



## **DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)**

**August 13, 2021 @ 2 – 4 PM**

**PZ&B - ZONING DIVISION**

**ZOOM Video Conference**

### **AGENDA**

#### **1) Review Minutes – Gladys**

May 14, 2021 Minutes (*Attachment 1*)

#### **2) Member Items:**

- a. We need to have a further discussion regarding new requirement for bollards around outdoor storage areas within industrial sites.
- b. PMSP – wall signage and buildings are not being required to be shown to scale?? Why are we restating code within a chart and a graphic (that now has to be to scale)?

#### **3) Staff Items:**

- a. Introduction of new staff– **Wendy**
  - o Whitney Carroll, Executive Deputy Director
  - o Lisa Amara, New Zoning Director
  - o Phil Myers, Zoning Technician, Code Revision
  - o Edward Tombari, Senior Site Planner, Community Development
  - o John Zuehlsdorff, Landscape Inspector
- b. DRAC 2021 Task List (*Attachment 2*) – **Wendy**
  - o Landscape Buffers and Walls (Convene LDRAB Subcommittee)
  - o Existing Vegetation Preservation (Closed) – News release posted.
  - o Traffic Signs and Traffic Bars – (Open) May be shown in the Site Plan. Pending Tech Manual update in Round 2021-01.
  - o ULDC Supplements (Closed) – Zoning web page updated
  - o Application Number (Open) - Pending Tech Manual update in Round 2021-01.
  - o Mandatory Off-the-Board Power Point (Open) – Pending to be emailed
- c. ULDC Updates – **Wendy**
  - o 2020-01 Round, Adoption August 26, 2021 (*Attachment 3*)
  - o Subcommittee Updates – Requesting LDRAB to convene the Landscape Subcommittee in August looking for volunteers to discuss buffer walls; street trees/required vs prefer trees; and, Drew Martin’s presentation to the BCC.
- d. Plans Quality Control and Delays in Processing Applications - **Monica**
- e. Sufficiency Checklist Tentative Changes per HB 1059 (*Attachment 4*) – **Monica**
- f. ZAR Applications - Request to anticipate completion before deadlines – **Monica**

#### **4) General:**

- a. Topics for next meeting (11/5/2021) – **Gladys**
- b. ADJOURN



**DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)**

**May 14, 2021 (2:00 p.m. – 4:00 p.m.)**

**PZ&B – VISTA CENTER, 2300 NORTH JOG ROAD  
WEST PALM BEACH, FL 33411  
Zoom Conference Call**

**MINUTES**

**CALL TO ORDER:** At 2:03 p.m.

**ATTENDANCE:**

**Members Present:** Gladys DiGirolamo, Collene Walter, Bradley Miller, Pat Lentini, Bill Whiteford, Kevin McGinley, and Yoan Machado.

**Interested Parties:** Evelyn Pacheco from GL Homes.

**County Staff: PZB Administration: Lake Worth Drainage District:** Anne Perry; **Planning Division:** Bryan Davis; **PZ&B Administration:** Whitney Carroll, PZB Deputy Director; **Zoning Division:** Jon MacGillis, Wendy Hernandez, Jeff Gagnon, Ryan Vandenburg, Monica E. Cantor, Albert Jacob, Joyce Lawrence, Timothy Haynes, Carlos Torres, Donna Adelsperger, Marie De Rose, Jerome Ottey, Zubida Persaud, James Borsos, Nancy Frontany, Lindsey Walter, Vismary Dorta, and, Alex Biray.

**AGENDA**

**1) Review Minutes – Gladys**

Gladys DiGirolamo opened the meeting at 2:03 p.m. and asked members if they had any changes to the January 22, 2021 minutes, which was attachment 1 in the agenda. The minutes were approved with no modifications by Collene Walter, seconded by Bradley Miller.

**2) Member Items:**

- a. Periodically, we have to research back to prior ULDC supplements. All that's available on EPZB web site are ordinances which make it very difficult to piece together and still know whether we have the effective supplement or not. We are asking if staff could post the prior supplements with the effective dates. - **Bradley Miller**

Jon MacGillis stated that Zoning Staff is working on posting the ULDC Supplements for Ordinances **1992-020 and 2003-067** to the Zoning Web Page for everyone to access. He also noted that the 1957 and 1973 Ordinances have no consolidated Supplements since they were previously done in Municode format. Monica Cantor provided a demo for members showing them what the Web Page will look like to the User. She noted that the pages would have a "reference sheet" that will help the user identify which Supplement applies to a specific ordinance by year. Wendy Hernandez pointed out that the Code Revision page under the Zoning Division currently includes a cross reference table that helps find out what ordinance is included in every Code supplement. Jon MacGillis added that we would notify industry once the Zoning Web page is updated by the end of May to reflect the Supplements.

- b. Please add timing of assignment of PH project number, PH control number and resolution number for DROE right off the board. The latter is a problem in particular because of it is not available at intake, and you automatically have a \$400+ resub fee. - **Kevin McGinley**

At the meeting, Kevin McGinley elaborated on the issue and noted that he recently submitted a DROE application for which he was not expecting any issues. The Project Manager asked the resolution number to be provided in the tabular data. However, it was not available to the Agent at the time the application was submitted. He noted that since there are no free resubmittals for DROE, this delay was going to represent \$400 dollar fee for something that staff will eventually place in the signature box on the approved plan. Wendy Hernandez stated that the Technical Manual needs to be updated in 2021-01 Round, to remove the resolution and the application number. Collene Walter noted that the application number and resolution were removed from the tabular data few years ago to prevent duplicated information and tentative inconsistencies and mistakes but for some reason they were added to the Technical Manual recently. Donna Adelsperger clarified that the Technical Manual updated in January of 2021 removed the resolution number but it is still asking for the application number.

