



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

**JON P. MACGILLIS, ASLA, DIRECTOR**

**PPM #      ZO-O-035**

**Issued:     01/07/08**

**Effective: 10/07/15**

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**SUBJECT:**            **Processing Guarantees required by ULDC provisions for specific zoning applications. A guarantee is necessary to ensure compliance with a ULDC requirement or a Condition of Approval.**

**PURPOSE:**            To establish procedures for processing Guarantees (cash bond, letter of credit, performance or surety bond or escrow deposit) associated with Zoning applications ie: excavations, commercial communication towers and landscaping at final inspection (Zoning completion agreements); that may have associated guarantees to ensure compliance.

**BACKGROUND:**        Zoning staff is responsible for processing and tracking various guarantees submitted to comply with ULDC requirements, Conditions of Approval, and Completion Agreements. In order to ensure guarantees are properly processed, the following procedures outlined herein have been established.

**PROCEDURES:**        The Zoning Division accepts guarantees at various stages in the Zoning review process. The ULDC clearly specifies when guarantees are required, when they must be submitted, and what entity is responsible for reviewing them. The Zoning Division has designated the Site Plan Technician in the Zoning Administration Section (Zoning Bond Coordinator) to coordinate the processing and monitoring of Guarantees in ePZB.

**A. Forms**

The applicant shall use forms prepared by the Zoning Division and County Attorney. Modifications to the standard forms must be approved by the County Attorney and Zoning Division for compliance with the ULDC requirements. The following guarantees are reviewed by the Zoning Division, County Attorney and Contract Development & Control. Please review the applicable documents below when reviewing and approving bonds

- **Excavation Guarantees**
- **Commercial Communication Tower - Surety for Removal [PPM ZO-O-59](#)**
- **Zoning Completion Agreements for Landscape Code Requirements [PPM ZO-O-34](#)**

**B. Processing New Guarantees**

- 1) For a new guarantee, the Zoning Section Supervisor, depending on the review process, shall ensure compliance with established County [PPM CW-F-56](#) – Acceptance of Performance Bonds and

- Payment Bonds and the ULDC requirements.
- 2) Guarantees for Excavations (refer to ULDC Article 4. D, Excavation):
    - a. Upland Planting & Reclaimed Upland guarantees: shall be submitted with the Development Review Officer (DRO) application and approved by the County Attorney prior to DRO approval of the final excavation plan. The Zoning Project Manager shall ensure the guarantee tracking number and expiration date are indicated on the final DRO Site Plan. A copy of the executed guarantee shall be provided to the Zoning Bond Coordinator to enter into ePZB.
    - b. Excavated Area and Littoral Zone guarantees: shall be submitted to and approved by ERM. Zoning is to get a copy of the guarantee for Zoning control file.
    - c. Roadway Maintenance and Repair guarantees: shall be submitted and approved by Land Development Division. Zoning is to get a copy of the guarantee for Zoning file.
  - 3) Guarantees for the removal of Commercial Communication Towers shall comply with the ULDC requirements found in Article 4.C, Communication Towers. Applicant shall submit the tower Removal Agreement Form #18a prior to issuance of building permit or DRO site plan approval; whichever occurs first.
    - a. Zoning staff shall process and forward the original Tower Removal Agreement (Form 18a) and the original Executed Bond/Surety (Form 18b) (if submitted by applicant at time of DRO application) to the Zoning Bond Coordinator to process and to forward to Administrations' Accounting Division for deposit into the County safe. (See also PPM-ZO-O-59 - Processing Tower Zoning Applications for tower review procedures.)
    - b. Guarantees for the removal of Commercial Communication Towers that are submitted concurrent with the building permit application will be submitted for processing by the building department. The building permit technician shall notify the applicant to submit the original bond to the Zoning Division for processing. The Zoning Bond Coordinator will verify the completion of the bond/guarantee document and forward to the County Attorney and to Contract Development & Control for review and approval.
  - 4) Guarantees for Landscaping and all others shall request a draft guarantee or surety, which shall be forwarded to the County Attorney and to Contract Development & Control for review and approval. Once approved, Zoning staff notifies the applicant to submit the original and/or modified guarantee or surety. When the original executed Bond/Surety is received, staff will forward the documents to the Zoning Bond Coordinator to process and to forward to the Administrations' Accounting Division for safe keeping t in the PZB Administration's safe. See also, [PPM-ZO-O-034](#) - Zoning Completion Agreements for Landscape Code at Time of Final Inspection
  - 5) The Zoning Bond Coordinator shall process all approved bond/guarantee documents received in the ePZB bond module, verify that all the appropriate signatures are received and the bond is correctly executed, then prepares a cover letter to PZ&B Administration, Accounting Division , attach the original guarantee,

emails acknowledging approval from both the County Attorney and Contract Development & Control, and the cost estimate, along with removal agreements. A copy of the cover letter is placed in the Zoning application file and the bond file.

