PALM BEACH COUNTY PLANNING, ZONING AND BUILDING DEPARTMENT ZONING DIVISION



Application No.: Z/DOA-2009-01524

Control No.: 1997-00058

Applicant: Indian Trail Improvement District **Owners:** Indian Trail Improvement District

Agent: Wayne Villavaso Landscape Architecture Inc. - Carole A Turk

Telephone No.: (561) 744-4699

Project Manager: Anthony Wint, Site Planner II

Ron Sullivan, Senior Site Planner

Location: Approximately 660 feet east of Hall Boulevard on the south side of Hamlin Boulevard. (Hamlin Equestrian Park)

TITLE: an Official Zoning Map Amendment REQUEST: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. TITLE: a Development Order Amendment REQUEST: to add land area (2.59 acres).

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment and a Development Order Amendment (DOA) for the Hamlin Equestrian Park. The 6.98-acre parcel was originally approved by the Board of County Commissioners (BCC) on October 23, 1997 for a rezoning from Agricultural Residential (AR) to Public Ownership (PO) with a Conditional Overlay Zone (COZ) for an Equestrian park. The applicant is requesting to rezone 2.59-acres from the Agriculture Residential (AR) Zoning District to the Public Ownership (PO) Zoning District and add it to the existing 6.98-acre Hamlin Equestrian Park for a total acreage of 9.57-acres. Access to the site will remain from Hamlin Boulevard (1) and 89th Place North (1).

ISSUES SUMMARY:

o Project History

On October 23, 1997, Hamlin Equestrian Park was approved via Resolution R-97-1584 for an Official Zoning Map Amendment from Agricultural Residential (AR) to Public Ownership (PO) for four parcels with a Conditional Overlay Zone (COZ) on each parcel. The four parcels are described in Exhibit A-1 (Kidscape Park), A-2 (Equestrian Park), A-3 (Multi-Court Park) and A-4 (Multi-purpose Park) of Resolution R-97-1584 as indicated in Figure 5. The subject property, Hamlin Equestrian Park, was approved with uses primarily consisting of training rings, dressage arena, playground, picnic area and barbecue grills and Accessory Uses including riding trail, main ring, pavilion, judge's stand, and box stalls.

o Consistency with Comprehensive Plan

The Planning Division has determined that the request is consistent with the subject site's Rural Residential 2.5 (RR-2.5) Future Land Use designation. See Planning Division comments for additional information.

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o Compatibility with Surrounding Land Uses

The subject property is contiguous on three sides to undeveloped land with the subject site's Rural Residential 2.5 (RR-2.5) Future Land Use designation. To the west of the subject site, is an existing single family dwelling. The proposed addition to the community park is compatible with surrounding uses and zones and is designed to provide recreational amenities to residents within the Acreage.

o Traffic

The Palm Beach County Engineering Department has determined that the request will generate 108 trips per day, a total increase of 12 over the previous approval of 96 trips per day. See Engineering comments for further information.

Landscape/Buffering

The site requires a 15 foot right-of-way buffer abutting Hamlin Boulevard which is indicated on the proposed site plan for the 2.59-acre addition. The site requires a 15-foot incompatibility buffer between residential uses and civic uses which the applicant is providing along the south and east property lines. Existing Landscaping conditions 1 and 2 do not meet current ULDC requirements so they have been modified to reflect that they do not apply to the parcel being added to Hamlin Equestrian Park.

o Signs

No signage is proposed at present for this park. Should the applicant wish to provide signage in the future, it would have to comply with the ULDC, including the requirements of Article 8.

Architectural Review

This project is not subject to Architectural Review.

Conditional Overlay Zone

Staff is recommending the rezoning request of the 2.59-acre parcel be subjected to a Conditional Overlay Zone (COZ). The COZ is to ensure that the 2.59-acres which is rezoned from the Agriculture Residential (AR) Zoning District to the Public Ownership (PO) Zoning District and added to the existing 6.98-acre Hamlin Equestrian Park for a total acreage of 9.57-acres will incorporate the COZ requirements as approved in previous Resolution R-97-1584. Per the Conditions in Exhibit C, Use Limitation of a public park, Landscaping and Traffic Performance Standards will be met.

o August 6, 2009 Zoning Commission (ZC) Hearing

At the August 6, 2009 Zoning Commission hearing, this item was on the Regular Agenda. Staff made no presentation and the applicant came to the podium to accept all conditions of approval. Commissioner Kaplan made a motion to approve the request; the motion was seconded by Commissioner Brumfield. The motion carried 7-0 in favor of the request.