Kevin McGinley also noted that Control Number is also an issue for public hearing applications that do not have any history, the number is not assigned until the application is accepted so he is asking for that to be added as an issue to be addressed through a resubmittal instead.

- c. Would like to open discussions regarding the review of Landscape Plans that are tied to various permits. - **Gladys DiGirolamo**

Gladys DiGirolamo wants to find out how landscape plans are tie to different site elements over the overall recreation pod. She indicate that she has projects with large recreation pods that are phased as they are required to open up the amenities to the residents when they have 40 percent of building permits. As a result, they have to make constant modifications and there is not separate Landscape Permit for every site element that is modified, so she has to submit an entire landscape plan to reflect the changes, which is redundant to update every permit. Albert Jacobs indicated that Landscape Plans have been approved and submitted with no issues. He noted that it is perhaps miscommunication with Building Department for delay. No other DRAC members indicated an issue with their landscape plans when she asked other DRAC members. Jon MacGillis suggested Gladys DiGirolamo to contact Building Division to get the overview of the system. She asked all DRAC members interested in participating in this meeting to let her know so she can send the list for a meeting.

- d. Update on the mandatory Off-the-Board DROE process where no changes are allowed except to address conditions of approval that must occur prior to making any changes through a subsequent DRO/ZAR process. - **Collene Walter**

Collene Walter indicted that this is her item but there is a duplicate subject under Staff Items also on the Agenda. She indicated that she was informed that all Off the Board applications are required to be submitted as DROE to memorialize the BCC approved plan prior to any further amendments to be made. She understood that the agent had an option to: either submit as DROE with no changes unless addressing conditions of approval; or, if the application was submitted with changes then it was submitted as a full DRO application. She noted that Monica Cantor clarified that applications needed to obtain first final approval by the DRO and then depending on the magnitude of the changes they could be addressed later as a full DRO if more than five agencies are affected or as a ZAR. She noted that she discussed it with other DRAC members and they were not aware of that and

based on her reading of the Code, it does not state that so she wanted to get additional feedback from Staff. Ryan Vandenburg clarified that off-the board applications are required to be DROE before an application can have further changes unless they are per condition of approval, or staff's minor technical error were missed at the public hearing. Staff clarified that even for application that are not submitted within the next two submittals after the public hearing approval, final DRO applications are not going to be allowed to include additional changes. In that case, they will be subject to the fees and staff is not going to carry over the documents from the public hearing to the final DRO application.

- e. Waiver of sufficiency for off-the Board DROE applications – do we still need to request or is it “automatic”? - **Collene Walter**

Collene Walter indicated that for DROE applications, there is an opportunity per the current Code language to request the waiving of Sufficiency Review, but has also been told that the waiving of sufficiency is automatic. She wants clarification if it is automatic or if that still needs to be requested. Ryan Vandenburg indicated that he has worked with Jon MacGillis and staff and has confirmed that the Code will allow for the exemption of almost all off-the-board applications (if a DROE is not submitted within 2 months and fees are required but not paid, it will be insufficient), so the request isn't required for it to be exempted. He noted that staff would make it clearer in the Code in the future, as Collene Walter noted that the Code language currently asks that the Applicant make a request for sufficiency exemption. Ryan Vandenburg indicated that he would update the Power Point that was presented by Monica Cantor to make it clear on what is required, and would be updating the steps online so it was clear what was required for Off-the-board submittals. Collene Walter requested to get a copy of the power point presentation when possible so she can share with her staff.

### 3) **Staff Items:**

#### a. **DRAC 2021 Task List (Attachment 2) – Jon**

- Dumpster Setbacks 2021-01 Round-Scheduled for 2021-01 Round-Staff send final Exhibit to DRAC Interested Members for final comments Feb 2021  
Staff only received comments from Collene Walter and already included her recommendations. This amendment has already been review and approved by LDRAC and will be in the 2021-01 Round for adoption in August. Jon MacGillis stated if you would like to see a copy of the Exhibit of the amendment, you could find it on the Code Web Page under LDRAB Meetings.
- Landscape Buffers and Walls Scheduled for 2021-01 Round-LDRAB May Meeting.  
Collene Walter requested to include in the Code language clarification for the measurement of landscape buffers when a wall or fence is provided. She noted that many existing developers may decide to include a fence or wall and requested clarification how the new provisions will be applicable. She also noted that the amendment draft seems to show a different way to measure the buffer width when a fence or wall is added. She suggested measuring from the centerline of the fence or wall, which will be more consistent with panel wall types that are no necessarily concrete walls with, continues footer as the main purpose is to make the Code user friendly. Bill Whiteford suggested in the commented draft to leave a specific dimension as the clear area for planting so that will be covering for those cases in which a wall or fence is proposed. Albert Jacobson stated that the discussion initiated in December 2020 for which he provided sketches that were discussed with the subcommittee members. The dimensions reflected in the draft are based on those final recommendations and they should not continue to change, as it can cause an ongoing discussion. Additional discussion took place regarding deletion of opaque fence under type 1 incompatibility

buffer. A fence cannot longer be used as an option to address an opaque barrier without having a hedge. Wendy Hernandez believe that Landscape Barrier definition in Art. 1 of the Code already covered hedge, fence or wall. Jon indicated he was going to follow up with staff to ensure the draft language is consistent with the definition. Collene Walter also suggested the Code to address decorative fencing to be visible and to add buffer cross sections to backup Landscaping regulations in Article 7 tables.

