



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Subdivision Platting

Meeting	File No.	Application Type
September 16, 2025	2025-093-LDR	Amendment to the Land Development Regulations
Applicant	Agent	Property Owner
City of Delray Beach	Not applicable.	Not applicable.

Request

Provide a recommendation to the City Commission on Ordinance No. 24-25, a City-initiated amendment to revise the process for the review and approval of subdivision plats by amending Section 2.1.1, "Administrative Officials, Section 2.1.5, "The Planning and Zoning Board," Section 2.1.9, "The Historic Preservation Board," Section 2.2.2, "Financial Guarantees," Section 2.2.4, "Certification of Actions Taken," Section 2.4.8, "Subdivisions and Plats," Section 2.4.10, "Site Plan Applications (Level 1, Level 2, Level 3, and Level 4) and Master Development Plans," Section 2.4.12, "Certificate of Appropriateness," Section 3.2.3, "Standards for Site Plan and/or Plat Actions," and Appendix A, "Definitions" of the Land Development Regulations (LDR).

Background Information

Florida Senate Bill 784 was passed by both the Florida Senate and House, and approved by the Governor with an effective date of July 1, 2025, modifying Florida Statutes Section 177.071, "Administrative approval of plats by designated county or municipal official," requiring plats and replats to be administratively approved with no further action or approval by the governing body of a municipality. To comply with F.S. 177.071, the City must designate by ordinance or resolution an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

The City has two classes of subdivision plats, which are currently defined in Appendix A, "Definitions" of the LDR as:

MINOR SUBDIVISION. *Any subdivision which is, or involves, one of the following: 1. The creation of not more than three lots each of which fronts on an existing street, and which involve neither the extension of utilities, nor the providing of additional right-of-way; 2. The creation of a plat solely for the purpose of creating divided interests for a previously approved development, which is to be constructed pursuant to a master development or site plan, other than residential development. 3. A boundary plat; or 4. A one time splitting of an existing lot of record.*

MAJOR SUBDIVISION. *Any subdivision other than a minor subdivision.*

Major subdivisions require a recommendation by the Planning and Zoning Board, with final approval by the City Commission. Minor subdivisions are reviewed only by the City Commission. Whereas major subdivisions are subject to Performance Standards in Chapter 3, minor subdivisions are only required to be consistent with the approved site plan, if one exists.

For plats associated with a site plan or master development plan (MDP), the current process is somewhat duplicative, requiring reviewing bodies to relitigate design issues that have already been corrected in the development review process, and reviewed and approved by the body with review authority. For these applications, the administrative process required by statute is a welcome process improvement. However, because the new administrative approval process is limited only to the technical requirements of the plat document, in circumstances **without** an approved site plan or master development plan, there is no avenue for staff to review the proposed configuration to ensure compliance with the LDR and the functionality of a site. Currently, the plat review process has been used to

ensure that plat configurations not associated with an approved plan support the health, safety, public welfare, and quality of life of future users of the site. Therefore, to ensure that subdivisions that do not implement a site plan or MDP undergo design review, **the subdivision plan review process is proposed** to accompany the requisite process changes to bring the City into compliance with F.S. 177.

Description of Proposal

The regulations proposed in Ordinance No. 24-25 are summarized as follows:

Appendix A, "Definitions"

[AMENDED DEFINITION] MAJOR SUBDIVISION. Any subdivision of land that creates new lots that are dependent upon the extension of a new public or private street system, the extension of utility lines, or includes common open space areas. Any subdivision other than a minor subdivision.

[AMENDED DEFINITION] MINOR SUBDIVISION. Any subdivision of land that: 1. Creates lots that front on an existing public or private street system, do not require the extension of utilities, or create additional right-of-way; 2. Delineates divided interests for a previously approved Master Development Plan, or certified site plan. 3. Is a boundary plat; or 4. Involves a one time splitting of an existing lot of record. Any subdivision which is, or involves, one of the following: 1. The creation of not more than three lots each of which fronts on an existing street, and which involve neither the extension of utilities, nor the providing of additional right of way; 2. The creation of a plat solely for the purpose of creating divided interests for a previously approved development, which is to be constructed pursuant to a master development or site plan, other than residential development. 3. A boundary plat; or 4. A one time splitting of an existing lot of record.

[AMENDED DEFINITION] PLAT. A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, or other portions thereof. A delineated representation of the subdivision of lands, or a single lot, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of Florida State Statutes and of any applicable ordinances.

[NEW DEFINITION] SUBDIVISION PLAN. A plan used to establish the configuration of a tract of land, and common area landscaping, prior to adoption of a plat when the subdivision action is not implementing an approved site plan or Master Development Plan.

LDR Section	Proposed Change
Section 2.1.1 "Administrative Officials"	The Development Services Director is designated as the administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.
Section 2.1.5 "The Planning and Zoning Board"	Both Boards are given the authority to approve a major or minor subdivision plan, and <u>make a recommendation</u> on a minor or major subdivision plan <u>with relief</u>.
Section 2.1.9, "The Historic Preservation Board"	A final approval action is appealable to the City Commission.
Section 2.2.2 "Financial Guarantees"	Major Plat. A financial guarantee must be provided prior to plat approval. Minor Plat. The financial guarantee must be provided at the time of building permit. The difference in timing of the financial guarantee requirement is directly related to the plat type. A Major Plat has common systems, and such a site is not functional without certain elements, such as utilities or roads, whereas a Minor

	Plat consists of lots created on existing streets with existing utilities. With a major plat, the abandonment of the project by the developer could result in incomplete infrastructure, negatively impacting the usability and functionality of the lot.
Section 2.2.4 “Certification of Actions Taken”	• The timing of the financial guarantee is again provided; prior to recordation for a major plat, and at building permit for a minor plat. • The Director is designated as the approving authority. • Responsibility for recordation is given to the applicant. When the approval was a Commission action, this was the responsibility of the City Clerk. • Expiration of an approved subdivision plan is established as 24 months.
Section 2.4.8 “Subdivisions and Plats”	• A separate approval sequence is outlined for both a minor and major plat implementing an approved plan of record, and for those approved without a plan of record (which will now require approval of a subdivision plan). The subdivision plan process is discussed below.
Section 2.4.10 “Site Plan Applications (Level 1, Level 2, Level 3, and Level 4) and Master Development Plans”	• The section is renamed to “Site Plan Applications (Level 1, Level 2, Level 3, and Level 4), <u>and Master Development Plans, and Subdivision Plans.</u>” Therefore, the subdivision plan process is proposed for plats that do not implement an approved site plan or master development plan.
Section 2.4.12, “Certificate of Appropriateness”	A Certificate of Appropriateness (COA) is required for applications in historic districts or for individually listed properties on the Local or National Register of Historic Places. Since a subdivision plan is a new application type, subdivision plans are added to the list of required COAs. As is the process for site plans, the COA must be submitted concurrently with the application for subdivision plan approval.
Section 3.2.3, “Standards for Site Plan and/or Plat Actions”	The section is renamed “Standards for site plan and/or <u>plat subdivision plan</u> actions” so that the requirements previously applied to a plat are now applied to a subdivision plan. This provides an avenue for a plat configuration <u>not implementing a site plan or master development plan</u> (typically a single family subdivision) to undergo a design review.

Ordinance No. 24-25 is provided as an attachment.

Review and Analysis

LDR Section 1.1.6, Amendments

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.

LDR Section 2.4.7(A), Amendments to the Land Development Regulations

Amendments to the LDR may be initiated by the City Commission, Planning and Zoning Board, or City Administration, or by a member of the public.

The proposed amendment is initiated by Development Services in order to maintain compliance with Florida Statutes governing subdivision plats.

LDR Section 2.4.7(A)(5), Findings

For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.

The following Goals, Objectives, and Policies of the adopted Comprehensive Plan are applicable to the proposed amendment.

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5, Update the 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 new review path achieves statutory compliance by adopting an administrative review process, which also results in *timely, equitable and streamlined processes.*

GOAL NDC 1 NEIGHBORHOODS, DISTRICTS, AND CORRIDORS ENHANCE THE QUALITY AND CHARACTER OF THE CITY'S NEIGHBORHOODS, DISTRICTS, AND CORRIDORS TO CONTINUE TO PROVIDE A SUSTAINABLE COMMUNITY IN WHICH TO LIVE, WORK, PLAY, AND GROW.