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TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-41-42-20-00-000-3050 00-41-42-20-00-000-3060 00-41-42-20-00-000-3070 00-41-42-20-00-000-3080	Same
Land Use Designation:	Rural Residential (RR-2.5)	Same
Zoning District:	Agricultural Residential District (AR) Public Ownership District (PO)	Public Ownership District (PO)
Tier:	Rural	Same
Use:	Residential	Park, Public
Acreage:	6.98-acres	9.57-acres
Parking:	0 spaces	27 spaces
Access:	Hamlin Boulevard	Same

CODE REVISION: N/A

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 6 contacts from the public regarding this project. One letter was in opposition however the resident came to the podium and stated that they had no issues with the applicant's request.

RECOMMENDATION: Staff recommends approval of the Official Zoning Map Amendment and the Development Order Amendment, subject to 18 Conditions of Approval as contained in Exhibit C (with a Conditional Overlay Zone.)

ACTION BY THE ZONING COMMISSION: August 6, 2009, Zoning Commission (ZC) Hearing: Motion to recommend approval carried by a vote of 7-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Development Order Amendment to add land area.

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PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

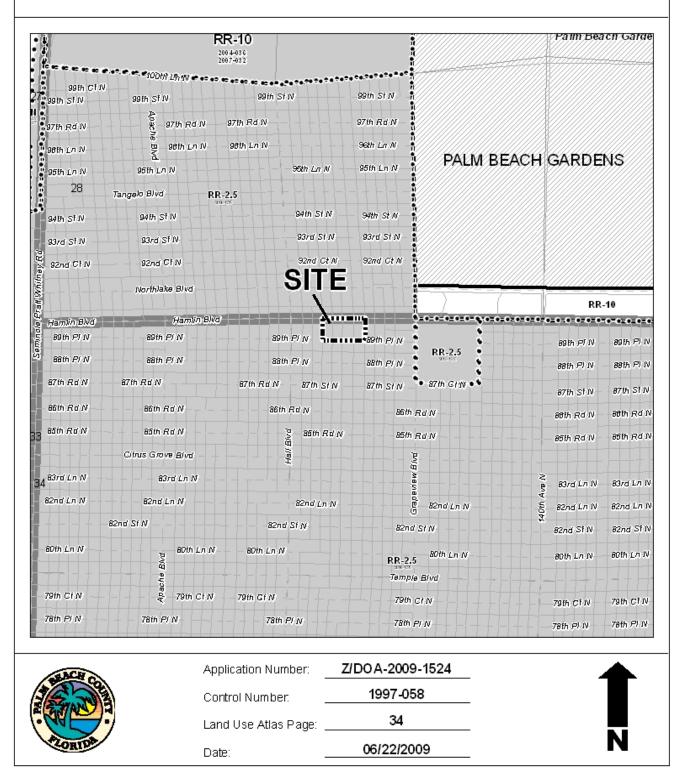


Figure 1 Land Use Atlas Map

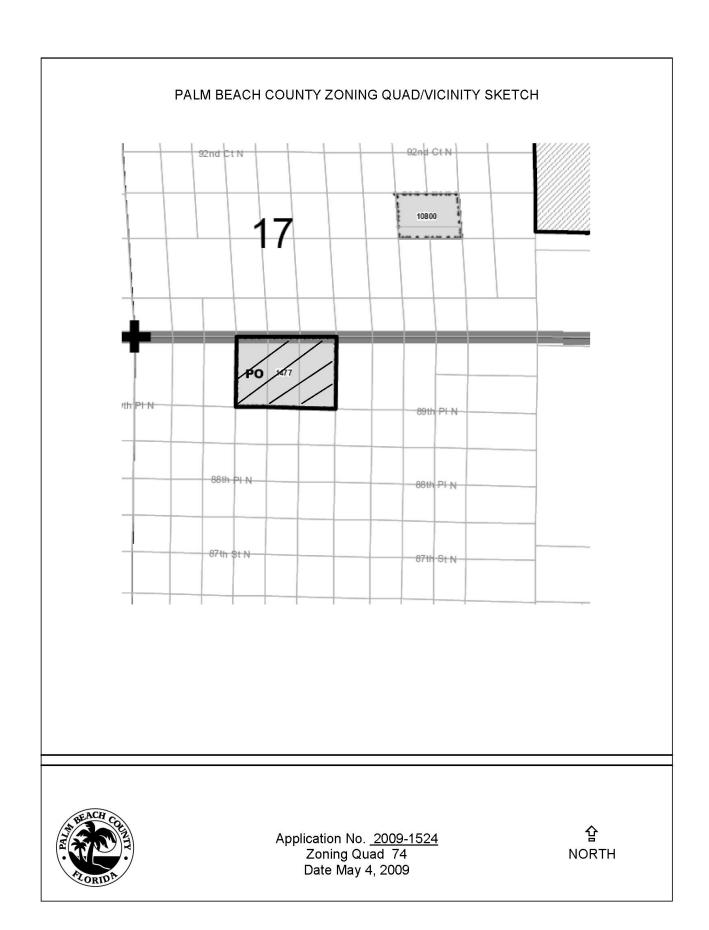
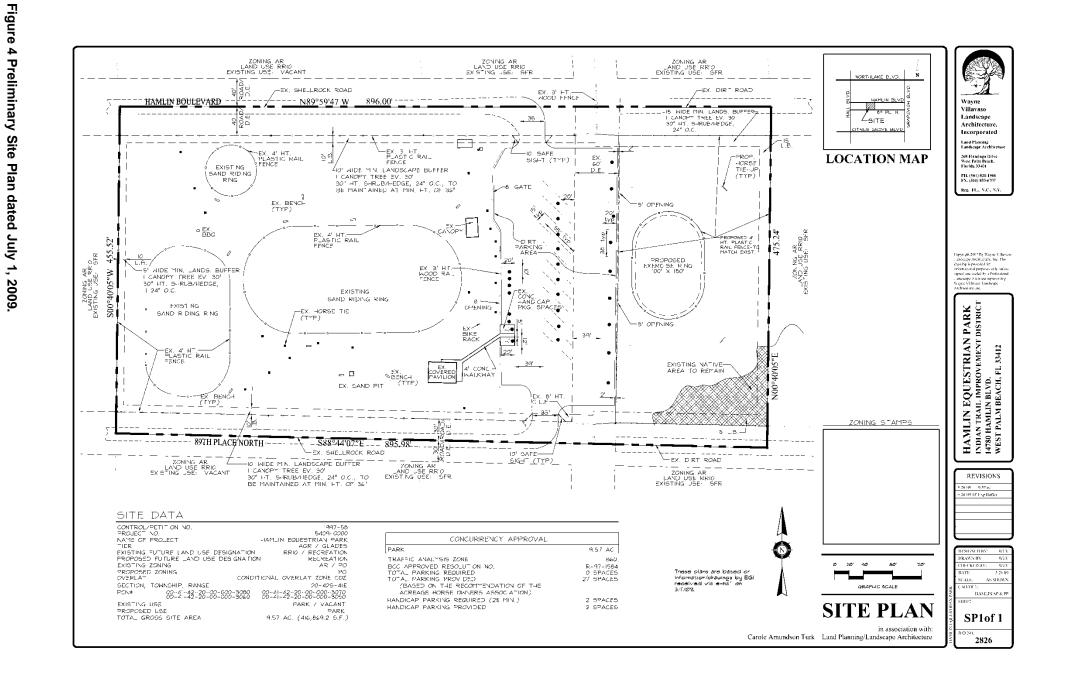