**Melissa/ Albert**

- Existing Vegetation Preservation – Internal memo and news release to explain how a Site Plan needs to identify preserved trees.  
Monica Cantor noted that staff disused and concluded in a Zoning Director Memo, than only the trees to be preserved need to be shown on “final” plan. The memo will be posted in late May to the Zoning Division Web Page News Releases and will detail clear direction on staff on how to enforce preserved vegetation until it is incorporated into the Zoning Technical Manual by mid-summer 2021. She informed members that preservation of existing trees should be identified on the final Site Plan with gray color along with the tag number that is cross-referenced in the Disposition Chart. She clarified that the dot that identifies trees still needed to be carried over the Site Plan or Subdivision Plan in those cases.
- Traffic Signs and Traffic Bars – To show them in the Site Plan. Pending Tech Manual update.  
Monica Cantor confirmed that the plans could reflect traffic signs and bars as it was discussed in February at the DRO meeting with Traffic and they needed. She noted the change would be reflected in the Technical Manual as part of amendments in Round 2021-01.

**b. ULDC Updates – Jeff**

Jeff Gagnon provided an overview of the items listed below. DRAC Members requested no additional action items at that time.

- ULDC Publication of Supplement 29. All Training completed.
- 2021-01 Status of Round and Key Amendments:  
3/24 LDRAB: ERM Vegetation Preservation; Admin. D.O. Appeal to Hearing Officers; Dumpster Setbacks  
4/28 LDRAB (anticipated): WCRAO Amendments, Use Regulations, PDRs and Supplementary Standards; Release of Unity of Title Reference; PIA Dog Friendly Dining  
5/26 LDRAB (anticipated): Reach Estates, Planning Ord. 2020-022; Non-Residential Amendments, Planning Ordinance 2020-011; EVCS; Landscape Buffer Amendments; SFWMD Irrigation Amendments.
- 2021-01 Subcommittee Updates and Anticipated Timeline:  
Community Residential Housing (CRH):  
2/26 Final Subcommittee Mtg.  
3/24 LDRAB/LDRC Unanimous Recommendation of Approval  
4/22 Request for Permission to Advertise  
5/27 BCC 1st Reading  
7/22 BCC 2nd Reading/Adoption
- Electric Vehicle Charging Stations (EVCS): [Tracking HB839 & SB856]  
4/12 Final Subcommittee Mtg.  
5/26 LDRAB/LDRC Anticipated  
6/24 Request for Permission to Advertise  
7/22 BCC 1st Reading  
8/26 BCC 2nd Reading/Adoption

- 2021-02 Round-August to Feb 2022: Items Currently Being Considered for Inclusion

**c. Final Site Plan Approval Process Ord. 2020-020 Amendments - Monica/Ryan**

Monica Cantor provided an update based on a Power Point presentation to illustrate the changes consolidated in the Code amendment, Supplement 28, which clarified that all public hearing applications are required to have a final plan approved and any modifications are limited to compliance with conditions of approval. She noted that the Final DRO applications are either: labeled as DROE which are those submitted within the next two opportunities of submittal after the Public Hearing approval and are not subject to fees; or, full DRO, which are those off the board applications submitted after the second intake of the public hearing approval, subject to fees but still not allowed to have modifications to the plans unless required by conditions. She clarified that applications submitted as DROE are required to make minor modifications to the General application form to indicate the application type and if there are Type 1 Waivers to be approved that were included in the public hearing justification and staff made them part of the staff report. The survey and consent also are required to be updated and within one year, status of conditions of approval, plans labeled as “final” and the justification statement. She also indicated that new uses or new Type 1 Waivers would be subject to Full DRO or ZAR depending on the number of agencies involved and using the finalized plans for that purpose. She informed that all other documents would be carried over by county staff from the public hearing application to the DROE application.

Regarding the updated justification statement, Ryan Vandenburg noted that there is no need to update the justification statement even when the Code requires that, as additional changes are not expected to take place in the plans with the exemption of the conditions, which will be reflected in the status of conditions to be submitted by the agent. The only Justification required being provided (which can be provided through the public hearing review) is for the Type 1 Waiver.

**d. Introduction of new Zoning staff – Wendy**

Wendy Hernandez did a brief introduction of new Zoning Staff along with their professional background and experience: John Catalo, Landscape Inspector in the Landscaping section; James Borsos, Site Planner II and Imene Haddad, Senior Site Planner in the Community Development section.

**e. Reminder of ZAR process and deadlines – Monica**

Both Jon MacGillis and Monica Cantor reminder members that ZAR application is part of the DRO process, which is subject to the review schedule of the DRO. She also noted that the ZAR process is already an expedited process that allows for submittals every week and staff complete sufficiency determination and comments within 10 working days of submittal. She asked DRAC members to keep in mind this as Administrative Review staff have been receiving a large number of request from different agents to complete ZAR review of applications ahead of schedule. She also mentioned that changing applications review order would affect those that submitted earlier.

**f. Tree Barricade Permit Enforcement – Melissa/Albert**

Albert Jacobs indicated the permit process requires that all Zoning and ERM trees that are required to be preserved need to be barricaded. He noted that Zoning was asked to clarify why those trees that are going to be relocated have to be barricaded but since there is not clear when the relocation is going to take place; Zoning and ERM rather see them protected with the barricades until they are located to the final location. He asked DRAC members to remind their clients that it is their responsibility to keep the barricade up through the construction process. He clarified that this is not

a temporary process that once they get the final approval on the barricade, they move the fence and they are done. He suggested also if a fence installation is taking place to do it in pieces.

