



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

POLICY AND PROCEDURES

FROM: Jon MacGillis, ASLA, Zoning Director

SUBJECT: Public Hearing (PH) Applications and Finalization of BCC and ZC Development Orders (DROE)

PPM #: ZO-O-019

ISSUE DATE
08/31/21

EFFECTIVE DATE
08-31-21

PURPOSE:

To establish staff procedures for the review and processing of Public Hearing (PH) applications along with the Finalization of the BCC or ZC Development Orders, as submitted to the Community Development (CD) Section for Off the Board Final Plan approval (DROE).

AUTHORITY:

Unified Land Development Code (ULDC) Article 2, Application Processes and Procedures, specifically sections 2.A, General; 2.B, Public Hearing; and 2.C, Administrative Processes, as applicable.

PROCEDURES:

Public Hearing application request(s) must be reviewed for Certification through the Development Review Officer (DRO) Agencies prior to being presented to the Zoning Commission (ZC) and/or the Board of County Commissioners (BCC) Hearings for approval. This Policy and Procedure Manual (PPM) is maintained to assist and clarify those important procedures that Staff should adhere to, in addition to the established procedures in the ULDC Art.2.

A. Fees:

1. All fees, as outlined in the current [Official PZB Fee Schedule](#), and shall be paid by the Applicant (Applicant) prior to the application submittal appointment.
2. Staff shall verify that **all fees** are invoiced and paid by the applicant prior to Certification and/or Final Approval, as applicable.
3. If an application request is modified during the review process, any additional fees assessed shall be paid prior to the next re-submittal.
4. Refund requests shall be processed in accordance with [PPM #PZ-F-005](#), Refunds.

B. Application Procedures:

1. Pre-Application Conference (PAC):

Refer to Art.2.A.5, PAA and PAC, for those applications where a PAC is mandatory and the related procedures. Applications submitted without the mandatory PAC maybe deemed insufficient.

- a) A PAC is recommended for any Public Hearing application that requires Code clarification or applicability concerns to be addressed prior to submittal.
- b) Application where the PAC is mandatory pursuant to Art.2.A.5, shall be submitted on the submittal dates as indicated on the [Official Zoning Calendar](#), and shall be entered as a separate application in the ePZB system with the appropriate fees assessed.
- c) The applicant shall submit completed [Form #1- General Application](#), along with the required and supporting documents related to the requests, including a list of applicable questions and must identify all variances and waivers if being requested, refer to Art.2.A.5.A, for the process.
- d) Follow the application submittal procedures below (section #3 below).

2. Pre-Application Appointment (PAA):

Refer to Art.2.A.5, PAA and PAC for those applications where a mandatory PAA is required and for the relevant procedures.

- a) A PAA is recommended for any Public Hearing application where ULDC clarification or applicability confirmation is needed to be addressed prior to submittal.
- b) The Applicant shall submit a request to schedule a PAA meeting by contacting the Community Development (CD) Section, at least two-weeks prior to submitting the PH application. Additional time is required for scheduling of those complex applications or where DRO Agencies are being requested to attend.
- c) The Applicant shall submit a completed [Form #94](#), Pre-Application Appointment Checklist and attach all applicable supporting documents and information to staff via email.
- d) At the PAA meeting, Staff and the Applicant will take notes of the discussion; then staff will enter the notes onto the Form #94, identifying the issues and documenting the discussion and direction, based on the information provided at the meeting.
- e) The updated Form #94 shall be scanned and uploaded by staff into the ePZB Contact Log screen - as a PCN-No-App application. Staff shall forward a copy of the completed form with the meeting notes via email to the Applicant within 5 days after the meeting.

3. Intake - Application Submittal:

Refer to the [Hearing Maintenance](#) training manual posted on the Zoning Intranet for detailed instructions regarding ePZB instructions for Intake, Resubmittals, Approving, Certifying, DRO Status Reports (DRO and PH), preparing Hearing Agendas, and entering hearing information or results, etc., in addition to the following:

