



CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING AGENDA
JANUARY 21, 2021 9:00 AM

Special Magistrate: Earl K Mallory
Contested
Special Magistrate:
Non-Contested

A. WELCOME

B. STAFF ANNOUNCEMENTS / REMARKS

C. DIVIDING THE HEARING - CONTESTED AND NON-CONTESTED

D. SCHEDULED CASES

Agenda No.: 001 Status: Active
Respondent: PALM BEACH ORCHIDS HOLDINGS LLC CEO: Richard W Padgett
5594 Lago Del Sol Dr, Lake Worth, FL 33449-5423
Situs Address: 9588 102nd Pl S, Boynton Beach, FL Case No: C-2020-12140017
PCN: 00-42-43-27-05-053-0331 Zoned: AGR

Violations:

- 1 Details: Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any Development activity within the scope of this Article, including Buildings, Structures and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, which is wholly within or partially within any Special Flood Hazard Area shall first make application to the Floodplain Administrator and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article has been satisfied.
Floodplain Development Permits or Approvals shall be issued pursuant to this Article for any Development activities exempt from the Florida Building Code, as listed in Art. 18.A.4.C. Depending on the nature and extent of proposed Development that includes a Building or Structure, the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is required in addition to a building permit.
Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR, Sections 59 and 60), Floodplain Development Permits or Approvals shall be required for the following Buildings, Structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this Article: Nonresidential farm Buildings on farms, as provided in section 604.50, F.S.
Code: Unified Land Development Code - 18.A.4.A & 18.A.4.B & 18.A.4.C.2
Issued: 12/15/2020 Status: CEH
2 Details: Uses identified with an "A" are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing Processes.
More specifically, a lake has been excavated on the Premises without any approvals. Either an Agricultural excavation or a Type II excavation requires a Class A Conditional Use Approval.
Code: Unified Land Development Code - 4.A.7.C.4
Issued: 12/15/2020 Status: CEH
3 Details: A. Tier Restrictions
Landscape berms are not allowed within the Exurban, Rural, Agricultural Reserve, or Glades Tiers, unless approved through a Type 1 Waiver or located along a Rural Parkway.
More specifically, the Premises are within the Agricultural Reserve Tier; therefore, the berms on the Premises are not allowed unless approved through a Type 1 Waiver.
Code: Unified Land Development Code - 7.D.6.a.
Issued: 12/15/2020 Status: CLS

**CODE ENFORCEMENT  
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**4**     **Details:** Any owner or 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 system, 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.

More specifically, a single family structure was demolished and removed from this parcel without applicable building permit(s).

**Code:** PBC Amendments to FBC 6th Edition (2017) - 105.1

**Issued:** 12/15/2020

**Status:** SIT

**5**     **Details:** Any owner or 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 system, 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.

More specifically, but not limited to: A lake has been excavated or installed and site development without valid building permits.

**Code:** PBC Amendments to FBC 6th Edition (2017) - 105.1

**Issued:** 12/15/2020

**Status:** SIT

**Agenda No.:** 002

**Respondent:** PALM BEACH ORCHIDS HOLDINGS LLC  
5594 Lago Del Sol Dr, Lake Worth, FL 33449-5423

**Situs Address:** 9588 102nd Pl S, Boynton Beach, FL

**PCN:** 00-42-43-27-05-053-0331

**Status:** Active

**CEO:** Richard W Padgett

**Type:** Irreparable

**Case No:** C-2020-12210067

**Zoned:** AGR

**Violations:**

**1**     **Details:** Any owner or 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 system, 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.

More specifically, a single family structure was demolished and removed from this parcel without applicable building permit(s).

