

RESOLUTION NO. R-95-1733

RESOLUTION APPROVING ZONING PETITION PDD95-63
OFFICIAL ZONING MAP AMENDMENT (REZONING)
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF APPLES & ORANGES, INC.
BY ROBERT E. BASEHART, AICP, AGENT

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD95-63 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1995; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Petition PDD95-63, the petition of Apples & Oranges, Inc. by Robert E. Basehart, AICP, agent, for an Official Zoning Map Amendment from the General Commercial (CG) to the Multiple Use Planned Development (MUPD) Zoning District with a fast food restaurant (requested use), on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 4, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Ken Foster, Chair	--	AYE
Burt Aaronson	--	AYE
Maude Ford Lee	--	ABSENT
Karen T. Marcus	--	ABSENT
Mary McCarty	--	AYE
Warren Newell	--	AYE
Carol A. Roberts	--	AYE

The Chair thereupon declared that the resolution was duly passed and adopted December 4, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

DEC 6 1995

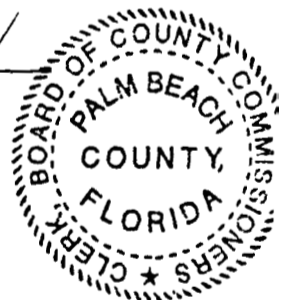


EXHIBIT A
LEGAL DESCRIPTION

COMMENCE at the southwest corner of said Section 31; thence N 89° 11'28" E, along the south boundary of said section, 990.00 feet to a point on the easterly right-of-way line of Congress Avenue as described in Official Record Book 1883, Page 580, of the public Records of Palm Beach County, Florida, said point also being the **POINT OF BEGINNING**; thence N 00°50'32" W, along said easterly right-of-way line, 250.11 feet; thence northeasterly, along the arc of a tangent curve being concave to the southeast, having a radius of 1849.86 feet, a delta of 47°41'01", an arc distance of 1539.52 feet; thence tangent to said curve N 46°50'29" E, 645.22 feet (the last three courses described being coincident with said easterly right-of-way line) to a point on the east top of bank as depicted on the Easement Deed as recorded in Official Record Book 5483, Page 1795 of the Public Records of Palm Beach County, Florida, said point also being on the east boundary of that parcel described in the Quit Claim Deed recorded in Official Record Book 6472, Page 441, of said Public Records; thence S 06°47'05" W, 740.76 feet; thence S 00°55'24" W 287.91 feet; thence S 08°53'47"E, 378.37 feet (the last three courses described being coincident with said east top of bank and east boundary); thence S 89°11'28" W, along a line parallel with said south boundary of Section 31, a distance of 420.56 feet; thence S 06°51' 20" E, 660.00 feet to a point on said south boundary; thence S 89°11'28" W, along said south boundary, 676.00 feet to the **POINT OF BEGINNING**.

Said lands lying in Palm Beach County, Florida, containing 27.88 acres, more or less.

