 2025, the Respondent(s) complied with the cited violation(s).

5. The Respondent has submitted an application for a fine reduction.

IT IS HEREBY ORDERED, that

A. Based upon the testimony of the parties, and viewing the facts presented in the light most favorable to the Respondent, fine reduction criteria under Section 162.09(2)(b), Florida Statutes, has been _____ or _____ has not been established; and

B. _____ Respondent is ordered to pay a reduced fine of **\$8,220.00** and costs in the amount of **\$-0-** on or before **May 19, 2025**. If the reduced fine is not paid within the specified time, the fine shall revert to the original accrued amount of **\$41,100.00** before the reduction of **\$8,220.00**.

DONE AND ORDERED this 17th day of April, 2025.

By: Special Magistrate

Copies Furnished to the Parties by U.S. Mail



VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT SPECIAL MAGISTRATE

CASE NO: 2024-11

REQUEST FOR REDUCTION OF FINE INSTRUCTIONS:

Please answer all questions on this form completely. Be specific and use additional pages if necessary. **PRIOR TO SUBMITTING THIS REQUEST, ALL UNPAID CITATIONS AND ADMINISTRATIVE COSTS MUST BE PAID AND PROPERTY MUST BE IN TOTAL COMPLIANCE.** Return this form and the **\$250.00** application fee, to the Village Clerk. The request will then be presented to the Magistrate at the next regularly scheduled hearing. **The Special Magistrate will not consider your request unless you are present at the hearing.** You will be notified in writing of the Special Magistrate's decision within ten (10) days after the meeting. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a Doctor's statement or proof of income). If you have any questions, please call the Village Clerk's Office (561) 584-8200 ext. 8430.

Property Owner's Name: PRONTO ENTERPRISES OF PALM BEACH INC

Property Address: 4053 LAKE WORTH RD, LAKE WORTH, FL

Telephone number where you can be reached during the day: (561)714-5823

Is the property now in compliance: ☒ Yes ☐ No (If no, explain in detail)

Are you requesting an extension of time to make repairs: ☐ Yes ☒ No

If yes, until what date:

Date you called The Village of Palm Springs Code Enforcement Division for a re-inspection:

Compliance date specified by Special Magistrate:

Are you claiming a financial hardship: ☒ Yes ☐ No

Are you claiming a medical hardship: ☐ Yes ☒ No

If the property owner is unable to complete this form, list name of person who is authorized to act for the property owner:

Relationship to property and/or property owner:

Request for Reduction of Fine Case No.: 2024-11

MAKE CERTAIN THAT THIS FORM SETS FORTH YOUR POSITION.

I, Norberto Benitez Calderon, do hereby submit this petition in request for a reduction in the total amount of penalty imposed, or a request for an extension of time to bring the property into compliance, and in support, offer the following statement:

I would like to have the fine imposed reduced since I tried from the beginning to put the property in compliance, however, the requests from the Village of Palm Springs kept changing. The Plans kept changing. There were many calls and visits to try and get permits and the permits would not be issued because of the changes that were being made. I hired architects and contractors and nobody seemed to be able to deliver what the Village wanted and therefore the permits were not issued. As soon as the permits were issued, the work was done. All the changes made it very difficult in getting the permits. I do not believe that the delay was my fault.

I had To Change Architects + Contractors Several Times After
paying them for the work that was never Completed. you saw that
As soon as you issued The permits, the work was done.

Date: Click or tap to enter a date.

Signature: 

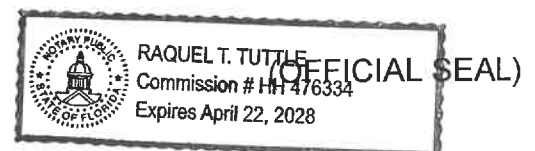
State of: Florida County of: Palm Beach THE
FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY
OF April 2025, BY Norberto Benitez Calderon WHO IS PERSONALLY KNOWN
TO ME OR WHO HAS PRODUCED personally known AS
IDENTIFICATION AND WHO DID/DID NOT TAKE AN OATH.

