

ORDINANCE NO. 13-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS", SECTION 2.2.3, "THE SITE PLAN REVIEW AND APPEARANCE BOARD," TO REDUCE THE MEETING REQUIREMENT FROM TWO MEETINGS PER MONTH TO ONE MEETING PER MONTH, AND TO UPDATE LANGUAGE FOR CLARITY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Land Development Regulations ("LDR") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, the Site Plan Review and Appearance Board is required to have two meetings per month; and

WHEREAS, the City desires to amend the meeting requirements to require one meeting per month instead of two; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on March 20, 2023, and voted \_\_\_ to \_\_\_ to recommend these proposed text amendments be approved, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth the Land Development Regulations, and is in the best interests of the City.

Section 3. Chapter 2, "Administrative Provisions," Article 2.2, "Establishment of Boards Having Responsibilities for Land Development Regulations," Section 2.2.3, "The Site Plan Review and

Appearance Board,” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

**Sec. 2.2.3. The Site Plan Review and Appearance Board.**

- (A) ***Creation.*** A Site Plan Review and Appearance Board (SPRAB) for the City of Delray Beach is hereby created. The purpose of this Board is to promote certain functional and aesthetic goals, objectives and policies as set forth in the City's adopted Comprehensive Plan.
- (B) ***Composition and special qualifications.***
- (1) The ~~Site Plan Review and Appearance Board~~ SPRAB shall consist of seven regular members.
  - (2) Each of five seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, civil engineer, general contractor, sign contractor, land planner or interior designer. The remaining two seats shall be at large. The appointing body shall endeavor to appoint as many of the required disciplines as possible to the Board.
- (C) ***Meetings and quorum.***
- (1) The ~~Site Plan Review and Appearance Board~~ SPRAB shall hold at least ~~two~~ one regularly scheduled business meetings each month with said meetings being duly noticed and held in the evening hours. The required regular meeting shall be canceled if there are no petitions before the Board.
  - (2) Four members of the Board shall constitute a quorum.
- (D) ***Duties, powers, and responsibilities.***
- (1) The ~~Board~~ SPRAB hereby has the authority to take action on the following items pursuant to the procedures and standards of the LDR:
    - (a) Certain site and development plans, as provided in this code;
    - (b) Granting of relief from the number of parking spaces required for specific uses, pursuant to Section 4.6.9(F)(1);
    - (c) Granting of relief to Section 4.6.16 through the waiver process ~~specified in~~ {Section 2.4.7(B)};
    - (d) ~~Preliminary and final~~ Landscape plans;
    - (e) Master Sign Programs and any signage that cannot be approved administratively based on criteria in Section 4.6.7(D), Signs: Aesthetic Qualifications;

- (f) ~~Signage as allowed by Section 4.6.7;~~
  - (g) Appeal of administrative interpretations made in application of Section 4.6.7, Signs, the sign code and Section 4.6.16, Landscape Regulations the landscaping code;
  - (h) Architectural elevations;
  - (i) Streetscape and landscape features associated with a site plan or established development (e.g. walls, fences, lighting, dumpster enclosures, etc.);
  - (j) ~~Recommendations to the City Commission regarding the Incentive Program in the CBD. Appeals to any "Design Guidelines" in Section II of the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods as set forth in Section 4.5.13;~~
  - (k) Any other regulations or requirements elsewhere noted that specify relief is available by the body acting upon the development application.
- (2) The members of SPRAB have the authority ~~To~~ provide "good offices" and assistance to other governmental boards, commissions, and committees in the fulfillment of goals, objectives, and policies of the Comprehensive Plan.
- (3) ~~The Board SPRAB~~ has the authority to make recommendations to the City Commission regarding the Incentive Program in the CBD. ~~hear appeals to any "Design Guidelines" in Section II of the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods as set forth in Section 4.5.13.~~

Section 4. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney