
DEVELOPMENT ORDER APPLICATION PROCEDURES

WHAT IS A DEVELOPMENT ORDER?

A use that usually would not be appropriate throughout a zoning district but which, if controlled as to such impacts as number, land area, location, number of square feet, operating hours, or proximity to adjacent residential and nonresidential uses, may not adversely affect the public interest. The Town Commission shall be the final authority to grant a development order approval. The Town Commission, following an advisory recommendation by the Planning Board, may approve, approve with conditions, or deny a request for a Development Order.

WHAT BUILDING ACTIVITIES REQUIRE A DEVELOPMENT ORDER?

Below are the types of building activities that would require a Development Order:

Boat Basins (RE, RS, RML, RMM, RMH, RPUD, GSD)
Boat Lifts (RE, RS, RML, RMM, RMH, RPUD, GSD)
Change of Nonconforming Use (RE, RS, RML, RMM, RMH, RPUD, GSD)
Dwelling, Single-Family, Zero Lot Line (RML, RMM, RMH, RPUD)
Essential Public Service Structures (RE, RS, RML, RMM, RMH, RPUD)
Houses of Worship (RML, RMM, RMH)
Off-Premises Parking (RE, RS, RML, RMM, RMH, RPUD, GSD)
Perpendicular Docking of Boats (RE, RS, RML, RMM, RMH, RPUD, GSD)
Post Offices (GSD)
Recreation Facilities, Public (GSD)
Rezoning by a Property Owner or Party Other than the Town
Site Plan Multifamily and Non-Residential
Site Plan Review, Major Modification
Site Plan Single-Family, Located on a Single Lot
Site Plan Single-Family, Located within a Larger Project
Utility Facilities (GSD)
Other: _____

PLEASE READ THOROUGHLY

This is to assist you in applying to the Planning Board for a Development Order. The Development Order process is explained more completely in the Highland Beach Code of Ordinances in Section 30-36. The Code of Ordinances is available on the Town website found at www.ci.highland-beach.fl.us. You may wish to consult this section, as well as obtain the services of an attorney, engineer, architect, real estate professional, planner, or another professional to assist with the completion of this application. This information is intended to provide a summary only.

WHO MAY APPLY FOR A DEVELOPMENT ORDER?

The owner or owners of at least 75% of the property described in the application; the tenant or tenants, with the owner's sworn-to consent; duly authorized agents evidenced by a written power of attorney; the Town Commission; the Planning Board; or any department or agency of the town may initiate a Development Order application. A copy of the deed showing ownership must be attached to the application. If tenants, attorneys, engineers or others act as an agent for the owner, the owner's signature must be on the application and a letter of authorization from the property owner must be attached to the application.

BUILDING DEPARTMENT APPLICATION PROCESS

Please address all issues identified on the application. Only completed applications that include the necessary supporting information will be accepted.

- 1.) Submit the fully completed application, supporting information and the \$200.00 application fee to the Building Department. **Please make the check payable to the Town of Highland Beach.**
- 2.) The Building Official will review the application for completeness and building code compliance. If the application is found to be incomplete, the applicant will be contacted to make such necessary revisions.
- 3.) Once the application has passed the review process of the Building Official, the application will then be transmitted to the Town Clerk's Office.

TOWN CLERK'S OFFICE APPLICATION PROCESS

- 1.) The Town Clerk's Office will receive the application from the Building Department.
- 2.) The Clerk will calculate an estimate of the fees and collect the deposit. The deposit will be comprised of the cost of the mailing, the cost of the legal advertisement, and a 10% administrative fee, if applicable.
- 3.) Once the fees have been collected, a Public Hearing/Regular Meeting date will be determined.
- 4.) The responsibilities of the applicant are listed below. Those items need to be submitted to the Clerk's Office.
- 5.) The Clerk will schedule the meeting and process the mailing.

Responsibility of the Town Clerk's Office:

- Collects deposit
- Collects all materials from applicant (e.g. aerial map, mailing labels, etc.)
- Schedules the public hearing/regular meeting
- Prepares and publishes a copy of the written notice
- Prepares and publishes the legal advertisement
- Processes the mailing
- Collects all returned receipts requested (post-mailing)

Responsibility of the Applicant:

- Provide a list and map of the property owners located within the required radius (obtained from the Palm Beach County Property Appraiser's Office)
- Provide three (3) sets of mailing labels (obtained from the Palm Beach County Property Appraiser's Office)
- Pay a deposit with the Clerk of the associated costs.

NOTICE

- 1.) Written notice shall be provided to each property owner located within three hundred (300) feet* of the affected property, excluding property owned by the applicant, at least 15 days in advance of the public hearing and sent by certified mail with return receipt requested. If a condominium with an association is to be included, written notice may be provided only to the association president and the condominium's resident or property manager.
- 2.) Written notice shall include a description of the development approval requested, the location of the property affected, the body to be conducting the public hearing, and the date, time, and location of the public hearing, which shall be provided by the Town Clerk's Office.
- 3.) The applicant shall be responsible for all expenses associated with the written notice.