Policy NDC 1.1.10 *Provide for open space areas, quality neighborhood and development amenities, and water retention areas by encouraging the clustering the gross density on a parcel.*

Policy NDC 1.2.5 *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

GOAL NDC 2 QUALITY OF LIFE AND URBAN FORM *PROVIDE A HIGH QUALITY OF LIFE FOR ALL RESIDENTS, ENCOURAGE A MIX OF BUILDING TYPES AND USES, DIVERSE HOUSING, AND TRANSPORTATION OPTIONS, AND USE MEANINGFUL COMMUNITY ENGAGEMENT TO TRANSFORM UNDERUTILIZED AND BLIGHTED AREAS INTO ATTRACTIVE AND THRIVING NEIGHBORHOODS, DISTRICTS, AND CORRIDORS.*

Policy NDC 2.3.1 *Preserve common areas used or designated as open space or recreational amenities in planned developments to maintain a high quality of life for the residents.*

Housing Element

Objective HOU 1.2 Neighborhood Planning *Become a city of diverse, distinct, and well-planned neighborhoods that meet the community's needs for complete, sustainable, and high-quality living environments with a strong sense of place and identity.*

Policy HOU 1.1.6 *Promote good design in new housing construction and rehabilitation that highlights beauty, flexibility, and innovation, and respects existing neighborhood character.*

Policy HOU 3.2.4 *Establish development standards and design criteria to determine the appropriateness of new housing types in single-family areas and ensure compatibility with the character of the neighborhood through a robust design review process.*

The Comprehensive Plan prioritizes quality neighborhood design. The subdivision plan process establishes a mechanism for plats without a companion site plan or MDP to be subject to the same high level design review as other development applications. LDR Section 3.2.3, "Standards for site plan and / or plat actions" (shown below) will, if the proposed amendment is approved, apply to subdivision plans, along with the required findings in LDR Section 3.1.1 (which relates to the land use map, concurrency, consistency, and compliance with the LDR).

Sec. 3.2.3. Standards for site plan and/or plat actions.	
(A)	Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.
(B)	All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).
(C)	Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.
(D)	Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.
(E)	Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.
(F)	Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services: are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.
(G)	Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.
(H)	Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied.
(I)	Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.
(J)	Tot lots and recreational areas, serving children, teens, and adults shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units
(K)	Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.
(L)	Development shall meet the intent of CSR 5, Energy Efficiently and Diverse Energy Mix and, where applicable, the requirements of LDR Section 7.11.1, Green Building Regulations.

Reviewing Boards

The City Commission is anticipated to review the amendment on October 14, 2025 and November 4, 2025.

Options for Board Action

- A. Recommend **approval** to the City Commission on Ordinance No. 24-25, a City-initiated amendment to revise the process for the review and approval of subdivision plats by amending Section 2.1.1, "Administrative Officials, Section 2.1.5, "The Planning and Zoning Board," Section 2.1.9, "The Historic Preservation Board," Section 2.2.2, "Financial Guarantees," Section 2.2.4, "Certification of Actions Taken," Section 2.4.8, "Subdivisions and Plats," Section 2.4.10, "Site Plan Applications (Level 1, Level 2, Level 3, and Level 4) and Master Development Plans," Section 2.4.12, "Certificate of Appropriateness," Section 3.2.3, "Standards for Site Plan and/or Plat Actions," and Appendix A, "Definitions" of the Land Development Regulations, by 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. 24-25, **as amended**, a City-initiated amendment to revise the process for the review and approval of subdivision plats by amending Section 2.1.1, "Administrative Officials, Section 2.1.5, "The Planning and Zoning Board," Section 2.1.9, "The Historic Preservation Board," Section 2.2.2, "Financial Guarantees," Section 2.2.4, "Certification of Actions Taken," Section 2.4.8, "Subdivisions and Plats," Section 2.4.10, "Site Plan Applications (Level 1, Level 2, Level 3, and Level 4) and Master Development Plans," Section 2.4.12, "Certificate of Appropriateness," Section 3.2.3, "Standards for Site Plan and/or Plat Actions," and Appendix A, "Definitions" of the Land Development Regulations, by finding that the amendment 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. 24-25, a City-initiated amendment to revise the process for the review and approval of subdivision plats by amending Section 2.1.1, "Administrative Officials, Section 2.1.5, "The Planning and Zoning Board," Section 2.1.9, "The Historic Preservation Board," Section 2.2.2, "Financial Guarantees," Section 2.2.4, "Certification of Actions Taken," Section 2.4.8, "Subdivisions and Plats," Section 2.4.10, "Site Plan Applications (Level 1, Level 2, Level 3, and Level 4) and Master Development Plans," Section 2.4.12, "Certificate of Appropriateness," Section 3.2.3, "Standards for Site Plan and/or Plat Actions," and Appendix A, "Definitions" of the Land Development Regulations, by 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 Regulations.
- D. Continue with direction.

Public and Courtesy Notices

☒ Courtesy Notices are not required.

☒ Public Notices are not required for this request.