Figure 2 Zoning Quad Map



Figure 3 Aerial

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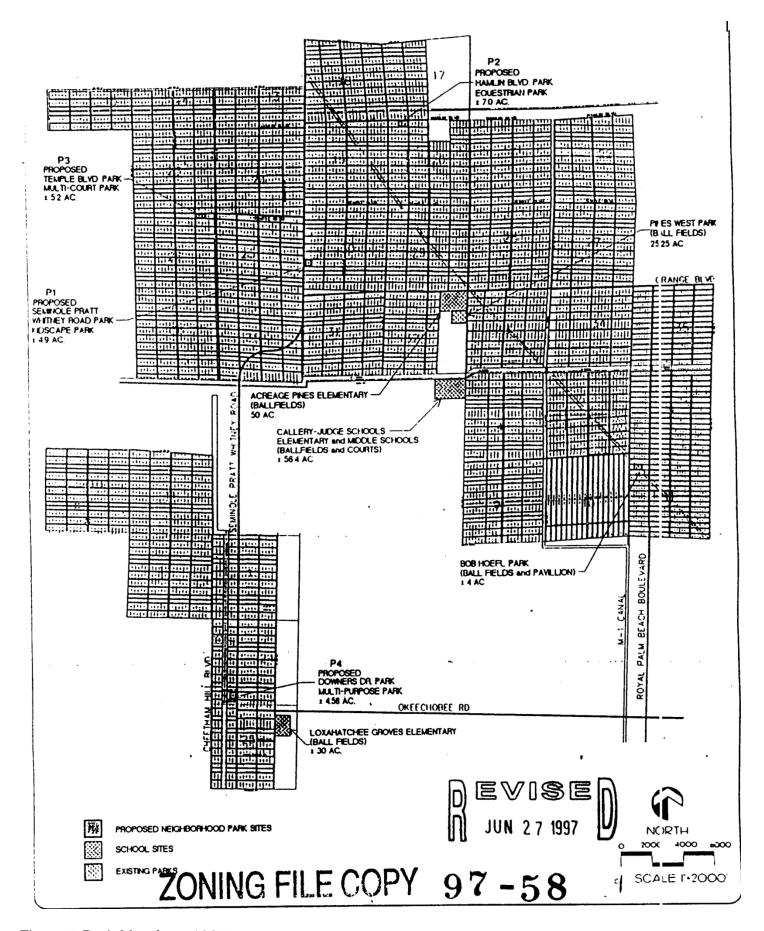


Figure 5 Park Map from 1997

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Rural Residential 1 unit per 2.5 acres (RR-2.5).

TIER: The subject site is in the Exurban Tier.

FUTURE ANNEXATION AREAS: The site is not located within a future annexation area.

INTERGOVERNMENTAL COORDINATION: The site is within one mile of the City of Palm Beach Gardens

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District and a Development Order Amendment to add land area (2.59 acres) to Hamlin Park and has found the requests to be consistent with the site's RR-2.5 FLU designation.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject site is located within the Acreage Neighborhood Plan (ANP). This proposal furthers the goals of the ANP regarding the creation of parks with different themes and the recommendations encouraging equestrian uses.

FINDINGS: The request is consistent with the RR-2.5 land use designation of the Palm Beach County Comprehensive Plan and the recommendations, goals and objectives of the Acreage Neighborhood Plan (ANP).

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS: The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a permit from Indian Trails Improvement District for modifications to accesses onto Hamlin Boulevard and 89th Place North and drainage facilities.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site currently has been developed.

WELLFIELD PROTECTION ZONE: The parcel is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: The Palm Beach County Parks and Recreation supports the development of a neighborhood park to be constructed and maintained by the neighborhood association.

CONCURRENCY: Concurrency for a 9.57 acre park is approved

WATER/SEWER PROVIDER: Health Department

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Rezoning Standards:

When considering a development order application for rezoning to a standard zoning district, the BCC and ZC shall consider standards 1-9 indicated below. In addition the standards indicated in section 2.B shall also be considered for rezoning to a standard zoning district with a conditional use, and rezoning to a PDD or TDD with or without a requested use or waiver. An amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

- 1. Consistency with the Plan The proposed amendment is consistent with the Plan. Pursuant to FLUE Policy 2.2.6-a of the Comprehensive Plan, Parks and Recreation uses are permitted in all Future Land Use (FLU) designations except the Special Agriculture FLU. Furthermore, the Public Ownership (PO) Zoning District is permitted in all FLU categories. The rezoning of the 2.59-acre parcel to PO and the development of the overall site as a 9.57-acre Public Park is consistent with the purposes, goals and objectives of the Comprehensive Plan policies and regulations.
- 2. Consistency with the Code The proposed Official Zoning Map Amendment is not in conflict with any portion of the code and is consistent with the stated purpose and intent of the code. The Public Ownership (PO) Zoning District is primarily intended for public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature. The PO Zoning District is consistent with all FLU designations of the Comprehensive Plan and allows for Public Parks as a permitted use. Accordingly, this proposed rezoning is entirely consistent with the purpose and intent of the ULDC, subject to the conditions of approval for the COZ.
- 3. **Compatibility with Surrounding Uses** The proposed community park is compatible with surrounding uses and zones and is designed to provide recreational amenities to residents within the Acreage. There are no foreseeable compatibility issues that would result from this change in zoning and allowing for a Public Park.
- 4. **Effect on Natural Environment** The proposed amendment will not result in significant adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural function of the environment. The site has been cleared of exotic vegetation. All efforts will be made to preserve the existing native vegetation on site. Accordingly, this Zoning Map Amendment will not result in significantly adverse effects on the natural environment.