- a) The Applicant must contact the CD Section - Site Plan Technician (SPT) by no later than 2:00 pm at least two working days prior to the scheduled submittal date (see Official Zoning Calendar), to request the estimate of fees and to schedule a submittal appointment.
- b) The SPT shall create a new application in ePZB database, and send the estimated fees to the Applicant via email. The applicant will verify and make payment prior to the appointment.
- c) The Applicant shall submit via internet (ShareFile- see instructions posted on Intranet web page): <https://pbcportal.pbcgov.org/PZB/PDF/Zon/Sharefile%20-%20Zoning%20Staff%20Instructions.pdf>, submit all completed application forms, including Form #1-General Application, any other supporting forms and supporting documents, as applicable. All forms and documents submitted shall in the format indicated and be named in accordance with the [Application Checklist and Naming Guide](#).
- d) On the scheduled submittal date, the SPT shall process the applications in accordance with the established Intake Log (list of appointments). The SPT shall verify that the fee invoice was paid then upload the submitted documents and input all application information into ePZB screens.
- e) The Principal Site Planners (PSP) shall review the list of applications submitted and assign at their discretion a Zoning Project Manager (PM) to each new application.
- f) The SPT shall print (from ePZB) and send via email to the DRO Agencies Staff, the “Sufficiency Review – Applications Intake Report” which lists all new Intake applications for PH and DRO.

4. Sufficiency Review:

Refer to Art.2.B.2, Sufficiency Review, for procedures related to the application sufficiency review process, in addition to the following:

- a) Staff meets with their PSP in a group setting to discuss the new applications prior to the sufficiency deadline to review the request(s), the applicable ULDC standards / requirements are addressed, the appropriate fees are assessed, and review the details of each request(s) with the plans submitted. then identify any concerns, such as compatibility, site design, coordination with other concurrent requests, etc.
- b) The Zoning and County Agencies Project Managers (PMs) shall complete the sufficiency review, in accordance with the requirements of Art. 2.B.2.B, Sufficiency Review, within 30 calendar days, in accordance with F.S. 125.22. (**Important Note:** While the Florida Statute (F.S.) 125.22 allows up to 30 days for sufficiency review; Zoning will review for sufficiency determination within 21 days in order to meet industry requests and to allow enough time to facilitate the necessary resubmittals in accordance with the Zoning Calendar).
- c) The PMs shall use the [“Sufficiency Checklist – PH and Full DRO”](#) as a guide for entering insufficiency comments. All comments or issues shall be entered in the ePZB Comment screen, and the Zoning PM will enter the application status (sufficient or insufficient) accordingly in ePZB.

- d) If an application is determined to be **insufficient**, the following shall occur:
 - 1) The Zoning PM shall discuss the insufficiency issues and comments with the supervisor, and if applicable, the PSP will discuss the issues with the Zoning Director and Deputy Director;
 - 2) The Zoning PM will finalize the ePZB sufficiency screen with the final insufficiency issues and click the “Reject” button in ePZB;
 - 3) Applications that are insufficient will remain in “Draft” status in ePZB and **will not** be reviewed by Agencies until it is deemed sufficient;
- e) If **sufficient**, Staff will check “accept” in the ePZB sufficiency screen, and the application will move from “draft” to “submitted” status. The ePZB scheduler will generate automatically with the appropriate timelines.
- f) The Zoning PM shall merge the “Sufficiency” or “Insufficiency” Letter Template in ePZB (verify all text on each letter and make the necessary changes), then send letters to PSP to sign;
 - 1) Insufficiency letters will be emailed to the applicant or agent on the 21st day after intake, in order to allow resubmittal on the next two scheduled Submittal dates;
 - 2) Sufficiency letters will be emailed to the applicant or agent on the scheduled date (30 days from intake).
- g) The Zoning Technician (ZT) shall upload the signed insufficiency or sufficiency letter into the ePZB Contact Log screen and send via email to the Applicant, and all applicable staff shall be copied. (**Note:** Zoning is currently (year 2021 or 2022) working with ISS on implementing the automation of the sufficiency and insufficiency letters to be sent out to the applicant as an automatic email notification, then letters may be obsolete).

5. Resubmittals to address Insufficiencies:

Refer to standards in Art.2.B.2.B, Insufficiency, for ULDC procedures, in addition to the following:

- a) The Applicant may submit revised documents to correct the insufficiencies of the application on any of the next two established submittal dates as indicated on the Official Zoning Calendar, (in accordance with F.S. 125.66). Follow steps in #3 above, Intake -Application Submittals;
- b) The SPT shall upload the revised documents in the ePZB application.
- c) PMs will verify that the submitted documents do satisfy the insufficiencies that were previously identified. The application will remain insufficient until all deficiencies are remedied.