**Code:** PBC Amendments to FBC 6th Edition (2017) - 105.1

**Issued:** 12/21/2020

**Status:** CEH

**Agenda No.:** 003

**Respondent:** West Boynton Ranches Holdings LP  
5594 Lago Del Sol Drive, Lake Worth, FL 33449

**Situs Address:** 9588 Boynton Beach Blvd, Boynton Beach, FL

**PCN:** 00-42-43-27-05-053-0093

**Status:** Active

**CEO:** Richard W Padgett

**Case No:** C-2020-06040002

**Zoned:** AGR

**Violations:**

**1**     **Details:** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any Development activity within the scope of this Article, including Buildings, Structures and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, which is wholly within or partially within any Special Flood Hazard Area shall first make application to the Floodplain Administrator and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article has been satisfied.

Floodplain Development Permits or Approvals shall be issued pursuant to this Article for any Development activities exempt from the Florida Building Code, as listed in Art. 18.A.4.C. Depending on the nature and extent of proposed Development that includes a Building or Structure, the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is required in addition to a building permit.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR, Sections 59 and 60), Floodplain Development Permits or Approvals shall be required for the following Buildings, Structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this Article: Nonresidential farm Buildings on farms, as provided in section 604.50, F.S.

**Code:** Unified Land Development Code - 18.A.4.A & 18.A.4.B & 18.A.4.C.2

**Issued:** 06/24/2020

**Status:** CEH

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- 2     Details:** Uses identified with an "A" are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing Processes.

More specifically, a lake has been excavated on the Premises without any approvals. Either an Agricultural excavation or a Type II excavation requires a Class A Conditional Use Approval.

**Code:** Unified Land Development Code - 4.A.7.C.4

**Issued:** 06/24/2020

**Status:** CEH

- 3     Details:** Any owner or 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 system, 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.

More specifically, but not limited to: Structure(s) on property have been erected or installed without a valid building permit.

**Code:** PBC Amendments to FBC 6th Edition (2017) - 105.1

**Issued:** 06/24/2020

**Status:** CEH

- 4     Details:** A. Tier Restrictions

Landscape berms are not allowed within the Exurban, Rural, Agricultural Reserve, or Glades Tiers, unless approved through a Type 1 Waiver or located along a Rural Parkway.

More specifically, the Premises are within the Agricultural Reserve Tier; therefore, the berms on the Premises are not allowed unless approved through a Type 1 Waiver.

**Code:** Unified Land Development Code - 7.D.6.a

**Issued:** 06/24/2020

**Status:** CEH

- 5     Details:** A violation of any condition in a development order shall be considered a violation of this Code. Failure to comply with conditions of approval for Resolution #R-2015-0009 and Planning condition #18.

**Code:** Unified Land Development Code - 2.A.11

**Issued:** 06/24/2020

**Status:** CEH

- 6     Details:** Any owner or 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 system, 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.

More specifically, but not limited to: A lake has been excavated or installed and site development without valid building permits.

**Code:** PBC Amendments to FBC 6th Edition (2017) - 105.1

**Issued:** 06/24/2020

**Status:** SIT

- 7     Details:** A minimum of 60 percent of the gross land area of the PUD shall be designated as a Preservation Area on the Master Plan. The remaining land area (40 percent) may be designated on the Master Plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

A Preserve Area is intended to support Bona Fide Agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preserve Area and shall not detract from its operation or function.

a. Location and Access

A Preserve Area may be situated anywhere in the AGR Tier on a Legal Lot of Record with an AGR FLU designation, provided it is accessible by a street.

b. Uses

Uses allowed in a Preserve Area are indicated in the Use Matrices contained in Art. 4, Use Regulations, and where specified by the Preserve Management Plan as approved by ERM.

f. Perpetual Preservation. Prior to recording the first plat for a Development Area, the Preservation Area shall be established in perpetuity in a form acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an Agricultural Conservation Easement.

More specifically, the Premises are a required Preservation Area a PUD, which are placed under a conservation easement and are required to be used in accordance therewith in perpetuity.

