



2022 FUTURE LAND USE ATLAS AMENDMENT **INSTRUCTIONS**

Palm Beach County Planning Division
2300 North Jog Road, WPB, FL 33411, (561) 233-5300

INTRODUCTION

The Palm Beach County Comprehensive Plan's Future Land Use Atlas (FLUA) identifies the future land use designation for every parcel in unincorporated County. Property owners, and/or their designated agent, may request a FLU change by requesting a site-specific amendment to the FLUA utilizing this application. Amendments to the FLUA are legislative in nature. Submittal of this application and the payment of the required processing fees does not convey any entitlements to the subject parcel(s), and does not guarantee the approval of the amendment by the Board of County Commissioners (BCC). When a proposed FLUA amendment has been denied by the BCC, the same parcel(s) may not be heard for the amendment request for a period of two years unless otherwise specified by the BCC. Additionally, pursuant to BCC direction on July 15, 2008 and reaffirmed on October 11, 2011, proposed FLUA amendments determined to be inconsistent with a prohibitive provision of the Comprehensive Plan will not be processed. (See Prohibitive Policy Directive and Sufficiency Process Sections)

Pursuant to BCC direction on February 23, 2012, property owners may submit an application to request a Text Amendment to the Comprehensive Plan. These requests must be made in conjunction with a site specific FLUA Amendment or Development Order and requested in order to alleviate an inconsistency with a prohibitive policy of the Comprehensive Plan. Amendments are legislative; submittal of an application and the payment of fees does not convey any entitlements to the subject parcel(s), does not guarantee that the BCC will approve amendment.

Additional information regarding the Comprehensive Plan, the FLUA, the amendment review process and policies, including this application, fee schedule and amendment schedules, are available on the Planning Division's Plan Amendment webpage:

<http://discover.pbcgov.org/pzb/planning/Pages/Amendment-Process.aspx>

A. Pre-Application Submittal Information

The following instructions for the completion of the Amendment application located here: (<https://discover.pbcgov.org/pzb/planning/Pages/Amendment-Process.aspx>).

1. **Who may submit an application.** Property owner(s), or authorized agents of the property owner(s), may submit a FLUA amendment application. All property owners must provide written consent.
2. **Pre-Application Meetings.** A completed Pre-Application Form must be submitted to the Planning Division's Land Use Section prior to scheduling the meeting. A pre-application meeting prior to intake is **mandatory** and must be scheduled through the Planning Division Land Use Section. In addition, the purpose of the pre-application meeting is to identify the proposed development potential changes and any issues relating to the proposed application prior to the intake date. Concurrent applications require a pre-application meeting with both Planning and Zoning Division staff prior to the FLUA amendment intake date.
3. **Application Requirements.** All proposed amendments are subject to the following:
 - a. **Amendment Criteria.** Any proposed amendment that does not meet the associated criteria will not be accepted for processing. The criteria is in the Introduction and Administration Element of the Comprehensive Plan.
 - b. **Prohibitive Policy Directive.** Any proposed amendment that violates a 'shall not' or prohibitive policy shall not be accepted at intake. See Text Amendment Application for details.
 - c. **Text Amendments.** A proposed FLUA amendment that requires an associated Text Amendment shall not be processed until after initiation by the Board of County Commissioners. See Text Amendment Application for details.
 - d. **Concurrent Zoning Applications.** At the request of an applicant, the County shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to F.S. §163.3184(12). Small Scale Amendments must be processed concurrently with a rezoning, if applicable. Article 2.H.1.F.1, of the ULDC requires that: *"If a Small Scale land use amendment requires a Rezoning, Conditional Use, Development Order Amendment, or Abandonment application(s), all applications shall be reviewed concurrently and considered by the BCC at the same public hearing. The Applicant shall submit a Site Plan or Conceptual Site Plan as part of the zoning application(s). The complete zoning application must be submitted at a scheduled zoning application intake within 45 calendar days of receipt of the Small Scale land use amendment application. If a complete zoning application is not timely submitted, the Small Scale land use amendment shall be administratively withdrawn immediately."*