6. Insufficiency Time Extension (TE) Requests or Administrative Withdrawal:

- a) Applications that are still insufficient after the 30 days, in accordance with #5 above, will receive a second notification of insufficiency with alternate steps to submit for a time extension or an option to withdraw the application.
- b) The Applicant is required to request in writing to the Zoning Director for a time extension for sufficiency within 5 days of the second Insufficiency Notification, or may withdraw the application. If a request for a time extension is not requested; the application will be administratively withdrawn.
- c) If a time extension is granted; the PM shall prepare a letter with the new deadlines (next submittal date based on the extension timeline) for the Applicant to address the insufficiency issues.
- d) If the Applicant is unable to make the application sufficient within the new deadlines given, the Zoning Director may “administratively withdraw” the application, but depending on the circumstances, the applicant may request an additional TE.
- e) If a TE is not granted within the timelines, the PM shall prepare letter of “withdrawal” for the PSP to sign, and then send to the applicant.
- f) The applicant and the Zoning PMs are responsible for manually tracking each insufficient application to ensure the sufficiency deadlines are met.

7. Application Distribution – DRO Agencies:

- a) The SPT shall generate in ePZB the “Project Manager List” report for those applications deemed sufficient with each established due date.
- b) SPT shall add a text box to the report to add label “After Sufficiency” then send report to all DRO Members.
- c) County Agencies shall designate a Staff member as the Project Manager (designated Agency Staff are coded into the ePZB database) for review of Zoning Applications. Refer to Section C, below for the responsibilities of the Agency Staff (PMs) and DRO Agency processes.

8. Resubmittals for Certification (after Sufficiency):

Refer to Art. 2.B.4, Review, Resubmittals and Certification for ULDC procedures, in addition to the following:

- a) The Applicant may only resubmit revised documents through the Zoning Division, as applicable, to satisfy any Agency comments or issues on the established dates of the Official Zoning Calendar (Full DRO and PH Re-Submittal dates; which occurs twice each month for Full DRO applications and once a month for PH applications).
- b) The applicant shall pay all outstanding fees prior to each resubmittal. Re-submitted applications will follow the same procedures for review by the DRO Agencies until all issues are resolved.
- c) The SPT shall send a log of all applications resubmitted to the DRO Members for review.
- d) SPT shall insert into the scheduler for each re-submitted application a new Comment/Certification activity based on the re-submittal date or time extension if approved.
- e) SPT will ensure that all re-submitted applications appear on the ePZB Hearing Maintenance DRO Sign Off for the specific re-submittal date.

9. Review, Commenting and Certifying an Application:

- a) The Zoning PM has the responsibility of coordinating with all Agencies on any comments and issues to help facilitate the Certification of the application.
- b) PMs shall use the ePZB application database to review and enter comments or certification issues in accordance with the ULDC and Technical Manual, within the deadlines established on the Official Zoning Calendar.
- c) PMs shall review and ensure that they update and enter the ePZB Comments, Conditions, Condition Monitoring and Concurrency screens, the DRO Hearing Maintenance, and DRO Sign-Off Screens, in accordance with timelines indicated on the Official Zoning Calendar and the ePZB Scheduler. Note: All ePZB screens shall be finalized prior to the noon cutoff on the date indicated on the Zoning Calendar to allow the applicant time to review and respond to the comments or issues.
- d) Agency PMs shall ensure that ePZB screens (i.e. Requests, location, fees, PCNs, etc.) are updated accurately through the review of the application process.
- e) Agency Staff may coordinate directly with the Applicant to discuss and resolve related comments/issues/conditions, etc., but are encouraged to update the Zoning PM with any key issues that may require coordination between **all** DRO Agencies.
- f) The Zoning PM shall review all comments/issues entered by each Agency to understand the issues affiliated with the application requests and coordinate responses with the Agencies and Applicant to ensure the Applicant is aware of potential Conditions of Approvals (COAs), if applicable.
- g) All comments/issues shall be made available to the Applicant to review and enter “responses” in the ePZB system (applicants has access on specific dates in accordance with the Zoning Calendar). The Applicant shall enter the appropriate responses of how the issue / comments will be addressed.
- h) When a resubmittal is processed, staff shall review all previous issues, confirm if resolved, and enter as resolved in ePZB by checking the resolve box in ePZB. Any new issues / comments shall be entered in ePZB. All **issues** must be resolved before an application may be certified.
- i) When all agencies have resolved all issues, the application shall be deemed certified, and will be able to proceed to the Public Hearing per the Zoning Calendar.
- j) The Zoning PM is responsible for entering the information into ePZB and preparing the documents needed for the appropriate Hearing, such as, COAs, Staff Report, and Resolutions. Refer to staff instructions posted to the [Zoning Intranet page, https://pbcportal.pbcgov.org/PZB/ZonPDF/Conditions%20and%20Preparing%20Final%20Resolutions.pdf](https://pbcportal.pbcgov.org/PZB/ZonPDF/Conditions%20and%20Preparing%20Final%20Resolutions.pdf).