4) **General:**

a. **Topics for next meeting (8/13/2021) – Gladys**

Gladys Digirolamo indicated that there are no topics at this time to be added to the next agenda.

b. **ADJOURN**

Meeting adjourned at 3: 58 p.m. Motioned by Collene Walter and seconded by Bradley Miller.

DRAFT

Completed Pending

#	Task	Details	Lead	Status	Date Initiated	Initiated by	Date Completed/Comments
1	Landscape Buffers and Walls	Concern with recently adopted Code language for buffer widths when a wall is introduced.	Melissa Matos	OPEN	8/19/2020	DRAC Members	News Release posted to Zoning web page on 5/26/21, Revised on 7/1/21.
							Code Staff will be establishing a Landscape Subcommittee this summer to continue the discussion on the Landscape amendment which was tabled in 2021-01 Round
2	Existing Vegetation Preservation	Clarify identification of preservation of vegetation in the Site Plan.	Monica /Albert	CLOSED	1/22/2021	DRAC Members	News Release posted to Zoning web page on 5/18/21
3	Traffic Signs and bars	Clarify if traffic signs and bars can be shown on the Site Plan	Monica	OPEN	1/22/2021	DRAC Members	At Feb DRO meeting Traffic confirm need to show the bars and label signs. Pending to add item to the Tech Manual.
4	ULDC Supplements	Post available ULDC supplements to the Zoning Web page	Jeff/Monica	CLOSED	5/14/2021	DRAC Members	Link posted to the Main Page of the Zoning Division on June 2, 2021
5	Application Number	Update the Tech Manual in Round 2021-01 to remove Application Number as a requirement to the Plans	Ryan/Monica	OPEN	5/14/2021	DRAC Members	Pending to update the Technical Manual in Round 2021-01.
6	Mandatory Off-the-Board Information	Provide Power Point presentation used at meeting to Industry	Ryan	OPEN	5/14/2021	DRAC Members	Pending to e-mail revised presentation



# **Palm Beach County**

## **Overview of ULDC Amendment Round 2021-01 (Supplement No. 30)**

**August 13, 2021**

# ULDC Amendment Round 2021-01 (Supplement No. 30)

- **Land Development Regulation Advisory Board (LDRAB)**: The LDRAB met on March 24<sup>th</sup>, April 28<sup>th</sup> and May 26<sup>th</sup>, and recommended BCC approval of each Exhibit proposed in Round 2021-01.
- **Land Development Regulation Commission (LDRC)**: On May 26, 2021, the LDRC unanimously found the proposed ULDC amendments, provided as Exhibits A-F, to be consistent with the Comprehensive Plan with a vote of 15-0.
- **Board of County Commissioners (BCC)**: Approved RPA on June 24, 2021; First Reading on July 22<sup>nd</sup>, and adoption anticipated on August 26<sup>th</sup>.
- Six Exhibits in total, amending Articles 1-5, 7 and 14.

# **ULDC Amendment Round 2021-01 (Supplement No. 30)**

Exhibit A – Art. 1-5, Non-Residential Amendments

Exhibit B – Art. 1, 2, 7, 14, Vegetation Preservation and Protection

Exhibit C – Art. 2, Administrative Development Order Appeals to Hearing Officers

Exhibit D – Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards

Exhibit E – Art. 5, Dumpster Setbacks

Exhibit F – Art. 5, Release of Unity of Title Reference

# ULDC Amendment Round 2021-01 (Supplement No. 30)

## Exhibit A – Art. 1-5, Non-Residential Amendments

- Removes Mixed Use Planned Development (MXPD) reference from the ULDC as Multiple Use Planned Development (MUPD) now allows residential uses pursuant to Planning Ordinance No. 2020-011.
- Consolidates Standard District Exemptions and Limitations within Notes 2-13 of Table 3.A.3.B. Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts for ease of reference.
- Adds notes to further clarify approval processes within tables and use matrices.

# ULDC Amendment Round 2021-01 (Supplement No. 30)

## Exhibit B – Art. 1, 2, 7, 14, Vegetation Preservation and Protection

- Adds new definitions: Naturalized Tree; Environmental Professional; Protection of Native Vegetation (PNV).
- Further defines application processes and procedures; establishes a mandatory meeting with applicant and staff prior to submittal.
- Clarifying functions and roles within Art. 7 (Zoning) and Art. 14 (ERM).

# ULDC Amendment Round 2021-01 (Supplement No. 30)

## Exhibit C – Art. 2, Administrative Development Order Appeals to Hearing Officers

- Clarifies the process to appeal any Development Review Officer (DRO) Conditions of Approval; utilizing a Hearing Officer.
- Correcting a previous glitch stemming from codification of ULDC Supplement 23.

# ULDC Amendment Round 2021-01 (Supplement No. 30)

## Exhibit D – Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards

- Renames Tables to better specify intended applicability and utilization.
- Introduces a new Single Family housing type in order to take advantage of smaller lots and promote infill development.
- Amends Table 3.B.14.E; corrects scrivener's error by ensuring no blank cells within table.

# ULDC Amendment Round 2021-01 (Supplement No. 30)

## Exhibit E – Art. 5, Dumpster Setbacks

- Clarifies that dumpsters must be setback 25 feet from residential zoning districts, and not encroach into landscape buffers or easements; in comparison to the current requirement of 25 feet from all property lines and zoning districts.
- Creates consistent reference to “outdoor receptacles” for clarity.

# ULDC Amendment Round 2021-01 (Supplement No. 30)

## Exhibit F – Art. 5, Release of Unity of Title Reference

- Policies and Procedures Memorandum (PPM) #ZO-O-015, Release of Unity of Title (ROU) has been codified in Article 2 by Ordinance No. 2021-006. This amendment proposes to strike the reference to the PPM in Article 5 and replace it with the codified reference.