**Code:** Unified Land Development Code - 3.E.2.c.2 & 3.E.2.F.3 & 3.E.2.F.3.c.f

**Issued:** 06/24/2020

**Status:** SIT

cc: West Boynton Ranches Holdings Lp

**CODE ENFORCEMENT**  
**SPECIAL MAGISTRATE HEARING AGENDA**  
**JANUARY 21, 2021 9:00 AM**

**Agenda No.:** 004  
**Respondent:** West Boynton Ranches Holdings LP  
 5594 Lago Del Sol Dr, Lake Worth, FL 33449  
**Situs Address:** FL  
**PCN:** 00-42-43-27-05-053-0391

**Status:** Removed  
**CEO:** Richard W Padgett  
**Case No:** C-2020-06160040  
**Zoned:** AGR-PUD

**Violations:**

- 1**    **Details:** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any Development activity within the scope of this Article, including Buildings, Structures and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, which is wholly within or partially within any Special Flood Hazard Area shall first make application to the Floodplain Administrator and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article has been satisfied.  
  
 Floodplain Development Permits or Approvals shall be issued pursuant to this Article for any Development activities exempt from the Florida Building Code, as listed in Art. 18.A.4.C. Depending on the nature and extent of proposed Development that includes a Building or Structure, the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is required in addition to a building permit.  
  
 Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR, Sections 59 and 60), Floodplain Development Permits or Approvals shall be required for the following Buildings, Structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this Article: Nonresidential farm Buildings on farms, as provided in section 604.50, F.S.  
**Code:** Unified Land Development Code - 18.A.4.A & 18.A.4.B & 18.A.4.C.2  
**Issued:** 06/24/2020   **Status:** CLS
- 2**    **Details:** Uses identified with an "A" are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing Processes.  
  
 More specifically, a lake has been excavated on the Premises without any approvals. Either an Agricultural excavation or a Type II excavation requires a Class A Conditional Use Approval.  
**Code:** Unified Land Development Code - 4.A.7.C.4  
**Issued:** 06/24/2020   **Status:** CLS
- 3**    **Details:** A. Tier Restrictions  
  
 Landscape berms are not allowed within the Exurban, Rural, Agricultural Reserve, or Glades Tiers, unless approved through a Type 1 Waiver or located along a Rural Parkway.  
  
 More specifically, the Premises are within the Agricultural Reserve Tier; therefore, the berms on the Premises are not allowed unless approved through a Type 1 Waiver.  
**Code:** Unified Land Development Code - 7.D.6.a  
**Issued:** 06/24/2020   **Status:** CLS
- 4**    **Details:** A violation of any condition in a development order shall be considered a violation of this Code. Failure to comply with conditions of approval for Resolution #R-2015-0009 and Planning condition #18.  
**Code:** Unified Land Development Code - 2.A.11  
**Issued:** 06/24/2020   **Status:** CLS
- 5**    **Details:** Any owner or 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 system, 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.  
  
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**Code:** PBC Amendments to FBC 6th Edition (2017) - 105.1  
**Issued:** 06/24/2020   **Status:** CLS
- 6**    **Details:** Any owner or 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 system, 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.  
  
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**Code:** PBC Amendments to FBC 6th Edition (2017) - 105.1  
**Issued:** 06/24/2020   **Status:** CLS

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a. Location and Access

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b. Uses

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f. Perpetual Preservation. Prior to recording the first plat for a Development Area, the Preservation Area shall be established in perpetuity in a form acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an Agricultural Conservation Easement.

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**Code:** Unified Land Development Code - 3.E.2.c.2 & 3.E.2.F.3 & 3.E.2.F.3.c.f

**Issued:** 06/24/2020

**Status:** CLS

cc: West Boynton Ranches Holdings Lp

**Agenda No.:** 005

**Status:** Active

**Respondent:** West Boynton Ranches Holdings LP  
5594 Lago Del Sol Drive, Lake Worth, FL 33449

**CEO:** Richard W Padgett

**Situs Address:** FL

**Case No:** C-2020-12110041

**PCN:** 00-42-43-27-05-053-0430

**Zoned:** AGR-PUD

**Violations:**

1 **Details:** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any Development activity within the scope of this Article, including Buildings, Structures and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, which is wholly within or partially within any Special Flood Hazard Area shall first make application to the Floodplain Administrator and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article has been satisfied.

