



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Development Review Process

Meeting	File No.	Application Type
September 17, 2024	2024-019-LDR	Amendment to the Land Development Regulations
Applicant	Property Owner	Authorized Agent
City of Delray Beach	Not applicable.	Not applicable.

Request

Provide a recommendation to the City Commission on Ordinance No, 30-24, a City-initiated amendment to the Land Development Regulations (LDR), amending Chapter 1, "General Provisions," Chapter 2, "Administrative Provisions," Chapter 3, "Performance Standards," Chapter 4, "Zoning Regulations;" Chapter 5, "Subdivision Regulations," Chapter 6, "Infrastructure and Public Property," Chapter 7, "Building Regulations," and Chapter 8, "Special Implementation Programs," to update references consistent with Ordinance No. 31-23 and to correct other outdated references.

Background Information

The City Commission directed staff to streamline the development review process at its meeting on April 18, 2023. The changes to Chapter 2, "Administrative Provisions," Article 4.3, "District Regulations, General Provisions," Article 4.4, "Base Zoning District," and Article 4.7, "Family/Workforce Housing, Chapter 3, "Performance Standards" and Chapter 6, "Infrastructure and public property" were adopted at second reading at Commission on October 17, 2023 via Ordinance No. 31-23, Ordinance No. 32-23 and Ordinance No. 33-23.

The adopted process changes inadvertently left gaps in the processing of certain application types, that were discovered as the new administrative provisions were implemented. Additionally, cross-references in other sections of the LDR were not included in the development review process ordinances. The proposed update corrects the cross-references throughout the LDR, and elucidates the adopted process through slight adjustments to the language in related sections.

Description of Proposal

Throughout the proposed update, cross-references to Chapter 2 are updated for accuracy. Outdated references to City or State departments and requirements are also updated, as necessary. When a section was updated, any obtuse language was corrected for clarity. Other more notable proposed changes are summarized below.

Chapter 2, "Administrative Provisions"

- The use of Masonry Modern or Art Deco architectural style must be approved by SPRAB or HPB, pursuant to Section 4.4.13(F)(3)(e). However, it was not intended that only SPRAB or HPB would be given the authority to approve the use of these architectural styles, inasmuch as PZB is one of the possible reviewing bodies for site plans; the omission of PZB was inadvertent. In the proposed update, Article 2.1, specifically identifies SPRAB, HPB, and PZB as the reviewing bodies with the authority to provide recommendations on the use of these architectural styles. An update is also proposed in Section 4.4.13 to include PZB as a recommending body.
- The terminology "mural permit" is eliminated and replaced with "mural approval" because permits are not given for murals.

- Section 2.1.2, “Review Authorities.” Listing the authority of DSMG to grant a right-of-way deduction. This authority is identified in Section 5.3.1(A)(7); adding it here provides consistency and clarity.
- Section 2.4.6, “Regulation of Uses.” Language was updated to more clearly reflect the actual process. Approval of a Zoning Certificate of Use (ZCU) is required prior to issuance of a Business Tax Receipt (BTR).
- Section 2.4.8, “Subdivisions and Plats.” The subsections are not numbered correctly; the amendment renumbers the subsections.
- Section 2.4.10, “Site Plan Applications, (Level 1, Level 2, Level 3, and Level 4) and Master Development Plans.” Level 1 site plans are elevated to a Level 4 site plan when associated with a conditional use. Currently, the language only says that a Level 2 or 3 site plan would be elevated. There have been a number of recent Level 1 site plans associated with conditional use requests lately, and it makes sense that the site plan should move through the process together the same way that it would if the site plan was a Level 2 or Level 3.
- Section 2.4.13, “Procedures for obtaining building permits and approvals.” Payment of triple fees is required for building permit applications when work is begun without a permit. The building permit fees are not located in the section referenced; the incorrect reference is replaced.
- Section 2.6.2, “Forms of Notice.” Most development applications that require a mailer have a 500-foot radius requirement; right of way and easement abandonments have a 100-foot radius requirement. A reference to the submittal requirements is updated revised to say “required notice” instead of 500 feet, to eliminate the implication that right of way notices are required to mail to a 500-foot radius.