# **Palm Beach County**

## **Overview of ULDC Amendment Round 2021-01 (Supplement No. 30)**

**August 13, 2021**

**PBC ZONING DIVISION  
PUBLIC HEARING AND FULL DRO<sup>(4)</sup> APPLICATIONS  
SUFFICIENCY CHECKLIST**

[Updated 02/11/2020-10/01/2021] **EFFECTIVE 11/1/2019**

All required application forms, plans and related documents submitted to the Zoning Division, are reviewed by the Project Manager (PM) for sufficiency. The assigned PM shall utilize the Reasons for Insufficiency (listed below) to determine whether or not an application is sufficient.

1. **An Insufficient application shall not be accepted and an Insufficiency Letter will be sent to the Applicant/Agent by Staff identifying the required corrections.**
2. **The Resubmittal dates are shown on the Annual Zoning Calendar.**
3. **The first two Resubmittals are free. Additional fees will be charged on the third and subsequent resubmittal. Time extension for insufficient applications are applicable as contained in Art. 2.B.2.B.4 and Art. 2.C.2.B.4.**
4. **DRO Administrative Modifications that are not submitted on-line are subject to the following, where applicable.**

REASONS FOR INSUFFICIENCY				
ZONING (Z)				
Sufficient?		Item #	Description	Clarification/Comment
No	Yes			
<b>A. Any one of the following items shall result in an application being deemed insufficient; AND/OR listed in B.</b>				
		1	Failure to meet with Staff for a Pre-Application Conference (PAC) or Pre-Application Appointment (PAA) before submitting an application that required a PAC or PAA [ <a href="#">Article 2.</a> ].	Unless addressed in a separate meeting and agreed upon by both parties that this meeting would suffice; or, due to scheduling conflicts that Zoning Director confirms a meeting cannot be arranged in time for the applicants submittal schedule.
		2	Missing, incomplete or inconsistent information on the documents: Forms, Plans, Justification Statement and/or supporting documents.	Missing required forms consistent with the application request(s) [ <a href="#">Application checklist and naming guide</a> ]
		3	Forms and Plans are not legible.	
		4	Missing request or incorrect requests based on the submitted documents.	Incorrect requests that are not in compliance with Article 4, Use Regulations. (e.g. approval process inconsistent with the Use Matrix, exceeds the BCC/DRO Threshold or it is a prohibited use.)
		5	Missing Frontage and Access as required in specific sections of Art. 3 and Art. 4.	
		6	Shared parking must have Traffic sign off before submittal.	
		7	Missing Consent	
		8	Missing Disclosure Forms (Public Hearing applications only).	
		9	Fees not consistent with the number of request(s).	
<b>B. Five or more of the items below results in an application being deemed insufficient:</b>				
		1	Missing or incorrect Property Control Number(s) (PCN).	
		2	Incorrect or Inconsistent Square Footage (Related to building or overall site) or density.	
		3	Wrong FLU designation and/or Zoning District or the two are inconsistent throughout documents submitted.	
		4	Minimum buffer widths not identified.	
		5	Surrounding properties or structures within 100 feet of subject site not identified.	
		6	Uses and accessory uses not identified, are not correct or incomplete.	
		7	Dimensions and/or acreage on Survey and Site Plan do not match.	
		8	Status of all previous Conditions of Approval and/or compliance with time and events not addressed	Mark Conditions as Completed, Ongoing, etc. in the pdf version of the Resolution.
LAND DEVELOPMENT (LD)				
Sufficient?		Item #	Description	
No	Yes			
		1	Drainage statement missing or not electronically signed and sealed.	
		2	Self signed drainage statement does not have a valid signature report.	
		3	Point of legal positive outfall and drainage basin in drainage statement not identified.	
		4	Peak hour turning movements and ADT for existing and proposed driveways (for subdivision plans at the proposed right of way intersections) not shown.	
		5	Dimensions missing:	
		5.1	• From centerline of right of way to property line	
		5.2	• Driveway width, throat, radius returns	
		5.3	• Property line (bearings and distances)	
		5.4	• Centerline geometrics (subdivision plan only)	

