



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

POLICY AND PROCEDURES

FROM: Jon MacGillis, ASLA, Zoning Director

SUBJECT: Development Order Abandonment

PPM #: ZO-O-047

ISSUE DATE

11-13-18

EFFECTIVE DATE

11-13-18

AUTHORITY: Article 2.A.9 and Article 2.C.5.G Development Order Abandonment (ABN)

PURPOSE: To clarify the process established in Article 2 that explains how an applicant can request to abandon a Development Order (DO).

GENERAL: Approval Authority

A request to abandon a prior DO must be subject to the approval by the same Authority that granted the original DO, as follows:

- A prior DO that was subject to the Public Hearing Process must seek approval from either the Zoning Commission (ZC) or the Board of County Commissioners (BCC), whichever is applicable.
- A prior DO approved through the Administrative Approval process must seek approval by the Development Review Officer (DRO) or the Zoning Director (ZD), whichever is applicable.

Simultaneous (Concurrent) or Standalone Abandonment Application

An abandonment of a prior DO can be accomplished in 2 ways depending on the proposed request:

- 1) Concurrent - An application to abandon a prior DO may be submitted simultaneously with a request for a new DO.
- 2) Standalone - An application to abandon a prior DO may be submitted without a request for a new DO.

Both types of Abandonment applications will be evaluated based on whether the prior DO was implemented. The application shall indicate if the DO was implemented or not.

Implemented DO

Utilize the following factors to determine whether a DO was implemented, consideration shall be given to the following factors:

- 1) Whether any construction or additional construction authorized in the DO has commenced.
- 2) Whether a physical or economic use of the development order has occurred, including physical or economic expansion.

Fees

A DO cannot be abandoned until all outstanding fees are paid in full.

PROCEDURES: Submittal Requirement

Submittal requirements for the different scenarios as described in the table below

shall be as follows:

1. For Abandonment requests, with a concurrent review of a new DO, are subject to the DOA¹ or DRO approval processes. In addition to the DOA and DRO application forms, the applicant shall also submit the ABN application.
2. For Abandonment requests, which eliminate the entire DO may be processed as standalone abandonments, subject to a DOA¹ or Zoning Director's approval. The applicant shall submit the ABN application.

Application Procedures

An applicant shall submit an application for an abandonment in accordance with ULDC Article2.

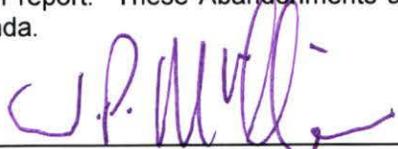
- 1) Applicant shall provide consent from all property owners if abandoning an entire DO.
- 2) Applicant shall provide the status of all conditions of approval as stated in the result letter or resolution.
- 3) Staff shall review the request for a ABN and confirm the correct Authority for the abandonment.
 - a. Public Hearing (Conditional Uses, Type 2 Variances etc.)
 - b. Administrative DRO, Type 1 Variances (Temporary Use, Special Permits, Zoning Confirmation Letters etc.)²
- 4) Staff shall in ensure there is no reliance by other parties on additional performance.
- 5) Staff shall ensure abandonment of a DO does not create any non-conformities.
- 6) Staff shall review the documents provided in #2 and ensure conditions of approval are satisfied, if not then, determine what the impacts are. If the applicant is seeking a new DO, staff shall determine if the conditions can be carried over to the DO.

Abandonment Scenario	Approval Process	
	Public Hearing	Administrative
Abandon <u>entire</u> DO with a concurrent review of a new DO with the same type of approval process [New Concurrency]	DOA	Full DRO
Abandon <u>entire</u> DO with a concurrent review of a new DO with a lesser level of approval. [New Concurrency]	ABN ³	DRO or ZD depending on request
Abandon <u>entire</u> DO with no new DO [No concurrency left]	ABN ³	DRO or ZD depending on request
Abandon a DO with consolidated conditions for other DO's [New Concurrency]	DOA ¹	N/A

¹ The application will be processed as a DOA, unless it qualifies as an Expedited Application Consideration (EAC).

² These administrative processes cannot be abandoned, they are either rescinded or expire.

³ Abandonment of an entire DO, will not require a staff report. These Abandonments after certified from the DRO will be placed on the next ZC/BCC agenda.



Director

Supersession History

PPM #ZO-O-047 Issued 3-1-2011;
PPM #ZO-O-047 Revised 11-13-2018

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