

CODE COMPLIANCE ORDER  
CITY OF PALM BEACH GARDENS, FLORIDA

**ORDER FINDING IRREPARABLE AND IRREVERSIBLE VIOLATIONS  
AND ASSESSING FINE**

**CITY OF PALM BEACH GARDENS,**

**Petitioner,**

**Case No. 11-07-4775**

vs.

**SAN MICHELE HOMEOWNERS ASSN INC,**

**Respondent.**

RE: Violation of Sections 78-302, 78-303, 78-316 and 78-742 of the Code of Ordinances of the City of Palm Beach Gardens.

Address: 13011 Central Blvd  
Palm Beach Gardens, Florida 33410  
Legal Description: SAN MICHELE TRS UP-1 THRU UP-6 K/A COMMON  
AREA CONSERVATION  
P.C.N.: 52-42-41-25-01-021-0000

The Special Magistrate appointed by the City Council to hear code compliance cases for the City of Palm Beach Gardens, in accordance with Chapter 162, *Florida Statutes*, has heard testimony at the Code Compliance Hearing held on the 8<sup>th</sup> day of August, 2011, and based on the evidence and testimony presented, entered an Order Finding Irreparable and Irreversible Violations and Assessing Fine. The following Findings of Fact, Conclusions of Law, and Order are hereby entered:

**FINDINGS OF FACT**

1. The Respondent, **SAN MICHELE HOMEOWNERS ASSN INC**, was represented at the hearing by the Homeowner's Association President, **Harris Kozak**, and there was a finding of proper notice of the violation and of the hearing.

2. Code Compliance Officer Alex Lopez, Development Compliance Manager Bahareh Wolfs, GIS Manager Aries Page, and City Forester Mark Hendrickson testified and provided evidence of the violations of Sections 78-302, 78-303, 78-316 and 78-742 and that the subject violations were irreversible and irreparable in nature. The City submitted a case file exhibit consisting of a binder/notebook which was admitted into evidence as the City's Composite Exhibit 1.

3. Mr. Kozak testified and presented documentation which was accepted into evidence as Respondent's Exhibit's 1 and 2.

4. Based upon the evidence presented at the August 8<sup>th</sup>, 2011 Special Magistrate Hearing, the Special Magistrate found that the Respondent violated Sections 78-302, 78-303, 78-316 and 78-742 of the Code of Ordinances of the City of Palm Beach Gardens and that said violations were irreversible and irreparable in nature.

### CONCLUSIONS OF LAW

The above-stated facts constitute a violation of Sections 78-302, 78-303, 78-316 and 78-742 of the Code of Ordinances of the City of Palm Beach Gardens and said violations were irreversible and irreparable.

### ORDER

It is the Order of the Code Compliance Special Magistrate that Respondent, **SAN MICHELE HOMEOWNERS ASSN INC**, is hereby assessed a fine in the amount of Two Hundred Twenty Five Thousand Dollars (\$225,000.00) for the irreversible and irreparable violations of Sections 78-302, 78-303, 78-316 and 78-742 of the Code of Ordinances of the City of Palm Beach Gardens for the removal from the property of Sixteen (16) Oak Trees, Thirty (30) Pine Trees and Eighteen (18) Sabal Palms.

It is the further Order of the Code Compliance Special Magistrate that Respondent, **SAN MICHELE HOMEOWNERS ASSN INC**, shall submit a Remediation Plan to the City and such Plan shall be sufficient to remediate the subject area as determined by the City in accordance with the City Code and all previous approvals for the San Michele PUD **on or before 4:00pm on the 7<sup>th</sup> day of November, 2011**. Furthermore, it is the Order of the Code Compliance Special Magistrate that Respondent shall install all landscaping and vegetation in accordance with the subject Remediation Plan to the satisfaction of the City **on or before 4:00pm on the 4<sup>th</sup> day of May, 2012**.

The Respondent is further assessed Two Hundred Seventy Eight Dollars and Seventy Three Cents (\$278.73) for the administrative costs incurred in prosecuting the August 8<sup>th</sup>, 2011 hearing.

If Respondent does not comply within the time specified, a Fine Assessment Hearing will be held before the Special Magistrate on the **15<sup>th</sup> day of May, 2012 at 2:00pm** at the Palm Beach Gardens City Council Chambers, 10500 North Military Trail, Palm Beach Gardens, Florida 33410.

A certified copy of this Order may be recorded in the Public Records of Palm Beach County, Florida, and, once recorded, shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Respondent, pursuant to Chapter 162, *Florida Statutes*.

Case No. 11-07-4775

Upon complying in any code compliance matter, it is always the responsibility of the Respondent to contact the Code Compliance Department at (561) 799-4245 to request a re-inspection of the property.

DONE AND ORDERED THIS 16 day of August, 2011.

CITY OF PALM BEACH GARDENS  
CODE COMPLIANCE

BY:   
KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk

Date: 8-16-11

By: 