Raquel T. Tuttle

SIGNATURE OF NOTARY PUBLIC

RAQUEL T. TUTTLE

PRINT NAME OF NOTARY PUBLIC





VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT03789

Application Date: 01/05/24

Receipt Date 04/11/25 Permit Number 24-00013
Payee PRONTO ENTERPRISES OF PALM BEACH I
Address 4053 LAKE WORTH RD, Palm Springs, FL 33406
Permit Type Property Maintenance
Payment Method Check Payment
Confirmation #

CE Application Fee for Fine Reduction Request	\$250.00
---	----------

Comments:

Amount \$250.00
Total Paid \$250.00



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT03789

Application Date: 01/05/24

Receipt Date 04/11/25 Permit Number 24-00013
Payee PRONTO ENTERPRISES OF PALM BEACH I
Address 4053 LAKE WORTH RD, Palm Springs, FL 33406
Permit Type Property Maintenance
Payment Method Check Payment
Confirmation #

CE Application Fee for Fine Reduction Request	\$250.00
---	----------

Comments:

Amount \$250.00
Total Paid \$250.00

**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**



CFN 20240357513
OR BK 35333 PG 664
RECORDED 10/21/2024 10:24 AM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 664 - 666; (3pgs)

CODE CASE: 2024-11

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

PRONTO ENTERPRISES OF PALM BEACH INC
4053 LAKE WORTH ROAD
LAKE WORTH, FL 33461

MAILING ADDRESS:
6765 ESCONDIDA DR
WEST PALM BEACH, FL 33406 5214
Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of following Village of Palm Springs Code of Ordinances:

SECTION 70-94: Application; Local Business Tax Receipt Required

Address: 4053 LAKE WORTH RD
Legal Description: BEVERLY PK ADD TO LAKE WORTH LTS 1 TO 4 (LESS LAKE WORTH RD
R/W & ADDL SR 802 R/W AS IN OR2644P1515) & LTS 5 TO 9 INC BLK
2
PCN: 70-42-44-24-02-002-0010

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 21st day of March 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / ☒ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

☒ Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

- ☒ **SECTION 10-8 Exterior of Property- Repair Wood fence & repave restripe parking lot - requires permits and inspections.**
- ☐ **SECTION 10-9 Exterior Building - pressure clean and paint.**
- ☒ **SECTION 62-75 Commercial storage area - enclose dumpster - requires permits & inspections.**
- ☒ **SECTION 34.143 Public Nuisance - Trash & debris.**

☒ **SECTION 34-262 Prohibited window signs – Neon signage**

☒ **SECTION 34-328 Window signs no more than 25% of the window / entry door clear zone.**

Respondent was in violation of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

- ☐ **SECTION 10-8 Exterior of Property- Repair Wood fence & repave restripe parking lot - requires permits and inspections.**
- ☒ **SECTION 10-9 Exterior Building – pressure clean and paint.**
- ☐ **SECTION 62-75 Commercial storage area - enclose dumpster - requires permits & inspections.**
- ☐ **SECTION 34.143 Public Nuisance – Trash & debris.**
- ☐ **SECTION 34-262 Prohibited window signs – Neon signage**
- ☐ **SECTION 34-328 Window signs no more than 25% of the window / entry door clear zone.**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before April 01, 2024:
 - ☐ Administrative costs of \$340.44
 - ☐ Citation fine of \$ N/A
 - ☐ Re-inspection fee of \$ N/A
- ☒ Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before June 19, 2024. If Respondent fails to comply within the time given, a fine of \$75.00 per day, per violation will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent is ordered to pay the following amounts on or before April 01, 2024.
 - ☒ Administrative costs of \$340.44
 - ☒ Citation fine of \$ N/A
 - ☒ Re-inspection fee of \$ N/A

All payments shall be made to The Village of Palm Springs at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Nanciann Cuenot at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public

Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat.

The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgement for the amount of the lien plus accrued interest. Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five-hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561)584-8300 ext. 8521 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 21st day of March 2024.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

BY:


Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

4053 LAKE WORTH ROAD
LAKE WORTH BEACH, FL 33461

STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS

I hereby certify this is a true and correct
copy of the Code Case 2024-11 Order
Finding Violation and the original is on file
in the Clerk's Office.