Chapter 4, “Zoning Regulations”

- Article 4.3.3(I), “Community Residences.” The generic reference to an adopted ordinance is substituted with a reference to adopting ordinance number.
- Section 4.3.4, “Base District Development Standards.” For detached single family and duplex residences not subject to review by the Historic Preservation Board, height exception requests were reviewed by the Site Plan Review and Appearance Board. However, pursuant to the process in Chapter 2, requests to increase height are reviewed by the Planning and Zoning Board for recommendation, with final approval by the City Commission. This section is updated accordingly.
- Section 4.4.13, “Central Business (CBD) District.” Currently, the section is written to give SPRAB and HPB the authority to approve, but the Chapter 2 update also gives the power to PZB. This amendment updates the following for consistency with Chapter 2.
 - Building entries, lobbies, and vertical circulation areas located above the second story may not be required to increase the setback to 20 feet, if configured as tower elements determined to be consistent with the Delray Beach Architectural Design Guidelines.
 - The use of Masonry Modern or Art Deco architectural styles requires City Commission approval, via recommendation by the applicable board.
- Section 4.5.5, “Palm Beach County Ordinances.” An outdated and vague reference is updated with more specific language that says “Development applications are subject to review relative to the Palm Beach County Traffic Performance Standards.”
- Section 4.6.7, “Signs.” The section is revised to eliminate the blanket sign program, which was already eliminated in the Chapter 2 update.

Chapter 5, “Subdivision Regulations”

- Section 5.1.6, “Compliance With Zoning Regulations.” Currently, the section says that a non-conforming subdivision plat is approved by a variance through the Board of Adjustment. However, in most circumstances a non-conforming subdivision plat is approved as a waiver, not a variance. Both review paths are added to the language in the section.

Chapter 6, “Infrastructure and Public Property”

- **Section 6.1.2, “Streets and Alleys.”**

- The existing language gives PZB the authority to approve street configuration that does not continue existing streets or alleys (as policy requires). The language is amended to say that “A proposed street or alley layout shall provide for the continuation or projection of existing streets and alleys in the surrounding area unless the City Commission Planning and Zoning Board deems such extension undesirable for specific reasons of topography or design, subsequent to recommendation by the Planning and Zoning Board via the platting process.”
- Intersections involving the junction of more than two streets are prohibited except where found to be unavoidable by the Local Planning Agency City Commission, subsequent to recommendation by the Planning and Zoning Board via the platting process.
- A dead-end street shall not exceed 1,000 feet except upon a finding by the Planning and Zoning Board City Commission as part of the plat process.

Chapter 7, “Building Regulations”

- Replacing references to the Southern Building Code Congress International with references to the 2021 ICC Property Maintenance Code.

Review and Analysis

LDR Section 1.1.6, Amendments says that “*The text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.*”

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings.

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment is initiated by the City.

Section 2.4.5(M)(5), Findings, says that “*the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.*”

The following Goals, Objectives, and Policies (GOPs) of the adopted Comprehensive Plan are applicable to the proposed amendment:

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5 Update Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The proposed amendment will improve the development review process by clarifying policies and procedures for staff and members of the development community.

Review By Others

The **City Commission** is anticipated to review the proposed LDR Amendments at its meetings on October 15, 2023 (First Reading) and November 4, 2023 (Second Reading).

Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 30-24, amending Chapter 1, “General Provisions,” Chapter 2, “Administrative Provisions,” Chapter 3, “Performance Standards,” Chapter 4, “Zoning Regulations,” Chapter 5, “Subdivision Regulations,” Chapter 6, “Infrastructure and Public Property,” Chapter 7, “Building Regulations,” and Chapter 8, “Special Implementation Programs;” finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. No. 30-24, **as amended**; amending Chapter 1, “General Provisions,” Chapter 2, “Administrative Provisions,” Chapter 3, “Performance Standards,” Chapter 4, “Zoning Regulations,” Chapter 5, “Subdivision Regulations,” Chapter 6, “Infrastructure and Public Property,” Chapter 7, “Building Regulations,” and Chapter 8, “Special Implementation Programs;” finding that the amendment, as amended, and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. No. 30-24, amending Chapter 1, “General Provisions,” Chapter 2, “Administrative Provisions,” Chapter 3, “Performance Standards,” Chapter 4, “Zoning Regulations,” Chapter 5, “Subdivision Regulations,” Chapter 6, “Infrastructure and Public Property,” Chapter 7, “Building Regulations,” and Chapter 8, “Special Implementation Programs;” finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulation

Public and Courtesy Notices

X Courtesy Notices are not applicable to this request.

N/A Public Notices are not required for this request.