****Dolphins, freestanding pilings, boat lifts, and moorings need to meet additional notice requirements see section 30-68(h)(2) of the Town of Highland Beach Code of Ordinances.***

GENERAL PROCEDURES OF PLANNING BOARD MEETINGS

It is the role of staff to assist you with the application process of the Development Order.

If you intend to show the Planning Board drawings, photographs, copies of documents, maps, or other instruments, you will need to leave those instruments with the Clerk of the Board at the hearing. By law, those instruments become public records and will **NOT** be returned to you.

You may appear at the public hearing/regular meeting in person or be represented by an authorized agent or attorney. If you cannot attend the public hearing, you should arrange to have an authorized representative (authorization in writing and notarized) appear on your behalf as the application can be acted upon by the Board even in your absence. Prior to the meeting, you should also notify the Town Clerk's office of your absence and who will appear on your behalf.

The Planning Board may continue the public hearing until a future date, in its sole discretion, if it needs further information or research on your application. The Planning Board is not obligated to continue a public hearing/regular meeting.

You may bring witnesses to testify on your behalf. Your presentation and witness testimony should relate directly to the Development Order and whether your application satisfies the standards set forth in the Town of Highland Beach Code of Ordinances

Members of the public in favor or in opposition to your application may appear and testify at the hearing. Although the Planning Board has the power to vary the order of presentation, generally the Board will ask the applicant and applicant's witnesses, if any, to make a presentation. After your presentation, members of the public are allowed to address the proposed Development Order. After public input, the Planning Board may allow you to present argument in rebuttal to comments from the public. Staff members attending the meeting are there for the purpose of providing technical information to the Planning Board.

At the conclusion of the hearing, the Planning Board shall recommend approval, approval with conditions, or denial of the application. A "Report of Review and Requested Action by the Planning Board" will be placed in the application file.

If you wish to appeal any determination of the Planning Board, you will need a verbatim transcript of the record and copies of all evidence presented. It will be your responsibility to make arrangements for the preparation of that verbatim record at your expense.

There are Development Order applications that require approval from the Town Commission upon recommendation from the Planning Board. See the Code for specific requirements and instruction.

REQUIRED SUPPORTING INFORMATION

In order to properly review your application, certain supporting information is necessary. A description of this supporting information follows. You may also submit any additional information that you feel would support the application.

Copies of the following shall be submitted with all Development Order applications in order for the application to be considered complete:

- 1) A copy of the deed showing ownership of the property that is the subject of the Development Order.
- 2) A letter of authorization from the property owner, if the owner is not the applicant.
- 3) A sealed and signed survey
- 4) Sealed and signed and legible plans illustrating the details of the Development Order request. The plans must be on 8 1/2" X 11" paper. Additional copies of plans may be submitted on larger sized paper if desired by the applicant. Plans shall include, where applicable, but not be limited to, the following specifications and information:

- A) Lot and/or building site lines with dimensions and existing and proposed setbacks (including accessory structures);
- B) Location of structures, decks, pools, drives, parking spaces, water and electric meter locations, air conditioning units, exterior mechanical and pool equipment, and the types of screening of those items;
- C) Location of easements, watercourses, and other essential site features;
- D) Location and width of existing or proposed streets or other public ways and pedestrian walks abutting the site;

E) Site Data:

1. Land area
2. Zoning
3. Height of existing and/or proposed structure
4. Building area in square feet
5. Paved area in square feet
6. Landscaped area in square feet
7. Amount of required parking spaces
8. Amount of existing parking spaces
9. Aerial Photograph within 1/2 mile

F) Adjacent area information:

1. Names and addresses of adjoining property owners
2. Current zoning
3. Sketch of approximate location of adjacent structures (with measurements)
4. A vicinity map obtained from the Palm Beach County Property Appraiser's Office.

- G) Describe the existing conditions at the site of the proposed Development Order and what you are proposing to accomplish at the site.

- H) Complete architectural drawings of all faces of a building and an overhead view shall be submitted with all Development Order applications that include a new building(s), façade renovations, or substantial improvements to an existing building. The drawings shall be submitted in color and at the minimum shall include:

1. Architectural Style
2. Exterior construction material specifications
3. Color charts
4. A site plan

5. Structure dimensions and setbacks from all property lines
6. Refuse service area location
7. Mechanical outdoor equipment location
8. Master outdoor lighting plan
9. Screening devices
10. Master signage plan
11. Master landscaping plan
12. Wall or Fence details
13. Other information determined necessary by the Town to ensure consistency with the purpose and intent and the provisions of the Code.

- I) Applications that propose a change of use in an existing building to a Development Order use where architectural changes are not required or planned shall not be subject to architectural requirements with the exception of paint color. The building and site shall be retrofitted to meet other Development Order criteria to the extent determined by the Board.
- J) Other information determined necessary by the Town to ensure consistency with the purpose and intent and the provisions of the Code of Ordinances.
- K) A detailed description of the proposed Development Order, and how the use and the development will be compatible with surrounding uses in its function, its hours of operation, the type and amount of traffic to be generated, building size and setbacks, its relationship to land values and other factors that may be used to measure compatibility.
- L) Additional backup material or exhibits or studies that you feel will support your application.