Jane R. Worth, CMC
Deputy Village Clerk





**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2024-65

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**GRACE WILDMAN
3515 ALMAR ROAD
LAKE WORTH BEACH, FL 33461 4339**

**MAILING ADDRESS:
4234 SHERRI COURT
LAKE WORTH BEACH, FL 33461 4339**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

SECTION 10-29: Unsafe building. Property is dilapidated and uninhabitable.

SECTION 30-143: Trash/debris/rubbish. Remove all trash/debris/rubbish off the property.

SECTION 10-8: Weeds. Remove all weeds off the property and along the fence line.

SECTION 30-141: Overgrowth. Mow and trim all overgrown grass/trees/bushes/vegetation.

SECTION 10-9: Exterior property maintenance. Repair damaged mailbox, fascia, soffit, rotted wood, doors, windows, roof and patio enclosure. Remove prohibited grey tarp off the roof and repair all holes. Remove all wood boards covering the doors and windows. Remove all black/green discoloration off the exterior walls and walkways.

Address: 3515 ALMAR ROAD
Legal Description: 24-44-42, S 60 FT OF N 112 FT OF W 130 FT OF E 1/2 OF E 1/2
OF NW 1/4 OF SE 1/4 (LESS E 20FT RD R/W)
PCN: 70-42-44-24-00-000-5180

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 17th day of October 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent was / was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

- ☒ Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:
- ☒ **SECTION 10-29: Unsafe building. Property is dilapidated and uninhabitable.**
 - ☒ **SECTION 30-143: Trash/debris/rubbish. Remove all trash/debris/rubbish off the property.**
 - ☒ **SECTION 10-8: Weeds. Remove all weeds off the property and along the fence line.**
 - ☒ **SECTION 30-141: Overgrowth. Mow and trim all overgrown grass/trees/bushes/vegetation.**
 - ☒ **SECTION 10-9: Exterior property maintenance. Repair damaged mailbox, fascia, soffit, rotted wood, doors, windows, roof and patio enclosure. Remove prohibited grey tarp off the roof and repair all holes. Remove all wood boards covering the doors and windows. Remove all black/green discoloration off the exterior walls and walkways.**

- ☐ Respondent **was in violation** of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

- ☐ **SECTION 10-29: Unsafe building. Property is dilapidated and uninhabitable.**
- ☐ **SECTION 30-143: Trash/debris/rubbish. Remove all trash/debris/rubbish off the property.**
- ☐ **SECTION 10-8: Weeds. Remove all weeds off the property and along the fence line.**
- ☐ **SECTION 30-141: Overgrowth. Mow and trim all overgrown grass/trees/bushes/vegetation.**
- ☐ **SECTION 10-9: Exterior property maintenance. Repair damaged mailbox, fascia, soffit, rotted wood, doors, windows, roof and patio enclosure. Remove prohibited grey tarp off the roof and repair all holes. Remove all wood boards covering the doors and windows. Remove all black/green discoloration off the exterior walls and walkways.**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent **has** brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **November 1st, 2024:**
- ☐ Administrative costs of **\$276.60**
 - ☐ Citation fine of **\$ N/A**
 - ☐ Re-inspection fee of **\$ N/A**

- ☐ Respondent **has not** brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **November 1st 2024**. If Respondent fails to comply within the time given, a fine of **\$100.00 per day, per violation** will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **November 1st, 2024**. *see below*
- ☒ Administrative costs of **\$276.60** by *December 20, 2024* *Sec. 10-29*
10-9
compl by April 18, 2025
- ☐ Citation fine of \$ *N/A*
- ☐ Re-inspection fee of \$ *N/A* *Sec. 37-143*
10-8
30-141
compl by Dec. 20, 2024

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Joey Sanders at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8300 ext. 8525 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 17th day of October 2024.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

3515 Almar Road
Lake Worth Beach, FL 33461 4339

VILLAGE OF PALM SPRINGS, FLORIDA

**STAFF RECOMMENDATION TO THE SPECIAL MAGISTRATE
ON REQUEST FOR EXTENSION OF TIME**

Code Enforcement Officer: Sanders

Date: April 17, 2025

Case No.: 2024-65

Respondent(s): Grace Wildman

Violation Address (Subject Property): 3515 Almar RD Palm Springs, FL 33461

BACKGROUND

On **October 17, 2024** the above referenced case was adjudicated by the Special Magistrate/Code Enforcement Board as being in violation of Code **Section 10-29:** Unsafe Building, **Section 30-143:** Trash/Debris/Rubbish, **Section 10-8:** Weeds, **Section 30-141:** Overgrowth and **Section 10-9:** Exterior Property Maintenance. The Respondent was given until April 18, 2025 to come into compliance and pay all applicable fees. Administrative fees of \$276.60 have been paid but the property has not been brought into compliance.