B. Application Submittal Information

1. **Intake Dates.** Amendment intake dates are posted online.
2. **Application Fees.** The FLUA Amendment application requires the submittal of fees established by the BCC. Tier Changes have additional fees. Any request for a refund shall be in writing and subject to the approval by the Planning Director based upon the current PZB refund policy. Traffic Fees are non-refundable. The annual fee schedule includes all Planning Division fees and is posted online on the Planning web page.
3. **Amendment Submittal.** Applications must be filed by appointment with the Planning Division, 2300 N. Jog Road, 2nd Floor, WPB, FL 33411, before 4:00 p.m. on the intake date. The following items are required as part of the application submittal at the time of intake. The application **will not be accepted** unless all of the items are submitted on the intake date. Amendment applications are submitted in **two steps** as outlined below.

a. Traffic Application Intake

Submittal. The following required documents must be submitted to both the Planning and Traffic Divisions for the pre-application review on the FLUA Traffic Intake date for the associated amendment round (see schedule online) which is generally 5 weeks prior to the FLUA Amendment Application Intake.

1. Traffic Review Application Fee to Engineering;
2. A paper copy and PDF of the Development Potential Form; and
3. A paper copy and PDF of the Traffic Study.

Fee. The fee schedule for Traffic review shall be 40 cents per net daily trip (as defined in item 2.c below for the lesser of the maximum or proposed project traffic) with a minimum fee of \$75.00. These fees are non-refundable. Please see Engineering for questions on traffic review fee.

b. FLUA Application Intake

Submittal. The following required documents must be submitted to the Planning Division by appointment.

1. Paper copy of FLUA Application and all attachments (including survey) within a 1.5 inch, white, three ring binder and tabs;
2. Word files of the application, Attachment G, and legal description;
3. PDF files of the application and all attachments;
4. JPEG files of the disclosures of ownership interests;
5. 500' or 1,000' property notice envelopes (see more info in Section C); and
6. 3.5-d traffic compliance letter.

Fee. Both small and large scale amendments are subject to an advertising and administrative fee (code 05401). The small scale fee (code 05481) and large scale fee (code 05475) are provided in the online fee schedule which is updated annually.

C. Application Preparation Guide

1. **FLUA Amendment Application.** The following provides additional information for the preparation of a future land use amendment application.

- **Acreage.** Use a consistent acreage throughout the document rounded to 2 decimal places. The survey can use 3 decimal places, but the remainder of the application is limited to 2 decimal places. Always round up from 3 to 2 decimal places.
- **FLUA Application Tables.** When referring to an attachment in the Application Tables, please summarize the information in the attachment. The Public Facilities Table is copied and pasted into the staff report, but most of the attachments are not.
- **Amendment Name.** Please name the amendment the same name as an associated Control Number, unless the name will be revised during the zoning process. Naming amendments after intersections is discouraged, and names based on an address will not be accepted
- **Application Binder.** Only one binder is required at intake with one flash drive or CD of all documents. It must have a cover and a spine with the name of the amendment. The binder must include the traffic study (3 hole punch) and survey. An additional binder is due at the sufficiency intake.
- **Consent Forms.** All consent forms in the binder must be originals. Consent must be provided by the property owner and the contract purchaser (if any).
- **Conditions of approval.** Any voluntarily proposed conditions of approval (including conditions required by the 3.5-d Traffic Letter) must be clearly identified within the FLUA Application on page one in the Conditions of Approval section.
 - Any prior conditions of approval adopted by ordinance must be referenced in this Conditions of Approval section. If conditions are lengthy, they can be provided in an attachment.
 - Any conditions of approval from a prior ordinance that are proposed to be revised by the amendment must be shown with ordinance number referenced and the proposed changes shown in strike out and underline.