EXHIBIT B
VICINITY SKETCH

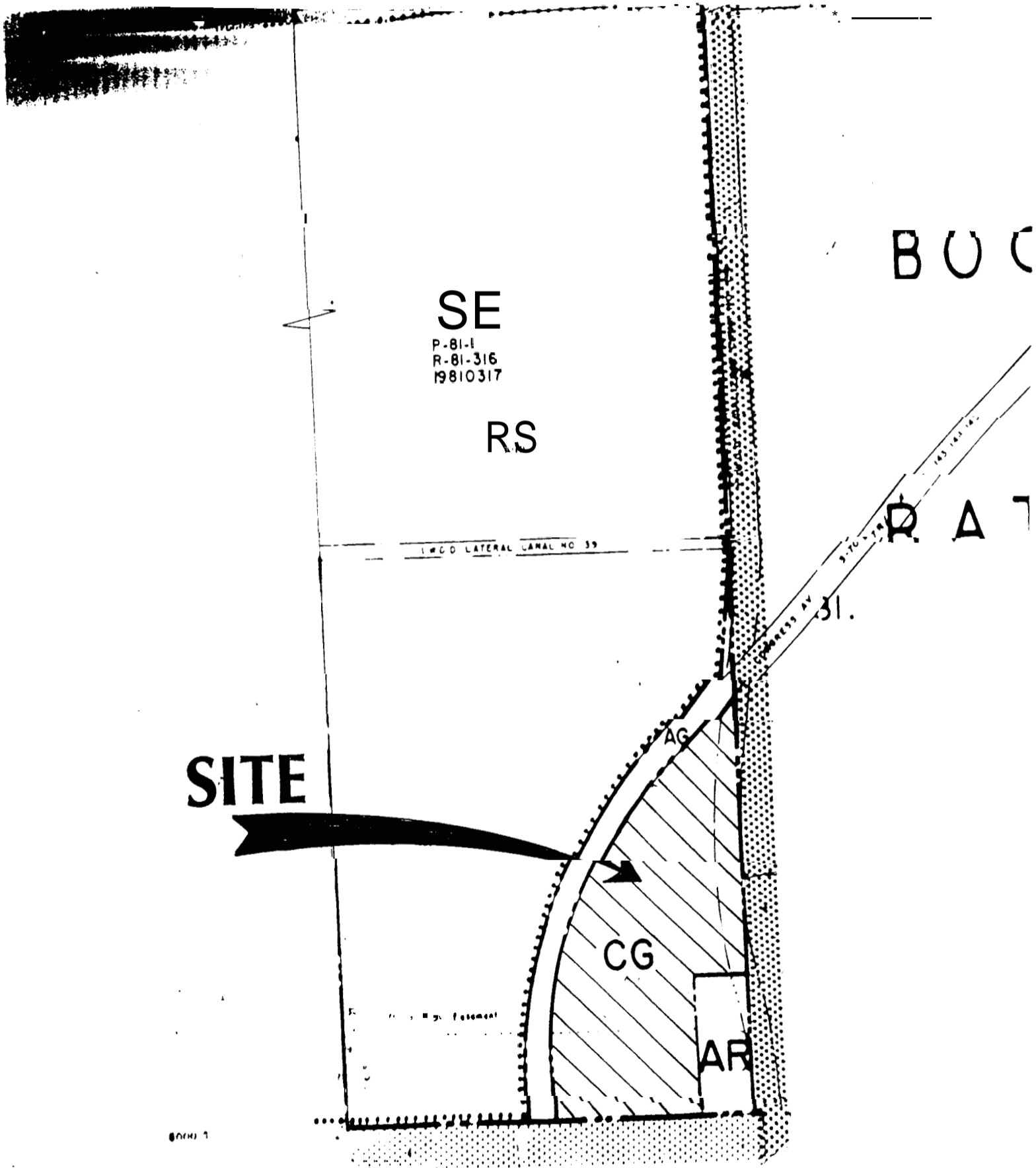


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Development of the site is limited to the uses and site design dated October 4, 1995 as approved by the Board of County Commissioners. 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 or conditions of approval. (ONGOING: ZONING)

B. MUPD

1. Prior to site plan certification, the petitioner shall record in the public records covenants ensuring architectural compatibility between buildings and signage for the entire subject property. The covenants shall be in a form acceptable to the County Attorney and shall not be removed, altered, changed or amended without written approval from the County. (DRC: COUNTY ATTORNEY-Zoning)
2. Total gross floor area shall be limited to a maximum of 246,900 square feet. (DRC: ZONING)
3. To ensure consistency with the site plan dated October 4, 1995 presented to the Board of County Commissioners, no more than ten (10) percent of the total approved square footage shall be administratively relocated. (DRC: ZONING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Prior to DRC certification of the site plan, the petitioner shall submit to ERM for review and approval a Preservation and Relocation Plan. This plan shall:
 - a. Demonstrate how significant native vegetation is incorporated into the site design.
 - b. Identify by number all native vegetation relocated to the preservation areas, buffer areas, and parking islands.
 - c. Detail tree protection procedures and guidelines for excavating and dewatering within fifty (50) feet of preserved vegetation.
 - d. Provide for selective pruning of tree branches less than fifteen (15) feet in height overhanging proposed vehicular circulation areas. No removal of these branches shall occur without prior approval from ERM. (DRC: ERM)
2. Prior to DRC certification of the site plan, the petitioner shall submit to ERM for review and approval a Listed Species Relocation Plan. This plan shall:
 - a. Demonstrate how the listed species are incorporated into the site design.
 - b. Identify by name and quantity the listed species relocated to the preservation areas or other designated receiver sites. (DRC: ERM)
3. Prior to DRC certification of the site plan, the petitioner shall submit to ERM for review and approval a Tree Well and Aerator/Feeder Plan. This plan shall:

- a. Detail the construction of each tree well including well size, width, depth, material composition, and safety measures to protect the public.
 - b. Detail the placement of each aerator/feeder including tree size, distance from tree, depth, number required and topological and finish grade elevations. (DRC: ERM)
4. Prior to DRC certification of the site plan, the petitioner shall submit the Landscape plan to ERM and the Zoning Division for review and approval. This plan shall:
 - a. Incorporate the relocated and preserved vegetation within the construction areas and assigned tree survey numbers.
 - b. Denote any changes or deviation approved by ERM from the Preservation and Relocation Plan. (DRC: ERM/ZONING)
 5. Prior to DRC certification of the site plan, the petitioner shall submit to ERM for review and approval the Preserve Management Plan. (DRC: ERM)

D. **BUILDING AND SITE DESIGN**

1. Total gross floor area of any individual tenant shall be limited to a maximum of 60,000 square feet. (DRC: BUILDING-Zoning)
2. A maximum of three (3) out-parcels shall be permitted on-site. A maximum of one (1) out-parcel may have vehicular circulation on all four (4) sides. (DRC: BUILDING-Zoning)
3. All structures shall be consistent in architectural design, details, colors and materials. (BLDG. PERMIT: BUILDING-Zoning)
4. Similar architectural character and treatment, such as color, material and roof treatment, shall be provided on all sides of the buildings. Canopies and awnings shall not be required along the sides and rear of the two primary buildings. (BLDG. PERMIT: BUILDING-Zoning)
5. All ground level air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. The roof line shall be extended to the height necessary to fully screen from view all roof mounted equipment on all sides. (BLDG. PERMIT: BUILDING-Zoning)
6. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas along the eastern property line. (CODE ENFORCEMENT)
7. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure and shall be confined to areas designated on the site plan. (DRC: BUILDING-Zoning)

8. The petitioner shall submit plans to the City of Boca Raton Community Appearance Board for informal review and advisory comments. (Condition satisfied by Petitioner on November 28, 1995)
9. No drive in/drive through restaurants shall be permitted. Out parcels restaurants shall not be permitted indoor or outdoor play areas. Out parcels restaurants shall not have outdoor seating. (ZONING/BUILDING-Zoning)
10. No vehicular use, parking, landscaping or other improvements shall be located within the LWDD easements along the south and east property lines, unless permitted by the LWDD. (ZONING)
11. The petitioner shall vary the front facade of all structures with the use of such features as archways, canopies and building off-sets so that there is no more than 300 feet between these distinguishing architectural features, such as those shown on the preliminary architectural elevations date November 20, 1995. The purpose of this requirement is to prevent the perception of a long, straight building with no architectural relief. (BLDG. PERMIT: BUILDING-Zoning)
12. There shall be no external rain leaders on any building except on the east side of the two primary buildings. (BLDG. PERMIT: BUILDING-Zoning)
13. There shall be no external ladders mounted or any building. (BLDG. PERMIT: BUILDING-Zoning)
14. The petitioner shall provide an on site, covered dropoff area to accommodate public transportation. The covered dropoff area shall have consistent architectural and landscape treatment as the remainder of the shopping center. (BLDG. PERMIT: BUILDING-Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane along Congress Avenue at the project's middle entrance. 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 and shall be in addition to the standard 120' Right-of-way. 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: BUILDING - Engineering)
2. The Property owner shall construct a right turn lane south approach on Congress Avenue at the project's middle entrance. 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.
 - a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.

- b) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering)
3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 95-63, which is to be paid at the time of issuance of the Building Permit presently is \$502,150.00 (9,130 trips X \$55.00 per trip) (BLDG. PERMIT: IMPACT FEE COORDINATOR)
 4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the project's entrance road (across from the main entrance to the Boca Golf and Tennis Club) and Congress Avenue. Should signalization not be warranted after 36 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ENGINEERING - Building)
 5. Building permits shall not be issued for more than 1050 net external trips per day (12,250 square feet of general retail or equivalent land uses as approved by the County Engineer) until a contract(s) for the following improvements at the intersection of Yamato Road/Congress Ave. has been let:
 - a) right turn lane east approach (scheduled to be accomplished by others)
 - b) Conversion of striped out lane to third left turn lane on north approach and appropriate receiving lanes on Yamato Road to provide for a triple left turn. Widen the eastbound receiving lanes on Yamato Rd. to accommodate the triple left turn if required by the Florida Department of Transportation (FDOT). (BUILDING - Engineering)
 6. The Property Owner shall post surety for the work in 5 (b), including required signal modifications, prior to June 4, 1996 if these improvements have not been assured by **some** other developer or governmental entity prior to that time. (DATE: MONITORING - Engineering)
 7. Prior to June 4, 1996, the Property Owner shall make a voluntary contribution to the County of \$ 100,000 to assist in funding other road improvements in the area.
 8. Building permits shall not be issued for more than 1180 net external trips per day (14,750 square feet of general retail or equivalent land uses as approved by the County Engineer) until a contract has been let for the construction of Military Trail to a 6-lane divided section, including the following improvements (and signal modifications to accommodate these improvements) at the intersection of Military Trail/ Clint Moore Rd.:
 - a) second left turn lane, south approach; and
 - b) second left turn lane, north approach