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- 5. Development Patterns - This rezoning to the Public Ownership Zoning District will result in a logical, orderly and timely development pattern. The community was built with no park or common recreation areas and as such the residents drive outside of the community to go to a park or recreation area. The rezoning to the PO Zoning District will allow for an expansion to the existing park in this area which will be situated in the Acreage Community.
- Consistency with Neighborhood Plan The subject site is located within the Acreage 6. Neighborhood Plan (ANP). This proposal furthers the goals of the ANP regarding the creation of parks with different themes and the recommendations encouraging equestrian uses.
- Adequate Public Facilities This rezoning application included a Concurrency Reservation 7. request for a 9.57 acre Public Park. Adequate public facility capacities have been confirmed through review of this application.
- Changed Conditions or Circumstances The rezoning is necessary to provide for the 8. recreational needs of this community and additional recreational attractions. The Acreage's projected build-out population is such that the County agreed to assist in the construction of seven parks within the Acreage area. This park will help to fulfill that commitment. The proposed rezoning to the PO Zoning District will allow for the expansion of the Public Park.

Staff has evaluated the applicant's justification and responses for Standards 1-9 of Article 2.B.1.B, and has determined that the need of the requested change balanced the potential impacts generated by the request.

FINDINGS:

Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 - 9 indicated below. A conditional or requested use, or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

- 1. **Consistency with the Plan** – The subject property is being rezoned to the PO zoning district and added through the request of a Development Order Amendment to an existing Park which is consistent with the Land Use Designation of RR 2.5. In addition, PO is allowed in all land use categories. The expansion of the park is consistent with the plan.
- Consistency with the Code The 2.59-acre subject site is being rezoned to the PO Zoning 2. District and is proposed to be added to an existing Park consistent with the adopted Land Use Designation of RR 2.5. The ULDC allows lands within the PO Zoning District to correspond with all land use categories in the Future Land Use Element of the Comprehensive Plan. The Use Regulations Matrix of the ULDC establishes Public Parks as permitted uses within the PO Zoning District.
- Compatibility with Surrounding Uses The subject site is contiguous on three sides to 3. undeveloped land with a future land use potential of one dwelling unit per 10 acres. To the west of the subject site, is an existing single family dwelling. The proposed community park is compatible with surrounding uses and zones and is designed to provide recreational amenities to residents within the Acreage.
- Design Minimizes Adverse Impact The parking has been oriented away from Hamlin 4. Boulevard and 89th Place North and the residences beyond. The design of the addition to the park allows for the more active uses to be located to the interior of the site. In addition the site plan indicates adequate landscaping.
- 5. Design Minimizes Environmental Impact – The proposed development order amendment will not result in significant adverse impacts on the natural environment, including but not **BCC** August 27, 2009

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limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural function of the environment. The site has been cleared of exotic vegetation. All efforts will be made to preserve the existing native vegetation on site. Accordingly, this Zoning Map Amendment will not result in significantly adverse effects on the natural environment.

- 6. **Development Patterns** The proposed development order amendment will result in a logical and orderly development pattern consistent with those uses contiguous to the subject property to the west which developed and is currently supporting residential uses. The remaining vacant land contiguous on the north, south and east of the subject property, when developed, will be compatible with the development pattern proposed as part of this rezoning petition.
- 7. **Consistency with Neighborhood Plans** The subject site is located within the Acreage Neighborhood Plan (ANP). This proposal furthers the goals of the ANP regarding the creation of parks with different themes and the recommendations encouraging equestrian uses.
- 8. Adequate Public Facilities This development order amendment application included a Concurrency Reservation request for a 9.57 acre Public Park. Adequate public facility capacities have been confirmed through review of this application.
- 9. **Changed Conditions or Circumstances** The Development Order Amendment to add 2.59-acres to the existing 6.98-acre park is necessary to provide for the recreational needs of an area currently not served with adequate recreational attractions. The Acreage's projected build out population is estimated to require construction of several parks within the Acreage area. The expansion of the Hamlin Equestrian Park will provide additional recreational amenities for the Acreage.