**PBC ZONING DIVISION  
PUBLIC HEARING AND FULL DRO<sup>(4)</sup> APPLICATIONS  
SUFFICIENCY CHECKLIST**

[Updated 02/11/2020-10/01/2021] **EFFECTIVE 11/1/2019**

PLANNING (P)			
Sufficient?		Item #	Description
No	Yes		
		1	Proposed square footage or density exceeds maximums allowed by the Comprehensive Plan (and there is no FLUA amendment)
		2	Incorrect or inconsistent density/intensity as it relates to existing and proposed building square footage or overall site and as summarized in Justification Statement or application materials.
		3	Workforce Housing Program (WHP) Letter of Determination from the Planning Division missing.
		4	Prior Land Use Ordinance's with conditions and applicable plans missing.
		5	Completed Transfer of Development Rights (TDR) forms with accurate number of TDR's and corresponding pricing missing or blank.
SURVEY (S)			
Sufficient?		Item #	Description
No	Yes		
		1	Boundary Survey not electronically signed and sealed.
		2	Boundary Survey and/or Title Information more than 12 months old.
		3	Boundary Survey not provided or does not reflect the title information.
TRAFFIC (T)			
Sufficient?		Item #	Description
No	Yes		
		1	Traffic Statement/Study missing <span style="color: red;">or not electronically signed and sealed.</span>
COUNTY ATTORNEY (CA)			
Sufficient?		Item #	Description
No	Yes		
		1	Missing, incomplete, improperly signed and notarized, or illegible Warranty Deed.
ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)			
Sufficient?		Item #	Description
No	Yes		
		1	Failure to meet with Staff for a Pre-Application Appointment (PAA) before submitting an application (may be in conjunction with the Zoning PAA) [Article 7.E.2.A, PAA.].
		2	Vegetation Survey and/or Vegetation Disposition Chart missing, or not certified by Florida State licensed Landscape Architect or Arborist certified by the International Society of Arboriculture[Article 7.E.1.3., Existing Vegetation][Relates to response in Section 8 of General Application Form].
HEALTH DEPARTMENT (HD)			
Sufficient?		Item #	Description
No	Yes		
		1	Missing a letter related to Dust Control to the Health Department (if new construction is proposed).
		2	Missing a letter from Utilities Staff to the Health Department stating the distance to the nearest water and wastewater service pipe and type (gravity, force main, etc); or missing a copy of the utility bill if the site is connected to water and wastewater.
		3	The applicant did not have a meeting with the Health Department for the proposed Day Care.
PROPERTY AND REAL ESTATE MANAGEMENT (PREM)			
Sufficient?		Item #	Description
No	Yes		
		1	Planned Unit Development (PUD) has 2% Civic: 1) Required and shown on the Plan(s); 2) Not required (State reasons); or 3) Already Provided (state reasons) in Justification Statement.

ENROLLED

CS/CS/HB 1059

2021 Legislature

1  
2 An act relating to the construction permits; amending  
3 s. 125.022, F.S.; revising the requirements for when a  
4 county may request certain information; amending s.  
5 125.56, F.S.; requiring a county that issues building  
6 permits to post certain building permit information on  
7 its website; authorizing all components to a completed  
8 application to be submitted electronically or in  
9 person; amending s. 166.033, F.S.; revising the  
10 requirements for when a municipality may request  
11 certain information; amending s. 553.79, F.S.;  
12 requiring a local enforcement agency to post certain  
13 building permit information on its website;  
14 authorizing all components to a completed application  
15 to be submitted electronically or in person; requiring  
16 a local enforcement agency to reduce a building permit  
17 fee by a specified percentage for failing to meet  
18 certain deadlines; providing an exception; requiring  
19 the reduction of a building permit fee to be based on  
20 the original amount of such fee; requiring an  
21 applicant to take certain action within a specified  
22 time; requiring certain surcharges to be recalculated  
23 under certain conditions; amending ss. 553.792 and  
24 553.794, F.S.; requiring a local government or local  
25 building department, respectively, to reduce a

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26 building permit fee or master building permit fee,  
 27 respectively, by a specified percentage for failing to  
 28 meet certain deadlines; providing exceptions;  
 29 requiring certain surcharges to be recalculated under  
 30 certain conditions; making technical changes; amending  
 31 s. 713.135, F.S.; prohibiting an authority that issues  
 32 a building permit from requiring an applicant to  
 33 provide specified contracts as part of an application  
 34 for certain construction; providing applicability;  
 35 providing an effective date.

36  
 37 Be It Enacted by the Legislature of the State of Florida:

38  
 39 Section 1. Subsection (2) of section 125.022, Florida  
 40 Statutes, is amended to read:

41 125.022 Development permits and orders.—

42 (2) (a) When reviewing an application for a development  
 43 permit or development order that is certified by a professional  
 44 listed in s. 403.0877, a county may not request additional  
 45 information from the applicant more than three times, unless the  
 46 applicant waives the limitation in writing.

47 (b) If a county makes a request for additional information  
 48 and the applicant submits the required additional information  
 49 within 30 days after receiving the request, the county must  
 50 review the application for completeness and issue a letter

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51 indicating that all required information has been submitted or  
52 specify with particularity any areas that are deficient within  
53 30 days after receiving the additional information.

54 (c) If a county makes a second request for additional  
55 information and the applicant submits the required additional  
56 information within 30 days after receiving the request, the  
57 county must review the application for completeness and issue a  
58 letter indicating that all required information has been  
59 submitted or specify with particularity any areas that are  
60 deficient within 10 days after receiving the additional  
61 information.

62 (d) Before a third request for additional information, the  
63 applicant must be offered a meeting to attempt to resolve  
64 outstanding issues. If a county makes a third request for  
65 additional information and the applicant submits the required  
66 additional information within 30 days after receiving the  
67 request, the county must deem the application complete within 10  
68 days after receiving the additional information or proceed to  
69 process the application for approval or denial unless the  
70 applicant waived the county's limitation in writing as described  
71 in paragraph (a).

72 (e) Except as provided in subsection (5), if the applicant  
73 believes the request for additional information is not  
74 authorized by ordinance, rule, statute, or other legal  
75 authority, the county, at the applicant's request, shall proceed

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76 | to process the application for approval or denial.

77 |       Section 2. Paragraph (b) of subsection (4) of section  
78 | 125.56, Florida Statutes, is amended, and paragraph (f) is added  
79 | to that subsection, to read:

80 |       125.56 Enforcement and amendment of the Florida Building  
81 | Code and the Florida Fire Prevention Code; inspection fees;  
82 | inspectors; etc.—

83 |       (4)

84 |       (b) A county that issues building permits shall post each  
85 | type of building permit application, including a list of all  
86 | required attachments, drawings, or other requirements for each  
87 | type of application, on its website. A county must post and  
88 | update the status of every received application on its website  
89 | until the issuance of the building permit. Completed  
90 | applications, including payments, attachments, drawings, or  
91 | other requirements or parts of the completed permit application,  
92 | must be able to be submitted electronically to the county  
93 | building department. Accepted methods of electronic submission  
94 | include, but are not limited to, e-mail submission of  
95 | applications in Portable Document Format or submission of  
96 | applications through an electronic fill-in form available on the  
97 | building department's website or through a third-party  
98 | submission management software. Completed applications,  
99 | including payments, attachments, ~~or~~ drawings, or other  
100 | requirements or parts ~~required as part of the~~ completed permit

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101 application, may also be submitted in person in a nonelectronic  
 102 format, at the discretion of the building official.