10. Preparing Results for DRO Approval and PH Certification:

Refer to the [Hearing Maintenance](#), instruction manual for procedures, in addition to the following:

- a) The CD Section ZT shall “run” the DRO Status Report (Yes/No) based on the certification/approval deadlines indicated on the Zoning Calendar.
- b) The CD Section ZT shall merge the final draft of the DRO Result List in ePZB and send the list to the PM’s for Final Approval. The PMs will follow the instruction in the Hearing Maintenance manual above to certify the applications. Once approved, Staff shall post the Result List to the Zoning Web page, via PZBWEB.
- c) The CD Section ZT shall prepare the DRO Result Notifications in ePZB for those applications that are certified for Public Hearing. Each notification shall be reviewed by the PM, signed by the PSP, and then uploaded into the ePZB Contact Log and Attachment Screen for each certified application. The ZT shall email the notifications, as approved to the Applicant. (Note: Zoning is working with ISS in 2021 -2022 to automate the notification process to automatically email the notifications to the applicant and automatically attach the notification in the ePZB Contact Log Screens).

- d) Certified applications may proceed to the appropriate Public Hearing, ZC or BCC, accordingly. Note: PH Applications with a concurrent Text, FLUA or ULDC Amendment may require an alternate hearing date based on the anticipated BCC Adoption Hearing date for the associated applications.

11. Preparing Conditions of Approval (COAs):

Refer to [PPM ZO-O-042 – Processing Zoning Resolutions](#), and the staff instructions posted to the Zoning Web page [Processing Conditions and Preparing Final Resolutions](#), in addition to the following:

- a) The PMs (Zoning and Agencies) are responsible for reviewing all existing and historical Conditions of Approval (this should be done through sufficiency review and certification review), and updating the status of each condition in the ePZB database.
- b) Each Agency is responsible for updating the conditions that pertains to their Agency’s regulations (enter: complete, delete, carried forward or amended, as per instructions referenced above).
- c) Each Agency staff is responsible for preparing and entering any proposed COAs into the ePZB Condition Screen. If the reviewing agency is unable to enter conditions they must contact the Zoning PM to be added to the schedule for entering conditions. The reviewing Agency is responsible for including the appropriate "trailers" at the end of each condition, and ensuring the Agency has the ability to accept and enforce the condition(s). Refer to staff instructions above.
- d) The Zoning PM will verify that all “status” of conditions have been marked appropriately in ePZB. The Zoning PM is responsible for ensuring that all Agencies enter and finalize their new Conditions of Approval for each application and correctly populate the ePZB Conditions screens. This will ensure that the Resolutions will merge accurately when preparing the final documents.
- e) The PMs are also responsible for proofing of the final merged COAs and/or Resolution(s).

12. Preparing Resolutions:

Refer to [PPM ZO-O-042 – Processing Zoning Resolutions](#), and the staff instructions posted to the Zoning Web page for [Processing Conditions and Preparing Final Resolutions](#), in addition to the following:

- a) The Zoning PM is responsible for the preparation of the Resolution(s) based on the Hearing decisions, and must ensure that the appropriate COAs are correctly merged onto the resolutions, in ePZB.
- b) The Zoning PM shall ensure that all links such as the legal description and location map are set correctly in ePZB, the appropriate COAs are merged based on the Hearing (ZC or BCC), the correct Resolutions are merged based on each application request(s), verify the format and consistency of the Resolution with the Staff Report(s), etc.
- c) After BCC Hearings, the Zoning PM will ensure that all changes to the COAs (by Amendments to the Agenda or other revisions read into the record and adopted by motion) are entered and remerged on the final Resolution(s).
- d) The Zoning PM shall coordinate with other staff to ensure that all ePZB screens are correctly updated to finalize the application in the system, and COAs are uploaded to the Monitoring Screens.

