

RESOLUTION NO. R-2011- 0563

RESOLUTION APPROVING ZONING APPLICATION DOA-2010-02819  
(CONTROL NO. 2002-00053)  
a Development Order Amendment  
APPLICATION OF Di Giardina  
BY Land Developers Consortium LLC, AGENT  
(Villa Palma Professional Park)

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, 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 Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA-2010-02819 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2011; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.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-2010-02819, the petition of Di Giardina, by Land Developers Consortium LLC, agent, for a Development Order Amendment (DOA) to amend conditions of approval (use limitations and hours of operation) in the General Commercial (CG) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 28, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	- AYE
Commissioner Shelley Vana, Vice Chair	- AYE
Commissioner Paulette Burdick	- AYE
Commissioner Steven L. Abrams	- AYE
Commissioner Burt Aaronson	- AYE
Commissioner Jess R. Santamaria	- AYE
Commissioner Priscilla A. Taylor	-

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 28, 2011.

Filed with the Clerk of the Board of County Commissioners on May 3, 2011.

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

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



The seal is circular with the text "PALM BEACH COUNTY COMMISSIONERS" around the perimeter and a star at the bottom. The words "FLORIDA" and "DEPUTY CLERK" are partially visible within the seal's border.

**EXHIBIT A**

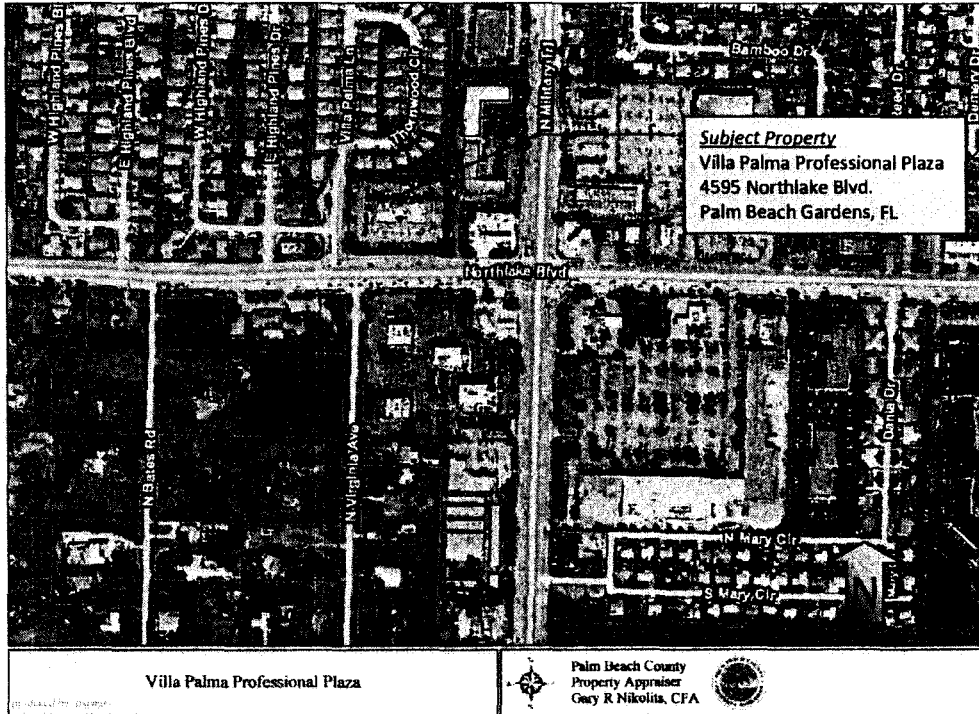
**LEGAL DESCRIPTION**

**Legal Description**

Tract "H", Villa Palma Professional Plaza, according to the plat thereof, as recorded in Plat Book 104, Pages 1 and 2, Palm Beach County, Florida, Public Records.  
Containing 2.23 acres more or less.

EXHIBIT B  
VICINITY SKETCH

Vicinity Sketch



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Previous All Petition Condition 1. of Resolution 2007-0832 (Control No. 2002-053) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-0322 (Control 2002-053), 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 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-2007-0832 (Control 2002-053), 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 ULDC and the Board of County Commissioners unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All Petition Condition 2. of Resolution 2007-0832 (Control No. 2002-053) which currently states:

Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated March 26, 2007. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The approved site plan is dated January 14, 2011. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the property owner shall amend the site plan to accurately reflect the existing landscape buffer along the north property line.