NOTE: These improvements are scheduled in Palm Beach County's 5-Year Road Program for FY 1996/97. (BUILDING - Engineering)

9.
 - a) Building permits shall not be issued for more than 1633 net external trips per day (24,650 square feet of general retail or equivalent land use; as approved by the County Engineer) until Yamato Road is under construction to a 6-lane divided section between Congress Ave. to Military Trail.
 - b) The Property Owner shall post surety for this work prior to June 4, 1996. Surety shall be 110% of the estimated cost prepared by the Property Owner's engineer and approved by the County Engineer. The Property Owner shall prepare the plans, obtain all permits and let a contract for construction of this project. Traffic impact fee credit shall be provided for this work. (DATE: MONITORING - Engineering)

10. Prior to June 4, 1996, the Property Owner shall provide surety in the amount of \$600,000 for the design, permitting, and construction of the 6-lane widening of Congress Ave. from Clint Moore Rd. north to the I-95 / Congress Ave. interchange.
 - a) If, at any time, prior to the occupancy of 80% of the project (including outparcels), the County Engineer determines that the projected traffic will exceed the Traffic Performance Standard within the following year, then he may begin to draw against the surety for the preparation of plans.
 - b) **If** the County Engineer determines that the Traffic Performance Standard requires the 6-lane construction of Congress Ave. prior to occupancy of **80% of** the project (including outparcels), then the surety may be drawn by the County and the County shall accomplish the construction.
 - c) Traffic impact fee credit shall be provided for the above work. Any work accomplished by the Property Owner on Congress Ave. in excess of the site-related construction which is approved by the County Engineer as being compatible with the ultimate 6-lane section shall reduce the surety posted for Congress Ave.
 - d) The County Engineer may require the Property Owner to provide a traffic study of Congress Ave. between Clint Moore Rd. and the **I-95/Congress** Ave. Interchange within 90 days of his written request at any time prior to **80%** occupancy of the project. The purpose of this study is to determine if the Traffic Performance Standards will require the 6-lane construction of Congress Ave. The traffic study shall be based upon the most recent traffic counts available at that time and shall be acceptable to the County Engineer.
 - e) If the 6-lane construction is accomplished by others prior to **80%** occupancy, then this condition **is** relieved and all remaining surety shall be released.
 - f) Once the **80%** occupancy of the project has been reached, Property owner shall have the **right** to submit a traffic study for approval of the County Engineer in pursuit of the release of the remaining surety. The traffic study shall provide an existing traffic count(s) on Congress Ave. Entrance which reflects at least **80%** occupancy of the shopping center and is adjusted as required for seasonal variations to yield a number(s) which can **be** compared against the Traffic Performance Standards. **If** the Traffic Performance Standards

are shown not to be exceeded on this segment of Congress Ave. upon 80% occupancy of the project, then the Property Owner is relieved from this condition and all remaining surety shall be released. (BUILDING-Engineering)

11. In addition to the conditions related to offsite roadway requirements set forth above, Property Owner shall be solely responsible for the cost of design, permitting, and construction of turn lane improvements along Congress Ave. necessary to provide direct access to the project site in conjunction with proposed project development activities.
12. Property Owner may elect, in its sole discretion, to assist County Engineer in expediting scheduled construction of Military Trail (between Clint Moore Rd. and Linton Blvd.) by advancing the funds (currently estimated at approximately \$2 million) for the design, permitting, and construction of roadway improvements prior to the County's scheduled funding of such work. However, County shall be obligated to accept Property Owner's offer only if it is feasible for the County to expedite the Military Trail construction at the time of the request. If construction is expedited in this manner, County shall then refund Property Owner's advance payments for improvements in accordance with a specific schedule, with the understanding that such refunds will not include any interest payments to Property Owner for such advance funds. (ENGINEERING)
13. LANDSCAPE WITHIN MEDIAN
 - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BUILDING-Engineering)
 - B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (BUILDING-Engineering)
 - C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (BUILDING-County Attorney)