C. Coordinating Review with DRO Agencies:

The zoning project managers shall coordinate with the DRO Agencies project managers, on all zoning applications through the various stages of the process as listed below and as referenced in this PPM:

- Pre-application Appointments (PAA) and Conferences (PAC);
- Application Review;
- Monthly DRO Agency meetings;
- Application Certification/Approval;
- Establishing appropriate Conditions of Approval (COAs);
- Electronic application (ePZB) entries and sign-offs; and,
- Public Hearings/Meetings.

1. Monthly DRO Meeting:

- a) The DRO Meetings are schedule monthly in accordance with the [Zoning Annual Calendar](#) to bring Agencies staff together for a discussion on the issues and concerns with each new zoning application.
- b) The Zoning Director appoints a Zoning Staff member to chair the DRO Meeting.
- c) The ZT shall prepare the DRO Agenda and post to the Zoning Web page at least 2 days prior to the scheduled meeting.

- d) The Agenda shall include all PH and DRO applications that are deemed sufficient prior to the scheduled DRO Meeting date. Refer to the ePZB [Hearing Maintenance Instructions](#) manual for instructions to run the appropriate DRO Status Report (DRO and PH) and preparing the meeting Agenda.
- e) The Applicant is not required to attend the DRO Meeting; however, the Applicant may submit a request to Zoning to place an application on the “Workshop” portion of the Agenda if they wish to attend the DRO meeting for discussion.

D. Finalization of BCC and ZC Development Orders (DOs) - DROE:

An Applicant that has an approved DO by the ZC or BCC, may submit to the DRO the final plans to be reviewed and approved, in accordance with Art. 2.C.3.A, Finalization of BCC or ZC DOs and Art. 2.C.5.A. Finalization of BCC or ZC Development Orders, in addition to the following:

- a) In accordance with Art.2.C.5.A, applications submitted **within** the next two submittal dates (refer to the Zoning Calendar) of the ZC or BCC decision shall be entered in ePZB as a DRO Expedited (DROE) and shall be processed by the Community Development Section.
- b) If the application is submitted after the timeframe allowed in the ULDC Art. 2.C.5.A, the application shall be considered a Full DRO application and shall be processed by the Administrative Review section..
- c) The DROE application shall follow the procedures noted above in section B.3 thru B.7 of this PPM, staff shall refer to the exemptions and exceptions to the process, as indicated in the ULDC, as the DROE applications may be exempt from submittal requirements in accordance with Art.2.C.5.A.2, Exceptions, and may be exempted from Sufficiency in accordance with Art.2.C.2.A.2, Exemptions.
- d) DROE applications may be processed concurrently with Platting and/or Building Permit applications; the applicant shall submit [Form #24 – Affidavit of Concurrent Review](#) with the DROE application, if processing concurrently.
- e) The DROE Final Plans shall be reviewed and approved by the applicable Agencies. Once the review and approval is complete, the Zoning PM or designated staff will prepare, stamp and publish the approved plans in accordance with [PPM ZO-O-054 -Procedure for Stamping and Publishing Plans](#), as posted on the Zoning Web Page.
- f) Staff shall email the Result Letters to the applicant, which also notifies them that the approved .pdf plans are available on the Zoning ePlans Webpage or through the Zoning Application History page for download.

E. Finalize and Updating ePZB:

- 1. The Zoning PM and designated staff (SPT or ZT) will work together to ensure that all the applicable schedules, screens and fields in the ePZB electronic application database are correctly updated and the application status is entered as completed.
- 2. The PMs shall ensure that any related emails for each application shall be uploaded into the ePZB Contact Log, for record keeping.

F. References to Other Procedures for Public Hearing Applications processes:

Refer to the following Zoning PPMs and Flowcharts regarding the Public Hearing processes, which are posted on the Intranet and Internet pages for Staff to review:

- 1. [PPM ZO-O-040 – Preparation and Distribution of Monthly PH Packets.](#)
- 2. [PPM ZO-O-042 – Processing Zoning Resolutions.](#)
- 3. [PPM ZO-O-043 – Updates to the Official Zoning Map and Quad Maps.](#)
- 4. [PPM ZO-O-054 -Procedure for Stamping and Publishing Plans](#)
- 5. And, refer to [Processes Flowcharts](#) posted on Zoning Web page:
<https://discover.pbcgov.org/pzb/zoning/Pages/Application-Processes.aspx> for the steps related to PH processes, as expressed in these PPMs referenced here.



Director

Supersession History:

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