

RESOLUTION NO. R-2009- 1043

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2009-00566  
(CONTROL NUMBER 1976-00121)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF ROSE DIAMOND INVESTMENTS INC  
BY LAND RESEARCH MANAGEMENT, INC., AGENT  
(QUEEN OF PAWNS)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA/R-2009-00566 was presented to the Board of County Commissioners at a public hearing conducted on June 29, 2009; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use;
2. This Development Order Amendment complies with applicable standards and provisions of the ULDC for use, layout, function, and general development characteristics. The proposed Development Order Amendment also complies with all applicable portions of Article 4.B, Supplementary Use Standards;
3. This Development Order Amendment with conditions as adopted, is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
4. This Development Order Amendment with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
5. This Development Order Amendment with conditions as adopted, minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
6. This Development Order Amendment with conditions as adopted, will result in logical, timely and orderly development patterns;

7. This Development Order Amendment is consistent with applicable neighborhood plans in accordance with BCC policy;
8. This Development Order Amendment has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC; and
9. This Development Order Amendment has demonstrated changed conditions or circumstances that necessitate a modification.

WHEREAS, Article 2.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA/R-2009-00566, the application of Rose Diamond Investments Inc, by Land Research Management, Inc., agent, for a Development Order Amendment to to reconfigure the site plan. on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 29, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Burt Aaronson and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 29, 2009.

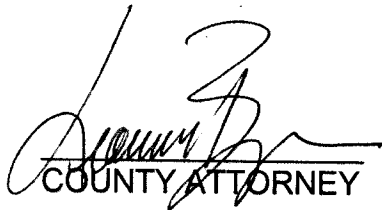
Filed with the Clerk of the Board of County Commissioners on July 1st, 2009.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

SHARON BOCK, CLERK &  
COMPTROLLER

BY:

  
DEPUTY CLERK

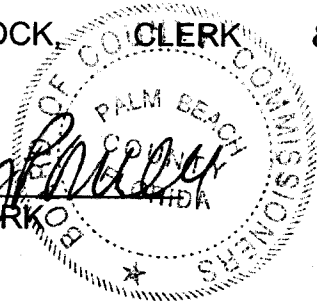


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 27, ALSO BEING THE CENTERLINE OF OKEECHOBEE BOULEVARD, 40.00 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY OF DREXEL ROAD, AS PRESENTLY LAID OUT AND IN USE; THENCE SOUTHERLY ALONG THE SAID EXTENSION LINE 275.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PROPERTY; THENCE CONTINUE SOUTHERLY ALONG THE SAID WEST RIGHT-OF-WAY LINE OF DREXEL ROAD, 691.20 FEET; THENCE WESTERLY ALONG A LINE PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, 600.0 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE SAID WEST RIGHT-OF-WAY LINE OF DREXEL ROAD, 646.20 FEET; THENCE EASTERLY ALONG A LINE PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, 193.00 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF DREXEL ROAD, 245.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE, 187.00 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF DREXEL ROAD, 200.00 FEET; THENCE EASTERLY ALONG A LINE PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, 220.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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DESCRIPTION; THENCE SOUTH 01 DEGREES 52 MINUTES 53 SECONDS WEST, A DISTANCE OF 245.00 FEET; THENCE NORTH 88 DEGREES 18 MINUTES 09 SECONDS WEST, A DISTANCE OF 193.00 FEET; THENCE NORTH 01 DEGREES 52 MINUTES 53 SECONDS EAST, A DISTANCE OF 245.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OKEECHOBEE BOULEVARD, AS LAID OUT AND NOW IN USE; THENCE SOUTH 88 DEGREES 18 MINUTES 09 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 193.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 3:

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AND:

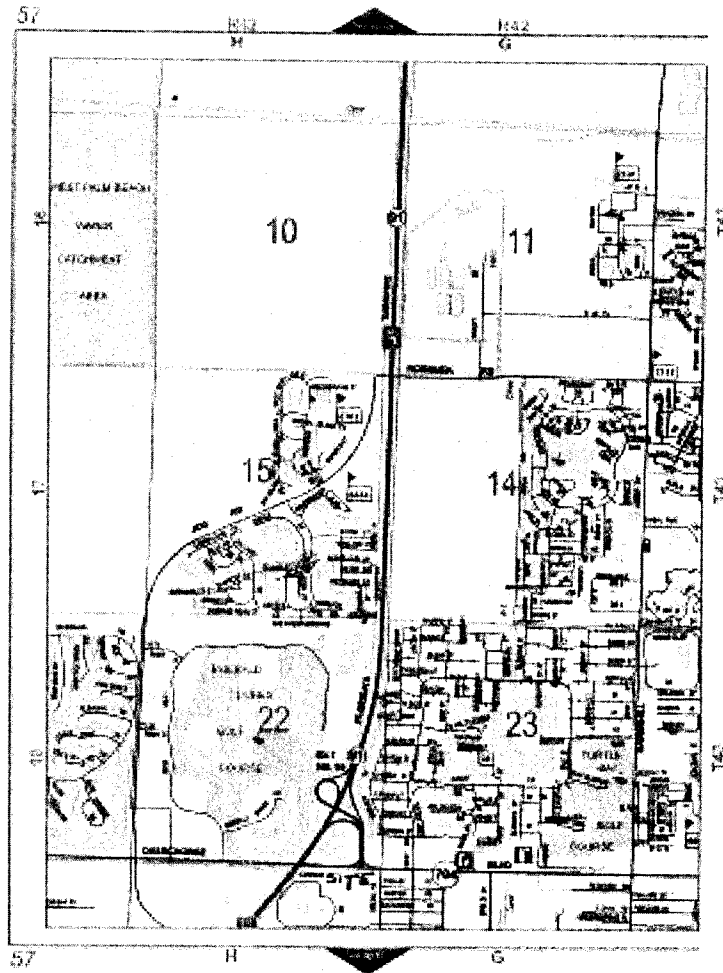
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EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All Petitions Condition No. 1 of Resolution 2008-914, Control 1976-121, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-76-830 (Control 1976-121), Resolution R-1985-704 (Control 1976-121), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-914 (Control No. 1976-121), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Development of the site shall be generally consistent with the preliminary site plan dated April 13, 2009, and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners. (ONGOING: ZONING-Zoning )