2. **Public Notice.** The ULDC requires specific notification and posting requirements. Since the ULDC is amended from time to time, it is the responsibility of the applicant to verify requirements at the time the application is submitted.

a. **Written Notice.** In order to satisfy the written notice provisions of the ULDC, the following documents must be submitted as part of the FLUA Application:

- A list of property owners of real property located within 500 feet of the periphery of the subject site, whose names and addresses are known by reference to the latest published ad valorem tax records of PBC Property Appraiser. When real property consists of a condominium, the list must include the condominium association and all real property owners living within 500 feet. If the area within 500 feet is owned by the applicant or partner in interest, the 500 foot notification boundary shall be extended from these parcels. Notification shall be sent to each owner as the ownership appears on the last approved tax roll. In the Exurban and Rural Tiers, the 500 feet is extended to 1,000 feet unless otherwise approved by the Planning Director.

- A notarized affidavit stating that the said list is complete and accurate, and is based on the latest official tax rolls;
 - A copy of all of the address labels printed and in PDF (in addition to the ones placed on the envelopes);
 - Legal size, white, self-adhesive envelopes that are addressed with return address on the upper left-hand corner to: Palm Beach County Planning Division, 2300 N Jog Rd, West Palm Beach, Florida 33411; and
 - Enough stamps with first class postage (forever stamps) for each envelope.
- b. Posted Notice.** The sufficiency letter shall identify the number of signs and locations shall be identified that shall be posted on site. The signs shall be removed by the applicant within 30 days following the BCC adoption hearing date. See the requirements on the following link:
https://discover.pbcgov.org/pzb/planning/PDF/FLU/Publi_Notice_Sign_Standards.pdf

D. Application Sufficiency

1. **Sufficiency Review.** The Planning Director shall determine whether or not the application is sufficient or insufficient within ten working days of submittal by reviewing the information required in the application and any data necessary to evaluate the application based upon whether or not the application includes all the required information and meets minimum application criteria, as provided in the instructions.
 - a. **Amendment Criteria.** Any amendment that is determined after intake to not meet the Amendment Criteria in the Introduction and Administration Element or that violates a prohibitive policy will be immediately withdrawn.
 - b. **Sufficiency.** If it is determined that the application is determined to be sufficient, the applicant shall be notified in writing and the amendment application shall be processed.
 - c. **Insufficiency.** If an application is determined to be insufficient, the Planning Director shall provide a written notice to the applicant specifying the deficiencies within ten working days of the receipt of the application.
 - 1) The Planning Director shall take no further action on the application until the deficiencies are remedied.
 - 2) If amended and determined to be sufficient, the application shall be processed.
 - 3) If the deficiencies are not remedied within ten working days of the notice of insufficiency, the application shall be administratively withdrawn.
2. **Additional Copies Upon Sufficiency.** Within one week of the issuance of notification that the application is sufficient to process, the applicant must provide one additional paper copies of the application in a binder with tabs for the attachments. Failure to provide the additional copies within the time period will result in the proposed amendment being administratively withdrawn.

E. Application Processing

- 1. Staff Review & Report.** Once the proposed amendment is deemed sufficient for processing and the additional binder is submitted, the application will be assigned to a Planning Division Project Manager. The Project Manager will review the application and prepare the staff report.
- 2. Application Revisions.** Applicants may make minor revisions to the application to correct errors or to provide additional data. Any submittal must be approved prior by Principal of the Land Use Section (subject to Planning Director review) and be submitted by appointment to the Principal. Any significant changes to an application will be grounds for immediate administrative postponement to a subsequent amendment round.
- 3. Additional Information.** At any time during the review process the Planning Division may request additional information from the applicant to clarify specific issues as they arise. Any submittal of revisions are subject to the same standards as item 2 above.
- 4. Postponement.** The postponement and continuance procedures are outlined in the ULDC Article 2.
- 5. Withdrawal of Applications.** An applicant shall have the right to withdraw an application for a site specific amendment at any time prior to the advertised adoption public hearing by the BCC. Any request for a refund shall be in writing and subject to the approval by the Planning Director based upon the current PZB refund policy. Applicants shall not be entitled to the return of application materials.