



**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**POLICY AND PROCEDURES**

**FROM: Jon MacGillis, ASLA, Zoning Director**

**SUBJECT: Conditional Building Permit Approval during Zoning Review**

**PPM #: ZO-O-075**

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**ISSUE DATE**  
**8-16-21**

**EFFECTIVE DATE**  
**8-16-21**

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**PURPOSE:**

To establish clear direction on how Conditional Building Permit request(s) shall be processed between the Zoning and Building Divisions. Establish a process on what projects qualify for a Conditional Permit and how the Zoning Division Permit Review Staff (Zoning Staff) reviews and process such request(s), in agreement with the Zoning Director.

**CONDITIONAL BUILDING PERMIT (CP)** - This process allows a permit holder to request a permit be approved conditionally, which would outline the particular conditions for which the permit approval is granted. Issuance of a CP is subject to revocation by the Building Division if the specific conditions listed within, are not satisfied. Upon revocation of the CP, the removal and or relocation of the constructed improvements may be necessary, at the owner's expense.

**PROCEDURES:**

**General:**

1. Current Building Division procedures allows a permit holder to request a CP approval from the Building Division. The Building Official, or assigned representative, will seek input from the Zoning Division if there are any unresolved ePZB Comments or Issues remaining on the permit application.
2. Zoning Staff may support a CP if the permit requires a Zoning Agency Review (ZAR) application or an Easement Abandonment or Release application is required. The issuance of the CP requires the Zoning Director agreement.
3. Zoning Staff may support conditions to be added to the CP, if the Zoning Director is in agreement with the specific conditions and timeline, as agreed by the Applicant.
4. Zoning Staff shall process the CP, by closing out the unresolved permit comments, and placing a hold on a permit event such as, prior to a specific Inspection, or Certificate of Completion (CC), or Certificate of Occupancy (CO).
5. Zoning Staff shall consider the criteria below prior to making a recommendation to the Zoning Director in support of the issuance of a CP by the Building Division.

**A. Building Permits currently in process requiring a Zoning Agency Review (ZAR):**

A permit with open comments requiring a ZAR application to be submitted to the Zoning Division to address inconsistencies between the permit and the Zoning Development Order(s) shall follow the procedures outlined below:

1. The Applicant must have a ZAR application already in process and only when the application has been deemed sufficient will Zoning Staff commence the process to support to a CP. Zoning Staff may review the ZAR application 1st round of comments to determine if there are any major issues involved.
2. Zoning Staff shall obtain the Zoning Director approval of any proposed Conditions prior to final agreement to support the CP.

3. CP Conditions shall require a Building permit revision prior to the event as specified in the CP (ie. prior to CO, or other).
4. Zoning Staff shall send Building Division Staff the specific condition(s) by email upon the Zoning Director approval and Applicant agreement of the conditions.
5. Once the Applicant returns the signed and notarized (owner and contractor) Conditional Approval form to the Building Division, Staff will proceed to resolve the open comments, and approve the permit conditionally.
6. Staff shall indicate, "Zoning approval based on a Conditional Approval – (Attachment-Form with conditions) within the In-House Notes of the permit.
7. Once the permit has been approved, Zoning will document it within the Zoning Conditional Permit Monitoring Chart, which is monitored by Zoning Permitting staff on a monthly basis.
8. It is the Applicant's responsibility to resolve any additional issues that may affect the ZAR application or the permit application, during the process; and, to fully satisfy the conditions prior to the designated event indicated on the CP.

**B. Building Permits currently in process requiring an Abandonment or Release of Easement:**

A permit with open comments requiring an Abandonment or Release of an Easement application with an easement holder (Land Development, Utilities, etc.) shall follow the procedures listed below, and as pursuant to ULDC Article 5.F.2.A – Easements:

1. Easements located under a habitable structure and considered a major encroachment are prohibited per Article 5.F.2.A, and will not be granted a Conditional Permit Approval from Zoning.
2. Easements that have a Zoning or BCC Resolution requiring abandonment/release prior to Building permit (as indicated in the condition trailer) will not be granted a Conditional Permit Approval from Zoning.
3. The Applicant must provide written proof of application submittal for the abandonment or release and show that it has been accepted by the easement holder Agency.
4. Zoning Staff shall analyze the CP request and confirm there are no conflicts with other Code requirements. Conditions may be drafted to require a revision to the Building permit prior to the event – to submit a copy of the Recorded abandonment/release documents to the permit.
5. Zoning Staff shall send Building Division Staff the specific conditions via email upon the Zoning Director approval and with the Applicant's agreement of the condition(s).
6. Once the Applicant returns the signed and notarized Conditional Approval form to the Building Division, Staff will proceed to resolve the open Building permit comments, and approve the permit conditionally.
7. Staff shall indicate, "Zoning approval based on a Conditional Approval – see attached form with conditions" within the In-House Notes of the permit.
8. If CP is approved, Zoning Staff will document it within the Conditional Permit Monitoring Chart, located here, <U:\Zoning\ARCH-LAND\PERMITTING\Conditional Permits and TCO>, which is maintained and monitored on a monthly basis by the Zoning Permitting Section.
9. It will be responsibility of the Applicant to resolve any additional issues that may affect the release or abandonment during the process; and, to fully satisfy the conditions prior to the designated event indicated on the CP.



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**Director**