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CONDITIONS OF APPROVAL

EXHIBIT C
Official Zoning Map Amendment

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-1584, (Petition 97-58) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

ENGINEERING

- 1. Prior to the issuance of any Building Permits for the sites, the properly owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Seminole Pratt-Whitney Road, 60 feet from centerline, along the project's entire frontage, free of all encumbrances and encroachments. The 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. Right-of-way conveyances shall also include Comer Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT:MONITORING-Eng) (Previous Engineering Condition 1 of Resolution R-1997-1584, Control No. 1997-058) [Note:Completed]
- 2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Seminole Pratt-Whitney Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition 2 of Resolution R-1997-1584, Control No. 1997-058) [Note: Completed]
- 3. Prior to building permit for Park 1 (Kidscape) and Park 4 (Multi-Purpose Park), the property owner shall provide for pavement markings (cross walk) and warning signs on Seminole Pratt Whitney Road adjacent to the park subject to the approval of the County Engineer. (BLDG PERMIT: MONITORING- Eng) (Previous Engineering Condition 3 of Resolution R-1997-1584, Control No. 1997-058) [Note: Completed]
- 4. Prior to August 27, 2010, the property owner shall combine the Hamlin Park property, as shown on the site plan for Application Z/DOA-2009-1524, into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (DATE: MONITORING-Eng)

HEALTH

- 1. Application and engineering plans to construct for each park an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to issuance of a building permit. (BLDG PERMIT: HEALTH) (Previous Health Condition 1 of Resolution R-1997-1584, Control No. 1997-058) [Note: Completed]
- 2. Application to construct at each park a registered limited use commercial well in accordance with Rule 10D-4 FAC must be submitted to the Palm Beach County Health Department prior to the issuance of a building permit. (BLDG PERMIT: HEALTH) Previous Health Condition 2 of Resolution R-1997-1584, Control No. 1997-058) [Note: Completed]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG RESIDENTIAL PROPERTY LINES

- 1. Landscaping and buffering along all property lines along residential and adjacent to vehicular use areas shall include:
- a. A minimum five (5) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30)feet on center; and

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c. A minimum thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation. (CO: LANDSCAPE-Zoning) (Previous Landscape Condition C1 of Resolution R-97-1584 (Petition 97-58))

LANDSCAPE - PERIMETER-LANDSCAPING ABUTTING RIGHT-OF-WAYS

- 2. Landscaping and buffering along the property lines abuttlng 0 to 99 foot right-of-ways shall include:
- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center, and,
- c. The (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning) (Previous Landscape Condition D1 of Resolution R-97-1584 (Petition 97-58))

LANDSCAPE - PERIMETER

- 3. Landscaping and buffering along the property lines abutting 100+ foot right-of-ways shall include:
- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center, and,
- c. The (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning) (Previous Landscape Condition D2 of Resolution R-97-1584 (Petition 97-58))

LIGHTING

- 1. All outdoor lighting shall be of low intensity, shielded and directed down and away from adjacent properties and streets. All lighting fixtures, except sports lighting, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point (CO/ONGOING: BLDG/CODE ENF-Zoning) (CO: LANDSCAPE-Zoning) (Previous Lighting Condition F1 of Resolution R-97-1584 (Petition 97-58))
- 2. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF-Zoning) (Previous Lighting Condition F2 of Resolution R-97-1584 (Petition 97-58))

SITE DESIGN

1. The minimum setback for all roofed structures shall be twenty (20) feet. (DRC: ZONING-Zoning) (Previous Building And Site Design Condition A1 of Resolution R-97-1584 (Petition 97-58))

USE LIMITATIONS

- 1. The four parcels shall be limited to use as public parks providing passive and/or active recreational activities for the general public. (DRO: ZONING-Zoning) (Previous Use Limit Condition H1 of Resolution R-97-1584 (Petition 97-58))
- 2. Storage or placement of any mobile homes or heavy equipment shall not be permitted on the facilities except for temporary park construction or recreational related equipment subject to approval by the Indian Trail Improvement District (ITID) Board of Supervisors in accordance with Building Division permits. (ONGOING: CODE ENF- Zoning) (Previous Use Limit Condition H2 of Resolution R-97-1584 (Petition 97-58))
- 3. Following approval by the Palm Beach County Board of County Commissioners, the Indian Trail Improvement District (ITID) Board of supervisors shall notify adjacent property owners, the District Commissioner, the Zoning Division of any proposed changes to the layout, program, or other elements within the neighborhood parks. The proposed changes shall be reviewed and adopted at a publicly advertised ITID Board of Supervisors meeting. (ONGOING: CODE ENF- Zoning) (Previous Use Limit Condition H3 of Resolution R-97-1584 (Petition 97-58))

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

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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
- 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 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 Conditional Use, Type II Variance, 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)

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