#### ARCHITECTURAL REVIEW

1. All future development shall be subject to Article 5.C. Design Standards or as exempted in accordance with Article 5.C.1.C. of the ULDC. (ON-GOING: ARCH. REVIEW - Zoning)

#### BUILDING AND SITE DESIGN-FINANCIAL INSTITUTION, OUTPARCEL 2

1. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets. (BLDG PERMIT: BLDG - Arch Review) (Previous Building and Site Design Condition No. 2 of Resolution R-2008-914, Control No. 1976-121)

#### ENGINEERING

1. Developer shall construct third lane on Drexel Road for the length of the project and tapers. (ONGOING: ENGINEERING - Eng) (Previous Condition E1 Resolution R-2008-914, Control No. 1976-121)

[Note: Completed]

2. Developer shall extend the left turn lane east approach, at the intersection of Okeechobee Boulevard and Drexel Road. (ONGOING: ENGINEERING - Eng) (Previous Condition E2 Resolution R-2008-914, Control No. 1976-121)

[Note: Completed]

3. Developer shall construct left turn lane east approach, at the intersection of the entrance road and Okeechobee Boulevard. (ONGOING: ENGINEERING - Eng) (Previous Condition E3 Resolution R-2008-914, Control No. 1976-121)

[Note: Completed]

4. Developer shall install a traffic signal at the intersection of the development's entrance road and Okeechobee Boulevard when warranted, as determined by the County Engineer.

(ONGOING: ENGINEERING - Eng) (Previous Condition E4 Resolution R-2008-914, Control No. 1976-121)

[Note: Completed]

5. Developer shall align the entrance road at Okeechobee Boulevard with the access road to Florida's Turnpike. (ONGOING: ENGINEERING - Eng) (Previous Condition E5 Resolution R-2008-914, Control No. 1976-121)

[Note: Completed]

6. Developer shall provide an easement through his property, to provide access to the land to the west of the shopping center. (ONGOING: ENGINEERING - Eng) (Previous Condition E6 Resolution R-2008-914, Control No. 1976-121)

[Note: Completed]

7. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after January 1, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Condition E7 Resolution R-2008-914, Control No. 1976-121)

8. The property owner shall convey for the ultimate right-of-way of the safe corner at the intersection of Drexel Road and Okeechobee Boulevard within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (ONGOING: ENGINEERING - Eng) (Previous Condition E9 Resolution R-2008-914, Control No. 1976-121)

#### LANDSCAPE - GENERAL

1. Prior to issuance of a permit for the pawnshop, all dead or missing landscape material must be replaced. (BLDG PERMIT: LANDSCAPE - Zoning)

#### ZONING - LANDSCAPING-TYPE I RESTAURANT OUTPARCEL

2. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition No. 1 of Resolution R-2008-914, Control No. 1976-121)

3. A minimum of fifty (50) percent of all new and replacement trees to be planted in the right of way landscape buffer for the Type I Restaurant outparcel shall meet the following minimum standards at installation:

a. tree height: fourteen (14) feet;

b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;

c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,

d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition No. 2 of Resolution R-2008-914, Control No. 1976-121)

4. All palms required to be planted on the Type I Restaurant outparcel by this approval, shall meet the following minimum standards at installation:

a. palm heights: twelve (12) feet clear trunk;

b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,

c. credit may be given for existing or relocated palms provided they meet current ULDC



requirements. (BLDG PERMIT: LANDSCAPE -Zoning) (Previous Landscape Condition No. 3 of Resolution R-2008-914, Control No. 1976-121)

5. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition No. 4 of Resolution R-2008-914, Control No. 1976-121)

6. Prior to final approval by the Development Review Officer (DRO), three hundred seventy (370) linear feet of paving, twenty (20) feet in width, along the central and western portions of the south property line of the shopping center shall be removed and replaced with sod and canopy trees to be planted at twenty (20) feet on center. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition No. 5 of Resolution R-2008-914, Control No. 1976-121)

7. Special planting treatment shall be provided in the northwest area of the Type I Restaurant outparcel. Planting shall consist of the following:

- a. a minimum of three (3) specimen palm (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section);
- b. a minimum of five (5) flowering trees; and,
- c. appropriate shrub or hedge materials and ground cover. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition No. 6 of Resolution R-2008-914, Control No. 1976-121)

#### SIGNS

1. All new and replacement signs shall meet the ULDC requirements in effect at the time of building permit. (BLDG PERMIT: BLDG Zoning) (Previous Signs Condition No. 1 of Resolution R-2008-914, Control No. 1976-121)

#### USE LIMITATIONS-FINANCIAL INSTITUTION, OUTPARCEL 2

1. Security lighting shall be directed away from nearby residences. (ONGOING: Code ENF - Zoning) (Previous Use Limitations Condition No. 1 of Resolution 2008-914, Control 1976-121)

2. A minimum of 6,450 square feet of this proposed structure shall remain as office use. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition No. 2 of Resolution 2008-914, Control 1976-121)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

b. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

- c. Referral to code enforcement; and/or
- d. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING:MONITORING-Zoning)