



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

JON MACGILLIS, ASLA, ZONING DIRECTOR

PPM # ZO-O-042

Effective: 06/14/18

SUBJECT: Processing Zoning Resolutions, Zoning Commission (ZC) and Board of County Commissioners (BCC)

PURPOSE: To establish procedures for the processing of Resolutions for development orders to be approved by the ZC or the BCC.

BACKGROUND: Zoning Public Hearing application for Development Order Amendment (DOA) review process includes; the uploading of prior Conditions of Approval (COA); the reviewing and confirming of the status of all COA; and, the certification of the application for Public Hearing. Prior to certification of the application for Public Hearing the PM will coordinate with the Agent/Applicant, the Agencies and Supervisors on the status of all prior COA and the addition of any new COA based on the request(s) of the DOA. Final COA are prepared and presented for approval in the official Staff Report. The approved COA are finalized and merged as an exhibit of the official Resolution document.

DEFINITION: **Resolution:** A Resolution is a final document issued for all Zoning Public Hearing applications that requires approval by the ZC or the BCC. A Resolution shall be prepared by the Zoning Division Community Development Section (CD) and be reviewed and signed off by the County Attorney's Office. A Resolution typically consists of the following:

1. A Heading which includes: the Resolution number, Application number, Control and Project numbers; the title of the request; Applicant and Agent names; and the name of the application;
2. A series of "Whereas" clauses and actions taken that are subject to conditions, they describes the final decisions of the requests which are subject to approval, approval of COA or denial;
3. The motions and the votes of the decision making body;
4. The date of the final decision, or effective date as specified in a clause (if applicable);
5. Signatures by the Clerk of BCC, County Attorney and/or Zoning Commission Chair, or BCC Mayor; and,
6. Exhibits as attachments, such as; Legal Description, vicinity sketch/map, finalized Conditions of Approval, and/or Request Chart (of approved Variances. (Sample Resolution Template attached)

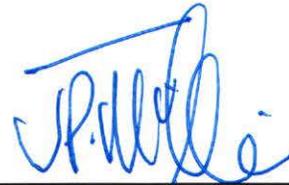
PROCEDURES: The following procedures are established to ensure consistency in the preparation, review, and recordation of Resolutions for Zoning related approvals through ZC or BCC:

1. The Zoning Project Manager (PM) shall ensure that all prior COA whether carried forward or deleted are uploaded into the ePZB system. Some applications may require the PM to contact ISS to upload prior COA into ePZB. (Refer to instructions manual posted in SharePoint).
2. The PM will update the status (carry forward, complete or delete) of each condition in the system in accordance with condition status provided by the Applicant / Agent. Each Agency will be responsible for entering the status of COA that they are monitoring. The PM will verify that all COA (Zoning and other Agency's) are finalized in ePZB system.
3. The PM shall ensure that all new COA being added to the Resolution(s) are consistent with the Final Staff Report as presented at the Public Hearing and any conditions on the Add/Delete Agenda and also those imposed at the hearing by the ZC or the BCC. All new conditions must be entered into ePZB application and must be correctly linked to the appropriate request. The PM will verify all conditions are entered and correctly linked in ePZB system, contact the responsible Agency to verify status of conditions and entries made in the system.
4. Prior to the ZC or BCC Hearing, a copy of the proposed Conditions of Approval shall be sent to the Applicant/Agent for review and agreement.
5. The PM shall merge a draft Resolution(s) from ePZB for each application request(s) (templates are established in ePZB system). The PM will ensure that the Resolution is merged correctly and all information is consistent with the Staff Report and final approvals. The PM shall seek the Supervisor's direction before altering any "Whereas" clause(s) in the merge document.
6. The PM shall give the draft Resolution (s) to their Supervisor(s) (Principal and Senior Planners) for review and approval. The Supervisors shall review each Resolution for consistency with the request, the Staff Report and the Approved Final COA.
7. The Secretary shall compile and log all final approved Resolutions into the excel chart (located here: U:\Zoning\CD\BCC\>>current year<<<) identifying which Resolutions are being presented at each monthly hearing.
8. The Secretary will send by Inter-Office and email notification a copy of all Resolutions listed for review at the hearing, along with a copy of the chart to the County Attorney Office in accordance with the Official Zoning Calendar.
9. **Changes to Resolutions prior to scheduled BCC or ZC Hearing:** If there are modifications to the Conditions of Approval after the Hearing Packet (includes Staff Reports, COA, maps, plans, etc.) are completed and the Resolutions are sent to the County Attorney, then the PM and the Supervisors shall place the modifications on the Add/Delete Agenda.
10. The PM is responsible for updating ePZB system with the modified or new Zoning COA and to confirm that all other Agencies have updated their conditions.
11. The PM will finalize and re-merge the Resolution in the ePZB system and inform the Secretary of the re-merge. For the ZC Hearing, the Secretary will bring the revised Resolution(s) to the County Attorney at the ZC Hearing for signature. For the BCC Hearing the Secretary will send the

modified Resolutions to the County Attorney, along with the modified chart, prior to the hearing in accordance with the Official Zoning Calendar.