103 (f) A county that issues building permits must post its  
 104 procedures for processing, reviewing, and approving submitted  
 105 building permit applications on its website.

106 Section 3. Subsection (2) of section 166.033, Florida  
 107 Statutes, is amended to read:

108 166.033 Development permits and orders.—

109 (2) (a) When reviewing an application for a development  
 110 permit or development order that is certified by a professional  
 111 listed in s. 403.0877, a municipality may not request additional  
 112 information from the applicant more than three times, unless the  
 113 applicant waives the limitation in writing.

114 (b) If a municipality makes a request for additional  
 115 information and the applicant submits the required additional  
 116 information within 30 days after receiving the request, the  
 117 municipality must review the application for completeness and  
 118 issue a letter indicating that all required information has been  
 119 submitted or specify with particularity any areas that are  
 120 deficient within 30 days after receiving the additional  
 121 information.

122 (c) If a municipality makes a second request for  
 123 additional information and the applicant submits the required  
 124 additional information within 30 days after receiving the  
 125 request, the municipality must review the application for

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126 completeness and issue a letter indicating that all required  
 127 information has been submitted or specify with particularity any  
 128 areas that are deficient within 10 days after receiving the  
 129 additional information.

130 (d) Before a third request for additional information, the  
 131 applicant must be offered a meeting to attempt to resolve  
 132 outstanding issues. If a municipality makes a third request for  
 133 additional information and the applicant submits the required  
 134 additional information within 30 days after receiving the  
 135 request, the municipality must deem the application complete  
 136 within 10 days after receiving the additional information or  
 137 proceed to process the application for approval or denial unless  
 138 the applicant waived the municipality's limitation in writing as  
 139 described in paragraph (a).

140 (e) Except as provided in subsection (5), if the applicant  
 141 believes the request for additional information is not  
 142 authorized by ordinance, rule, statute, or other legal  
 143 authority, the municipality, at the applicant's request, shall  
 144 proceed to process the application for approval or denial.

145 Section 4. Paragraph (b) of subsection (1) and subsection  
 146 (14) of section 553.79, Florida Statutes, are amended, and  
 147 paragraph (d) is added to subsection (1) of that section, to  
 148 read:

149 553.79 Permits; applications; issuance; inspections.—

150 (1)

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151 (b) A local enforcement agency shall post each type of  
 152 building permit application, including a list of all required  
 153 attachments, drawings, or other requirements for each type of  
 154 application, on its website. A local enforcement agency must  
 155 post and update the status of every received application on its  
 156 website until the issuance of the building permit. Completed  
 157 applications, including payments, attachments, drawings, or  
 158 other requirements or parts of the completed permit application,  
 159 must be able to be submitted electronically to the appropriate  
 160 building department. Accepted methods of electronic submission  
 161 include, but are not limited to, e-mail submission of  
 162 applications in Portable Document Format or submission of  
 163 applications through an electronic fill-in form available on the  
 164 building department's website or through a third-party  
 165 submission management software. Completed applications,  
 166 including payments, attachments, ~~or~~ drawings, or other  
 167 requirements or parts ~~required as part~~ of the completed permit  
 168 application, may also be submitted in person in a nonelectronic  
 169 format, at the discretion of the building official.

170 (d) A local enforcement agency must post its procedures  
 171 for processing, reviewing, and approving submitted building  
 172 permit applications on its website.

173 (14) A building permit for a single-family residential  
 174 dwelling must be issued within 30 business ~~working~~ days after  
 175 receiving the permit ~~of~~ application ~~therefor~~ unless unusual

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176 ~~circumstances require a longer time for processing the~~  
177 ~~application or unless~~ the permit application fails to satisfy  
178 the Florida Building Code or the enforcing agency's laws or  
179 ordinances.

180 (a) If a local enforcement agency fails to issue a  
181 building permit for a single-family residential dwelling within  
182 30 business days after receiving the permit application, it must  
183 reduce the building permit fee by 10 percent for each business  
184 day that it fails to meet the deadline. Each 10 percent  
185 reduction shall be based on the original amount of the building  
186 permit fee.

187 (b) A local enforcement agency does not have to reduce the  
188 building permit fee if it provides written notice to the  
189 applicant, by e-mail or United States Postal Service, within 30  
190 business days after receiving the permit application, that  
191 specifically states the reasons the permit application fails to  
192 satisfy the Florida Building Code or the enforcing agency's laws  
193 or ordinances. The written notice must also state that the  
194 applicant has 10 business days after receiving the written  
195 notice to submit revisions to correct the permit application and  
196 that failure to correct the application within 10 business days  
197 will result in a denial of the application.

