



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

JON P. MACGILLIS, ASLA, ZONING DIRECTOR

PPM # ZO-O-034

Issue: 01/02/08

Effective: 10/13/15

SUBJECT: Requirements for processing Zoning Completion Agreements for Landscape Code Requirements at Time of Final Inspection.

PURPOSE: To document current procedures for processing, releasing, and enforcing Surety Completion Agreements for ULDC Zoning requirements related to a building permit inspection.

ULDC REFERENCES: Article 7.G.2.A, Performance Surety

PROCEDURES: **A. General**
A Zoning Completion Agreement shall not be considered if one or more of the following requirements are not satisfied:

1. More than two required landscape code requirements are not satisfied, i.e. landscape island, trees missing from buffer, sod not installed;
2. BCC condition requires landscaping to be completed on a specific date; or
3. Applicant has requested a landscape completion agreement within past calendar year.

B. Procedures for Accepting a Surety
The following procedures must be satisfied in order for an applicant to initiate a Surety or Performance Bond for the completion of site improvements related to ULDC Zoning requirements and completing a final landscape inspection:

1. The applicant shall provide three cost estimates outlining all work to be completed. The estimate shall include, but not limited to: plant material, irrigation, sod, fencing, labor, construction materials, fabrication, installation costs, etc.
2. The applicant shall submit estimates to the Zoning Project Manager (PM) or the Senior Landscape Inspector (SLA) with the corresponding Zoning plan, indicating where the site improvements are not being installed at this time. The (PM) and the (SLA) shall review the estimates and consult with the Zoning Director to ensure the estimate covers the full cost to install the landscaping or improvement. The PM shall clearly explain the history of the project to the SLA i.e. BCC conditions, meetings that were held with staff and the developer related to the need to enter into a Zoning Completion Agreement. (Form Enclosure)
3. Once the estimates are accepted by the Zoning Division, a letter shall be prepared by the SLA and sent to the developer requesting a Surety or Performance Bond to be issued in the amount of 110% of the accepted estimate, and shall name Palm Beach County (PBC) as the beneficiary and specify the time frame for completion of the ULDC Landscaping standards and specific conditions.
 - a. A Performance Bond is another acceptable alternative to a Surety. A Surety is typically used on conditions that will be resolved within a few months, while

a Performance Bond is for improvements changes in costs over years. The SLA shall attach the letter to a Zoning Division Completion Agreement form for the developer to complete and submit with the application.

4. A draft copy of the Surety or Bond is forwarded to the County Attorney and Contract Development & Control Division to verify approved language and to confirm the Surety conforms to County requirements. Once approved, the SLA will notify the applicant to submit the Surety or Bond (in the approved format/language). The Surety or Bond must be made out to, PBC Board of County Commissioners with an Annual Renewal Clause. Once the Surety or Bond is submitted, the SLA will forward the Surety or Bond and the cost estimates to the Zoning Division Staff, Administrative Section (aka the Zoning Bond Coordinator) to process and to forward to the PZ&B Administration Accounting Division for deposit in the County's safe. Refer to [PPM ZO-O-35](#) – Processing Guarantees.
5. The PM and the SLA shall review the applicant's Zoning Completion Agreement Form for accuracy and completeness. If all required information is acceptable, a memo is prepared by the SLA, which clearly explains the conditions of the Surety or the Bond. The memo is attached to the Surety or Bond and Zoning Completion Agreement Form. Copies are made and distributed as follows: the developer; Application File; SLA; Building Inspection Section.
6. Once the SLA determines the completion date, the SLA will advise the Building Inspection Section who shall note the Completion Date, and put a follow up inspection date (6 months or later) in the ePZB Building Module. When the inspection is due for this project, the Inspector will check the site for compliance. If it is in compliance, the Inspector or the developer shall request the SLA to release the Surety or the Bond.

C. Procedures for Releasing a Surety

The following indicates procedures required to release a Surety or a Bond for the completion of work tied to Zoning Requirements:

1. The applicant will submit a Certificate of Compliance affidavit (Article 7 – Appendix C).
2. The SLA will perform a final site visit to verify the work as completed and prepare final inspection report.
3. The SLA will draft a letter to the Surety or Bond Company and copy the applicant with the particulars to request the Surety or the Bond to be released.
4. The SLA will make 4 copies: Application file, Building permit file, Zoning Director's reading file and the Zoning Bond Coordinator.
5. The SLA will request the original Surety/Bond from the PZ&B Administration, Accounting Division to be sent to the Zoning Bond Coordinator for processing and release of the bond.
6. The SLA will update ePZB to close out Monitoring Flag.



Director

Enclosure: Zoning Completion Agreement Form # 98

Supersession History:

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