12. **Changes to Resolutions at the BCC or ZC Hearing:** If new or revised COA are read into the record at the Hearing, then the PM will enter those conditions into ePZB and remerge the Resolution(s). The changes must be reviewed by the PM, the Agencies and final reviewed by Supervisors.
13. The Secretary will revise the Excel chart and re-send the chart and the revised Resolutions to the County Attorney no later than 5 days after the Hearing for review and signature by the Mayor (BCC) or Chairperson (ZC). The County Attorney will then forward the signed BCC Resolutions to the Clerk of the Court for recording, and the ZC Chairperson will sign the ZC Resolutions and return them to the Zoning Secretary. When the BCC Resolutions are recorded, the Clerk of Courts will forward the recorded Resolutions to the Secretary and a copy to the County Attorney's office.
14. The Secretary will receive, scan and attach the signed/recorded Resolutions (ZC and BCC) into the ePZB application Decision screen and Attachment screens; then the ePZB Scheduler for each application will be closed out; and the excel chart will be updated accordingly.
15. In ePZB, the Secretary will move the Conditions of Approval to the ePZB Monitoring screen, and will close out the Decision screen in ePZB on each application and attach the signed Resolutions.
16. The Secretary will also post the signed Resolutions on the X: drive and send notice via email to ISS and GIS Staff for posting to the Zoning Website and mapping of the Legal Description.
17. The assigned Zoning Site Plan Technician (SPT) will coordinate via email the mapping of all approved resolutions with GIS staff for updating the GIS Zoning Quad Maps. GIS will enter and map the resolutions into the GIS system and send a draft for review to Zoning. The SPT will send an email to the appropriate PM to review their polygons for accuracy. Once all Resolutions for the monthly Hearing are confirmed to be correctly mapped, the SPT will move the Resolutions from the drive (X:\ZONING RESOLUTIONS\GIS Map Updates\>>enter year<<) "For Review" folder to the "Review Complete" folder. Then send an email to GIS informing them of the Resolutions mapping review completed and those that require correction.

Attachment: Sample Resolution Template



Zoning Director

Supersession History:

PPM#ZO-O-042, Issued: 09/01/2009

PPM#ZO-O-042, Revised: 02/25/2016

PPM#ZO-O-042, Revised: 06/14/2018

ATTACHMENT:

RESOLUTION NO. ZR-«ZC_HEARING_YEAR»-

RESOLUTION APPROVING ZONING APPLICATION «APPLICATION_NO»
CONTROL NO. «CONTROL_NO»
TYPE II VARIANCE (*STAND ALONE*)
APPLICATION OF «APPLICANT_LIST»

BY «AGENT_LIST», AGENT

(«APPLICATION_NAME»)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application «APPLICATION_NO» was presented to the Zoning Commission at a public hearing conducted on «ZONING_HEARING_DATE»;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for «TITLE»;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener’s errors that will not impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.a (Action by ZC) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application «APPLICATION_NO», the Application of «APPLICANT_LIST», by «AGENT_LIST», Agent, for a Type II Variance «REQUEST», on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on «ZONING_HEARING_DATE», subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner _____ moved for the approval of the Resolution.

The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote

was as follows:

Mark Beatty, Chair	-
Sheri Scarborough, Vice Chair	-
Amir Kanel	-
Joseph Snider	-
William Anderson	-
Sam Caliendo	-
Tinuade Peña	-
Alex Brumfield III	-
Robert Currie	-

The Chair thereupon declared the resolution was duly passed and adopted on «ZONING_HEARING_DATE».

Filed with the Clerk of the Zoning Division on _____.

This resolution is effective when filed with the clerk of the Palm Beach County Zoning Division.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: _____
COUNTY ATTORNEY

BY: _____
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

«LEGAL_DESC_ATTACHMENT»

EXHIBIT B
VICINITY SKETCH

«VICINITY_ATTACHMENT»

EXHIBIT C
CONDITIONS OF APPROVAL

«CONDITIONS_OF_APPROVAL»

DISCLOSURE

EXHIBIT D

REQUEST

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
«APPLICATION_NO»	«BA_CODE_SECTION»	«BA_REQUIRED»	«BA_PROPOSED»	«BA_VARIANCE»
APPLICANT REQUEST:	«REQUEST»			