198 (c) The applicant has 10 business days after receiving the  
199 written notice to address the reasons specified by the local  
200 enforcement agency and submit revisions to correct the permit

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201 application. If the applicant submits revisions within 10  
 202 business days after receiving the written notice, the local  
 203 enforcement agency has 10 business days after receiving such  
 204 revisions to approve or deny the building permit unless the  
 205 applicant agrees to a longer period in writing. If the local  
 206 enforcement agency fails to issue or deny the building permit  
 207 within 10 business days after receiving the revisions, it must  
 208 reduce the building permit fee by 20 percent for the first  
 209 business day that it fails to meet the deadline unless the  
 210 applicant agrees to a longer period in writing. For each  
 211 additional business day, but not to exceed 5 business days, that  
 212 the local enforcement agency fails to meet the deadline, the  
 213 building permit fee must be reduced by an additional 10 percent.  
 214 Each reduction shall be based on the original amount of the  
 215 building permit fee.

216 (d) If any building permit fees are refunded under this  
 217 subsection, the surcharges provided in s. 468.631 or s. 553.721  
 218 must be recalculated based on the amount of the building permit  
 219 fees after the refund.

220 Section 5. Section 553.792, Florida Statutes, is amended  
 221 to read:

222 553.792 Building permit application to local government.—

223 (1) (a) Within 10 days of an applicant submitting an  
 224 application to the local government, the local government shall  
 225 advise the applicant what information, if any, is needed to deem

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226 | the application properly completed in compliance with the filing  
227 | requirements published by the local government. If the local  
228 | government does not provide written notice that the applicant  
229 | has not submitted the properly completed application, the  
230 | application shall be automatically deemed properly completed and  
231 | accepted. Within 45 days after receiving a completed  
232 | application, a local government must notify an applicant if  
233 | additional information is required for the local government to  
234 | determine the sufficiency of the application, and shall specify  
235 | the additional information that is required. The applicant must  
236 | submit the additional information to the local government or  
237 | request that the local government act without the additional  
238 | information. While the applicant responds to the request for  
239 | additional information, the 120-day period described in this  
240 | subsection is tolled. Both parties may agree to a reasonable  
241 | request for an extension of time, particularly in the event of a  
242 | force majeure ~~majo~~r or other extraordinary circumstance. The  
243 | local government must approve, approve with conditions, or deny  
244 | the application within 120 days following receipt of a completed  
245 | application.

246 |       (b) If a local government fails to meet a deadline  
247 | provided in paragraph (a), it must reduce the building permit  
248 | fee by 10 percent for each business day that it fails to meet  
249 | the deadline. Each 10 percent reduction shall be based on the  
250 | original amount of the building permit fee, unless the parties

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251 | agree to an extension of time.

252 |       (2) (a) The procedures set forth in subsection (1) apply to  
253 | the following building permit applications: accessory structure;  
254 | alarm permit; nonresidential buildings less than 25,000 square  
255 | feet; electric; irrigation permit; landscaping; mechanical;  
256 | plumbing; residential units other than a single family unit;  
257 | multifamily residential not exceeding 50 units; roofing; signs;  
258 | site-plan approvals and subdivision plats not requiring public  
259 | hearings or public notice; and lot grading and site alteration  
260 | associated with the permit application set forth in this  
261 | subsection. The procedures set forth in subsection (1) do not  
262 | apply to permits for any wireless communications facilities or  
263 | when a law, agency rule, or local ordinance specify different  
264 | timeframes for review of local building permit applications.

265 |       (b) If a local government has different timeframes than  
266 | the timeframes set forth in subsection (1) for reviewing  
267 | building permit applications described in paragraph (a), the  
268 | local government must meet the deadlines established by local  
269 | ordinance. If a local government does not meet an established  
270 | deadline to approve, approve with conditions, or deny an  
271 | application, it must reduce the building permit fee by 10  
272 | percent for each business day that it fails to meet the  
273 | deadline. Each 10 percent reduction shall be based on the  
274 | original amount of the building permit fee, unless the parties  
275 | agree to an extension of time. This paragraph does not apply to

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276 permits for any wireless communications facilities.

277 (3) If any building permit fees are refunded under this  
278 section, the surcharges provided in s. 468.631 or s. 553.721  
279 must be recalculated based on the amount of the building permit  
280 fees after the refund.

281 Section 6. Paragraph (c) of subsection (5) of section  
282 553.794, Florida Statutes, is amended to read:

283 553.794 Local government residential master building  
284 permit program.—

285 (5) MASTER BUILDING PERMIT APPLICATION APPROVAL PROCESS.—

286 (c) The local building department must approve or deny a  
287 master building permit application within 120 days after the  
288 local building department receives a completed application,  
289 unless the applicant agrees to a longer period. If a local  
290 building department fails to approve or deny a master building  
291 permit application within 120 days after receiving the completed  
292 permit application, it must reduce the master building permit  
293 fee by 10 percent for each business day that it fails to meet  
294 the deadline, unless the applicant agrees to a longer time  
295 period. Each 10 percent reduction shall be based on the original  
296 amount of the master building permit fee. If any master building  
297 permit fees are refunded, the surcharges provided in s. 468.631  
298 or s. 553.721 must be recalculated based on the amount of the  
299 master building permit fees after the refund.

300 Section 7. Subsections (6) and (7) of section 713.135,

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301 Florida Statutes, are renumbered as subsections (7) and (8),  
302 respectively, and a new subsection (6) is added to that section  
303 to read:

304 713.135 Notice of commencement and applicability of lien.—

305 (6) An authority that issues building permits may not  
306 require an applicant to provide a direct contract or a contract  
307 between a contractor and any other lienor as a condition of the  
308 application for, or processing or issuance of, a building permit  
309 for the construction of improvements or for the alteration or  
310 repair of improvements on or to commercial property. This  
311 subsection does not apply to the construction of improvements or  
312 the alteration or repair of improvements owned or leased by the  
313 federal government, the state or any county, city, or political  
314 subdivision thereof, or other public authority.

315 Section 8. This act shall take effect October 1, 2021.