



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### Approval Expiration Dates for Townhouses and City Projects

| Meeting              | File No.        | Application Type                              |
|----------------------|-----------------|-----------------------------------------------|
| June 15, 2026        | PZ-000667-2026  | 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. 33-26, a City-initiated amendment to Section 2.2.4, "Certification of Action Taken" of the Land Development Regulations to establish expiration dates for public projects and townhouse site plans with an approved plat.

### Background Information

Pursuant to Section 2.2.4, "Certification of Actions", of the LDR Site Plans, Conditional Uses, Conditional Use modifications, and Subdivision Plans expire 24 months after approval. Approvals are considered established (commenced) when improvements representing 25 percent of the total cost (excluding demolition) have been completed, or when a certificate of occupancy has been issued. Projects that have approved plats are still tied to the expiration date of the site plan, so it is possible to have an expired site plan, but a plat that can only be developed consistent with a (now expired) site plan. Other jurisdictions such as Palm Beach County and Palm Beach Gardens utilize plat recordation to establish commencement of a development order. The process of platting typically indicates an applicant's commitment to move forward in accordance with their approved development order. This is particularly problematic with approved townhouse developments, because any change to the approved site plan that does not correspond with the plat would require that one or both be modified.

Projects initiated by the City and the Delray Beach Community Redevelopment Agency (CRA) are also subject to the same expiration dates as private sector projects. The scale and complexity of the design and construction of government facilities, preparation of RFPs or RFQs, and obtaining bids for the various components of the facility reduce the amount of time left to commence development. Non-governmental entities are not subject to these same requirements and have a faster path to obtaining a building permit and commencing construction within the given timeframe. Additionally, unforeseen budget issues or public emergencies that arise after site plan approval could also affect funding and the ability to start in a timely manner. These potential delays could ultimately result in the development order expiring, which would require re-approval at an additional cost to taxpayers, should the 18-month time extension prove to be insufficient. Palm Beach County and the Village of Wellington have exemptions in place for specific governmental entities. Applications initiated by the Village of Wellington are not subject to approval expiration. Palm Beach County goes further by also exempting applications submitted by local, state, and federal agencies.

The table below summarizes Delray Beach expiration timelines and procedures in comparison to other nearby jurisdictions.

| Municipality          | Commencement of Development                                                   | What Constitutes Commencement of Development                                                   | Time Extensions                                               | Exemptions (no expiration date)                                                 |
|-----------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------|
| Boca Raton            | 24 months                                                                     | Issuance of building permit                                                                    | 1 – 24 months                                                 | N/A                                                                             |
| Palm Beach County     | 4 years                                                                       | Plat recordation                                                                               | 12 – 36 months                                                | Local, State, and Federally initiated approvals for government owned facilities |
| Palm Beach Gardens    | 12 – 24 months<br>Based upon buildout date indicated in the development order | Plat recordation; or substantially completed infrastructure installation                       | Up to 3 years, and 2 additional consecutive 1 year extensions | N/A                                                                             |
| Village of Wellington | 24 – 36 months                                                                | Initiation of physical improvements (excluding platting, demolition, land clearing or filling) | 12 months                                                     | Village of Wellington initiated approvals                                       |
| Delray Beach          | 24 months                                                                     | 25% completion of the total improvement cost (excludes demolition)                             | 18 months                                                     | N/A                                                                             |

Therefore, the proposed amendment proposes an update to expiration timelines and procedures that is more commensurate with other jurisdictions.

#### Description of Proposal

The proposed amendment establishes expiration dates for townhouse site plans and City initiated projects as follows:

#### Sec. 2.2.4. Certification of actions taken.

##### (F) *Expiration of approvals.*

##### (1) *Conditional uses, site plans, subdivision plans, and zoning certificates of use.*

(c) Site Plans for fee-simple townhouse developments with a recorded plat shall be valid for a period of 24 months from the date of recordation.

(d) Site plan approvals for City and Delray Beach Community Redevelopment Agency (CRA) owned properties shall be valid for a period of five years.

Ordinance No. 33-26 is attached with the complete text of the proposed amendment.

#### 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 City-initiated.

### **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 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.*

### **Economic Prosperity Element**

Policy ECP 6.3.2 Encourage predictability and consistency in the City's Land Development Regulations, while also allowing for flexibility and creativity in the site development process.

Policy ECP 6.3.3 Promote a culture throughout the City organization that continuously improves the predictability and reduces the cost of the development review process.

Allowing the expiration date of a townhouse development to be based upon the date of platting instead of site plan approval is consistent with practice in other jurisdictions, and provides flexibility, eliminates the need to pay additional fees, and ensures a wise use of staff time by reducing the need for the review and processing of a project that has already been approved and demonstrated a commitment to move forward sufficient time to commence construction.

### **Review By Others**

City Commission is anticipated to review the request in July and August 2026.

### **Options for Board Action**

- A. Recommend **approval** to the City Commission of Ordinance No. 33-26, a City-initiated amendment to Section 2.2.4, "Certification of Action Taken" of the Land Development Regulations to establish expiration dates for public projects and townhouse site plans with an approved plat, 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 as amended** to the City Commission of Ordinance No. 33-26, a City-initiated amendment to Section 2.2.4, "Certification of Action Taken" of the Land Development Regulations to establish expiration dates for public projects and townhouse site plans with an approved plat, 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. 33-26, a City-initiated amendment to Section 2.2.4, "Certification of Action Taken" of the Land Development Regulations to establish expiration dates for public projects and townhouse site plans with an approved plat, 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 applicable to this request

☒ Public Notices are not required for this request.

☒ Public Notice was posted in the main lobby at City Hall on the Planning and Zoning Board Agenda.