



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

POLICY AND PROCEDURES

FROM: Jon MacGillis, ASLA, Zoning Director

SUBJECT: Modifications to Zoning Applications Processes and Procedures, affected by the implementation of 2019 HB 7103, F.S.125.022

PPM #: ZO-O-070

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<u>ISSUE DATE</u>	<u>EFFECTIVE DATE</u>
7/3/2019 (Revised 7/16/19)	7/3/2019

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PURPOSE: To address the Florida House Bill 7103 that was signed into law June 28th 2019, which amends the Florida State Statutes (F.S.) 125.022, and F.S.163.3202, Community Development and Housing. These amendments requires changes to Zoning application processes and procedures.

BACKGROUND: The 2019 amendments to the F.S. 125.022 and F.S. 163.3202, requires the Zoning Division to revise the application procedures for those applications that seek a development order or a development permit, excluding building permit. Excerpts of the amendments to the State Statutes are as follows:

F.S. 125.022, as amended, requiring: "... that a county review the application for completeness and issue a certain letter with a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; providing applicability of certain timeframes; conforming provisions to changes made by the act; defining the term "development order"; and,

F.S. 163.3202, as amended, requiring: "...local land development regulations to incorporate certain pre-existing development orders".

In summary, the statutes requires a local government to comply with statutory timeframes for processing and approving or denying applications, as follows:

- Complete sufficiency review of an application within a 30-Calendar day period based on submittal date;
- Staff review of an application officially starts once deemed sufficient;
- Staff has a 120-Calendar day period for the Administrative process and a 180-Calendar day period for Public Hearing applications to reach the final decision of an application;
- Both applicant and the county may agree to a reasonable request for an extension of time, in the event of a force majeure or other extraordinary circumstance; and,
- When reviewing an application that is certified by a professional listed in s. 403.0877 (Professional Engineer, Professional Landscape Architect, Professional Surveyor, and Professional Geologist), a county may not request additional information from these specified professionals more than 3 times, unless the applicant waives the 3-time limitation in writing.

PROCEDURES:

Zoning Division anticipates, at a minimum, requires amendments to Article 2 of the Unified Land Development Code (ULDC), Zoning Technical Manual Application Insufficiency Checklist, Official Zoning Calendar and electronic Planning, Zoning and Building database (ePZB) screens.

Until the above-mentioned documents are amended to reflect consistencies with the revised Statute, all Zoning staff and Review Agencies shall adhere to the applicable procedures as shown on Attachment A - Public Hearing Applications; Attachment B - Full DRO Applications; and Attachment C - On-line Submittal for ZAR and Type 1 Variance Applications.



Director

Attachments:

- A - Public Hearing Application Processes;
- B - Full DRO Application Processes;
- C - Zoning Agency Review and Type 1 Variance application processes.

Attachment A – Public Hearing Application Processes

1. **30-Calendar day Sufficiency Period:** The 30-Calendar day period will commence on the day of Submittal per the Official Zoning Calendar. The applicant shall pay all fees in full.
 - a. The Site Plan Technicians enters the application information in ePZB, and distribute applications to the DRO for Sufficiency Review [refer to Zoning Calendar].
 - b. The DRO will utilize the **Insufficiency Checklist** to review the applications, and coordinate with the Review Agencies to determine whether an application is sufficient to commence review [refer to Art. 2.C.2.A, Sufficiency Review and Tech Manual]. The DRO will prepare a list of Sufficient and Insufficient applications, and issue a letter to each applicant on the due day of Sufficiency Review [refer to Zoning Calendar]. The letter must identify, where applicable, the following:
 - 1) **Sufficiency Letter:**
 - a) The request(s) are correct based on the submitted application documents; and,
 - b) The commencement/due dates of the 120-Calendar day review period, [refer to Zoning Calendar]
 - 2) **Insufficient Letter:**
 - a) Include the reasons for the insufficiency, and advises the applicant to address all the insufficiencies at the next Submittal [refer to Art. 2.C.2.B, Insufficiency]; and,
 - b) The next Submittal date [refer to Zoning Calendar].
2. **120-Calendar day Review Period:** For those sufficient applications, the Review Agencies shall review and enter comments/issues into ePZB. The applicants shall respond in ePZB addressing the comments/issues on or before resubmittal deadline [refer to Zoning Calendar].
 - a. **Comment Version on ePZB screens:** When reviewing an application document that is certified by a professional regulated under s. 403.0877 (Professional Engineer, Landscape Architect, Surveyor, and Geologist), those Review Agencies (e.g. Land Development, Survey, Traffic) may not request the applicant for additional information for more than 3 times, unless the applicant waives the 3 time-limitation in writing.
 - b. **Continuance or Postponement:** Prior to the 120-Calendar day Review period, an applicant may request in writing to the Zoning Director a time extension for the application that have pending issues. Time extension may be requested by the applicant only on or after 90-Calendar day of the Review period. The Zoning Director may grant a reasonable time to allow the application remain in the

