

Department of Planning, Zoning & Building

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INTER-OFFICE COMMUNICATION PALM BEACH COUNTY PLANNING, ZONING & BUILDING

TO: Zoning Staff

Interested Parties

FROM: Jon MacGillis, ASI

Zoning Director

DATE: November 1, 2010

RE: Interpreting and Enforcing BCC Condition 1 - All Petitions

In April 2009, the Zoning Division amended the standard Zoning condition "All Petition Condition". The amendment allows the Project Manager to select either the restrictive condition or the condition which allows more flexibility for the uses and site design.

All Petitions	Condition Language
1. Condition prior to April 21, 2009	Development of the site is limited to the uses and site design approved by the < <board commission="" commissioners="" county="" of="" or="" zoning="">>. The approved <<master, regulating="" site,="" subdivision,="">> plan is dated <<date>>. All modifications must be approved by the <<board commission="" commissioners="" county="" of="" or="" zoning="">> unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: ZONING)</board></date></master,></board>
2. Condition after April 21, 2009 ¹ , restrictions on uses or site design	Development of the site is limited to the uses and/or site design (no need to use both, case by case) approved by the Board of County Commissioners. The approved plan is dated, 200 All modifications to the development order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet conditions of approval. (ONGOING: ZONING - Zoning)
3. Condition after April 21, 2009 ¹ , flexibility on uses or site design	The approvedplan is dated, 20 Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

To ensure consistency in how the prior condition is interpreted and enforced for requests for Plan modifications to the uses and/or site design, the following general guidelines shall apply:

- 1. Review Article 2.D.1.G, Administrative Review for modifications to Board approved plans.
- Review all prior Zoning Commission and BCC minutes, video of hearings, verbatim, staff reports, and plans to understand what the Applicant has presented to staff, ZC, BCC and the public on what was relied upon in terms of uses and site design for the approval.
- 3. Applicant shall submit a letter with any necessary backup documentation as part of the DRO modification that states they have researched the items listed in number 1 and 2 above and have concluded the modification being proposed is consistent with the intent to the condition. Zoning staff shall review and verify this documentation provided for compliance with the condition.

If staff requires the Zoning Director to consider the recommendation before relaying it to the applicant, either place the request on the Interpretation Meeting or request a meeting.

If you have any questions, please contact Wendy Hernandez, Zoning Manager, at 561-233-5218, or Alan Seaman, Principal Site Planner, at 561-233-5231.

c: Wendy Hernandez, Zoning Manager Alan Seaman, Principal Site Planner

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¹ Date - ePZB database was updated for All Petitions condition