- 6) If the bond is for a Communication Tower, then send notification (Tower Map Update form) to ISS (use Form 18c) to update GIS Map; tower bond on file.
- 7) Ensure that a "flag" is placed in ePZB under the project's Control Number. The "Bond" flag will alert ePZB users that this property has a guarantee associated with the specific application. Fill in the applicable fields on the Flag Screen as well as the Contact Log for the application (See Appendix 1), scan the guarantee document and attach in the Contact Log. If multiple pages, PDF the documents so they can be loaded as one document into attachments. This will enable staff to run a report from the Contact Log and create a history of all the contacts on that application related to the guarantee.

#### **C. Monitoring Guarantees**

- 1) The Zoning Bond Coordinator shall run a quarterly "Monitoring Report" for the Zoning Director or designee to review status of all open guarantees. A copy of these reports shall be saved in U:\Zoning\Admin\Bonds\Bond Reports.
- 2) The Zoning Division receives renewal notices from the various Bonding Companies. The Zoning Bond Coordinator shall evaluate the information on the notice to determine what project the renewal notice is for and ensure information is correct. The renewal notice, if applicable to a Zoning application, shall be saved to U:\Zoning\Admin\Bonds and uploaded to the ePZB bond module and the application contact log in ePZB.
- 3) The Zoning Bond Coordinator will send the original renewal guarantee to: PZ&B Administration, Accounting Division Liaison. If a guarantee is not renewed by the property owner or expires, staff shall determine if Code Enforcement action is required to enforce the intent of the guarantee.
- 4) A Bond Report is run from ePZB to query all the Control Numbers that have a "Bond" FLAG so that staff can track applications with guarantees. Therefore, it is critical to insert the FLAG and note in Contact Log for this report to generate the correct applications.

#### **D. Releasing Guarantees or Surety**

- 1) The Project manager will provide a copy of the release letter from the applicant along with final inspections and/or email approving the release of the bond or surety to the Bond Coordinator. Verify that all documents are provided to confirm that all requirements per guarantee has been satisfied.
- 2) Request the original bond or guarantee from PZ&B Accounting Department to be released to the applicant if not already requested by the PM.
- 3) Prepare release letter to return bond to applicant.
- 3) Copies of the release letter are sent to the Control File, Excavation File or Building Permit and the Zoning Director's Reading File.
- 3) Zoning Bond Coordinator shall update ePZB bond module and verify the close out of the Monitoring Flag.

*J. P. McGill*

Zoning Director

**Supersession History:**

PPM#ZO-O-035, Issued 1/07/08  
PPM#ZO-O-035, Revised 5/12/09  
PPM#ZO-O-035, Revised 1/06/14  
PPM#ZO-O-035, Revised 8/03/15

**Appendix 1**

ezInfo Addressing Application ULDC ULDC WIP

Control No: 1974-00070 Application No: SE-1974-00070

**Flags**

Severity	Flag	Applied Date	Resolved Date	Level	Comment / Reason	View	Edit	Resolve
001	BOND	09/18/2007		CONTROLNO	Bond MCS759332, is	<a href="#">View</a>	<a href="#">Edit</a>	<a href="#">Resolve</a>

Flag Type:\* BOND - 001

Flag Level:\* CONTROLNO

Applied Date:\* 09/18/2007

Resolved Date:

Resolved By:

Add Attachments

Comment:\* Bond MCS759332, issued Fidelity and Deposit Company of Maryland July 20, 2007Also, Bond

Resolution Text:

Save Cancel

Entered By: JMACGILL On: 09/18/2007 Changed By: JMACGILL On: 09/19/2007

Save successful

**Add Contact**

Letter Follow-up Letter

**Contact Date\*** **Received Date** **Due Date**

09/18/2007 09/18/2007 09/18/2007

**Public Hearing Response**

**Number of Approvals:**

**Number of Disapprovals:**

**Comment:** Bond Tracking  
 The Zoning Division received a renewal bonds issued Fidelity and Deposit Company of Maryland July 20, 2007, see bond in attachment.

**Mail Document**

**Description:** Copy of Renewal Bond MSC7593333  
 U:\zoning\Temporary Documents\Excavation\Gilbert Bond Tract A & B.pdf

**Contact Info**

Contact Person

U:\Zoning\ADMIN\PPM's\DRAFTS\Bonds\PPM ZO-O-035 Processing Bonds-Revised 08/03/2015.doc