review period beyond the 120-Calendar day limit. [Art. 2.C.4.C, Continuance or Postponement].

- 1) If no extension is granted, a letter shall be sent to the applicant stating the application has been denied and the reasons of the denial.

c. Result List:

Prior to the 120-Calendar day deadline [refer to Zoning Calendar], the DRO shall prepare a list of Certified and Non-Certified for those applications that are subject to a final decision by the Zoning Commission (ZC) or Board of County Commissioners (BCC).

The DRO shall send a letter to each applicant indicating the result of the application, and the Result List shall be posted on the Zoning Division website.

d. Notification: [Art.2.B.5, Notification]

Applications Certified for Public Hearings, shall require compliance with newspaper publication and courtesy notices that ensure the Application will be heard by the decision making body (ZC or BCC) within the 180 Calendar day period (or deadline per agreed to extension of time).

e. Scheduling [Art. 2.B.6.A, Scheduling]

A Public Hearing must be scheduled within the 180-Calendar day period as listed on the Official Zoning Calendar, unless a time extension is requested by the applicant and the Zoning Director is in agreement with the request.

f. Staff Report [Art. 2.B.6.B, Staff Report]

The DRO shall complete these tasks within the timeline indicated on the Official Zoning Calendar. The DRO shall coordinate with the Review Agencies to complete the Staff Report (ePZB).

- 1) If the recommendation is for approval, the DRO shall follow current procedures.

- 2) If the recommendation is for denial, the DRO shall publish a Staff report for recommendation of denial (impose conditions if applicable), and prepare a separate Motion on the Hearing Agenda if the BCC or ZC choose to approve the application. The Resolution shall then be changed from denial to approval with the conditions of approval.

g. Board Action and Resolution [Art. 2.B.6.C, Board Action]

The BCC or ZC shall make a final decision within the 180-Calendar day, unless there are time extension/postponement requests requested by the applicant. The final decision shall be documented on a Resolution (serves as written notice/citation/rules/procedures per 125.022 F.S., Development permits and orders) to the applicant.

h. Continuance, Postponement or Remand:

Any continuance, postponement or remand that is mutually agreed by county and staff shall not be considered as inconsistent with the 125.022 F.S, Development permits and orders.