#### ARCHITECTURAL REVIEW

1. At the time of submittal for final DRC certification of the site plan, architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. Development shall be consistent with the approved architectural elevations. (Previous ARCH Condition 1 of Resolution 2007-0832 Control No. 2002-053) (DRO: ZONING / BLDG PERMIT - Zoning)

#### ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Northlake Boulevard at Villa Palma Lane. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

(BLDG PERMIT: MONITORING - Eng) (Previous Engineering Condition 1 of Resolution 2007-0832 Control No. 2002-053) [Note: COMPLETED]

2. The Property owner shall construct:

- a. Right turn lane East Approach on Northlake Boulevard at Villa Palma Lane.
- b. Extend the existing left turn/ U turn lane on Northlake Boulevard at the next median opening west of Villa Palma Lane to provide for a minimum 390 foot left turn lane east approach.
- c. Villa Palma Lane.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng) (Previous Engineering Condition 2 Resolution R-2007-0832, Control No. 2002-053) [Note: COMPLETED]

3. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Engineering Condition 3 of Resolution R-2007-0832, Control No. 2002-053) [Note: COMPLETED]

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No Building Permits for the site may be issued after December 31, 2004. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng) (Previous Engineering Condition 4 of Resolution R-2007-0832, Control No. 2002-053)

#### 5. LANDSCAPE WITHIN THE MEDIAN OF NORTHLAKE BOULEVARD

- a. The petitioner shall design, install and perpetually maintain the median landscaping within the Median of Northlake Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- d. At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation. (BLDG PERMIT: MONITORING - Eng)
- e. In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:
- f. Alternately, at the option of the petitioner, prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS)

unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Northlake Boulevard. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended. (BLDG PERMIT: MONITORING - Eng) (Previous Engineering Condition 5 of Resolution R-2007-0832, Control No. 2002-053) [Note: COMPLETED]

6. Prior to the issuance of a building permit, the property owner shall record a subdivision plat in order to establish this subject parcel of land. The subject plat shall also include Villa Palma Lane as the access to the parcel. (BLDG PERMIT: MONITORING - Eng) (Previous Engineering Condition 6 of Resolution R-2007-0832, Control No. 2002-053) [Note: COMPLETED]

#### LANDSCAPE - GENERAL

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and,  
d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution 2007-0832 Control No. 2002-053)

2. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 4 of Resolution 2007-0832 Control No. 2002-053)

3. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 5 of Resolution 2007-0832 Control No. 2002-053)

4. Previous Landscape Condition 6 of Resolution 2007-0832 Control No. 2002-053 which currently states:

Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Code Requirement Article 7.D.12.]

5. Prior to final DRC certification, the applicant shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 7 of Resolution 2007-0832 Control No. 2002-053)

#### LANDSCAPE - INTERIOR

6. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning) (Previous Landscape Condition 11 of Resolution 2007-0832 Control No. 2002-053)

7. Foundation planting or grade level planters shall be provided along all sides of the building to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total

length of each side of the structure; and,

c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRO / CO: ZONING / LANDSCAPE Zoning) (Previous Landscape Condition 12 of Resolution 2007-0832 Control No. 2002-053)

**LIGHTING**

**LANDSCAPE - PERIMETER**

8. All palms required to be planted on site 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. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 2 of Resolution 2007-0832 Control No. 2002-053)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF VILLA PALMA LANE)**

9. Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. Width reduction shall be permitted in the area adjacent to an existing buffer pursuant to ULDC width reduction requirements;
- b. one (1) native canopy tree for each thirty (30) feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 9 of Resolution 2007-0832 Control No. 2002-053)

**LANDSCAPE - PERIMETER**

**10. LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)**

Landscaping and buffering along the north property line shall be upgraded to include: a. a minimum fifteen (15) foot wide landscape buffer strip. Width reductions shall be permitted in the area adjacent to an existing buffer pursuant subject to ULDC width reduction requirements;