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**Code:** Unified Land Development Code - 18.A.4.A & 18.A.4.B & 18.A.4.C.2

**Issued:** 12/15/2020

**Status:** CEH

2 **Details:** Uses identified with an "A" are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing Processes.

More specifically, a lake has been excavated on the Premises without any approvals. Either an Agricultural excavation or a Type II excavation requires a Class A Conditional Use Approval.

**Code:** Unified Land Development Code - 4.A.7.C.4

**Issued:** 12/15/2020

**Status:** CLS

3 **Details:** A. Tier Restrictions

Landscape berms are not allowed within the Exurban, Rural, Agricultural Reserve, or Glades Tiers, unless approved through a Type 1 Waiver or located along a Rural Parkway.

More specifically, the Premises are within the Agricultural Reserve Tier; therefore, the berms on the Premises are not allowed unless approved through a Type 1 Waiver.

**CODE ENFORCEMENT  
SPECIAL MAGISTRATE HEARING AGENDA  
JANUARY 21, 2021 9:00 AM**

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|---|---|
|   | <p><b>Code:</b> Unified Land Development Code - 7.D.6.a<br/><b>Issued:</b> 12/15/2020<br/><b>Status:</b> CLS</p>  |
| 4 | <p><b>Details:</b> A violation of any condition in a development order shall be considered a violation of this Code. Failure to comply with conditions of approval for Resolution #R-2015-0009 and Planning condition #18.</p> <p><b>Code:</b> Unified Land Development Code - 2.A.11<br/><b>Issued:</b> 12/15/2020<br/><b>Status:</b> CLS</p>  |
| 5 | <p><b>Details:</b> Any owner or 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 system, 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.</p> <p>More specifically, but not limited to: A lake has been excavated or installed and site development without valid building permits.</p> <p><b>Code:</b> PBC Amendments to FBC 6th Edition (2017) - 105.1<br/><b>Issued:</b> 12/15/2020<br/><b>Status:</b> CLS</p>  |
| 6 | <p><b>Details:</b> A minimum of 60 percent of the gross land area of the PUD shall be designated as a Preservation Area on the Master Plan. The remaining land area (40 percent) may be designated on the Master Plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.</p> <p>A Preserve Area is intended to support Bona Fide Agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preserve Area and shall not detract from its operation or function.</p> <p>a. Location and Access<br/>A Preserve Area may be situated anywhere in the AGR Tier on a Legal Lot of Record with an AGR FLU designation, provided it is accessible by a street.</p> <p>b. Uses<br/>Uses allowed in a Preserve Area are indicated in the Use Matrices contained in Art. 4, Use Regulations, and where specified by the Preserve Management Plan as approved by ERM.</p> <p>f. Perpetual Preservation. Prior to recording the first plat for a Development Area, the Preservation Area shall be established in perpetuity in a form acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an Agricultural Conservation Easement.</p> <p>More specifically, the Premises are a required Preservation Area a PUD, which are placed under a conservation easement and are required to be used in accordance therewith in perpetuity.</p> <p><b>Code:</b> Unified Land Development Code - 3.E.2.c.2 &amp; 3.E.2.F.3 &amp; 3.E.2.F.3.c.f<br/><b>Issued:</b> 12/15/2020<br/><b>Status:</b> SIT</p> |

cc: West Boynton Ranches Holdings Lp

**E. HOUSE KEEPING ITEMS (CONTESTED HEARING)**

**F. CLOSING REMARKS**

1. SPECIAL MAGISTRATE
2. COUNTY ATTORNEY
3. STAFF

"IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING HE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. "