Attachment B – Full DRO Application Process

1. **30-Calendar day Sufficiency Period:** The 30-Calendar day period will commence on the day of Submittal per the Official Zoning Calendar. The applicant shall pay fees in full.
 - a. The Site Plan Technicians enter the application information in ePZB, and distribute applications to the DRO for Sufficiency Review [refer to Zoning Calendar].
 - b. The DRO will utilize the **Insufficiency Checklist** to review the applications, and coordinate with the Review Agencies to determine whether an application is sufficient to commence review [refer to Art. 2.C.2.A, Sufficiency Review and Tech Manual]. The DRO will prepare a list of Sufficient and Insufficient applications, and issue a letter to each applicant on the due day of Sufficiency Review [refer to Zoning Calendar]. The letter must identify, where applicable, the following:
 - 1) **Sufficiency Letter:**
 - a) The request(s) are correct based on the submitted application documents; and,
 - b) The commencement/due dates of the 120-Calendar day review period. [Refer to Zoning Calendar]
 - 2) **Insufficient Letter:**
 - a) Include the reasons for the insufficiency, and advise the applicant to address all the insufficiencies at the next Submittal [Art. 2.C.2.B, Insufficiency]; and,
 - b) The next Submittal date [Refer to Zoning Calendar].
2. **120-Calendar day Review Period:** For those sufficient applications, the Review Agencies shall review and enter comments/issues into ePZB. The applicants shall respond in ePZB addressing the comments/issues on or before resubmittal deadline [refer to Zoning Calendar].
 - a. **Comment Version on ePZB screens:** When reviewing an application document that is certified by a professional regulated under s. 403.0877 (Professional Engineer, Landscape Architect, Surveyor, and Geologist), those Review Agencies (e.g. Land Development, Survey, Traffic) may not request the applicant for additional information for more than 3 times, unless the applicant waives the 3 time-limitation in writing.
 - b. **Continuance or Postponement:** Prior to the 120-Calendar day Review period, an applicant may request in writing to the Zoning Director a time extension for the application that have pending issues. Time extension may be requested by the applicant only on or after 90-Calendar day of the Review period. The Zoning Director may grant a reasonable time to allow the application remain in the

review period beyond the 120-calendar day limit. [Art. 2.C.4.C, Continuance or Postponement].

1) If no extension is granted, a letter shall be sent to the applicant stating the application has been denied and the reasons of the denial.

c. Result List:

Prior to the 120-Calendar day deadline [refer to Zoning Calendar], the DRO shall prepare a list of Approved and Not-Approved for those applications that are subject to a final decision by the DRO.

The DRO shall send a letter to each applicant indicating the result of the application, and the Result List shall be posted on the Zoning Division website.

Attachment C – Zoning Agency Review (ZAR) and Type 1 Variance Applications Process

1. 30-Calendar Day Sufficiency Period: The 30-Calendar day period will commence on the day of submittal per the Official Zoning Calendar.

a. The application is completed and submitted online by the applicant to the DRO for Sufficiency Review.

b. The DRO will utilize the **Insufficiency Checklist** to review the application, and determine whether an application is sufficient to commence review. The online application will issue a notification to the applicant on the day that sufficiency has been determined. The notification must identify, where applicable, the following:

1) Sufficiency Notification:

- a) The requests are correct based on the submitted application documents; and,
- b) The application fee amount that is due; and,
- c) The date the fees shall be paid by, being no later than 30 days from the Submittal date.

2) Insufficiency Notification:

- a) Reasons for the insufficiency, and advise the applicant to address all the insufficiencies prior to the re-submittal; and,
- b) The next Submittal date [refer to Zoning Calendar]; and,
- c) Identify the Project Manager assigned to the application.

3) Acceptance Notification:

- a) When payment was received and processed for the application; and,
- b) The commencement date of the 120-Calendar day deadline.

2. 120-Calendar day Review Period: For those sufficient applications, the DRO and/or the Review Agencies shall review and enter comments/issues into ePZB. The applicants shall respond in ePZB addressing the comments/issues on or before

resubmittal deadline [refer to Zoning Calendar].

a. Comment Version on ePZB screens: When reviewing an application document that is certified by a professional regulated under s. 403.0877 (Professional Engineer, Landscape Architect, Surveyor, and Geologist), those Review Agencies (e.g. Land Development, Survey, Traffic) may not request the applicant for additional information for more than 3 times, unless the applicant waives the 3 time-limitation in writing.

b. Continuance or Postponement:

Prior to the 120-Calendar day Review period, an applicant may request in writing to the Zoning Director a time extension for the application that have pending issues. Time extension may be requested by the applicant only on or after 90-Calendar day of the Review period. The Zoning Director may grant a reasonable time to allow the application remain in the review period beyond the 120-Calendar day limit. [Art. 2.C.4.C, Continuance or Postponement].

1) If no extension is granted, a letter shall be sent to the applicant stating the application has been denied and the reasons of the denial.

c. Result: Prior to the 120-Calendar day deadline, the DRO shall send a letter to each applicant indicating the result of the application.