- b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of sixty (60) inches at installation and shall be maintained at seventy-two (72) inches at maturity. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

**ZONING LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)**

Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted;
- b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;



- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of sixty (60) inches at installation and shall be maintained at seventy-two (72) inches at maturity. (CO: LANDSCAPE - Zoning)

11. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches medium shrub;
- c. forty-eight (48) to seventy-two (72) inches large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of a wall. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 3 of Resolution 2007-0832 Control No. 2002-053)

#### LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO: BLDG Zoning) (Previous Lighting Condition 1 of Resolution 2007-0832 Control No. 2002-053)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Lighting Condition 2 of Resolution 2007-0832 Control No. 2002-053)

3. All outdoor, freestanding lighting fixtures shall be setback fifteen (15) feet from the north property line. (CO: BLDG - Zoning) (Previous Lighting Condition 3 of Resolution 2007-0832 Control No. 2002-053)

4. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition 4 of Resolution 2007-0832 Control No. 2002-053)

5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition 5 of Resolution 2007-0832 Control No. 2002-053)

#### PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the notation on the site plan showing a possible future cross access point to the parcel to the east of the site shall be amended to read "potential vehicular and pedestrian cross access to be paved to the property line". (DRC: PLANNING) (Previous Condition L.1 of Resolution 2003-322, Control 2002-053) [NOTE: COMPLETED]

2. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record a cross access easement from the subject property to the parcel to the east in a form acceptable to the County Attorney. (DRC: COUNTY ATTY - Planning) (Previous Condition L.2 of Resolution 2003-322, Control 2002-053) [NOTE: COMPLETED]

3. Prior to the issuance of a certificate of occupancy, the petitioner shall pave a vehicular and pedestrian cross access point to include shade trees to the edge of the eastern property line at the location shown on the final certified site plan that will read "potential vehicular and pedestrian cross access to be paved to the property line." (CO: MONITORING - Planning) (Previous Condition L.3 of Resolution 2003-322, Control 2002-053) (CO: MONITORING - Planning) [NOTE: COMPLETED]

## **SIGNS**

1. Previous Sign Condition 1 of Resolution 2007-0832 Control No. 2002-053 which currently states:

Freestanding point of purchase signs fronting on Northlake Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side fifty (50) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location along the Northlake Boulevard frontage, within fifty (50) feet of the west property line; and,
- f. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

Is hereby amended to state:

Ground Mounted Freestanding signs fronting on Northlake Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side fifty (50) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location along the Northlake Boulevard frontage. (CO: BLDG - Zoning)

2. Previous Sign Condition 2 of Resolution 2007-0832 Control No. 2002-053 which currently states:

Wall signs shall be limited to the south facade of the building and individual lettering size shall be limited to thirty-six (36) inches high. Wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

Is hereby amended to state:

Building mounted wall signs shall be limited to the south facade of the building. (CO: BLDG - Zoning)

## **USE LIMITATIONS**

1. Previous Use Limitation Condition 1 of Resolution 2007-0832 Control No. 2002-053 which currently states:

Business activity shall not be allowed on the property, including deliveries, prior to 8:00 a.m. nor continue later than 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

Is hereby deleted: [REASON: Article 3.D.3.A.2. of the ULDC restricts commercial activities within 250 of residential from 6:00 am to 11:00 pm]

2. Previous Use Limitation Condition 2 of Resolution 2007-0832 Control No. 2002-053 which currently states:

The uses on this property shall be limited to Retail, General; Type I Restaurant; office, business or professional; laundry services; and office, medical or dental. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: ULDC Art. 4. Use Matrix provides sufficient limitations for uses in the General Commercial Zoning District]

3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition 3 of Resolution 2007-0832 Control No. 2002-053)

4. Repair or maintenance of vehicles shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition 4 of Resolution 2007-0832 Control No. 2002-053)

5. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition 5 of Resolution 2007-0832 Control No. 2002-053)

6. Parking of delivery vehicles or trucks shall not be permitted on the property except within the designated loading space located on the east side of the property. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition 6 of Resolution 2007-0832 Control No. 2002-053)

7. The storage of rental trucks/trailers shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition 7 of Resolution 2007-0832 Control No. 2002-053)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (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
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)