RECOMMENDATION.

Code Enforcement Staff recommends the following actions pursuant to Florida Statute Section 162.06(2), for the Special Magistrate's consideration:

- A. ☒ That based upon the criteria of Section 162.06(2), Fla. Stat., that the Special Magistrate **approve** the Respondent's Request for an Extension of time.
- B. ☐ That based upon the criteria of Section 162.06(2), Fla. Stat., that the Special Magistrate **deny** the Respondent's Request for an Extension of time.

Dated: April 17, 2025

By: Joey Sanders,
Code Enforcement Officer

STAFF JUSTIFICATION FOR RECOMMENDATION

Staff has based its recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the Respondent to correct the violation(s), and any previous violations committed by the Respondent. The basis for Staff's recommendation is set forth as follows:

On or around October 21st, 2025, the respondent submitted an application seeking financial assistance from The Village's grant funded Angel Program. While waiting to receive a decision from The Village, the respondent has remained in constant communication with The Village while her application was under review and being processed. The respondent has also made a good faith effort to clean up the property to the best of her ability with limited resources. There was an initial administrative delay in the approval process, but The Village is now currently partnering with the respondent and intends on pursuing demolition of the property sometime in the near future. The Village and the respondent have both agreed to the requested extension date of **October 18, 2025**.

Dated: April 17, 2025

By: Joey Sanders,
Code Enforcement Officer

Village of Palm Springs
Code Enforcement Magistrate Hearing

CODE CASE: 2024-65

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

v.
GRACE WILDMAN
3515 ALMAR ROAD
PALM SPRINGS, FL 33461

MAILING ADDRESS:
4234 SHERRI COURT
LAKE WORTH BEACH, FL 33461 4339
Respondent(s).

PCN: 70-42-44-24-00-000-5180

ORDER GRANTING EXTENSION OF TIME

THIS MATTER having come before the Village of Palm Springs Code Enforcement Special Magistrate on **April 17, 2025**, by the respondent's request for an extension of time within which to come into compliance, the Magistrate, having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances:

1. The above respondent is the owner or occupant of THE PROPERTY DESCRIBED AS: 24-44-42, S 60 FT OF N 112 FT OF W 130 FT OF E ½ OF E ½ OF NW ¼ OF SE ¼ (LESS E 20FT RD R/W)
2. On **October 17, 2024**, the Village of Palm Springs Code Enforcement Special Magistrate entered an order finding the Respondent in violation of **Section 10-29: Unsafe Building**, **Section 30-143: Trash/Debris/Rubbish**, **Section 10-8: Weeds**, **Section 30-141: Overgrowth** and **Section 10-9: Exterior Property Maintenance**, of the Village of Palm Springs Code of Ordinances. The Respondent was given until **April 18, 2025**, within which to comply with the code, failing a fine of **\$100.00** per day, per violation was assessed to be against the respondent.

IT IS HEREBY ORDERED, that

- A. Based upon the testimony of the parties, and viewing the facts presented in the light most favorable to the Respondent(s), shall/shall not be given an extension until, **October 18, 2025**, to comply with the Notice of Violation issued in this matter on or about **October 17, 2024**, requiring compliance on or before **April 18, 2025**.
- B. If the Respondent has not brought the alleged violations into compliance on or before the extended compliance date of **October 18, 2025**, the fine of **\$100.00 per day, per violation** shall commence from the original date of compliance of **April 18, 2025** and continue for each and every day of non-compliance.

DONE AND ORDERED this **17th** day of **April 2025**.

By: _____
Special Magistrate

Copies Furnished to the Parties by U. S. MAIL