F. **LANDSCAPE**

1. All landscaping shall be installed and maintained in accordance with the cross sections, buffer widths and landscape design concepts represented in the Regulating Plan dated July 25, 1995 and revised November 20, 1995, except as modified below:
 - a. The landscape buffer, north of the FP&L substation, shall become a Type A landscape buffer/Area 1.
 - b. The eastern buffer abutting the E4 canal shall be a Type B/Area 4 buffer except where adjacent to preserve areas where it will become a Type A/Area 1.
 - c. Type D landscape buffer/Areas 1 and 2 (Congress Ave.)
 - (1) Minimum four (4) foot high visual screen at time of installation measured from the sidewalk grade consisting of layered plantings and berming. (LANDSCAPE-Zoning)
2. The Congress Avenue buffer shall be completed prior to the issuance of the first certificate of occupancy for the shopping center. (CO: MONITORING-Zoning)
3. Landscaping on Congress Avenue (exclusive of preserve and/or vegetation relocation receiving zones) shall consist of the following:
 - a. Total quantity of trees shall average one tree per 200 square feet of buffer area.
 - b. The total quantity of required trees under Table 6.8-3 of the ULDC (one tree per 300 sq. ft. of buffer area shall comply with the following minimum tree height and canopy requirements:
 - I) Fifty (50) percent twelve (12) foot high with six (6) foot canopy;
 - ii) Forty (40) percent fourteen (14) foot high with seven foot (7) foot canopy; and
 - iii) Ten (10) percent sixteen (16) foot high with eight (8) foot canopy.
 - c. Remainder of trees provided shall be a minimum ten (10) foot high with four (4) foot canopy to allow flexibility in the proposed Alternative Landscape Betterment Plan. Palms may be substituted as permitted per ULDC requirements.
 - d. Minimum twenty (20) foot width. (LANDSCAPE-Zoning)
4. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress and egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (CO: LANDSCAPE-Zoning)
5. The petitioner shall provide an eight (8) foot visual screen consisting of a berm or fence with landscaping along the west side of the existing FPL transmission poles located in the rear of the shopping center. (CO: BUILDING-Zoning)

6. Planting design along Congress Avenue shall include flowering trees. (CO: LANDSCAPE-Zoning)

G. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. Low intensity back lighted or interior lighted signs may be permitted. (BLDG. PERMIT: BUILDING/CODE ENFORCEMENT-Zoning)
2. All outdoor lighting fixtures shall be "shoe-box" style and thirty (30) feet in height, measured from finished grade to highest point. All lighting fixtures shall be directed downward at ninety (90) degrees or less. (BLDG. PERMIT: BUILDING-Zoning)
3. All outdoor lighting shall be extinguished no later than 12:00 p.m., excluding security lighting only. (CODE ENFORCEMENT)
4. All lighting fixtures shall be of a consistent source. (BLDG. PERMIT: BUILDING-Zoning)
5. Wall mounted security lights shall be of a design that does not project light onto adjacent property or public right-of-ways. (BLDG. PERMIT: BUILDING-Zoning)

H. SIGNS

1. All point of purchase, free standing, entry and out parcel identification signs shall conform to the recommendation by the City of Boca Raton Community Appearance Board as referenced in the letter provided by the petitioner dated December 4, 1995. All freestanding signs shall not exceed a maximum of twelve (12) feet in height measured from finished grade to highest point. (BLDG. PERMIT: BUILDING-Zoning)
2. There may be a maximum of three free standing project identification signs and total of two freestanding outparcel identification signs. (BLDG. PERMIT: BUILDING-Zoning)
3. The building signs shall be designed as a unified sign program for the entire project, utilizing consistent size and placement. (BLDG. PERMIT: BUILDING-Zoning)
4. Signs may only advertize the business name. No product identification shall be allowed on signs. (BLDG. PERMIT: BUILDING-Zoning)
5. Signs may not utilize exposed neon, nor shall exposed neon be allowed as an architectural feature. (BLDG. PERMIT: BUILDING-Zoning)

I. WATER UTILITIES

1. The developer shall contribute on an equitable fair share basis toward the cost of construction of an Emergency Water Interconnect on Congress Avenue when constructed by Palm Beach County and/or City of Boca Raton. (PBCWU)

J. COMPLIANCE

1. 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; 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.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)